



Federal
Court of
Australia

PACIFIC JUDICIAL DEVELOPMENT PROGRAMME

FINAL

PJDP Phase 2 - 18 Month Implementation Plan

5 December, 2010

Implemented with the funding support of the:
New Zealand Ministry of Foreign Affairs and Trade
and
Australian Agency for International Development

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ABBREVIATIONS AND ACRONYMS

ADR	-	Alternative Dispute Resolution
CDR	-	Customary Dispute Resolution
C-FM	-	Case-flow Management
CO	-	Court Officer(s)
CoJC	-	Codes of Judicial Conduct
GCR	-	Transparency International's Global Corruption Report
IOJT	-	Institutional Organisation for Judicial Training
IPJDP	-	Institutionalisation of PJDP
IJALS	-	Institute of Justice and Applied Legal Studies
IJS	-	Institute of Judicial Studies
JAD	-	Judicial Administration Diagnostic Project
JDCPD	-	Judicial Development - Core Programme Development
JME	-	Judicial Monitoring and Evaluation Project
JO	-	Judicial Officer(s)
J4P	-	Justice for the Poor
NJCA	-	National Judicial College of Australia
M&E	-	Monitoring and Evaluation
MFAT	-	New Zealand Ministry of Foreign Affairs and Trade
PEC	-	Programme Executive Committee
PICs	-	Pacific Island Countries
PIC	-	Pacific Island Country
PJDP	-	Pacific Judicial Development Programme
PJEP	-	Pacific Judicial Education Programme
the Plan	-	18 Month Implementation Plan
RTT	-	Regional Training Team
SPF	-	South Pacific Forum
the Assessment	-	Development Needs Assessment
the PJDP	-	Pacific Judicial Development Programme
the Workshops	-	The three Sub-regional Consultation Workshops
ToT	-	Training-of-Trainers
WGI	-	World Bank's World Governance Indicators

PJDP PURPOSE STATEMENT

Traditionally, the courts of the Pacific have administered justice across the region with modest levels of resources. As a consequence, justice service providers - being judges, court officers and lay magistrates - have generally administered justice without the support of ongoing judicial development and training programmes.

Since the mid 1990's, the Chief Justices of 14 Pacific Island Countries have sought to redress this deficiency through the establishment of the Pacific Judicial Education Programme (PJEP: 1999-2004) and the Pacific Judicial Development Programme (PJDP Phase 1: 2006-2008), funded through the assistance of various donors. This Pacific Island Countries are: Cook Islands, Federated States of Micronesia, Kiribati, Marshall Islands, Nauru, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu and Vanuatu.

Since July 2010, this assistance has been resumed by the New Zealand Ministry of Foreign Affairs (MFAT) and Trade and AusAID for an additional two years. The purpose of this second phase 2 of the Pacific Judicial Development Programme (PJDP Phase 2) is to strengthen governance and rule of law in Pacific Island Countries through resuming support to enhance the professional competence of judicial officers and court officers, and the processes and systems that they use.

During this phase, the Programme will consolidate and extend the delivery of high quality practical judicial training and court development services, while significantly enhancing the set-up, localisation and sustainability of those services across the region.

These services will include supporting judicial leadership; developing judicial orientation and decision-making courses for judges, court officers and lay magistrates; researching the needs for support of customary dispute resolution; publishing new and revised benchbooks, training and mobilising the Regional Training Team (RTT) of qualified local trainers, diagnosing the needs for judicial administration systems, and developing medium to long-term plans for the sustainability of ongoing judicial development across the region.

The principal outcomes of this assistance will include the provision of a range of practical services to support and improve judicial competence across the region, and the strengthening of systems of processes for judiciaries across the region to deliver these services on an ongoing basis in future.

EXECUTIVE SUMMARY

The current second Phase 2 of the PJDP (6 July-30 June, 2012) builds on the experience of both the Pacific Judicial Education Programme (PJEP) and the PJDP Phase 1. The purpose of this phase is to continue to support PICs to enhance the professional competence of judicial officers and court officers, and the processes and systems that they use. The Programme's focus extends beyond meeting the educational needs of judicial officers (both law trained and non-law trained) and court officers to include support for process and system improvement.

This phase will consolidate the five thematic pillars identified in Phase 1 to guide implementation, namely: promote access to justice; strengthen governance and the rule of law; improve judicial systems and processes; support judicial training and development; and provide programme management. To promote continuity between these phases, these pillars are used as the framework within which activities are structured in the upcoming 18 Month Implementation Plan for the period: 1 January 2011-30 June 2012.

The vision for the implementation of activities during this period is to consolidate and extend the delivery of the highest quality practical judicial training and court development services, while significantly enhancing the institutionalisation, localisation and sustainability of those services for stakeholders across the region.

In overview, it is proposed that PJDP will manage and deliver ten substantial activity projects during this period. These projects will:

- (i) research and develop a customary dispute resolution strategy as a mechanism for promoting an holistic approach to alternative dispute resolution in the region;
- (ii) introduce codes of judicial conduct to strengthen governance mechanisms in selected courts;
- (iii) research and develop a medium/long-term plan for the sustainability of ongoing judicial development across the region;
- (iv) strengthen judicial leadership by providing opportunities for intra-regional interaction and actively involving leaders in the ongoing development and implementation of the PJDP;
- (v) diagnose the needs for judicial administration and support pilot activities to guide the formulation of a regional support strategy for registry systems and process;
- (vi) design a judicial monitoring and evaluation framework to provide the basis for future performance monitoring and development assistance impact assessment;
- (vii) mobilise the Regional Training Team (RTT) a cadre of certified trainers from member PICs, and actively support this team to develop sustainable training capacity regarding four core modules;
- (viii) develop core orientation and decision-making training modules for judges, court officers and lay magistrates to provide the basis for ongoing PIC-driven training in the region;
- (ix) publish and revise benchbooks to develop selected resources with medium to longer-term value to PJDP counterpart courts; and
- (x) manage a Responsive Fund for locally-based, incentive-driven, development applications.

In addition, PJDP it will support the Programme Executive Committee (PEC).

In sum, the foundations for regional judicial development have been laid over many years of work, first in PJEP, and more recently in the earlier phase of PJDP. This 18 Month Implementation Plan (the Plan) has been developed on the basis of explicitly responding to the current needs and priorities of stakeholders as identified in the extensive consultations undertaken during the inception period of PJDP Phase 2 (6 July-31 December, 2010). These consultations were undertaken for the purpose of validating

the programmatic approach proposed in the tender for this Programme. This validation assessment comprised five elements these being: (a) two surveys of court service providers and court users; (b) three sub-regional consultation stakeholder workshops conducted in Polynesia (Apia), Melanesia (Port Vila) and Micronesia (Koror); (c) consultations with senior judicial stakeholders in each sub-region, New Zealand and Australia; (d) selected reference to available international data; and (e) expert appraisal of development needs by the program management team in consultation with local stakeholders.

This assessment is timely and valuable in validating the proposed direction, content and focus of ongoing activities. It identifies the beneficiaries of PJDP, their professional development experiences, their perceptions of the utility and effectiveness of these experiences, their priorities for ongoing development and training needs, and their criteria for reaching those priorities. This assessment correlates a sampling of the perceptions of justice service providers and court users on development needs with other available data in unprecedented detail for the purposes of designing the Plan.

Within the span of the upcoming 18 month implementation period, there is a pragmatic need to recognise the limited opportunity available to contribute visible results and impact. Within this window of opportunity, however, it is possible to contribute to outcomes that are measurable in terms of consolidating processes to promote the professionalisation of judicial and court development in the region. Consequently, the current phase of PJDP activities will contribute to the attainment of the following key programmatic outcomes relating to improving the capacity of justice service providers to deliver justice across the region:

- establishment of a research-based local development methodology and practice;
- increased regional leadership and ownership of PJDP at all levels;
- devolution of service delivery to qualified and experienced local actors;
- consolidation of regionally-owned systems and process to develop and deliver core training modules and publications; and
- development of a framework for the institutionalisation of sustainable programme governance and management mechanisms.

1.0 INTRODUCTION

1.1 Programme Description - 6 July, 2010-30 June, 2012

The Pacific Judicial Development Programme (PJDP) is a regional programme of assistance that provides support to realising the vision of strengthening the region's judicial systems as a central pillar of good governance and the rule of law.

The PJDP operates in 14 Pacific Island Countries (PICs), namely: Cook Islands, Federated States of Micronesia, Kiribati, Marshall Islands, Nauru, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu and Vanuatu. The Programme is jointly supported by the New Zealand Ministry of Foreign Affairs (MFAT) and AusAID with annual funding of approximately AUD 2 million per annum.¹

Phase 2 of the PJDP builds on the experience of both the Pacific Judicial Education Programme (PJEP) and the PJDP Phase 1. The purpose of this phase is to continue to support PICs to enhance the professional competence of judicial officers and court officers, and the processes and systems that they use. The Programme's focus extends beyond meeting the educational needs of judicial officers (both law trained and non-law trained) and court officers to include support for process and system improvement.

Four substantive pillars were identified in PJDP Phase 1 to guide implementation, namely: access to justice; governance; development of processes and systems; and professional development. A fifth pillar has also been defined, namely programme management. To promote continuity between Phase 1 and Phase 2 activities, these pillars have been used as the framework around which this Plan has been structured.

1.2 Programme Goal and Purpose

1.2.1 Programme Goal

Strengthened governance and rule of law in Pacific Island Countries through enhanced access to justice and professional judicial officers who act independently according to legal principles.

1.2.2 Programme Purpose

To support Pacific Island Countries to enhance the professional competence of judicial officers and court officers, and the processes and systems that they use.

2.0 2. REVIEW OF PROGRESS IN THE INCEPTION PERIOD - 6 JULY-30 SEPTEMBER, 2010

At the commencement of this period (6 July-30 September, 2010), PJDP Phase 2 was re-mobilisation. Core PJDP Team positions have been all filled and mobilised, notably the: Team Leader; International Programmes Manager; and Contracts Manager, Administration and Logistics Officer, and the Finance Officer.

Initial strategic and management consultations were held with New Zealand MFAT in Wellington immediately following mobilisation between 19-27 July, 2010. These established positive lead donor-

¹ Note: Government of New Zealand MFAT may be the sole funder of PJDP from 31 December, 2010 onwards.

contractor relations, refine mutual understanding of programme expectations, and allowed the PJDP Team to establish coherent, responsive and appropriate processes and procedures to manage and administer the Programme's activities.

Over the course of the first quarter of the PJDP Phase 2, significant progress has been made with regards to the key outputs for the six month inception period. Re-engagement with PJDP counterparts was successfully undertaken, with the three Sub-regional Consultation Workshops playing a pivotal role in achieving this outcome. In addition, constructive relationships with counterparts and a range of stakeholders in the Pacific, New Zealand, and Australia have been re-established and communications have been ongoing.

During this period, the Programme also completed a comprehensive development needs assessment based on two surveys (one for judicial service providers and one for court users), the Sub-regional Consultation Workshops, and a series of stakeholder consultations. Selected reference to available international data and expert appraisal by the PJDP Team in consultation with local stakeholders was then used to contextualise the regional results within the global development environment. The results of the assessment provide the most detailed data of stakeholders' perceptions of the development needs available. This assessment has contributed significantly to validating and refining current areas of priority for judicial training in the Pacific, and has enabled a research-based and needs-driven programmatic approach to formulating the implementation plan of development and training activities for this phase of PJDP.

Additional details of Programme activities and outcomes are found in the summary *Inception Period Progress Update Report* (see **Annex One**), as well as in the *Judges and Court Development Needs Assessment Report* (**Annex Two**), and Milestone Reports submitted to MFAT.

3.0 PACIFIC JUDICIAL DEVELOPMENT PROGRAMME PHASE 2 IMPLEMENTATION

3.1 Preparation of the 18 Month Implementation Plan

The purpose of this section is to outline and justify the proposed activity implementation plan for the upcoming period: 1 January, 2011 - 30 June, 2012. The Plan is substantially based on the Federal Court of Australia's tender submission to the New Zealand Ministry of Foreign Affairs and Trade. As such, it is a refinement of the programming undertaken as part of the tender process, and highlights the modified programmatic approach resulting from the validation and refinement of assessed needs undertaken as part of the PJDP Phase 2 inception period (6 July, 2010 following.)

3.1.1 Vision for PJDP Phase 2

The vision for the upcoming 18-month period of PJDP is to consolidate and extend the delivery of the highest quality practical judicial training and court development services, while significantly enhancing the institutionalisation, localisation and sustainability of those services for stakeholders across the region. In the upcoming 18 month implementation period (1 January 2011-30 June 2012, plus any extensions), PJDP will develop core orientation and decision-making training modules for judges court officers and lay magistrates, publish new and revised benchbooks, mobilise the Regional Training Team (RTT), and develop medium to long-term plans for the sustainability of ongoing judicial development across the region.

3.1.2 Validation of Approach, and Assessment Methodology

At mobilisation in July 2010, it was agreed with MFAT that the inception period would immediately focus on re-engaging with key stakeholders across the region for the purpose of validating the programmatic approach proposed in the tender. The validation assessment was undertaken during August-September, and comprised five elements:

- i. Two surveys of court service providers and court users across the Pacific region.
- ii. Three sub-regional stakeholder workshops conducted in Polynesia (Apia), Melanesia (Port Vila) and Micronesia (Koror.)
- iii. Consultations undertaken with senior judicial stakeholders in each sub-region, in New Zealand with the Courts and the Institute of Judicial Studies, and in Australia with the Courts and the National Judicial College.
- iv. Selected reference to available international data.
- v. Expert appraisal by the program management team in consultation with local stakeholders (for further details, see **Annex Two: Judges and Court Development Needs Assessment Report**, dated 30 September, 2010.)

The three Sub-regional Consultation Workshops were designed to re-engage with PJDP partners, and to promote judicial leadership and court ownership of the PJDP relaunch and the related planning processes. One workshop was held in each sub-region; as follows:

- Polynesia - Apia, Samoa: 23-27 August, 2010.
- Melanesia - Port Vila, Vanuatu: 30 August-3 September, 2010.
- Micronesia - Koror, Palau: 6-10 September, 2010.

The objectives of these workshops were to:

- launch PJDP Phase 2 and resume engagement with PJDP leadership and key counterparts;
- consolidate regional leadership in the management of judicial and court development by interacting closely with chiefs justice, national coordinators, and regional/local educators; and
- commence a participatory planning and needs prioritisation process for PJDP implementation.

To achieve these objectives, the workshop activities focussed on three themes, namely: consolidating the development needs assessment; programme leadership capacity development; and programme development and activity design.

A total of 28 participants attended the workshops including representatives from each participating PJDP Pacific Island Country (PIC) except Tokelau. This constituted a representative leadership group from the PJDP's key counterparts, with a total of: six chiefs justices and one deputy chief justice; four Programme Executive Committee (PEC) representatives; 11 national coordinators; and nine Regional Training Team members and/or local educators, attending these workshops.

3.1.3 Stakeholders' Activity Selection Criteria

As an output of these sub-regional workshops, stakeholders ranked their aggregated criteria for programming activities in the next phase of PJDP in the following order of importance:

- *apex importance*: sustainability; results / impact / change; effectiveness.
- *significant importance*: usefulness; relevance; cost-effective use of resources; fairness (in resource allocation); feasibility and efficiency; and ownership.

These criteria are useful programmatically as they provide the transparent and systematic means to prioritise and order the provision of activities during Phase 2 of the PJDP in a manner which is demonstrably owned by regional stakeholders. These stakeholders then applied these criteria programmatically so that the PJDP activity implementation plan responds to a number of clearly articulated stakeholder priorities.

3.1.4 Stakeholders' Priorities

Most importantly, building on these criteria, stakeholders participating in these sub-regional workshops then identified and ranked their preferred programming priorities, as follows:-

i) Judicial and management skills:

1. Training-of-Trainers (ToT)

- Extend and replenish regional/local training capacity - curricula, delivery, publications.
- Consolidate and mobilise Regional Training Team (RTT.)

2. Orientation - Judicial: principles of fair trial

- Role of judge - attitudes and values.
- Introduction to key judicial skills.
- Time and other management skills.

3. Orientation - Court Officers

- Role - attitudes and values.
- Time, decision making, and other key management skills.

4. Judicial decision-making

- Reasoning.
- Judgment-writing.
- Criminal sentencing - principles/procedures.

5. Case-flow management - delay reduction

- Elements of effective case management systems.
- Interaction between Judicial Officers (JOs) and Court Officers (COs) in case management.
- Judicial IT systems.

ii) Judgeship and leadership:

- Judicial leadership.
- Interaction between judicial leadership and court.
- Codes of judicial conduct.

iii) Substantive training:

- Alternative Dispute Resolution (ADR), or Customary Dispute Resolution (CDR), and mediation.
- Substantive, jurisdiction-specific training activities - from Responsive Fund.
- Regional activities delivered regionally/locally - the nature of which will be determined by stakeholders in due course.

3.1.5 Needs Assessment - Key Findings

The consultations with counterparts were very fruitful for refining the programmatic approach. In particular, the surveys provide PJDP with an unprecedented wealth of data from more than 120

respondents on judicial and court development needs. These two surveys of judicial service providers and service users across the Pacific region are the first ever methodically-sound statistical surveys of stakeholders in the history of the PJEP and PJDP. They therefore provide the most detailed data of stakeholders' perceptions of the development needs available.

A summary of the key findings of this research is outlined below:

- (i) *Prior training* - Almost sixty per cent of service provider respondents received job-related training prior to becoming a judicial officer or court officer mainly in criminal and civil law and procedure. 81%, however, have received in-service training since appointment mainly in professional skills, judicial role and ethics, criminal law and procedure, court administration and case management. Almost all (93%) rated this in-service training as quite or extremely useful.
- (ii) *Caseloads* - The caseloads of service-providing respondents varies from country to country. Across the region, however, the majority of cases (84.4%) are made up of; criminal (34.46%), civil (26.44%), and customary/land (23.53%) matters.
- (iii) *Access to resources* - Most respondents reported that they have adequate access to written decisions of superior courts (86.30%), to statutes and regulations (79.73%), and to materials on court practice and procedure (72.55%). Significantly, however, lay magistrates indicated substantially lower access to materials on court practice and procedure (50.00%). Most respondents also reported having inadequate access to text books on law (47.95%) and professional support/guidance (45.21%).
- (iv) *Nature of needs* - Significantly, both service providers and users agree on the priorities of training needs, ranking these needs in the following order of importance: to acquire practical skills as judicial or court officers (75.66% and 80.16%), acquire information on law and court procedures (73.48% and 66.17%), improve understanding of professional role (67.43% and 60.82%), solve day-to-day problems in special cases (66.80% and 69.26%), keep up to date with new laws and development (59.24% and 59.72%), and improve professional responsibility and ethics (58.48% and 63.85%).

All respondents also generally rank the *content* of these needs in the following order of importance: professional skills (77.61% and 73.31%), court administration and case management (74.72% and 70.06%), criminal law and procedure (71.91% and 74.38%), civil law and procedure (68.03% and 63.66%), judicial role, ethic and conduct (64.28% and 67.91%), land/customary law (61.55% and 66.37%). Cross-cutting themes, family law and procedure and business/commercial law and procedure were ranked as least important. Once disaggregated by role, highest priority needs are: professional skills for judicial officers (85.71%); court administration and case management for court officers' (73.54%); and criminal law and procedure for lay magistrates (72.12%), respectively.

Similarly, service providers and users generally agree on ranking the importance of the *levels* of needs to be addressed: induction/pre-service (75.34% and 77.94%), update/in-service (71.43% and 70.14%), networking/experience-sharing (62.84% and 64.29%), and specialist (48.61% and 50.74%). Once disaggregated by years of service, highest priorities are: induction / orientation for respondents from both '0-5' years' experience; and update / refresher for respondents from both '6-10' and '11 +' years' experience.

- (v) *Preferred faculty and format* - Respondents ranked resource-persons in the following order of preference: respected judges (89.06%), other experts (59.38%) and university lecturers (55.38%). They ranked the format of activities in the following order of preference: participatory seminars/workshops (84.70%), on-the-job mentoring (70%), formal lectures (60.77%), self-directed research/reading (40.48%).
- (vi) *Perceptions of court service quality* - There is general unanimity between service providers and

court users in their perceptions of the quality of key aspects of their local Courts, defined in terms of the PJDP's four thematic areas. These perceptions of the quality of the Courts are as follows: access to justice (71.36% and 67.48%), leadership and good governance (70.89% and 73.98%), expertise and professionalism (67.59% and 69.92%), and systems and procedures (63.96% and 56.10%). These findings highlight the relatively uniform perceptions on the low quality of court systems and to a lesser extent of expertise and professionalism. Significant variation exists, however, over access to justice, where service providers assessed access most positively, while service users assessed access as their second least favourably.

3.1.6 Significance of Findings

The major significance of these findings is that they identify and describe with unprecedented detail the beneficiaries of PJDP, their professional development experiences, their perceptions of the utility and effectiveness of these experiences, and their priorities for ongoing development and training needs. While these perceptions are just that - being subjective and perceptual - as a representative sampling of court users from across the region they broadly align with the perceptions of other regional stakeholders consulted in the needs assessment. Importantly, there is an overarching correlation in the perceptions of service providers and users in most aspects of these surveys, which methodologically increased the reliability of this data and the validity of these findings.

3.1.7 Programme Goals and Objectives, Strategies and Activities

These findings are very valuable. They are directly relevant and timely in validating the proposed direction, content and focus of ongoing PDJP (Phase 2) activities. In essence, these findings provide the programmatic justification for the *goal and objectives* of PJDP to promote justice in the Pacific through dual *strategies* to: strengthen the organisational capacity of courts; and improve the professional competence of justice service providers.

Analysis of stakeholders' needs, criteria and priorities as outlined above, is elemental in designing the PJDP 18 Month Implementation Plan. In consequence, the Plan will focus on providing ten classes of *activities*, these being to:

1. supply practical assistance to judicial and court officers in performing day-to-day duties mainly in adjudicating and administering criminal, civil and land cases;
2. support judicial leadership, notably, ethical standards;
3. provide accurate information on criminal and civil law and procedures;
4. promote core professional skills of judging and judicial administration;
5. explain the judicial function and role, particularly to lay actors;
6. strengthen capacity in court administration, systems and procedures;
7. prioritise orientation training, and in-service updating and experience-sharing;
8. develop local capacity of judges and court officers by providing training-of-trainers;
9. conduct interactive seminars and practical workshops; and
10. publish selected materials on court practice and procedure.

3.2 Implementation - Component and Activity Summaries

3.2.1 Programmatic Approach - Guiding Principles

Taking these findings into account, stakeholder consultations generally validate the overarching approach proposed in the activity implementation plan already tendered for this phase. This approach

takes into direct account the foundational work of preceding phases of PJEC and PJDP. For the purpose of consolidating continuity of this foundational assistance, the approach continues to be structured in the form of the five thematic areas previously endorsed by PEC. These thematic areas are: *access to justice, governance, registry systems and processes, professional development, and programme management.*

Consideration has been given to the most effective implementation modality - whether regional, sub-regional or local – to attain the optimal balance in service delivery. As originally proposed in the Federal Court of Australia’s tender, the target set to maximise the strategic regional focus of the PJDP, while providing the most relevant, locally-owned, delivery of services was around 50% regional and 50% local implementation. This implementation plan allocates 53% of activity expenditure at the local level, while regional activities account for 47% of expenditure. Details are found in the Expenditure Summary in **Section 6.0** and the detailed budget, **Annex Four**.

Within the framework of these organising themes, the implementation plan refines the proposed activities in the light of stakeholders’ articulated needs, criteria and priorities. This refinement is guided by the following programmatic principles:

- increased use of local research-based development methodologies, as above;
- strengthened PJDP leadership and ownership of activities using chief justice, national coordinator and regional training team programmatic mechanisms;
- devolution of service delivery to local actors through consolidation of regional training team (RTT) and extension of training-of-trainers (ToT);
- establishment of core judicial development activities in orientation and decision-making training modules;
- more balanced streaming of services to judicial officers, registrars/court officers and lay magistrates as PJDP’s key beneficiaries; and
- institutionalisation of sustainable programme governance and management mechanisms.

3.2.2 Components, Projects and Activities

With the benefit of the stakeholder validation process outlined in **Section 3.1.2** above, it is now proposed that the activity implementation plan for the upcoming period from January 2011 to June 2012 should comprise the following:

Component 1.0: Access to Justice	Component 2.0: Governance	Component 3.0: Systems and Processes	Component 4.0: Professional Development
Customary Dispute Resolution Regional Research Project	Code of Judicial Conduct Project	Judicial Administration Diagnostic Project	Consolidation of the Regional Training Capacity Project
	Institutionalisation of PJDP Project	Judicial Monitoring and Evaluation Project	Core Judicial Development Project: orientation; and decision making
	Regional Leadership Development Project		Benchbook Review and Development Project

A description of each component and its outputs follows:

Component 1.0 Access to Justice

In this thematic area, it is proposed to consolidate and extend the existing work on alternative dispute resolution (ADR) by introducing a **Customary Dispute Resolution (CDR) Regional Research Project** (Output 1.1.) The rationale of this project is not only to support the earlier court-annexed ADR in the formal sector of justice, but to deepen understanding on the nature role and potential of traditional dispute resolution practices in the informal sector of PIC societies with the view to adopting a more integrated and holistic approach to dispute resolution that will enable harmonised support in support.

This project will commence with action-based local research of customary dispute resolution practices in a sample of PIC's, notionally one in each sub-region, and possibly link with related initiatives, namely the World Bank's *Justice for the Poor* (J4P) project. A regional workshop will then be convened as part of the National Coordinators' Leadership Workshop to assess the findings and their implications for training, systems and processes. This will be followed by the formulation of a regional CDR strategy as the basis for ongoing support in the future.

The main output of this component will be the formulation of a strategy to support and integrate customary dispute resolution across the region.

Component 2.0: Governance

In this thematic area, it is proposed to develop three important projects: codes of judicial conduct, the institutionalisation of PJDP, and the development of judicial leadership capacity in the region.

First, this phase of activity will support the development of **Codes of Judicial Conduct (CoJC) Project** (Output 2.1) and will mobilise technical assistance through the network of National Coordinators to facilitate and support the development of codes of judicial conduct in those countries which choose to introduce them, notionally piloting work in each sub-region in three sample PIC's. While it is anticipated that each participating jurisdiction will formulate its own unique code, these are likely to build on the *Bangalore Principles*. Further, some degree of harmonisation with these codes will be enabled through their consideration at the regional level at both the National Coordinators' Leadership Workshop and at the Chief Justices' Leadership Workshop.

Second, this phase of activity will launch a major project to support the **Institutionalisation of PJDP (IPJDP) Project** (Output 2.2) with the view to promoting and enabling the long term sustainability of judicial development across the region. In partnership with local counterparts, this project will commence with research and development of an options paper on the governance, management and ongoing programme administration of PJDP at both the regional and local levels. The options paper will also include potential funding models, possible institutional linkages with other organisations around the region - including Institute of Justice and Applied Legal Studies (IJALS), South Pacific Forum (SPF), Institute of Judicial Studies (IJS), National Judicial College of Australia (NJCA) and International Organisation for Judicial Training (IOJT) among potential others - and possible modalities for institutionalising judicial development within an existing regional organisation or institution. The issues paper to be developed, together with its recommendations for future work, will then be considered at the Chief Justices' Leadership Workshop for adoption and ongoing development.

Third, this phase of activity will strengthen regional governance mechanisms through a **Regional Leadership Development Project** (Output 2.3.) This will provide support to leadership workshops of the PEC, Chief Justices and National Coordinators as key mechanisms for direction-setting, decision-making and participation of key stakeholders throughout the PJDP process. This support will also

facilitate regional cooperation between PICs by encouraging the sharing of experience and solutions to common issues so that peer-based networks and support mechanisms are developed within the region. The three main outputs of this component will be the formulation of codes of judicial conduct in PICs, the development of a fully-researched options paper on the long term institutionalisation and sustainability of judicial development across the region, and the further development of regional leadership capacity.

Component 3.0: Systems and Processes

In this thematic area, it is proposed to develop two projects: a diagnosis of the needs for ongoing judicial administration support, and judicial monitoring and evaluation including baseline data.

First, the Programme will conduct a **Judicial Administration Diagnostic (JAD) Project** (Output 3.1) which will build on earlier registry-based assistance in selected PICs. The purpose of this project is to assess and address the need for assistance to strengthen judicial systems and processes across the region. This project will start with an initial research-based assessment of these needs based on consultations at the regional National Coordinators Leadership Workshop with registrars and other court officers. Three registries will then be selected on a representative sub-regional basis to scope and then develop registry system and process plans for each selected PIC. The findings of these pilot assessments will then be reviewed by Chief Justices and National Coordinators at their joint workshop who will consider whether ongoing support will be provided on a PIC, or more regionalised, basis.

Second, the Programme will provide resources to develop a **Judicial Monitoring and Evaluation (JME) Project** (Output 3.2) to enable ongoing monitoring and evaluation of PJDP and its contribution to improving judicial performance in the region. This project will comprise four tasks which include: scoping and collecting available data on judicial performance monitoring systems in three sample PICs; consulting Chief Justices and National Coordinators as part of their joint regional leadership workshop to align and harmonise approach; collect available baseline data and assess the needs to strengthen reporting systems; and finally, develop and design a regional judicial performance model.

The two main outputs of this component will be the diagnosis of the needs for registry systems and process and, if appropriate, the formulation of a regional support strategy for registry systems and process; and the design and development of a judicial performance monitoring and evaluation framework with selected baseline data.

Component 4.0: Professional Development

In this thematic area, it is proposed to develop three major projects to mobilise the Regional Training Team (RTT), to develop two core judicial training modules, and to extend benchbook publications.

First, the Programme will consolidate the RTT through the **Regional Training Team Project** (Output 4.1), providing additional training-of-trainers (ToT) at Levels 2 and 3 in order to complete the pool of existing qualified trainers. These qualified trainers will then be identified and/or inducted as a training faculty and potentially as benchbook resource persons at the National Coordinators' Leadership Workshop.

RTT members' capacity to provide ongoing training in the region will be further developed by linking identified RTT members with experienced judicial training experts to co-facilitate selected PJDP training activities. It is anticipated that prior to conducting a training programme under the *Core Judicial Development Project* (discussed below) that a 2 or 3-day RTT pre-workshop planning session (or substantive ToT) will be held in-country. The international TA and RTT members will work closely together to: finalise the Programme; fine-tune sessions and presenters' responsibilities; develop locally

relevant examples and content, as required; and support RTT members' in becoming familiar with all aspects of managing and delivering the Programme. Through this, RTT members' practical experience in managing and conducting ongoing training activities in the region will be significantly developed.

Second, the Programme will implement a **Core Judicial Development Project** (Output 4.2) to design, develop, pilot and introduce four training modules to be delivered through the RTT in the areas of orientation and decision-making training. These modules will each be offered in two streams, being law-trained judicial officers and registrars exercising para-judicial duties, and lay magistrates and court officers. In this way, four modules of core training will be developed and available using experienced RTT trainers for ongoing use as/when required.

Third, the Programme will extend the **Benchbook Publishing Project** (Output 4.3) by commissioning two new benchbook or handbook services potentially on a regional or sub-regional basis (yet to be identified and scoped), and updating two existing benchbooks. It is envisaged that National Coordinators and members of the RTT will adopt active roles, possibly as co-writers in these publications, supported by professional editor(s) supplied by the Programme. In this manner, steps will be taken to devolve managerial responsibility for publication and production to local actors, thereby increasing the sustainability of these services. Following publication or reproduction of each of the four books, one local training activity will be held on the use of this resource. Should local training for a regional or sub-regional bench or handbook, and/or the translation of one of the books be desired, this additional activity could be supported via a Responsive Fund application.

The three main outputs of this component will be the establishment and mobilisation of the RTT as a trained and experienced local training resource body to deliver training and benchbooks across the region; the development of four core training modules in orientation and decision-making for judicial officers, court officers and lay magistrates; and the production of two new benchbooks and two benchbook revisions.

Component 5.0: Programme Management

This thematic area focuses on the effective management of all aspects of the PJDP, the promotion of collaborative and responsive programming and implementation, and the transparent administration of PJDP resources.

Efficient **planning and scheduling of interventions** will be critical to enable efficient management of PJDP activities. Based on the approach initiated in the Phase 2 inception period, planning will be undertaken collaboratively with counterparts and beneficiaries, particularly through the regional leadership workshop activities and the PEC. Close collaboration will promote rolling and iterative planning that will necessitate a level of flexibility regarding the definition, scope and resourcing of the activities defined in this Plan. Close collaboration with counterparts will, however, enable the Programme to be responsive to emerging needs.

To further enable the PJDP to respond to PIC needs and the inherent tension between counterparts' desire for direct national level assistance and the Programme's need to remain regionally focused, the **Responsive Fund mechanism** developed in PJDP Phase 1 will be continued. The Responsive Fund is an incentive based mechanism developed to provide targeted funding for PIC judiciaries that are vigorously pursuing strategies and objectives that promote the broader aims of the PJDP. It provides an established and proven mechanism for PIC-based training and capacity development activities to be supported that are locally led, developed and managed.

The experience of Phase 1 was that this mechanism was effective and enabled a number of unmet needs to be addressed - particularly distinctively local needs that were not addressed by the regionally focussed priorities of the PJDP core programme. Feedback from counterparts during the inception period consultations was also very supportive of the fund. From the programmatic perspective, administration of this mechanism will be broadly based upon the modality developed under Phase 1. With an initial budget allocation of AUD 150,000, it is proposed that individual applications of approximately AUD 11,000 from each active PIC member will be accepted. Where an individual Responsive Fund application from a PIC is substantially below the full PIC allocation available, a second application from that PIC may be considered based on: overall interest of PIC members in the funding mechanism; and the availability of funds. To promote financial sustainability of approved activities, opportunities for counterpart judiciaries to provide co- / ongoing funding for Responsive Fund-related activities will form part of the application and assessment process.

Lessons from that phase have been reviewed, in particular the demands on logistical resources necessary to effectively support and efficiently manage the mechanism, and these have been incorporated into the resourcing allocations made in the budget.

Further, it is recognised by the PJDP Team that the level of funds allocated to the Responsive Fund is a significant investment of Programme resources. In consequence, the Programme Team will review the operation of, and the level of interest demonstrated by PICs in, the Responsive Fund mid-way through the implementation period. This review will assess whether the full allocation of funds is required for this mechanism over the 18 month implementation period. Should the PJDP Team determine that the full allocation of funding is not required, the Team will exercise its operational discretion to reallocate funds to other activities that may include: a new round of ToT; a regional activity to mobilise and further develop the capacity of RTT members not attached to the core training activities under Output 4.2; and/or provision for the translation of selected bench or handbooks developed under Phase 2.

To integrate **cross-cutting issues** into implementation a number of **strategy papers** have been developed (see **Annex Three**.) The Programme takes a holistic justice-focussed approach to these issues, specifically that major concerns addressed within concepts relating to human rights and gender equity are fundamentally linked to the work that judiciaries perform. As such, the PJDP will take a consistently integrated approach to addressing cross-cutting concepts throughout all activities, and this approach is explained and justified in the attached strategy papers. Moreover, Programme beneficiaries - being the judicial and court officers of the Pacific - are positioned in this development strategy and implementation plan as being the guardians of the rights and values embodied in these strategies and thereby the key actors in promoting their application as cross-cutting change management outcomes.

Identification and **mobilisation of quality technical assistance** will be crucial to achieving the outcomes for each identified activity. Identification of potential technical assistance will be undertaken as broadly as possible within the constraints of practicality and available resources. It is envisaged that selection processes for TA positions will include: pre-selected individuals in the technical pool;² accessing relevant regional networks to disseminate terms of reference; and MFATs' pre-selected consultant resources (if appropriate.) Additionally, the PJDP Team will liaise closely with regional judicial institutions (including the New Zealand Judiciary) to identify areas where extant expertise can be mobilised to support proposed activities under this plan.

² Technical Pool members from PJDP Phase 1 that are interested in continuing their involvement with the PJDP as Pool members will be retained. Additional advertising through selected networks will also be undertaken with the application / identification process based on that developed under Phase 1.

Ongoing monitoring will be undertaken (discussed in detail in **Section 5.0**) linked closely with accurate and timely reporting on progress, risks and expenditure to ensure that counterparts remain apprised of Programme activities, progress, and achievements.

3.3 Outcomes

Finally, it is important to highlight the Programme outcomes that will be delivered in addition to the outputs specified in relation to the completion of each component, above.

The foundations for regional judicial development have been laid over many years of work, first in PJEP, and more recently in the earlier phase of PJDP. Within the span of the upcoming 18 month implementation period, there is a pragmatic need to recognise the limited opportunity to contribute visible results and impact. Within this limited opportunity, however, it is possible to contribute to outcomes that are measurable in terms of consolidating processes to promote the professionalisation of judicial and court development in the region.

In this regard, the current phase will contribute measurably to attainment of the following key programmatic outcomes relating to improving the delivery of justice across the region:

3.3.1 Access to Justice

The outcome of this component will build on its main output, being the formulation of a strategy to support and integrate customary dispute resolution across courts in the region. This output will promote access to justice by **enabling the region's judicial leadership to assess, plan and direct an integrated process of judicial development for both customary and formal justice services providers based.**

The *outcome* of this component will be measured by monitoring the quality of leadership and participation in improving access to justice by developing a customary dispute resolution strategy which promotes integration of a process of judicial development of both customary and formal justice service providers.

3.3.2 Governance

The outcome of this component will build on its main outputs being the formulation of codes of judicial conduct in PICs, the development of a fully-researched options paper on the long term institutionalisation and sustainability of judicial development across the region, and the further development of regional leadership capacity. These outputs will improve judicial governance through **strengthening judicial leadership notably to establish frameworks for judicial good conduct, and to assess plan, direct long term arrangements for ongoing professional development across the region and resolve key issues.**

The *outcome* of this component will be measured by monitoring the quality of leadership and participation in improving judicial governance through establishing codes of conduct and deliberating on the options to institutionalise professional development.

3.3.3 Systems and processes

The outcome of this component will build on its main outputs being the diagnosis of the needs for registry systems and process and, if appropriate, the formulation of a regional support strategy for

registry systems and process; and the design and development of a judicial performance monitoring and evaluation framework with selected baseline data. These outputs will **develop understanding about the needs for improvement in judicial administration across the region and how needs should be addressed; as well as well as creating a method to monitor judicial performance including the contribution of the Programme.**

The *outcome* of this component will be measured by monitoring the quality of leadership and participation in diagnosing and improving judicial systems and processes, and in introducing the use of a judicial performance monitoring framework.

3.3.4 Professional Development

The outcome of this component will build on its main outputs being the establishment and mobilisation of the RTT as a trained and experienced local training resource body to deliver training and benchbooks across the region; the development of four core training modules in orientation and decision-making for judicial officers, court officers and lay magistrates; and the production of two new benchbooks and two benchbook revisions. These outputs will **enhance the means to supply judicial development services using local resources, and contribute improvements to the competence of judicial service providers across the region.**

The *outcome* of this component will be measured by monitoring in the quality of leadership and participation in providing judicial development using local resources which enhances the knowledge, skills and attitudes of judicial service providers.

3.3.5 Programme Management

The outcome of this component will build on its main outputs being the collaborative, efficient and effective management of the Programme, its activities, governance, and resources. These outputs will ensure that the Programme; accounts for its results and expenditure, is responsive, balances regional and national development, integrates cross-cutting issues and mobilises appropriate and high quality technical support.

The *outcome* of this component will be measured by monitoring both PEC and beneficiaries' perceptions about the quality of the Federal Court of Australia's provision of services under PJDP.

4.0 MANAGEMENT ARRANGEMENTS

4.1 Pacific Judicial Conference

The Pacific Judicial Conference (PJC) is the apex body in the PJDP hierarchy. At the inception of the Programme the PJC appointed the PIC representatives to constitute the PEC. Consequently, the PEC is accountable, and reports on PJDP-related matters, to the wider regional judicial constituency represented at the PJC.

The PJDP Team provides a limited secretariat function to the biennial PJC. The upcoming PJC in Guam (7-10 November, 2010) will provide a forum for the PEC and the PJDP Team to present the outcomes of the inception period and to define the way forward for the implementation period. Given the short duration of the current PJDP contract (July 2010-June 2012), no Programme involvement is currently envisaged in the PJC scheduled for late 2012.

4.2 Programme Executive Committee

The Programme Executive Committee (PEC) is the PJDP's high level stakeholder forum providing leadership and strategic direction for the Programme. It also provides a high level forum for engagement between PIC stakeholders and donor representatives.

The PJDP Team provides a secretariat function to the PEC, with three meetings scheduled over the implementation period. Whilst actual meeting dates are subject to the agreement of members, it is anticipated that the PEC will meet on a biannual basis, namely in April 2011, October 2011, and March 2012.

4.3 Programme Management Team and Staffing Summary

Details of the PJDP Team inputs are provided in the detailed budget (see **Annex Four**), as well as in the Indicative Work Plan and Resource Schedule (see **Annex Five**.) A high level summary of inputs for the PJDP Team is provided below:

PJDP Core Management Team	Inputs (over 18 Months)
Team Leader / Judicial Development Specialist	183 input-days
International Programmes Manager	338 input-days
Contracts Manager	163 input-days
Project Coordinators	18 input-months
Finance Officer	239 input-days
Chief Financial Officer	22 input-days

The level of personnel resources proposed has been determined to enable the PJDP Team to:

- effectively and efficiently administer multiple activities proposed under this Plan; and
- promote the quality of PJDP outcomes so that technical and strategic considerations are addressed in a coherent manner.

Given the comparatively compressed timeframes for implementation and the number of projects being proposed, a substantial number of activities are inter-linked and will be undertaken concurrently. As illustrated in the work plan (see **Annex Five**), there are often four separate activities being undertaken in parallel in multiple PICs or regionally. Furthermore, additional workloads will be generated once Responsive Fund applications are received and mobilised.

In addition to the personnel resources identified in the above table, some selected resources have been allocated to support PJDPs' engagement with the New Zealand Judiciary, though the modality of this support and nature of the engagement will be defined following the approval of this Plan.

5.0 MONITORING AND EVALUATION

5.1 Scope of Programme Monitoring

The PJDP will take a dual approach to monitoring and evaluation (M&E) under the Plan. Firstly, research and capacity development will be undertaken as part of the JME Project. Secondly, Programme-focussed M&E based on the logframe/ M&E framework will be undertaken.

The first area of activity relating to the JME Project (see **Section 3.2.2, Component 3.0**) aims to enable the contributions of the PJDP and other activities aimed at improving judicial performance to be monitored and evaluated on an ongoing basis. This is a key Programme output with the collection of available baseline data in three sample PICs, and the design of a regional judicial performance model that can inform future performance monitoring and base-line data collection activities. This output will be part of the performance model developed and the selected base-line data collected by the conclusion of the 18 month implementation period. As a result, its purpose and content will be prospective: that is, to provide the foundation at the close of this phase for performance monitoring and evaluation of outcome for future phases of judicial and court development interventions in the region.

The second M&E focus area relates directly to the implementation of the PJDP - more particularly assessing whether during the 18 month implementation period the Programme is doing what it set out to do in terms of: the defined outputs; and to a professional standard that is appropriate to the implementation environment. Given the resource and time constraints associated with the implementation of the Programme, M&E activities will only focus on the output level, as endorsed by MFAT during mobilisation discussions in July 2010. Progress reporting (discussed in **Section 5.4**, below) will incorporate monitoring of progress against the work plan, defined outputs, and on the basis of the performance indicators identified in the in the Logframe and Monitoring and Evaluation Framework (see **Annex Six**.)

5.2 Base-line Data

In the PJDP Phase 2 inception period, the Programme identified that only very limited, if any, base-line data exists that would allow the systematic identification of changes in judicial and court performance over time. To address this situation, programming for the implementation period includes the JME Project (see the discussion in **Section 3.2.2, Component 3.0**.) This output will be a first step towards a process of systematically identifying, collecting, collating and assessing base-line performance data in the region. As noted above, it will be developed as part of a conceptual design of a performance monitoring framework for the region which specifies what performance and base-line data is required and thereby collected as part of this output. Over time, this systematised collection of *relevant* data will allow trends in judicial and court performance to be identified, and also enable more comprehensive M&E of PJDP and other judicial and court development activities to be undertaken. As part of the JME Project, available baseline data from three sample PICs will be collected over the course of the 18 month implementation period; and consequently, as noted, this data will become available as an output late in this implementation period. In addition, the PJDP Team will undertake to progressively collect available additional data when in-country. This data collection will be undertaken within the framework of the needs assessment and is to provide additional data for the logframe.

5.3 Risk Analysis and Management

The PJDP Team will actively manage risks by coordinating closely with both NCs and TA to identify risks progressively over the course of implementation. The PJDP Team will then develop strategies to actively manage, respond to, or ameliorate such risks so that adverse impacts on the success of the PJDP's outcomes are minimised. This ongoing assessment of risks (both those currently identified and those emerging over time) will be reported on as part of the 6 Monthly Progress Reporting via an update of the risk matrix, as required.

Based on the Risk Matrix approved in the Federal Court of Australia's tender for this programme, an updated assessment of current risks to PJDP implementation is provided below.

Risk	Result	How Risk will be Addressed
Communication difficulties across the region.	Reduced reach of NCs, local trainers and the PJDJ Team to engage and meet needs	PJDJ Team will use all face-to-face engagement to discuss and agree substantive and implementation issues and will actively engage with counterparts remotely through email, newsletters and phone to minimise any communication difficulties.
PJDJ resources are inadequate to meet the needs of the judiciary and court at any individual jurisdiction.	No discernible improvements in efficiency	PJDJ Team to manage expectations and clearly communicate the regional focus of the Programme, the nature of needs that can be met and the scope of proposed activities. PJDJ to ensure participatory planning and focussing interventions on prioritised needs to enable the Programme to engage effectively within acknowledged resource constraints
Lack of motivation / capacity by in-country stakeholders to undertake the work required to achieve identified PJDJ outcomes.	Workshops will not improve performance or governance at the local level and PICs will not achieve the outcomes they seek and PJDJ will not be able to achieve identified outputs / outcomes	<ol style="list-style-type: none"> 1. Consultation throughout implementation to further refine activities (in particular through the Responsive Fund mechanism) to promote relevance of intervention and provide motivation for PICs to engage with the Programme. 2. CJs/NCs will be requested to sign letters of exchange defining activity-related responsibilities, acknowledging the local court's ability to mobilise the necessary resources to support or undertake the proposed activity and the commitment of senior leaders to provide necessary motivation to other stakeholders. 3. During activities, ownership and accountability for outcomes will be promoted by sharing frameworks amongst leaders to demonstrate how focus areas can be dealt with at a local level. 4. Ongoing technical and management support will be provided to stakeholders along with additional funding opportunities (the Responsive Fund mechanism or other donor resources) to support the localisation of regional activities.
Raising the competence of judicial and court officers across the region is extremely ambitious given the regions' diversity - i.e. geographic spread, plurality of laws and dispute resolution systems, divergent court structures and legal systems, types/level of training required.	PJDJ does not meet all expectations, and consequently confidence in the Programme wanes and engagement diminishes.	The similarities between the region's legal and judicial systems will be used as the basis for capacity development. While ensuring that training is appropriately tailored to cater for each PIC. The PJDJ Team will clearly communicate the regional focus of the Programme, the needs and scope of regional and bilateral activities included in the approved Plan.
Lack of intervention by senior leadership in each PIC to deal with resource/leadership problems.	Engaged and capable counterparts are likely to disengage and stop participating in developments	PJDJ Team to encourage ongoing engagement with the Programme while internal leadership issues are being addressed. Further, PJDJ to maintain relationships with those engaged/committed counterparts to provide ongoing support.
Executive interference with the Courts and the PJDJ activities.	Undermining independence and adversely influencing the ability of the Programme to implement proposed activities	PJDJ Team to clarify with CJs the nature of relations between the judiciary and executive in PICs to determine the risk of interference with the PJDJ. The PJDJ Team will determine which activities can be implemented in PICs cognisant of this risk. If, during the implementation of activities interference occurs and threatens to undermine an activity, the PJDJ Team will develop a strategy to minimise this risk to an acceptable level, or consider alternatives

Risk	Result	How Risk will be Addressed
Lack of comprehensive baseline data across all PICs.	Significantly impact PJDP's progress and its ability to measure the same.	including suspension or termination the activity. Development of a targeted activity (JME Project) to address this constraint and to scope, commence initial data collection and develop a regional monitoring model based on 3 PIC pilot activities.
Ongoing consultation by PJDP results in the need to re-frame or modify the implementation approach to individual activities.	Changes to the scope and budget of relevant activities over the course of implementation.	The Programme will conduct rolling and iterative planning to ensure flexibility and responsiveness within Programme parameters and according to local need.
Intensive nature of management, logistical and administrative arrangements for each activity and the Responsive Fund mechanism require adequate provision of resources to the PJDP team.	Ineffective management will undermine the value of the mechanism to respond to individual PIC needs	The PJDP Team has provisioned sufficient logistic resources within budget parameters who will continue to work with stakeholders in each PIC, particularly National Coordinators, to transition responsibility for activity implementation.

5.4 Reporting

The approach to reporting discussed below aims to minimise unnecessary and time consuming administration, while allowing for effective communication and accountability to the PEC and lead donor. Consequently, the following reports will be developed over the 18 month implementation period of PJDP Phase 2:

- **End-of-Inception Period Report:** briefly summarising the outcomes of inception period undertaken to re-engage with PJDP partners, and to promote judicial leadership and court ownership of the PJDP relaunch and the related planning processes. The report will be submitted by the PJDP Team to the PEC and MFAT upon completion.
- **3 and 6 Monthly Progress Reporting:** briefly summarising activities and achievements for the period against the work plan and identified outcomes. Constraints, changes to implementation, risks and monitoring outcomes will be documented, as needed. The report will be submitted by the PJDP Team to the PEC and MFAT prior to each proposed PEC meeting.
- **Activity Completion Reports:** at the completion of each identified activity (CoJC, IPJDP, JAD, JME, RTT, JDCPD, and the benchbooks) the activity outcome, e.g. a benchbook or options paper, or a completion report will be submitted by the PJDP Team to the PEC and MFAT.
- **Exception reporting:** undertaken as required by exceptional circumstances arising during the course of implementing the Programme.

Indicative timing for these reports is found in the Milestone and Progress Reporting Schedule found in **Annex Seven**.

Note on Annual Planning:

Given the comprehensive and participatory manner in which this 18 Month Implementation Plan has been developed, and the fact that this plan encompasses the whole of the remaining contract period, no further annual planning activity will be undertaken as part of the implementation period - though a timely decision on the extension and scheduling of any ongoing programming is required, as discussed below.

The consultative approach adopted in developing the Plan will be continued throughout the implementation period. This will enable the Programme to remain responsive to emerging needs, or to respond to changes

in the implementation environment. Rolling and iterative planning will then be undertaken on an ongoing basis and any necessary changes will be summarised as part of 6 Monthly Progress Reporting. Any modifications required to activities will be developed by the PJDP Team while maintaining the overarching framework developed by the Plan to ensure that the strategic focus of the PJDP is not lost. Financial implications of any changes will be made from within the approved budget. Where the overall approved budget may be exceeded by such modifications to the Programme, prior MFAT approval will be sought before initiating the proposed change(s.)

5.5 Post-18 Month Implementation Plan Period

The 18 Month Implementation Plan has been developed on the basis of the Federal Court of Australia's existing contract with MFAT - as such, the Plan focuses exclusively on the period to June 2012. There is, however, an option under the existing contract for services to extend contractual arrangements for a period of up to 12 months. This presents a number of considerations, in particular the need for:

- *Continuity of support for institutionalisation* - Noting the history of support to PJEP and PJDP over more than a decade, it is seen as desirable to consolidate this investment to ensure that effective institutionalisation of this process discussed, see **Section 3.2.2, Component 2.0**, above. It is anticipated that the outcome of the IPJDP Project will be finalised late in 2011. The options paper on institutionalising the PJDP, will define the modality for the future of the judicial and court development in the region. This outcome, therefore will only be of practical value to judiciaries in the region if ongoing support to operationalise the recommended course of action is provided. To promote this medium to long-term outcome, therefore, it is recommended that a timely milestone is scheduled to enable PEC to consider the options for an extension to ensure continuous support is provided to support implementation of any endorsed decisions flowing from this options paper.
- *Certainty* - is required regarding whether the optional 12 month extension will occur. For effective management, planning of additional programme development activities for this additional period, and to allow adequate time for approval and contracting processes to be completed, a decision on whether the 1 year extension will be granted is needed by *October 2011* (in conjunction with the PEC Meeting scheduled for that time - see reference 5.2.3 in the Work Plan, **Annex Five**.)
- *Additional activity programming* - with an additional 12 months of implementation, further detailed programming of activities will be required. As a result, it is anticipated that proposed activities under a 12 month extension (if granted) will be framed by the outcomes of the IPJDP Project.
- *Additional resources*: to enable programming to be undertaken for the 12 month extension, additional management resources (principally personnel inputs) will be required. It is, however, not envisaged that a substantial engagement process such as a development needs assessment and sub-regional consultation workshops would be undertaken. If approval for the 12 month extension is granted, a summary of additional costs and inputs to undertake planning for the extension period will be submitted to MFAT for approval.

6.0 EXPENDITURE SUMMARY

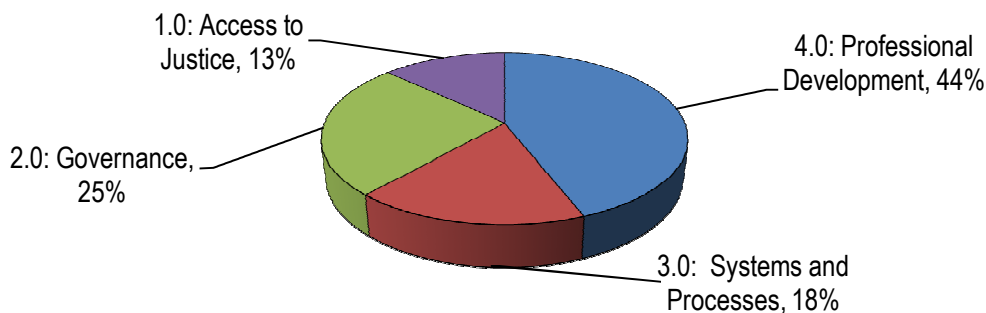
The total budget for the 18 Month Implementation Plan is AUD 3,502,528.71. This amount is broken down by component of pillar in the following table:

Breakdown of Full Budget by Technical Component (Components 1-5)

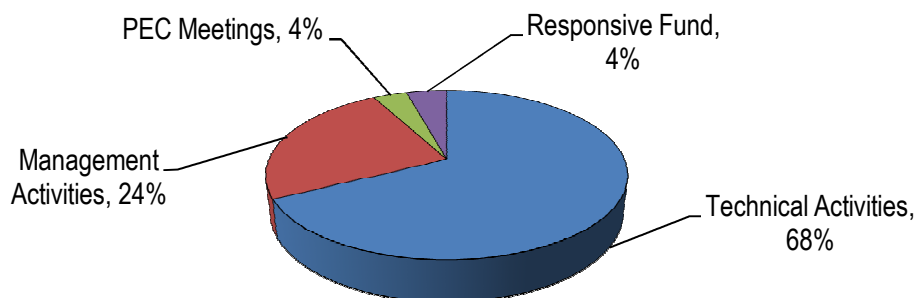
PJDP Component / Pillar	Total (AUD)
1.0: Component One - Access to Justice	AUD 309,019.96
2.0: Component Two - Governance	AUD 603,029.86
3.0: Component Three - Systems and Processes	AUD 414,112.03
4.0: Component Four - Professional Development	AUD 1,045,101.12
5.0: Component Five - Programme Management	AUD 1,131,265.75
Total 18 Month Plan Budget:	AUD 3,502,528.71

For full details of the budget and a breakdown of costs by activity see **Annex Four**. Some key information is, however, summarised and presented graphically below.

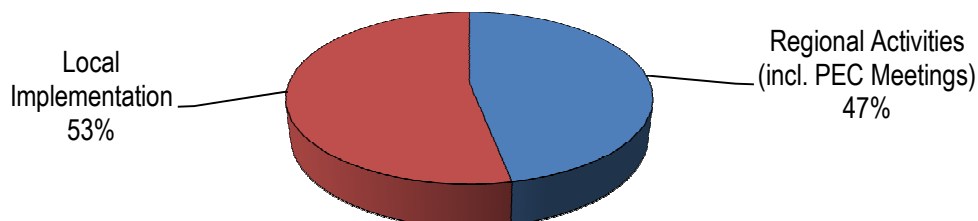
Allocation by Technical Component (Components 1-4)



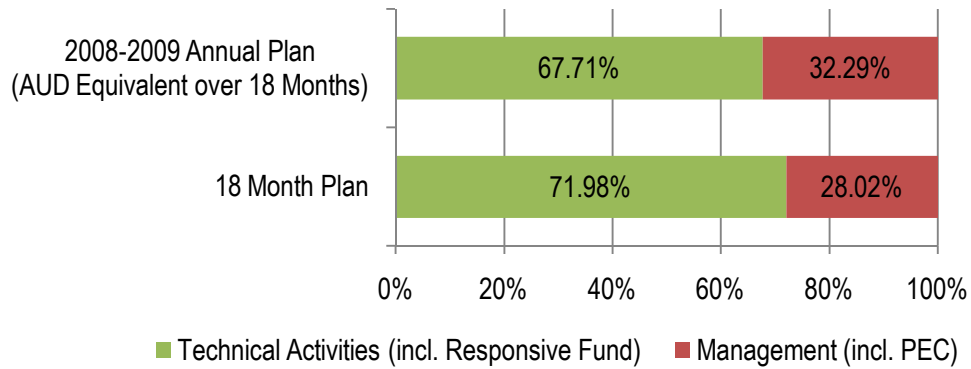
Breakdown of Costs - Management against Technical Components



Breakdown of Costs - Local against Regional Activities



Additionally, as a point of reference, a brief analysis has been undertaken of the proposed 18 Month Implementation Plan budget against the approved 2008-2009 Annual Plan budget (adjusted for an 18 month period) on the budgetary split between technical and management activities, see below. It is worth noting, that programme management-related costs, including PEC meetings and additional resources to support engagement with the New Zealand Judiciary under Component 5, are over 4% lower than under PJDP Phase 1.



ANNEXES

ANNEX ONE - INCEPTION PERIOD PROGRESS UPDATE REPORT

INTRODUCTION

This Report provides a synopsis of project-related activities and inputs in the inception period of the Pacific Judicial Development Program (PJDP) for 6 July-30 September 2010.

PRINCIPAL ACTIVITIES AND OUTCOMES FOR THE PERIOD

1. Sub-Regional Workshops

Of significance during the inception period was the successful completion of the three sub-regional consultation workshops that were developed to re-engage with PJDP leadership and key counterparts, consolidate regional leadership in the management of judicial and court development by interacting closely with chief justices, national coordinators, and regional/local educators, and to commence a participatory planning and needs prioritisation process for PJDP implementation. One workshop was held in each sub-region, including Polynesia (held in Apia between 23-27 August), Melanesia (Port Vila, 30 August - 4 September) and Micronesia (Palau, 6-10 September).

The workshops activities focused on three themes, namely: consolidating the development needs assessment; programme leadership capacity development; programme development and activity design. The principle outcomes of the sub-regional workshops were the launch of the PJDP Phase 2 and identification of areas of activity for the implementation period (January 2011-June 2012). In particular, discussions were held during the workshops to confirm the following:

- Using the '5 pillars' (namely - Access to Justice, Governance, Systems and Procedures, Professional Development, and Programme Management) as a strategic framework underpinning proposed activities under PJDP Phase 2;
- Court's approach to operationalising the Regional Training Team concept, and the proposed reliance on this team as a key mechanism for the delivering of future PJDP services;
- The pivotal role that the National Coordinators have in liaising between the PJDP Team and their respective national judiciaries; and
- The Federal Court of Australia's intention to conceptualise strategic options for judicial and court development in the region in the medium-/longer-term as part of implementation activities.

At the completion of the workshop it was positive to note that a set of clearly defined priority needs were identified by the participants. Extremely positive feedback was received in post-workshop evaluations on the participatory approach adopted in undertaking this consultation and the positive re-engagement that this resulted in. The overall (mean) satisfaction for all three workshops, as ranked by participants in the quantitative evaluations, was just over 88% - an extremely positive outcome for this initial engagement under the Programme. Full details of these workshop and their outcomes are found in the *Activity Completion Report - Sub-regional Consultation Workshops: Polynesia, Melanesia, and Micronesia*, submitted to MFAT on 30 September, 2010.

2. Development Needs Assessment

In addition to the sub-regional workshops, a number of activities were undertaken to collect information on judicial training needs in the Pacific. The needs surveys played a pivotal role in defining programming for the implementation period. To date these activities have included: two surveys, one for judicial

service providers, and one for court users;³ selected reference to available international data; and expert appraisal by the program management team in consultation with local stakeholders. The surveys focused on collecting data on training and development needs within the areas of professional development; access to justice; governance; and systems and procedures.

These two surveys of judicial service providers and service users across the Pacific region are the first ever methodically-sound statistical surveys of stakeholders in the history of the PJEP and PJDP. They therefore provide the most detailed data of stakeholders' perceptions of the development needs available, and have contributed significantly to highlighting current areas of priority for judicial training in the Pacific. It follows from these findings that the most appropriate needs-based strategy for the ongoing programming of development and training activities in PJDP Phase 2 is providing practical assistance to judicial and court officers in performing day-to-day duties.

Some of the more notable day to day activities that emerged from the surveys and that will be focused on in Phase 2 activities include: supporting judicial leadership, notably, ethical standards; providing information on criminal and civil law and procedures; promoting core professional skills of judging and judicial administration; explaining the judicial function and role; strengthening court administration, systems and procedures; and developing the local capacity of judges and court officers through training-of-trainers (ToT), and the Regional Training Team (RTT). For more detail on the development needs assessment, see the *Judges and Court Development Needs Assessment Report* at **Annex Two** of the PJDP Phase 2 18 Month Implementation Plan.

3. Consultation with Wider PJDP Stakeholders

Immediately following mobilisation, consultations took place with stakeholders in New Zealand, Australia and in the Pacific region that were aimed at gaining a broad understanding of activities undertaken and relationships built under PJDP Phase 1, as well as developing areas for collaboration and gaining strategic direction for PJDP Phase 2. Consultations were carried out by the PJDP Team Leader, Programme Manager and the Chief Financial Officer in New Zealand with the New Zealand Judiciary, MFAT, Crown Law, academics, and other informed observers. Consultations also took place in Australia with the Supreme Court of New South Wales, the District Court of New South Wales, Judges from within the Federal Court of Australia, the Judicial Commission of New South Wales, AusAID, the Commonwealth Attorney Generals Department, and with the National Judicial College of Australia. Stakeholders in the Pacific were also consulted through phone calls and emails.

The consultations that took place during the reporting period were invaluable to the Programme. Feedback not only assisted with programming for the PJDP Phase 2 activities over the coming 18 months, it assisted to streamline administrative and financial procedures. The PJDP Team will continue to collaborate with key stakeholders to ensure ongoing involvement in, and support of the project.

4. PROGRAMME MANAGEMENT

The PJDP Team mobilised in July with the appointment of a Team Leader, International Programme Manager, Contracts Manager, Administration and Logistics Officer, and Finance Officer. A management trip was conducted in New Zealand with the Ministry of Foreign Affairs and Trade (MFAT) for the purpose of discussing mobilisation of the Programme and management aspects of the inception period,

³ More specifically: Service Providers - judicial and court officers; and Service Users and Informed Observers - in-country lawyers (government and private), business, academics, media, community representatives / NGOs, and selected key stakeholders in New Zealand, Australia and regionally.

the PJDP Phase 2 Team Leader, Programme Manager and the Federal Court's Chief Financial Officer participated in these meetings. The meetings allowed for the streamlining of administrative and financial processes, systems and procedures so as to align with contract requirements and facilitate the smooth and efficient running of PJDP Phase 2 activities.

The team also finalised key cross cutting-issues strategies for: sustainability, human rights, HIV/AIDs and gender, along with systems for quality assurance, communication, and risk management. Three Milestone reports were submitted in accordance with the managing services contractors' obligations. The PJDP Team also commenced development of the 18 Month Implementation Plan to guide all PJDP Phase 2 activities during the 18 month implementation period commencing in January 2011.

In relation to **PJDP expenditure** during the inception period to-date 58.35% of the total available budget for the reporting period (6 July-30 September) and 42.24% of the total budget available for the inception period (6 July-31 December 2010). At this point, expenditure is under budget. This underspend is most notably due to savings gained from incorporating the planned National Coordinators Workshop into the Sub-Regional Consultation Workshops. To date, all other expenditure has been generally in line with the projected budget.

In relation to the upcoming quarter (October-December, 2010), it is likely that actual expenditure will again be under budget, resulting in additional funds being available for activities during the implementation period.

THE WAY FORWARD - PRINCIPAL ACTIVITIES FOR THE UPCOMING PERIOD OCTOBER-DECEMBER

The principle activities that will take place in the inception period until the end of 2010, include:

- Finalisation and submission of the Draft and Final 18 Month Implementation Plan.
- Finalisation of arrangement for the PEC meeting in Guam 4-5 November, along with presenting the current status of the PDJP at the Pacific Judicial Conference in Guam 7-10 November.
- Confirming RTT members;
- Re-confirming existing members' interest, and further advertising for to identify additional Technical Pool members.

CONCLUSION

At the commencement of this period (6 July-30 September, 2010), PJDP Phase 2 was re-mobilisation. Core PJDP Team positions have now all been mobilised and positive lead donor- contractor relations established. Over the course of the first quarter of the PJDP Phase 2, significant progress has been made with regards to the key outputs for the six month inception period, including the: re-engagement with PJDP counterparts and wider stakeholders; completion of the three Sub-regional Consultation Workshops; finalisation of the comprehensive development needs assessment; and commencement of programming for the 18 month implementation period. As a result, outcomes under the inception period to-date have created a solid foundation for upcoming PJDP activities.

The PJDP Team expresses its appreciation and gratitude for the positive and ongoing support of the PEC, chief justices, national coordinators and other counterparts from all active PJDP countries. It would not have been possible for the Programme to achieve the outputs over the course of this quarter without the support that has been provided to-date by its key counterparts and stakeholders.

ATTACHMENT ONE - PROGRESS AGAINST THE APPROVED WORK PLAN SUMMARY

Inception Phase	July				August				September				Progress for the Period
	W1	W2	W3	W4	W5	W6	W7	W8	W9	W10	W11	W12	
Programme Mobilisation	★												Completed: 6 July, 2010
Output 1.0: Programme and personnel are efficiently and effectively managed and													Ongoing: Activities being managed on an ongoing basis and completed activities successfully concluded; core Programme positions recruited; processes and procedures developed and documented; financial reporting and invoicing undertaken and queries responded to.
Output 2.0: Confirm operating protocols with NZAID			■										Completed: Initial strategic and management consultations were held with New Zealand MFAT and judiciary representatives in Wellington immediately following mobilisation between 19-27 July, 2010.
Output 3.0: Engagement strategy and tailored process and resourcing				■									Ongoing: Following the initial strategic consultations with the NZ judiciary in Wellington, it was agreed that the modality and scope for collaboration would be determined following the completion of the 18 Month Implementation Plan.
Output 4.0: Effective relationships developed with NZ experts and confirm effective				■									Pending: Following the initial strategic consultations with the wider stakeholders in Wellington, it was agreed that the modality and scope for collaboration would be determined following the completion of the 18 Month Implementation Plan.
Output 5.0: Effective relationships developed with AU experts and confirm effective				■									Completed: Strategic and management consultations were held with wider stakeholders in Australia (Sydney and Canberra) immediately following mobilisation between 28-30 July, 2010.
Output 6.0: Clarify secretariat functions for PJC			■	■									Completed: Limited involvement was requested by organisers of the Guam PJC (7-10 November, 2010.) No other PJC is being held during the contracted PJDP Implementation Period.
Output 7.0: Clarify national/regional needs and priorities			■	■	■	■	■	■	■	■	■	■	Completed: Comprehensive regional Development Needs Assessment surveys undertaken, results collated and report completed; 3 Sub-regional workshops successfully completed; and wider regional, NZ and AU consultations undertaken.
Output 8.0: Develop 18-month plan										■	■	■	Ongoing: Progress made as per proposed work plan with submission confirmed by deadline (18 October.)
Output 9.0: Confirm broad base of expertise available to the Programme									Ongoing: Substantive inputs to clarify and further develop regional and Technical Pool members to be undertaken in second half of the inception period.
Output 10.0: Develop and disseminate pedagogical strategy									Ongoing: Approach to mobilising and expanding RTT and developing Core Judicial Development Modules developed in 18 Month Implementation Plan. Clarification ongoing interest of RTT members to be undertaken in second half of the inception period.
Milestone One - End of NZ Meetings (July 31)				★									Completed: Submitted to MFAT with accompanying invoice.
Milestone Two - Progress Report (31 August)								★					Completed: Submitted to MFAT with accompanying invoice.
Milestone Three - Process to Engage NZ Courts Agreed (30 September)												★	Completed: Milestone <i>revised and approved</i> to be: <i>Activity Completion Report - Sub-regional Consultation Workshops: Polynesia, Melanesia, and Micronesia</i> . Submitted to MFAT with accompanying invoice.

ATTACHMENT TWO - PROGRAMME EXPENDITURE FOR THE PERIOD (6 JULY-30 SEPTEMBER)

(Commercial-in-Confidence)

ANNEX TWO - JUDGES AND COURT DEVELOPMENT NEEDS ASSESSMENT REPORT (REPORT EXTRACT EXCLUDING ANNEXES)

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ABBREVIATIONS AND ACRONYMS

ADR	-	Alternative Dispute Resolution
C-FM	-	Case-flow Management
CO	-	Court Officer(s)
GCR	-	Transparency International's Global Corruption Report
JO	-	Judicial Officer(s)
MFAT	-	New Zealand Ministry of Foreign Affairs and Trade
PEC	-	Programme Executive Committee
PEC	-	Programme Executive Committee
PIC	-	Pacific Island Countries
PIC	-	Pacific Island Country
PJDP	-	Pacific Judicial Development Programme
PJEP	-	Pacific Judicial Education Programme
RTT	-	Regional Training Team
the Assessment	-	Development Needs Assessment
the Court	-	Federal Court of Australia
the Court	-	Federal Court of Australia
the PJDP	-	Pacific Judicial Development Programme
the Workshops	-	The three Sub-regional Consultation Workshops
ToT	-	Training-of-Trainers
WGI	-	World Bank's World Governance Indicators

EXECUTIVE SUMMARY

E1.0 Introduction

This document reports on the findings of the Development Needs Assessment (the Assessment) to validate the proposed direction of the Pacific Judicial Development Programme (PJDP) Phase 2 which was launched by Chief Justice Sapolu in Apia, Samoa on Monday 23 August 2010.

The PJDP operates in 14 Pacific Island Countries, namely: Cook Islands, Federated States of Micronesia, Kiribati, Marshall Islands, Nauru, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu and Vanuatu (the region).

The Assessment was undertaken during August-September, and comprised four elements:

- vi. Two surveys of court service providers and court users across the Pacific region.
- vii. Three sub-regional stakeholders workshops conducted in Polynesia (Apia), Melanesia (Port Vila) and Micronesia (Koror.)
- viii. Selected reference to available international data.
- ix. Expert appraisal by the program management team in consultation with local stakeholders.

This report presents in particular the findings of the two regional surveys. It should be read together with the companion report on the three sub-regional stakeholders' workshops, and the extracts of international data which are annexed to this report (see **Annex One**.)

The purpose of this and the companion report is to provide stakeholders with the data on the development needs of the Courts and judicial service providers across the region for the purpose of informing and justifying the ongoing design and delivery of services in PJDP Phase 2.

E2.0 Survey findings

The surveys provide PJDP with an unprecedented wealth of data on judicial and court development needs. These two surveys of judicial service providers and service users across the Pacific region are the first ever methodically-sound statistical surveys of stakeholders which provide the most detailed data of stakeholders' perceptions of the development needs in the history of the Pacific Judicial Education Programme (PJEP) and PJDP to this date.

This section highlights the most significant findings of these surveys for the consideration of stakeholders.

E2.1 Respondents

In all, a total of 80 responses were received to a 24-question survey of judicial service providers, being judges and court staff, focussing on the formal system including 'hybrid' actors such as lay (non-law trained) magistrates and justices of the peace, but not customary actors. In addition, a further 41 responses were received from court service users being lawyers, business, informed observers (academics and those formerly engaged with the provision of judicial services).

While relatively small in quantitative terms, the rate of response of law-trained judicial officers was 30% of the regional population, reflecting the size and dispersion of this population across the region.⁴ 54%

⁴ Total regional judicial office population is estimated at 553 (excluding customary courts), including a total of 200 law-trained judicial officers - source: National Coordinators, 2010.

of service providers were law-trained superior court judicial officers, and one third had between 6-10 years of experience. 56% of service users were lawyers. The make-up of respondents is described by occupation-type, location and level of experience, in the body of this report.

E2.2 Training

32.50% of service provider respondents hold a tertiary or post-graduate degree in law, with an additional 35% holding a degree in another discipline. Further, 58% of service provider respondents had received job-related training prior to becoming a judicial officer or court officer mainly in criminal law and procedure, civil law and procedure, land or customary law and procedure and professional skills. Half of this training (48.75%) was of more than 1 week in duration - 61.45% of which was of one month or more duration, mainly in a university or college. 81% of service provider respondents have received in-service training since becoming a judicial or court officer, mainly in professional skills (48.75%), judicial role and ethics (41.25%), criminal law and procedure (35%), court administration and case management (33.75%), and civil law and procedure (26.25%). Most of this training (65.58%) was provided equally by PJEP/PJDP and government. 93% of respondents rated this in-service training as quite useful or extremely useful.

E2.3 Occupational analysis

38.73% of all service provider respondents' time is *spent in court*, but this allocation varies significantly by occupation-type: lay-magistrates spend 61.67% of time in court, judicial officers 49.13%, court officers 22.37% across the region, though this varies by country. Respondents spend 26.33% of their time on *administrative tasks*, though this varies markedly by occupation-type: court officers spend 48.37%, judicial officers 18.74%, lay magistrates 3.67%.

Lay magistrates spend 18.11% of time *researching cases*, and judicial officers spend 18.09%. Respondents generally spend an average of 11.73% of their time on *professional development and other professional activities*, and a further 6.42% of time *consulting colleagues*.

E2.4 Nature of court caseloads

The caseloads of service-providing respondents varies from country to country, but overall is made up across the region as follows: criminal (34.46%), civil (26.44%), customary/land (23.53%), family (6.94%), other (4.65%) and business (3.98%).

E2.5 Development and training needs

(i) *Access to resources* - Judicial service provider respondents report that they have adequate access to written decisions of superior courts (86.30%), and access to statutes and regulations (79.73%). Judicial and court officers indicated that they had adequate access to materials on court practice and procedure (72.55%). Lay magistrates, however, indicated substantially lower accessibility to materials on court practice and procedure with only 50.00% of respondents noting that they had adequate access. Respondents also report having inadequate access to text books on law (47.95%) and professional support/guidance (45.21%).

(ii) *Nature of needs* - Significantly, there is a relatively high level of agreement between service providers and service users on the priorities of training needs. They rank the *nature* of these needs in the following order of importance: to acquire practical skills as judicial or court officers (75.66% and 80.16%), acquire information on law and court procedures (73.48% and 66.17%), improve understanding of professional role (67.43% and 60.82%), solve day-to-day problems in special cases (66.80% and

69.26%), keep up to date with new laws and development (59.24% and 59.72%), and improve professional responsibility and ethics (58.48% and 63.85%).

(iii) *Content of needs* - Additionally, they generally uniformly rank the *content* of these development and training needs in the following order of importance: professional skills (77.61% and 73.31%), court administration and case management (74.72% and 70.06%), criminal law and procedure (71.91% and 74.38%), civil law and procedure (68.03% and 63.66%), judicial role, ethic and conduct (64.28% and 67.91%), land/customary law (61.55% and 66.37%). Cross-cutting themes, family law and procedure and business/commercial law and procedure were ranked as least important. Significantly, when these responses on content of needs are disaggregated by respondents' roles, highest priority needs are: professional skills for judicial officers (85.71%); court administration and case management for court officers' (73.54%); and criminal law and procedure for lay magistrates (72.12%), respectively.

(iv) *Levels of needs* - Similarly, there is consistency in the responses of service providers and users on ranking the importance of the *levels* of development and training needs to be addressed: induction/pre-service (75.34% and 77.94%), update/in-service (71.43% and 70.14%), networking/experience-sharing (62.84% and 64.29%), and specialist (48.61% and 50.74%). Significantly, when responses are disaggregated by respondents' years of service, highest priorities are: induction / orientation for respondents from both '0-2' and '3-5' years' experience (81.25% and 77.78%); and update / refresher for respondents from both '6-10' and '11 +' years' experience (72.92% and 73.21%).

(v) *Preferred faculty* - Respondents ranked resource-persons in the following order of preference: respected judges (89.06%), other experts (59.38%) and university lecturers (55.38%).

(vi) *Format of activities* - Respondents ranked the format of activities in the following order of preference: participatory seminars/workshops (84.70%), on-the-job mentoring (70%), formal lectures (60.77%), and self-directed research/reading (40.48%).

E2.6 Assessment of Court Quality

Once again, there is general unanimity between service providers and court users in their perceptions of the quality of key aspects of the Courts, defined in terms of the four thematic areas earlier endorsed by the PEC in PJDP Phase 1. These perceptions of the quality of the Courts are as follows: access to justice (71.36% and 67.48%), leadership and good governance (70.89% and 73.98%), expertise and professionalism (67.59% and 69.92%), and systems and procedures (63.96% and 56.10%). These findings are significant in highlighting the uniform perceptions on the low quality of court systems and to a less extent of expertise and professionalism. Also of note is the disparity in perceptions between the two respondent groups regarding access to justice. Service providers assessed access most positively (71.36%), while service users assessed access to justice as the second lowest of the four quality of justice concepts (at 67.48%).

E2.7 Significance of these findings for setting programmatic priorities

The major significance of these findings is that they identify and describe with unprecedented detail the beneficiaries of PJDP, their professional development experiences, their perceptions of the utility and effectiveness of these experiences, and their priorities for ongoing development and training needs. This data is directly relevant and very valuable in setting the future direction, focus and content of PDJP Phase 2 activities. While these perceptions are just that - being subjective and perceptual - as a sample of court users from across the region they broadly align with the perceptions of other stakeholders. Importantly, there is an overarching correlation in the perceptions of service providers and users in most aspects of these surveys, which methodologically increased the reliability of this data and the validity of these findings.

At their essence, these empirical findings are very significant and timely in relaunching PJDP Phase 2 in highlighting *current priorities* in the programming of ongoing activities, which should be designed to:

1. Provide practical assistance to judicial and court officers in performing day-to-day duties, noting that 77.75% judicial officers' work-time is devoting to criminal, civil and land cases.
2. Focus on:
 - a. supporting judicial leadership, notably, ethical standards;
 - b. providing information on criminal and civil law and procedures;
 - c. promoting core professional skills of judging and judicial administration;
 - d. explaining the judicial function and role;
 - e. strengthening court administration, systems and procedures; and
 - f. developing the local capacity of judges and court officers through training-of-trainers (ToT), and the Regional Training Team (RTT).
3. Prioritise induction/pre-service training, and in-service updating and experience-sharing.
4. Concentrate on delivering interactive seminars and workshops.
5. Redress the shortage of statutes, regulations, and materials on court practice and procedure.

E3.0 A note on triangulation and validation of findings

In addition to the data generated by these surveys, the TNA methodology provided a limited opportunity and resources to validate these findings through independent triangulation of data. As already mentioned, this validation was undertaken in three ways: stakeholders' consultation workshops consisting of a cadre of 28 leaders in judicial and court development;⁵ available international data, and expert appraisal. Most importantly, as is evident from the companion report, the stakeholders' workshops generally confirmed and illuminated these findings. The available international data, principally from the World Bank's World Governance Indicators (WGI) and Transparency International's Global Corruption Report (GCR) contextualise these findings with globally comparative data (attached in **Annex Three**.) From this data, it is possible to offer the following assessments:

- a. While there is considerable diversity in the WGI ratings across the region (Samoa relatively high; PNG relatively low), the '*rule of law*' scores are generally in the moderate level of quality in global terms. The ratings are, however, comparable to nations with similar geographic constraints such as those found in the Caribbean.
- b. Judicial integrity is generally at moderate levels, and corruption is not a marked problem with ratings once again comparable with Caribbean island nations.

These measures are generally confirmed through expert appraisal of what is known and experienced by the Programme management team working throughout the region.

E4.0 RECOMMENDATION

It follows from these globally comparative measures that the proposed focus on the next phase of PJDP providing practical assistance to judicial and court officers in performing day-to-day duties as outlined above as the most appropriate needs-based strategy for the ongoing programming of development and training activities.

⁵ Participants included: six chief justices and one deputy chief justice; four Programme Executive Committee (PEC) representatives; 11 national coordinators; and nine Regional Training Team members and/or local educators.

1.0 BACKGROUND

The Pacific Judicial Development Programme (PJDP) provides support to realising the vision of strengthening the region's judicial systems as a central pillar of good governance and the rule of law. The PJDP operates in 14 Pacific Island Countries, namely: Cook Islands, Federated States of Micronesia, Kiribati, Marshall Islands, Nauru, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu and Vanuatu.

Building on the experience of both the Pacific Judicial Education Programme (PJEP) and the PJDP Phase 1, the purpose of PJDP Phase 2 is to support Pacific Island Countries (PIC) to enhance the professional competence of judicial officers and court officers, and the processes and systems that they use. The Programme's focus extends beyond meeting the educational needs of judicial officers (both law trained and non-law trained) and court officers to include support for process and system improvement.

In July 2010, the Pacific Judicial Development Programme (PJDP) remobilised in PJDP Phase 2. This re-mobilisation started with, a six month inception period. The core focus of this inception period was to re-engage with the Programme's partners across the region and to develop an 18 Month Implementation Plan to guide implementation for the remainder of PJDP Phase 2 involving validation of the proposed programmatic approach based on intensive stakeholder consultations.

To inform and legitimise the 18 Month Implementation Plan, a comprehensive development needs identification and prioritisation process was undertaken. Consultations for this Development Needs Assessment (the Assessment) were undertaken between 12 July and 10 September, 2010. This *Judges and Court Development Needs Assessment Report* presents the findings of this process.

2.0 METHODOLOGY ADOPTED FOR THE DEVELOPMENT NEEDS ASSESSMENT

The PJDP aimed to maximise participation, while undertaking a pragmatic approach to ensure that the Assessment was undertaken in a cost-effective and timely manner that took into consideration scheduling and budgetary considerations for PJDP Phase 2. Data collection focussed on the professional training needs of justice professionals and the organisational development needs of courts.

The process was structured around a number of 'pillars' or core implementation themes that had been developed in PJDP Phase 1 and approved by the Programme Executive Committee (PEC.) Four substantive pillars were identified to guide implementation, namely:⁶

- *Access to justice* - to promote equitable, timely and affordable responses to community justice needs.
- *Governance* - directly supporting an environment conducive to good governance and application of the rule of law.
- *Development of processes and systems* - strengthening judicial independence along with efficient, effective and accountable judicial and court systems and processes.
- *Professional development* - strengthen local and regional capacity to deliver professional education and skills development to judicial and court officers.

⁶ An additional fifth pillar will also be retained, namely the management-focussed pillar of *programme management*.

These pillars were used as the framework around which the Assessment and related data collection was structured to promote continuity between PJDP Phase 1 and future activities under Phase 2.

The primary method for undertaking the Assessment as documented in this report was via a set of two development needs assessment surveys:

- i) **Judicial Service Providers** - judges and court staff, focussing on the formal system including 'hybrid' actors such as lay (non-law trained) magistrates and justices of the peace, but not customary actors.
- ii) **Service Users** - lawyers, business, informed observers (academics and those formerly engaged with the provision of judicial services.)

Further, a series of interviews and discussions were held with selected judicial and court officers, client group representatives, and informed observers in the region to provide informed feedback to the Assessment Team via a series of informal discussions and semi-structured interviews with key stakeholders in New Zealand, Australia and regionally (a list of those consulted is found in **Annex Four**.) In addition, high-level system performance and governance-related data has also been used to contextualise the findings of the development needs assessment surveys within the wider judicial development environment globally.

As an adjunct to these surveys and the interviews, three **Sub-regional Consultation Workshops** were also held with leaders in judicial and court development in the region (including: chief justices; PEC members; national coordinators; and regional/local educators.) The workshops were structured around three themes, namely: consolidating the development needs assessment; programme leadership capacity development; and programme development and activity design. The results of these workshops (documented in the *Activity Completion Report - Sub-regional Consultation Workshops*), combined with the empirical and interview-based data gathered in the Assessment, will form the foundation of the activity programming undertaken in the 18 Month Implementation Plan.

3.0 DEVELOPMENT NEEDS ASSESSMENT SURVEY STRUCTURE

The **Judicial Service Providers'** survey consisted of 24 questions structured in five sections:

- Respondents' background.
- Training / Educational background.
- Role and tasks.
- Development and Training Needs.
- Assessment of the respondents' court.

The survey was distributed in all 14 active PJDP countries⁷ via each PIC National Coordinator. A total of 80 responses were received from 11 PICs (note: another 10 responses were received where no country of origin was identified.) Of these responses, 60 were from law-trained judicial officers from both the superior and subordinate courts, representing 30% of the total law-trained judicial population in these countries.⁸

⁷ Note: Fiji was not included in this assessment based on the PEC decision under Phase 1 not to actively engage with the PIC under PJDP.

⁸ Total regional judicial office population is estimated at 553 (excluding customary courts), including a total of 200 law-trained judicial officers - source: PJDP National Coordinators, 2010 (see **Annex Two**.)

Respondents' Nationality	Total Respondents	% of Total Respondents
Cook Islands	5	6.25%
Federated States of Micronesia	2	2.50%
Marshall Islands	9	11.25%
Nauru	1	1.25%
Niue	7	8.75%
Palau	7	8.75%
Papua New Guinea	16	20.00%
Samoa	17	21.25%
Solomon Islands	2	2.50%
Tonga	2	2.50%
Vanuatu	2	2.50%
Not Defined	10	12.50%
Total:	80	100.00%

The service users' survey consisted of 12 questions, mirroring the judicial service providers' survey, with the exception of the two sections focussing on: roles and tasks; and training / educational background. This survey was distributed in all 14 active PJDP countries as well as with selected 'informed observers' in New Zealand and Australia. A total of 41 responses were received broken down as follows:

Respondents' Nationality	Total Respondents	% of Total Respondents
Australia	1	2.44%
Cook Islands	1	2.44%
Fiji	1	2.44%
Kiribati	4	9.76%
Marshall Islands	2	4.88%
Nauru	1	2.44%
New Zealand	6	14.63%
Niue	7	17.07%
Palau	3	7.32%
Samoa	10	24.39%
Tonga	1	2.44%
Tuvalu	1	2.44%
Not Defined	3	7.32%
Total:	41	100.00%

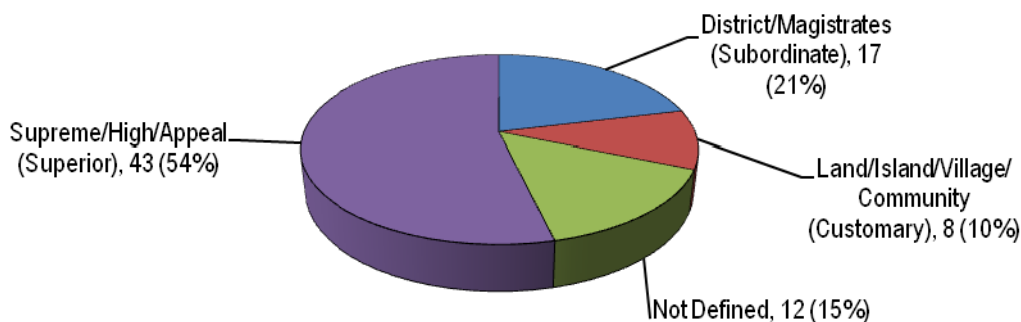
The survey instrument is attached in **Annex Five**.

4.0 SUMMARY OF FINDINGS

The report contains five main sections based on the survey structure noted above. Further, each section will contain a brief summary where relevant connections will be drawn between the judicial service providers' data, responses received to the service users' survey, and interview feedback received.

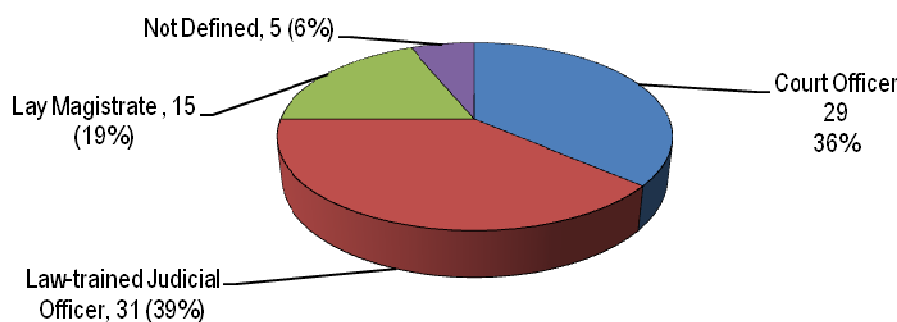
4.1 Respondents' background (Questions 1-5)

4.1.1 Institutional background of respondents (judicial service providers only)



4.1.2 Position / Occupation of respondents

Judicial Service Providers:



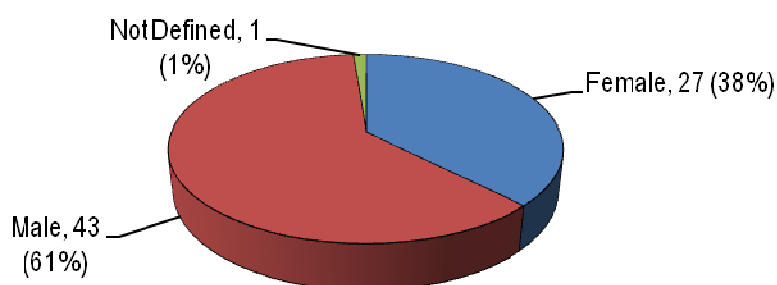
Service Users:

Occupation	Total Respondents	% of Total Respondents
Academic	1	2.44%
Community Representative or Member	1	2.44%
Court Officer (non-PJDP countries)	2	4.88%
Judicial Officer (non-PJDP countries)	2	4.88%
Lawyer	23	56.10%
Lay Magistrate	1	2.44%
Media	1	2.44%
NGO	1	2.44%
Other ⁹	9	21.95%
Total:	41	100.00%

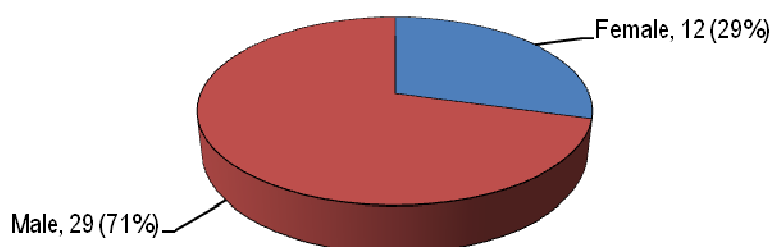
⁹ 'Other' included: Police officers; lay public defenders; former judicial officers; and not defined respondents.

4.1.3 Responses disaggregated by gender

Judicial Service Providers



Service Users



4.1.4 Years of service of respondents (judicial service providers only)

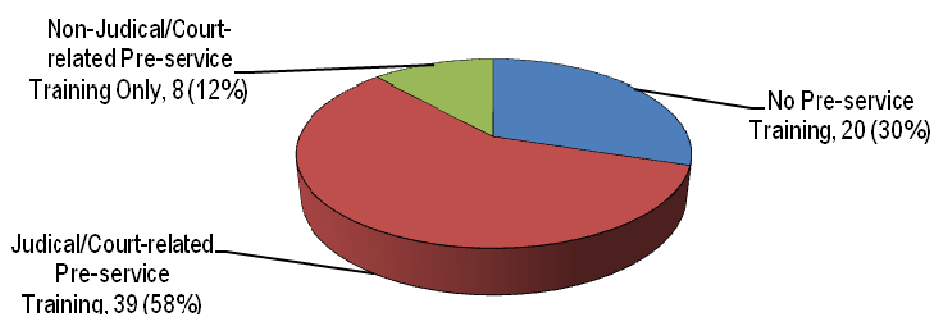
Yrs of Service	Total Respondents	% of Total
0 - 2 years	18	22.50%
11+ years	15	18.75%
3 - 5 years	11	13.75%
6 -10 years	26	32.50%
Not Defined	10	12.50%
Total:	80	100.00%

4.2 Judicial and Court Officer's Training / Educational Background (judicial service providers only - Questions 6-13)

4.2.1 Respondent's Top Qualifications

Top Qualification	Total	% of Total
Degree in Law	19	23.75%
Postgraduate Degree in Law	7	8.75%
Degree in Other Discipline or Other Qualification	28	35.00%
School Certificate	13	16.25%
Not Defined	13	16.25%
Total:	80	100.00%

4.2.2 Job-related training received *before* becoming a judicial or court officer (pre-service)¹⁰



Of the 58% of respondents that had receiving *some form of pre-service training*, the nature of this training varied considerably, as is illustrated below:

Type of Pre-service Training Received	% of Respondents Receiving Pre-service Training ($\frac{_}{39}$) ¹¹	% of Total Respondents ($\frac{_}{80}$) ⁵
Criminal Law and Procedure	58.97%	28.75%
Civil Law and Procedure	53.85%	26.25%
Family Law and Procedure	33.33%	16.25%
Business/Commercial Law and Procedure	33.33%	16.25%
Land and/or Customary Law and Procedure	46.15%	22.50%
Court Administration and Case Management	23.08%	11.25%
Professional Skills	56.41%	27.50%
Judicial Role and Ethics	28.21%	13.75%
Cross-cutting Themes	17.95%	8.75%

When the data relating to the 30% of respondents that had received *no pre-service training* is disaggregated by institution, it becomes apparent that members of superior courts have participated at a substantially lower rate in pre-service training than other judicial office groups, as illustrated below:

Disaggregation by Judicial Officer Role	Total Respondents	% of Total
District/Magistrates (Subordinate)	4	20.00%
Land/Island/Village/Community (Customary)	1	5.00%
Supreme/High/Appeal (Superior)	14	70.00%
Not Defined	1	5.00%
Total:	20	100.00%

¹⁰ Response rate: 67 / 80 (83.75%)

¹¹ Total respondents were able to document multiple pre-service trainings, and hence the total number of pre-service trainings exceeds the total number of participants in percentage terms.

4.2.3 Average duration of all pre-service training received by respondents

Average Duration	Total Respondents	% of Total
1 month+	24	30.00%
1-2 weeks	15	18.75%
2-3 days	9	11.25%
Not Defined	32	40.00%
Total:	80	100.00%

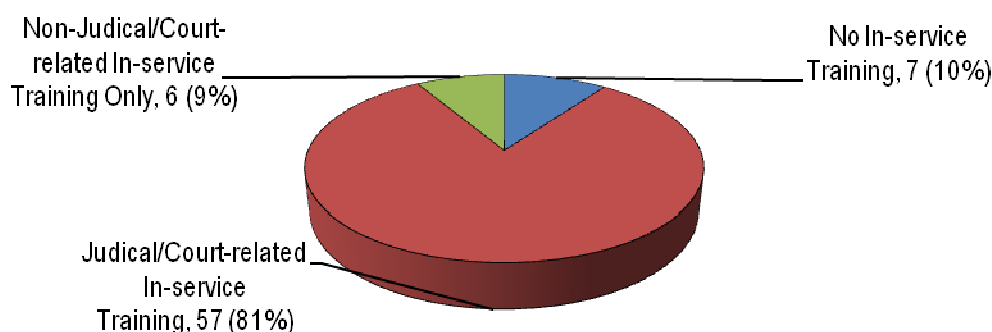
4.2.4 Principal training provider for pre-service training received by respondents

Principal Training Provider	Total Respondents	% of Total
PJDP / PJEP	8	10.00%
Government	10	12.50%
Other Donor-funded Activity	7	8.75%
University / College	25	31.25%
Not Defined	30	37.50%
Total:	80	100.00%

4.2.5 Respondent's perceived value of pre-service training received

Training Satisfaction	Total Respondents	% of Total
Extremely Useful	30	60.00%
Quite Useful	17	34.00%
Slightly Useful	3	6.00%
Not Useful	0	0.00%
Total:	50	100.00%

4.2.6 Job-related training received *after* becoming a judicial or court officer (in-service) ¹²



¹² Response rate: 67 / 80 (83.75%)

A substantially higher percentage of respondents (81%) received some form of *in-service training*, as opposed only 58% of respondents receiving *pre-service training*. The nature of in-service training received by respondents is illustrated on the following page:

Type of In-service Training Received	% of Respondents Receiving Pre-service Training (<u>157</u>) ¹³	% of Total Respondents (<u>180</u>) ⁷
Criminal Law and Procedure	51.85%	35.00%
Civil Law and Procedure	38.89%	26.25%
Family Law and Procedure	16.67%	11.25%
Business/Commercial Law and Procedure	7.41%	5.00%
Land and/or Customary Law and Procedure	35.19%	23.75%
Court Administration and Case Management	50.00%	33.75%
Professional Skills	72.22%	48.75%
Judicial Role and Ethics	61.11%	41.25%
Cross-cutting Themes	35.19%	23.75%

When the data relating to the 10% of respondents that had received *no in-service training* is disaggregated by institution, it becomes apparent that members of superior courts again appear to have participated at a substantially lower rate of in-service training than other judicial office groups, as illustrated below

Disaggregation by Judicial Officer Role	Total Respondents
District/Magistrates (Subordinate)	2
Land/Island/Village/Community (Customary)	1
Supreme/High/Appeal (Superior)	4
Total:	7

4.2.7 Principal training provider for in-service training received by respondents

Principal Training Provider	Total Respondents	% of Total
PJDP / PJEP	20	32.79%
Government	20	32.79%
Other Donor-funded Activity	11	18.03%
University / College	10	16.39%
Total:	61	100.00%

4.2.8 Respondent's perceived value of in-service training received

Training Satisfaction	Total Respondents	% of Total
Extremely Useful	44	72.13%
Quite Useful	13	21.31%
Slightly Useful	4	6.56%
Not Useful	0	0.00%
Total:	61	100.00%

¹³ Total respondents were able to document multiple pre-service trainings, and hence the total number of pre-service trainings exceeds the total number of participants in percentage terms.

4.3 Judicial and Court Officer's Roles and Tasks (Questions 14 & 15)

4.3.1 Court caseloads in respondents' courts¹⁴

Position / Country	% Criminal Cases	% Civil Cases	% Customary / Land Cases	% Family Cases	% Other Cases...	% Business Cases
Court Officers						
Cook Islands	51.67%	16.67%	21.67%	3.33%	3.33%	3.33%
Federated States of Micronesia	14.00%	85.00%	0.00%	0.00%	0.00%	1.00%
Niue	35.00%	5.00%	50.00%	0.00%	10.00%	0.00%
Palau	15.00%	0.00%	15.00%	2.50%	55.00% ¹⁵	12.50%
Papua New Guinea	52.80%	20.00%	1.20%	7.80%	17.30% ¹⁶	0.90%
Samoa	40.00%	40.00%	5.00%	5.00%	3.33%	6.67%
Vanuatu	30.00%	60.00%	5.00%	3.00%	0.00%	2.00%
Not Defined	23.33%	11.67%	60.00%	3.33%	0.00%	1.67%
Court Officers Total:	33.79%	25.00%	23.08%	3.39%	10.49%	4.26%
Judicial Officers						
Federated States of Micronesia	15.00%	60.00%	5.00%	0.00%	0.00%	20.00%
Marshall Islands	7.00%	5.00%	3.00%	47.00%	11.00%	27.00%
Nauru	50.00%	15.00%	20.00%	10.00%	0.00%	5.00%
Palau	22.00%	53.00%	13.00%	0.00%	12.00% ¹⁷	0.00%
Papua New Guinea	13.33%	36.67%	7.67%	34.00%	6.67%	1.67%
Samoa	48.33%	20.83%	19.00%	6.00%	2.50%	3.33%
Solomon Islands	30.00%	50.00%	10.00%	5.00%	0.00%	5.00%
Tonga	90.00%	10.00%	0.00%	0.00%	0.00%	0.00%
Vanuatu	15.00%	60.00%	5.00%	5.00%	5.00%	10.00%
Not Defined	33.33%	66.67%	0.00%	0.00%	0.00%	0.00%
Judicial Officers Total:	33.30%	34.65%	9.80%	12.60%	3.70%	5.95%

¹⁴ Note: due to a large number of non-conforming responses, data in section 4.3.1 is based on 52 / 80 valid responses (a response rate of 65.00%)

¹⁵ This high percentage response is as a result of 1 respondent documenting that 100.00% of their role focussed on procurement.

¹⁶ This high percentage response is as a result of 1 respondent documenting that 17.30% of their role focussed coroners, fisheries, traffic, village court appeals and local level government election petitions.

¹⁷ This high percentage response is as a result of 1 respondent documenting that 12.00% of their role focussed appellate work.

Position / Country	% Criminal Cases	% Civil Cases	% Customary / Land Cases	% Family Cases	% Other Cases...	% Business Cases
Lay Magistrates						
Cook Islands	72.50%	5.00%	15.00%	2.50%	2.50%	2.50%
Marshall Islands	52.50%	22.50%	25.00%	0.00%	0.00%	0.00%
Niue	46.67%	40.00%	13.33%	0.00%	0.00%	0.00%
Samoa	0.00%	0.00%	99.83%	0.00%	0.17%	0.00%
Not Defined	32.50%	22.50%	22.50%	16.50%	0.00%	6.00%
Lay Magistrates Total:	40.00%	18.93%	36.75%	2.71%	0.39%	1.21%
Position Not Defined						
Niue	18.00%	2.00%	80.00%	0.00%	0.00%	0.00%
Solomon Islands	40.00%	20.00%	20.00%	10.00%	5.00%	5.00%
Not Defined	1.00%	20.00%	67.00%	10.00%	0.00%	2.00%
Position Not Defined Total:	19.67%	14.00%	55.67%	6.67%	1.67%	2.33%
Total for the Region:	34.46%	26.44%	23.53%	6.94%	4.65%	3.98%

'Other Cases' were summarised as including:

- Appeals, collections on judgements (Palau);
- Coroners, fisheries, traffic, village court appeals, local level government election petitions, and interim protection orders (PNG);
- Constitutional, administrative law, and torts (Vanuatu); and
- Not Defined (Samoa; Solomon Islands; Tonga)

4.3.2 Time spent by respondents on work-related duties¹⁸

Position / Country	% Time spent in Court	% Time spent on Administrative Tasks	% Time spent on Research/ Preparation for Hearings	% Time spent on Other Professional Activities	% Time spent on Consulting with Colleagues	% Time spent on Professional Development
Court Officers						
Cook Islands	25.00%	40.00%	10.00%	5.00%	15.00%	5.00%
Federated States of Micronesia	5.00%	75.00%	0.00%	5.00%	5.00%	10.00%
Marshall Islands	55.00%	25.00%	0.00%	10.00%	0.00%	10.00%
Niue	20.00%	40.00%	10.00%	30.00% ¹⁹	0.00%	0.00%
Palau	18.00%	46.00%	29.00%	0.00%	6.00%	1.00%
Papua New Guinea	0.00%	55.00%	2.50%	22.50% ²⁰	15.00%	5.00%
Samoa	40.00%	50.00%	5.00%	0.00%	5.00%	0.00%
Vanuatu	0.00%	99.00%	0.00%	0.00%	0.00%	1.00%
Not Defined	22.50%	47.50%	15.00%	0.00%	15.00%	0.00%
Court Officer Total:	22.37%	48.37%	12.11%	6.05%	7.89%	3.21%
Judicial Officer						
Federated States of Micronesia	25.00%	15.00%	20.00%	15.00% ²¹	5.00%	20.00%
Marshall Islands	25.00%	32.50%	22.50%	5.00%	10.00%	5.00%
Nauru	50.00%	30.00%	10.00%	4.50%	1.00%	4.50%
Niue	90.00%	0.00%	0.00%	10.00%	0.00%	0.00%
Palau	50.00%	10.00%	30.00%	5.00%	0.00%	5.00%
Papua New Guinea	50.00%	7.33%	23.33%	4.33%	10.00%	5.00%
Samoa	63.33%	6.67%	21.67%	5.00%	3.33%	0.00%
Solomon Islands	10.00%	60.00%	10.00%	5.00%	10.00%	5.00%
Tonga	10.00%	55.00%	7.50%	7.50%	15.00%	5.00%
Vanuatu	90.00%	5.00%	5.00%	0.00%	0.00%	0.00%

¹⁸ Note: due to a large number of non-conforming responses, data in section 4.3.2 is based on 55 / 80 valid responses (a response rate of 68.75%)

¹⁹ This high percentage response is as a result of 1 respondent documenting that 30.00% of their work focussed "Other duties assigned outside of judiciary but work related."

²⁰ This high percentage response is as a result of 1 respondent documenting that 40.00% of their role focussed unspecified other work.

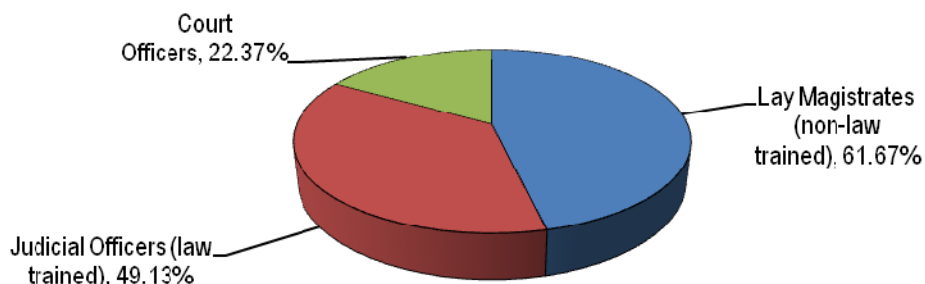
²¹ This high percentage response is as a result of 1 respondent documenting that 15.00% of their role focussed on updating the Courts' legal information system website.

Position / Country	% Time spent in Court	% Time spent on Administrative Tasks	% Time spent on Research/ Preparation for Hearings	% Time spent on Other Professional Activities	% Time spent on Consulting with Colleagues	% Time spent on Professional Development
Not Defined	53.75%	18.50%	20.25%	3.00%	4.50%	0.00%
Judicial Officer Total:	49.13%	18.74%	18.09%	5.20%	5.83%	3.02%
Lay Magistrate						
Marshall Islands	90.00%	0.00%	10.00%	0.00%	0.00%	0.00%
Niue	60.00%	0.00%	40.00%	0.00%	0.00%	0.00%
Samoa	58.33%	2.67%	31.00%	2.00%	3.00%	3.00%
Not Defined	25.00%	12.50%	0.00%	50.00%	12.50%	0.00%
Lay Magistrate Total:	61.67%	3.67%	18.11%	11.78%	3.78%	1.00%
Position Not Defined						
Niue	0.00%	0.00%	0.00%	0.00%	0.00%	100.00%
Palau	0.00%	0.00%	95.00%	5.00%	0.00%	0.00%
Papua New Guinea	0.00%	25.00%	0.00%	25.00%	25.00%	25.00%
Solomon Islands	20.00%	40.00%	20.00%	10.00%	10.00%	0.00%
Position Not Defined Total:	5.00%	16.25%	28.75%	10.00%	8.75%	31.25%
Total for Region:	38.73%	26.33%	16.80%	6.92%	6.42%	4.81%

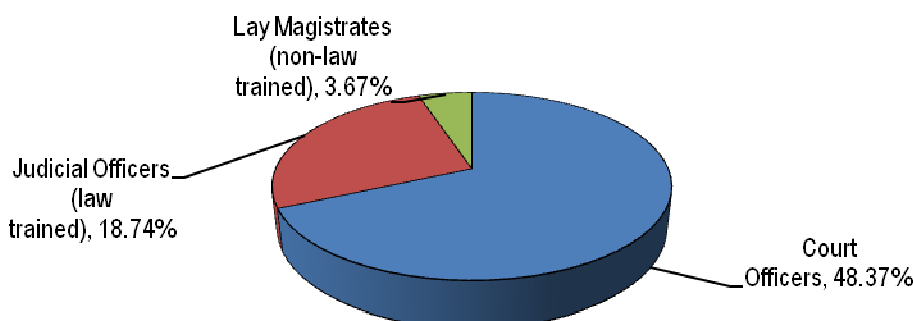
'Other Professional Activities' were summarised as including:

- Management of other trainers to develop capacity building for other legal professionals
- Law & Justice Sector Working group tasks
- Updating legal information system website
- Writing decisions
- Mediation
- Sharing information to enhance performance
- Undertaking Title searches at Registers court

From the data collected (see above tables), it is apparent that *time spent in court* varies considerably dependent on the respondent's role, as follows:



Conversely, time spent on *administrative tasks* again varies considerably in inverse proportion to time spend in court, as follows:



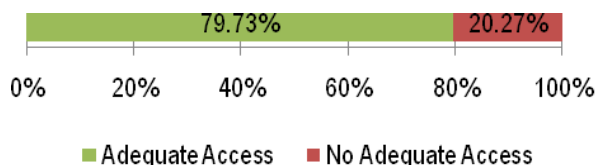
Percentages of time spend on other activities identified in the survey were broadly similar between the different roles.

4.4 Development and Training Needs Identification and Prioritisation (Questions 16-21)

4.4.1 Adequacy of respondents' access to professional resources (judicial service providers only)

Respondents' access to statutes and regulations:

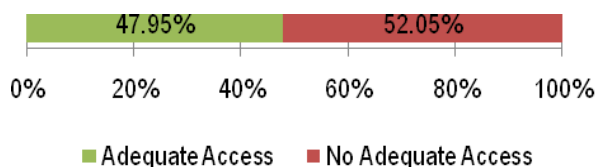
Aggregated data for all responses are based on a response rate of 74 / 80 (92.50%) with access rated as follows:



Response rates for each of the three categories of respondents (i.e. law trained judicial officers, lay magistrates, and court officers) were broadly similar, with variations in the accessibility of statutes and regulations being within 8.50% of the averaged figures documented above.

Respondents' access to texts books on law:

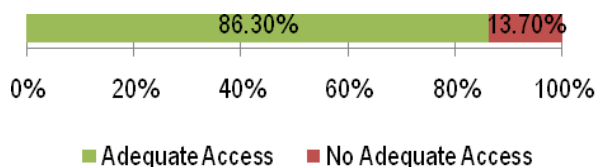
Data are based on a response rate of 73 / 80 (91.25%) with access rated as follows:



Response rates for each of the three categories of respondents were broadly similar, with variations in the accessibility of texts books on law being within 5.50% of the averaged figures documented above.

Respondents' access to written decisions of the Supreme/High Courts:

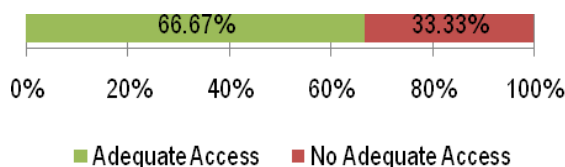
Data are based on a response rate of 73 / 80 (91.25%) with access rated as follows:



Response rates for each of the three categories of respondents were very similar, with variations in the accessibility of written decisions of the Supreme/High Courts being within 4.00% of the averaged figures documented above.

Respondents' access to materials on court practice and procedure:

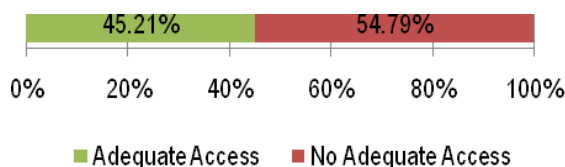
Data are based on a response rate of 72 / 80 (90.00%) with access rated as follows:



Response rates for two of the three categories of respondents (i.e. law trained judicial officers, and court officers) were broadly similar, with variations in the accessibility of materials on court practice and procedure being within 9.50% of the averaged figures documented above. Responses received from *lay magistrates*, however, indicated lower accessibility, with only 50.00% of respondents noting that they had adequate access to materials on court practice and procedure (as opposed to judicial and court officers' rate of 72.55%).

Respondents' access to professional support / guidance:

Data are based on a response rate of 73 / 80 (91.25%) with access rated as follows:

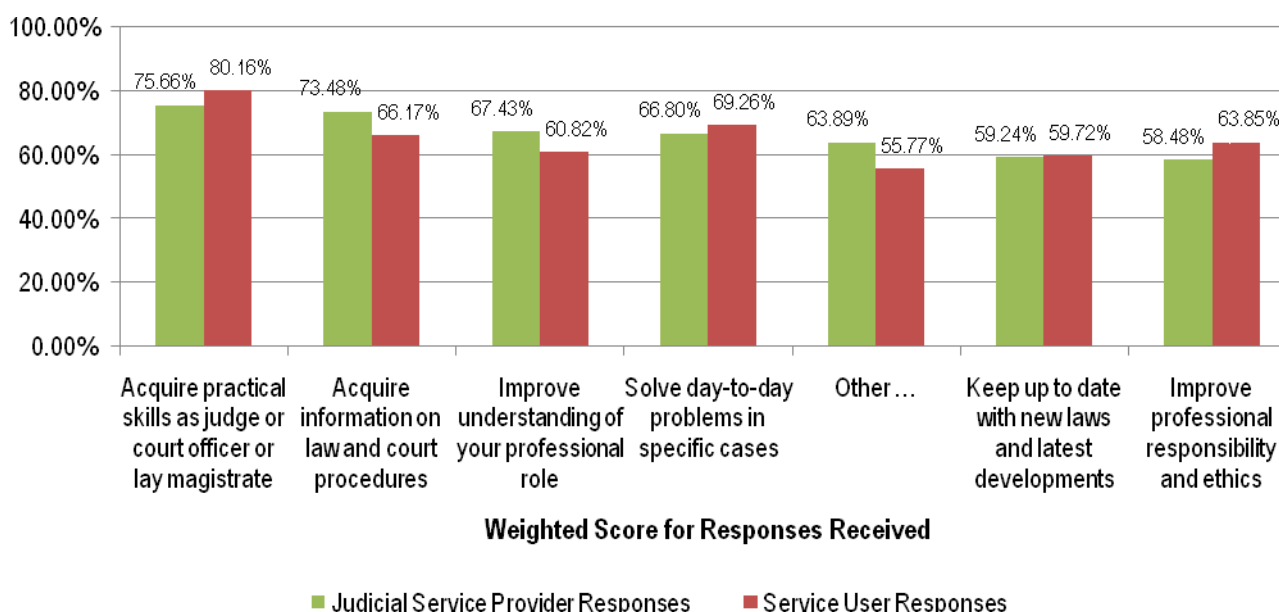


Response rates for each of the three categories of respondents were broadly similar, with variations

in the accessibility of professional support / guidance being within 9.50% of the averaged figures documented above.

4.4.2 Nature of development and training needs - prioritised in order of importance

Responses for both judicial service providers and service users' are combined below. From the analysis, it becomes apparent that there is quite a correlation between the nature of perceived development and training needs between the two respondent groups. Further, it is interesting to note that the highest priority for both respondent groups relates to the acquisition of practical skills by judicial and court officers - a priority that also reflects the outcomes of the recent sub-regional consultation workshops and detailed feedback received as part of the wider interviews and discussions undertaken.



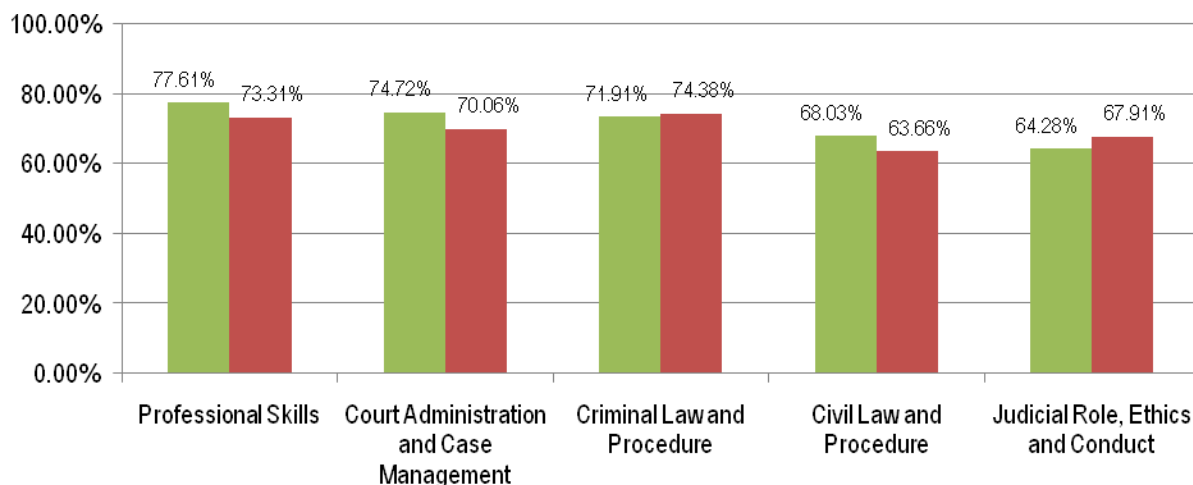
'Other...' priority development and training needs identified by judicial service provider respondents included:²²

- *High-priority:* Basic legal studies/ courses/ training; decision writing; teaching and training others.
- *Mid-Priority:* Judgement writing and conflict of interest; laws & policies on employment.
- *Lower-priority:* Acquire information on land laws including land tenure (Government, Customary, Freehold); evidence in decision making; peer dialogue with work/professional matters; and court administration, procurement, procedure; case by case for consistency, administrative & management skills.

4.4.3 Content of development and training needs - prioritised in order of importance

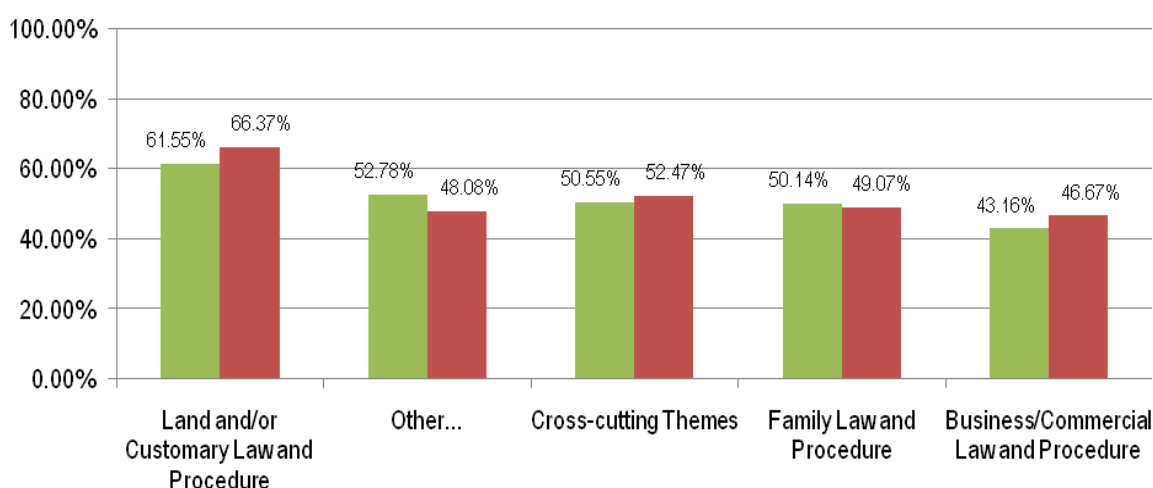
Responses for both judicial service providers and service users' are combined below. From the analysis, it again becomes apparent that there is a strong correlation between the two respondent groups regarding perceived *content* requirements for addressing development and training needs.

²² Note: based on a response rate of only 22 / 80 (30.63%)



Weighted Score for Responses Received - Highest Priority Areas 1-5

■ Judicial Service Provider Responses ■ Service User Responses



Weighted Score for Responses Received - Lowest Priority Areas 6-10

■ Judicial Service Provider Responses ■ Service User Responses

'Other' priority content needs identified by judicial service provider respondents included:²³

- *Higher-priorities:* Evidence; Training-of-Trainers; judicial administration, financial management (*court management*); alternative dispute resolution.
- *Mid-priorities:* Substantive legal areas (equity, taxation law and procedure, fisheries law and procedure, land law); ADR-mediation; sentencing and consistency; use of technology in court.
- *Lower-priorities:* Administrative & management skills; coronial inquests-witchcraft related, review of current land titles laws; research; restorative and traditional (informal) justice.

The data, as illustrated in the above tables, once again identifies the highest priority need for both respondent groups as professional skills development. The need to focus on practical aspects of

²³ Note: based on a response rate of only 18 / 80 (22.50%)

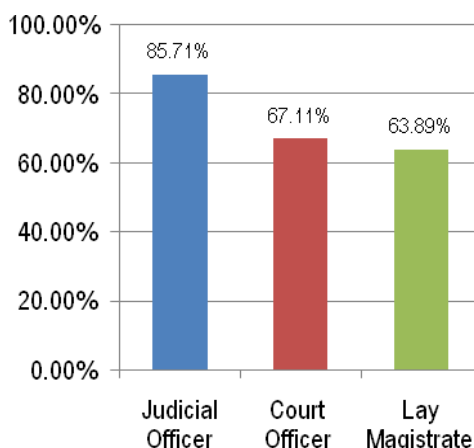
competency was also supported in the wider interviews and discussions undertaken, as illustrated by the comment of one experienced observer that:

"I would advocate the basics [...]"

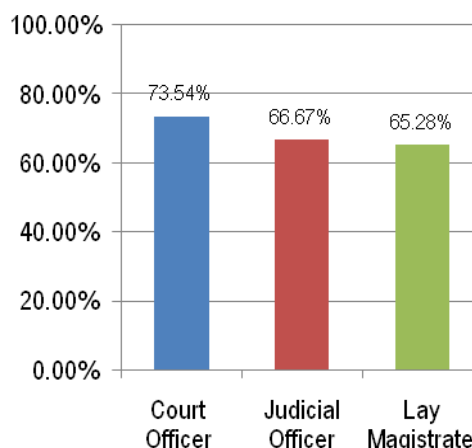
- (i) *What is a Judge. What do we do. How do we do it. How do I manage my court. How do I manage my list of work.*
- (ii) *Decision making. Decision research. Decision delivery. Decision writing.*
- (iii) *What is evidence. What is not evidence. Decisions about evidence.*
- (iv) *My Summary Court process. My High Court process. My Family Court process. My registry. Our lawyers. Our prisons."*

Further analysis undertaken on the top five priorities illustrates that there is often significant variation in the perceived importance of each development/training topic between the three categories of judicial service providers surveyed (i.e. law trained judicial officers, lay magistrates, and court officers.) This disaggregated data highlights that the highest priority *content* needs are: professional skills for judicial officers (Priority One); court administration and case management for court officers' (Priority Two); and criminal law and procedure for lay magistrates (Priority Three.)

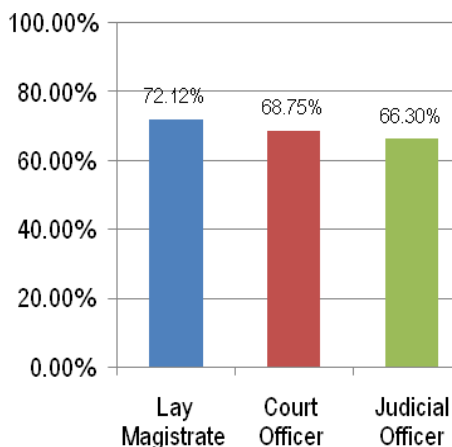
Priority One - Professional skills



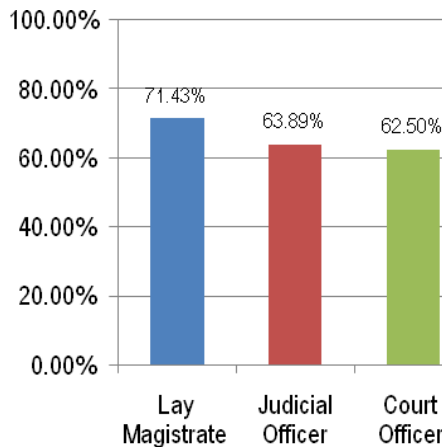
Priority Two - Court administration and case management



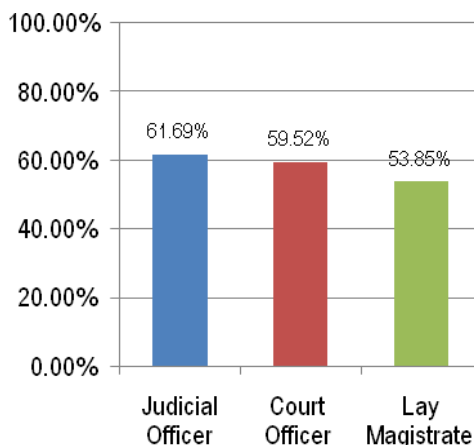
Priority Three - Criminal law and procedure



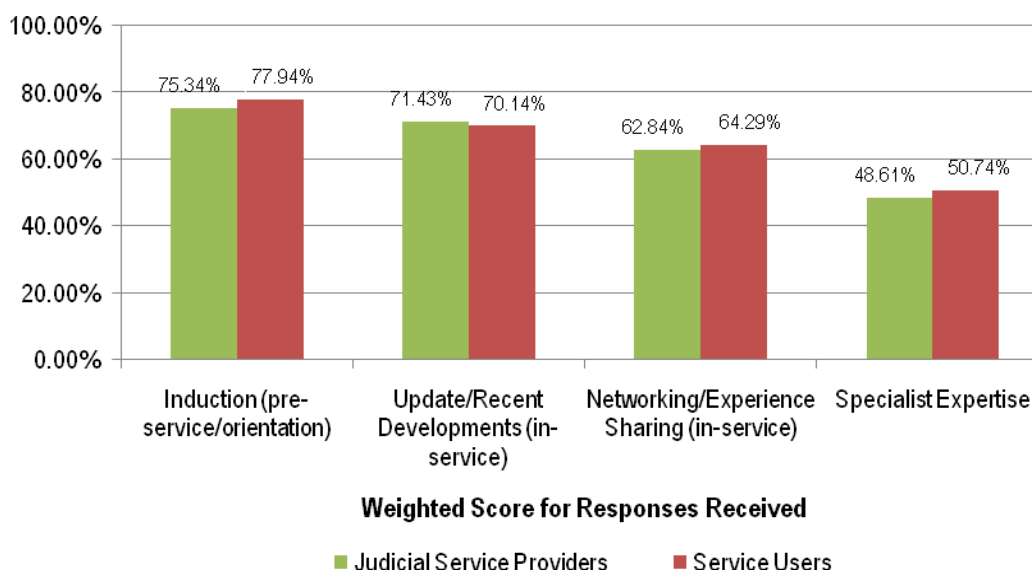
Priority Four - Civil law and procedure



Priority Five - Judicial role, ethics and conduct



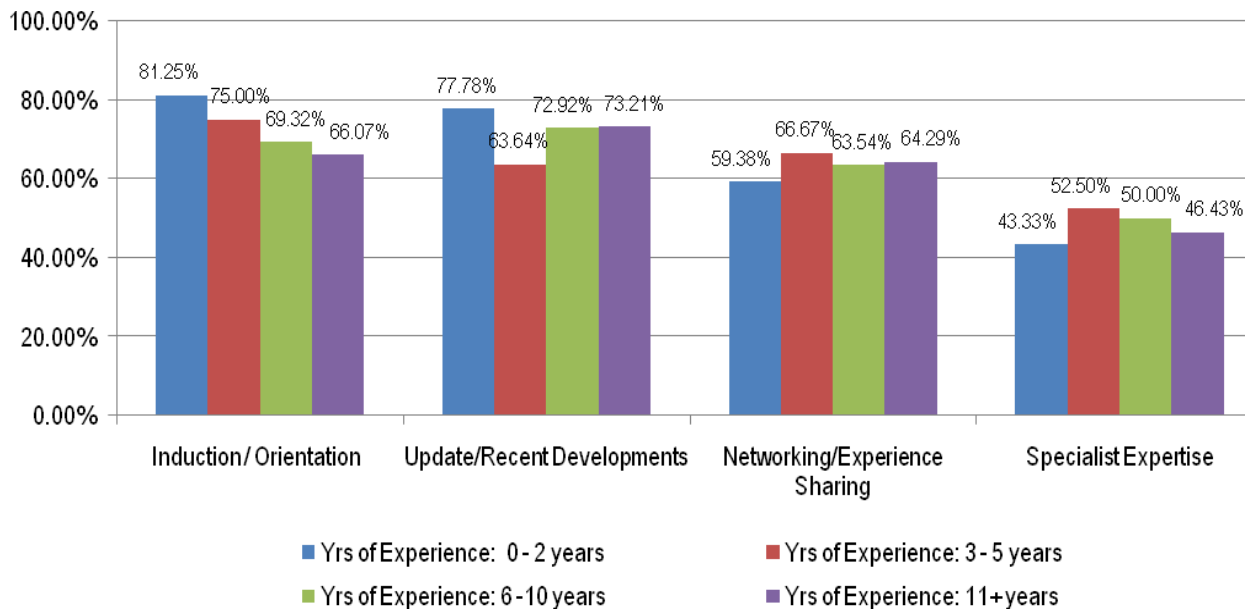
4.4.4 Level of training prioritised in order of importance



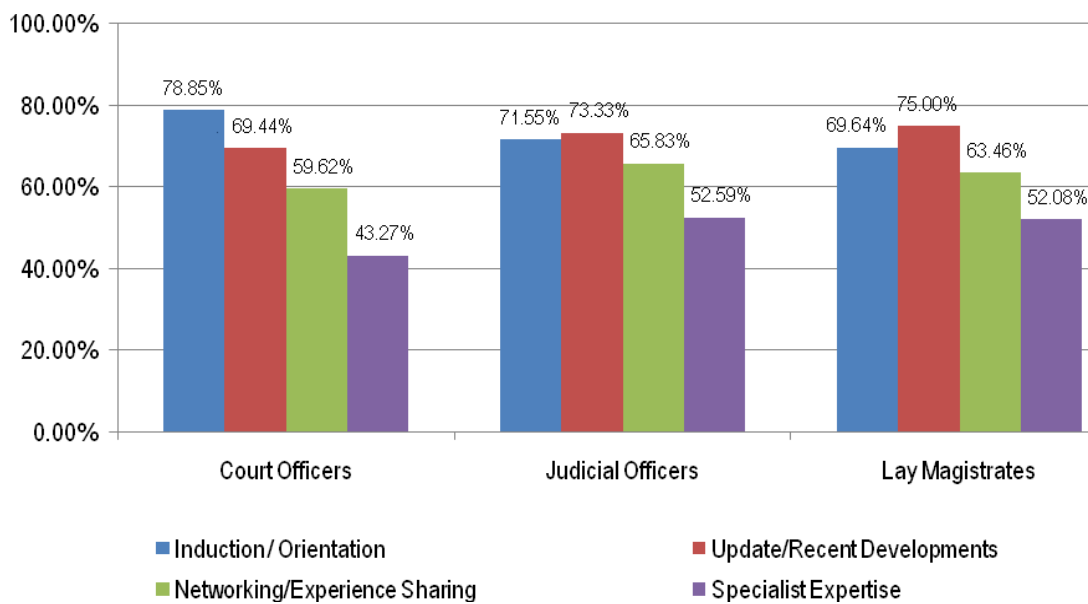
The prioritisation of both induction and refresher in-service training also reflects the priority areas for support identified in the sub-regional consultation workshops. This prioritisation of orientation as stakeholders' programmatic priority is further supported in the feedback received in the Sub-regional Consultation Workshops and as part of the wider interviews and discussions undertaken. However, as might be expected, the data shows (see the additional analysis below) that the perceived importance of induction / orientation training reduces with respondents' years of service.

When these responses are disaggregated by respondents' years of service, highest priorities are: induction / orientation for respondents from both '0-2' and '3-5' years' experience (81.25% and 77.78%); and update / refresher for respondents from both '6-10' and '11 +' years' experience (72.92% and 73.21%), as illustrated below:

Level of training prioritised by respondents' years of service (judicial service providers only) -



Level of training prioritised by respondents' role (judicial service providers only) -

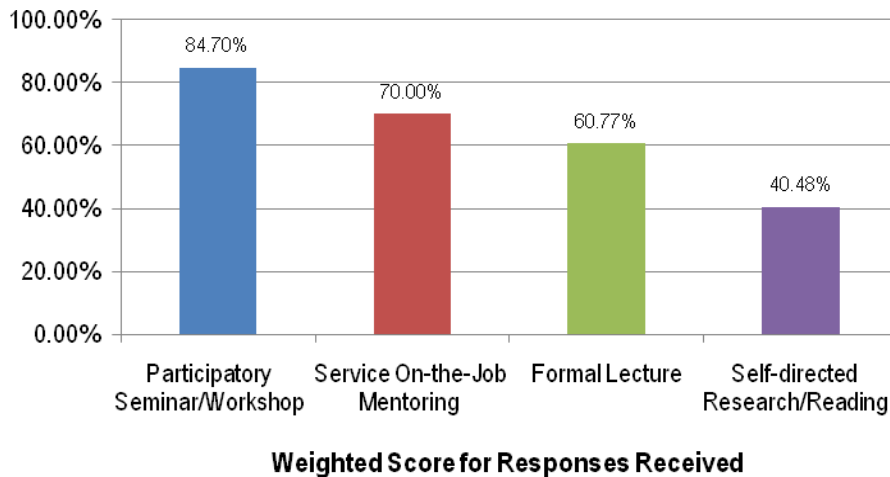


4.4.5 Type of resource persons for training prioritised in order of usefulness (judicial service providers only)

Respondents' views on the best resource persons for training were ranked as follows:

- Respected Judges: 89.06%.
- Other Experts: 59.38%.
- University Teachers/Lecturers: 55.38%.

4.4.6 Format of development and training activities prioritised in order of preference (judicial service providers only)



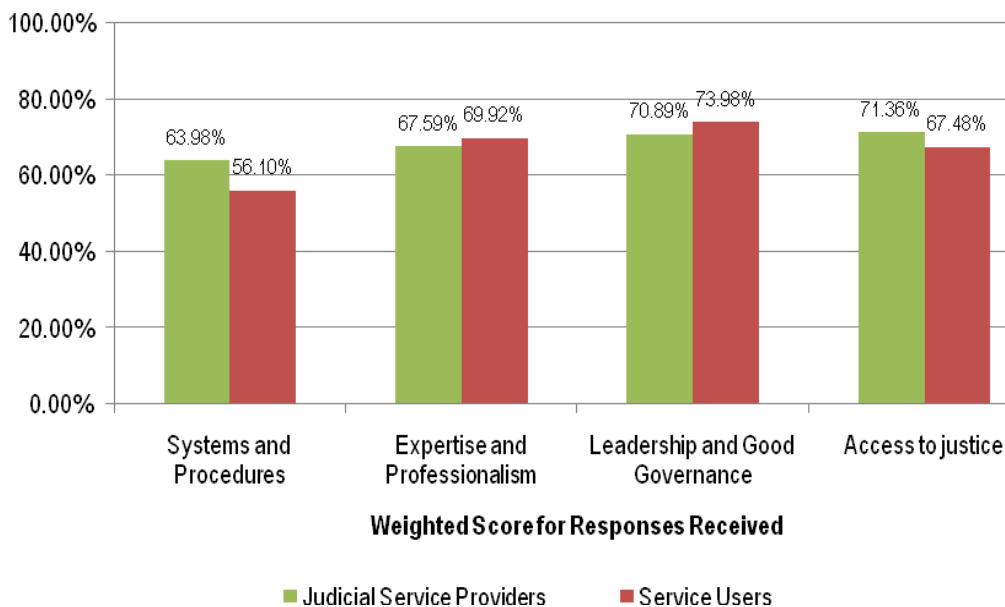
Note: there is no obvious explanation for this finding on the low rating of self-directed research/reading being inconsistent with the high levels of appreciation for benchbooks reported on elsewhere in this assessment.

4.5 Assessment of the Respondents' Court (Questions 22-24)

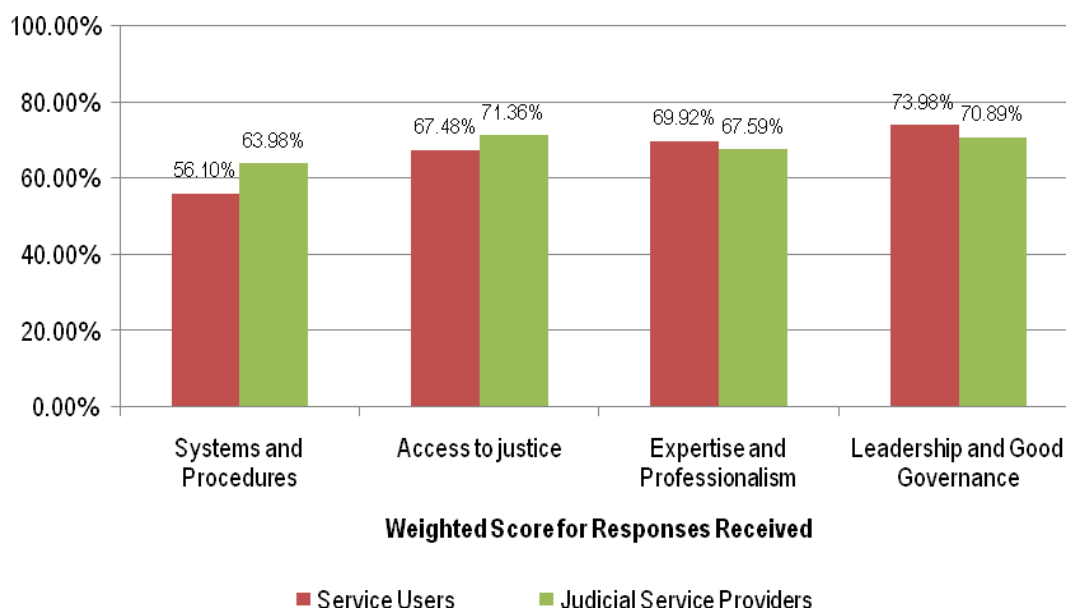
4.5.1 Respondent's assessment of the quality of justice in their courts

The summary below, illustrates the perceived quality of justice by judicial service providers' and service users' in their respective jurisdictions. There is quite a strong correlation between service providers' and service users' perceptions.

Responses ordered by judicial service provider rankings:



Responses ordered by service user rankings:



The lowest ranked concept - that where there is the perception of the biggest impediment to quality of justice - relates to the concept of 'systems and procedures'. Not only was this concept assessed least favourably by both respondent groups, it also evidences the biggest difference in perceptions between the two groups (at 7.88%). This concept relates directly to the interface between service providers and users and may, in part, be seen as an indicator of the quality service provision by courts. This data relating to systems and procedures is even more significant as court users' assessment their courts is almost 25% lower than their highest ranked concept of 'leadership and good governance'.

Furthermore, the data also highlights a significant difference in the perceived quality in access to justice. Judicial service providers assessed a most positively (at 71.36%) of the four identified quality of justice concepts. In contrast, service users assessed access to justice as the second lowest of the four quality of justice concepts (at 67.48%).

4.5.2 Other comments or 'recurring themes' based on respondents' qualitative feedback

Professional Development-focussed Comments:

- Managing the Courtroom (attorneys, litigants, problem personalities, etc).
- Leadership and management training.
- Further training-of-trainers to develop local training capacity.
- Repeated comments on the need for further training (at least once or twice a year).
- Specific references to:
 - refresher training and updates (particularly for lay/part-time JO, for example on decision making; and
 - orientation for newly appointed magistrates and attachments (principles of uniform sentencing, decision making, practical skills, etc).
- Development of judicial officers must go together with development of court officers for maximum benefit.
- Confirmation whether PJDP will continue or end abruptly.

Culture-related Comments:

- Training often needs to be in the local language.
- There needs to be an appreciation that many are lay people acquiring skills 'on the job'.
- Overseas trainers are needed, but local trainers are also necessary to ensure that cultural and traditional matters are also addressed.

Systems and Processes-focussed Comments:

- Some form of computerised case management system would be valuable.
- Development of an efficient system and procedure and timely disposal of cases.
- Need for dispute resolution outside the formal system.

Resource-focussed Comments (beyond the scope of PJDP to address):

- Additional library/internet resources, infrastructure and computer/laptop funding, court recording equipment, general court resources; access international conferences.
- Increases in the number of judicial/court staff.
- Appropriate legislation.
- Update of texts, materials, and publications.
- Quality-of-justice issues stem from the lack of adequate counsel, particularly on outer islands.

ANNEX THREE - CROSS-CUTTING ISSUES: KEY STRATEGY PAPERS

PJDP GENDER EQUALITY AND EQUITY STRATEGY

Gender equality refers to *formal* equality of opportunity whereby males and females are equally able to realise their rights and capabilities, access and benefit from resources and opportunities free from fear and violence, and thereby secure better lives for themselves, their families, communities and societies.

Gender equity refers to the *substantive* fairness of *outcomes* pertaining to gender relations, which may be different to equal treatment, where this would otherwise entrench inequitable outcomes.

In this phase, the PJDP will take a consistently integrated approach to addressing cross-cutting concepts throughout all activities. Programme beneficiaries - being the judicial and court officers of the Pacific - are positioned in this development strategy and implementation plan as being the guardians of the rights and values embodied in these strategies and thereby the key-actors in promoting their application as cross-cutting change management outcomes. The Programme takes a holistic justice-focussed approach to these issues, specifically that major concerns addressed within concepts relating to human rights, gender equity, and conflict reduction which are fundamentally linked to the work that judiciaries perform.

The institutional and cultural context in each of the Pacific Island Countries (PICs) varies significantly. Consequently, issues, levels of sensitivity and understanding of gender equality and equity-related issues vary significantly between PICs. Addressing inequalities and inequities, however, allows societies to develop and grow by utilising the full diversity of skills and talent. Removing inequality and inequity promotes better access to services (including those relating to dispute resolution) for all members of the community.

Gender equity and equality issues are relevant to the PJDP from two perspectives - namely women as:

- *Judicial Service Providers*: necessitating equitable access to, participation in, and benefit from the Programme's activities.
- *Service Users*: with unique issues relating to access to the judicial services, and culturally and historically entrenched perspectives regarding domestic violence, child abuse, and access to resources.

The PJDP recognises that its activities will have a gender aspect, and that this needs to be taken into account in implementation. Consequently, PJDP will promote consideration of gender equality issues in its activities, and thereby aim to increase awareness of gender equality issues by:

- Taking a justice-focussed approach to implementation, whereby relevant cross-cutting issues (including gender equity and equality) are incorporated as an integral part of activities.
- Promoting equal participation of women in consultations, discussions and planning activities to ensure the perspectives and needs of both male and female stakeholders across the region are accessed.
- Acknowledging that gender and cultural factors often prevent women from actively participating in donor activities, and therefore, encouraging counterpart decision makers to allow equal (or at least proportional) participation of women in Programme activities.
- Fostering communication across the PICs through regional and/or sub-regional activities to share relevant experiences, lessons, challenges and solutions.

- Identifying Technical Advisors (TA) that are aware of, and understand relevant gender equity issues in relation to implementation activities.
- Utilising appropriate female experts from within the region, where possible, to inspire confidence and partnership between women as well as encouraging male counterparts to understand the value of female judicial officers, leaders and the disadvantages they face in the judicial system.
- Fostering relations with relevant regional and international institutions and donors organisations (for example MFAT and AusAID gender advisors) to seek guidance and/or involvement in selected activities regarding equality and equity concepts.
- Disaggregating all PJDP data collected (where relevant and feasible) in terms of gender.
- Utilising gender neutral language in all projects, activities, reports and other Programme documentation, other than where gender equity and equality issues are being addressed.

PJDP HUMAN RIGHTS STRATEGY

PJDP integrates a human-rights based strategy which addresses the multi-dimensional nature of development and poverty reduction beyond lack of income, and positions access to rights at the centre of promoting the 'rule of law'. This human rights-based strategy builds on concepts of development and poverty reduction which are defined as a denial of human rights, and are structured around the principal treaties of international human rights law for the guidance of signatory states. Justice service providers are centrally positioned as the guardians of human rights in this strategy. PJDP takes a holistic justice-focussed approach to protecting and promoting human rights, as much as gender equity, conflict reduction and related change management strategies which are fundamentally linked to the work that judiciaries perform.

Human rights are universally recognised as being embodied in the principal treaties of the United Nations. These treaties which comprise: the Universal Declaration of Human Rights; International Covenant on Civil and Political Rights (ICCPR); International Covenant on Economic, Social and Cultural Rights (ICESCR); International Convention on the Elimination of Racial Discrimination (ICERD); Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (CAT); Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); Convention on the Rights of the Child (CRC), plus optional protocols. The Declaration on the Right to Development provides some guidance in linking norms, processes and implementation by addressing development as a comprehensive economic, social and political process. The rights and values embodied in these treaties are also embodied in many of the laws and jurisprudence of PICs throughout the region.

In this phase, PJDP positions programme beneficiaries - being the judicial and court officers of the Pacific - as guardians of the rights and values embodied in universally recognised notions of human rights in its development strategy and implementation plan.

In this strategy, PJDP emphasises supporting justice service providers and the courts as a means of empowering the poor and disadvantaged so that they would be able to seek remedies for injustice, combat poverty, and resolve conflicts. Justice service providers are key actors in protecting and promoting human rights across the region. By strengthening linkages between formal and informal structures, and countering biases which are inherent in both systems, it also promotes access to justice and the enablement of rights to those who would otherwise be excluded.

Countries in the Pacific have unique traditions, cultural practices and customary rights which are distinctive to the Pacific. The promotion of human rights in Pacific Island Countries (PICs) needs to enhance understanding and interaction between contemporary society and more traditional cultural practices. Through this, improved safety, security and equitable justice can be achieved, as it is often the poor, disadvantaged and vulnerable groups, including women, juveniles, people with disabilities and minority groups who are most severely at risk of violations to their basic human rights.

The Pacific Judicial Development Programme (PJDP) recognises that the judiciary plays a key role as the guardian of these rights. The PJDP aims to promote a culture of judicial education and professional development that embraces a human rights discourse and promotes systems and processes that are non-discriminatory and promote equitable access.

The purpose of the PJDP Human Rights Strategy is to provide a management process which ensures

that all activities consider relevant concepts of human rights in light of both the scope of the activity and the context found in PICs. To accomplish this, the PJDP will aim to:

- Take a justice-focussed approach to implementation, whereby relevant human rights concepts (including the right to a fair trial, lack of bias in dispute resolution, effective and timely decision making, etc) are incorporated as an integral part of relevant activities.
- Reinforce the importance of human rights within the context of the role of the judiciary.
- Recognise the complexities presented to stakeholders due to interaction with customary law and perspectives.
- Promote dialogue at the leadership level to provide opportunities to raise awareness of human rights issues and the role and responsibility of judicial leadership in protecting human rights.
- Foster communication across the PICs through regional and/or sub-regional activities to share relevant experiences, lessons, challenges and solutions.
- Ensure minority voices with respect to judicial officers, court officers, educators, and coordinators will be included in PJDP dialogue.

PJDP CAPACITY DEVELOPMENT STRATEGY

In line with the *Paris Declaration on Aid Effectiveness 2005*,²⁴ PJDP will support both the professional development of judicial service providers and the institutional development of courts. This strategy extends beyond traditional approaches to capacity-building in development assistance, which has framed the delivery of training as being the central and primary modality.

The objective of this strategy is to build the ability of both individuals and courts across the region to define and achieve their objectives in effectively planning, managing, implementing their professional development programmes enabling them to perform their designated functions successfully.

Capacity development at the *individual* level, although important, also depends on the courts in which those people work. In turn, the operation of courts as *organisations* is influenced by the *enabling environment* - including the institutional framework and the structures of power and influence - in which they are embedded.²⁵ While these three analytical levels of capacity development objectives are important, in the time and resources available, PJDP will focus on the individual and organisational levels. Consequently, this strategy focuses on managing change through:

- mobilising dynamic leaders;
- enhancing enabling knowledge, skills and attitudes through systemic learning processes;
- promoting empowering relationships; and
- proactively framing the context for capacity development opportunities.²⁶

This will be achieved by:

- Supporting a RTT to provide ongoing training in the region by linking members with experienced judicial training experts to co-develop and facilitate selected PJDP training activities. This, therefore, will enable ongoing capacity building support to be provided from within the region independent of Programme activities.
- Designing, developing, piloting and introducing for ongoing use, four training modules in the areas of orientation and decision-making training. This will provide judicial organisations with a quality assured resource for ongoing capacity and professional development.
- Commissioning two new benchbooks (and updating two existing benchbooks). These resources will enable support to be provided to judicial and court officers to perform their designated functions more successfully over the medium to long-term.
- Strengthening leadership capacity and regional cooperation to share experiences and solutions to common issues. Through these fora, the capacity of the regional judicial leadership to lead and manage professional and court development will be strengthened.

²⁴ *Paris Declaration on Aid Effectiveness*, 2005.

http://www.oecd.org/document/18/0,2340,en_2649_3236398_35401554_1_1_1_1,00.html # (22.04.09).

²⁵ ADB, *Capacity Assessment and Capacity Development in a Sector Context – a Toolkit*, 2008, Manila. See also: Baser, H and Morgan P, *Capacity, Change and Performance*. Maastricht, the Netherlands: European Centre for Development Policy Management, 2008.

²⁶ IDS, *Capacity for Change*, London, 2008. This more focused approach refines the definition of capacity to be *that emergent combination of attributes that enables a human system to create development value*. On this basis, elements of a successful capacity-building approach focus on the dynamics and processes that are encountered or seen as desirable, and emphasise the importance of learning, rather than applying a limited technical/rational model. A critical dimension of successful CD is the systemic integration of the levels of individual, organisational and wider society. Further, a nuanced understanding of specific context is needed, recognising the importance of political, social, economic and cultural factors.

- Promoting internal accountability through the development of codes of judicial conduct and external accountability by investigating an holistic approach to dispute resolution integrating formal and customary dispute resolution processes.
- Developing registry system and process plans to enable the courts to undertake ongoing court development activities.
- Designing a regional judicial performance model to enable the contribution of PJDP and also improvements in judicial performance in the region to be monitored and evaluated over time.
- Providing a Responsive Fund for each PIC to address individual and / or organisational capacity development priorities not otherwise addressed by the Programme. Researching and developing an options paper on the institutionalisation of governance, management and administration of PJDP Within the region.

PJDP HIV/AIDS STRATEGY

The **HIV/AIDS** pandemic represents much more than just a health issue. Economic deprivation, denial of health care to the poor, educational and political inequality and widespread discrimination are all causes and effects of the pandemic. Addressing this problem effectively requires mobilising resources in a coordinated way across a broad range of fields.

In many Pacific Islands Countries (PICs) there is little or no protection from discrimination for people living with HIV/AIDS. This is compounded by the fact that those especially vulnerable to HIV/AIDS are often regarded under prevailing legal frameworks as engaging in illegal behaviour with homosexuality, prostitution, and injected drug use criminalised in many PICs. The field of law and justice can play an important role in promoting and implementing awareness of HIV/AIDS. The judiciary in particular can play a key role in: promoting equitable access to justice for people affected by HIV/AIDS; and responding appropriately to those most vulnerable to HIV/AIDS infection.

The Pacific Judicial Development Programme (PJDP) recognises that prevention and reduction of HIV/AIDS requires a multidisciplinary approach. As such, the Programme will, where relevant, aim to engage with counterparts to promote consideration and awareness of HIV/AIDS by:

- Recognising the need for promoting awareness of, and sensitivity to, both the legal and social issues relating to HIV/AIDS.
- Fostering communication across the PICs through regional and/or sub-regional activities to share relevant experiences, lessons, challenges and solutions.
- Maintaining that new systems and processes, where developed by the Programme, are developed cognisant of the need to ensure equal participation and access by those affected by HIV/AIDS.
- Identifying Technical Advisors (TAs) and other Programme resource persons who understand issues relating to HIV/AIDS relevant to Programme activities.
- Evaluating where appropriate, the extent to which issues of HIV/AIDS have been dealt with in activities.

PJDP SUSTAINABILITY STRATEGY

Sustainability is the continuation of benefit following the completion of assistance²⁷ and is a central issue in any development initiative. A clear and practical Sustainability Strategy is critical to ensure the benefits gained from the Pacific Judicial Development Programme (PJDP) are maintained.

Programming undertaken as part of the 18 Month Implementation Plan explicitly addresses sustainability in a pragmatic manner by incorporating sustainability concepts as the focus of a number of key project activities, in particular the:

- **Institutionalisation of PJDP Project** which has the explicit aim of promoting and enabling the long term sustainability of judicial development across the region. In close partnership with local partners, this project will undertake research and develop an options paper on the governance, management and ongoing programme administration of PJDP at both the regional and local levels. The project will also identify potential funding models and possible institutional linkages with existing regional organisation(s) or institution(s). It is also proposed that to maximise the sustainability of this outcome, that support under a 12 month extension to Phase 2 (if granted) would focus on operationalising any endorsed decisions flowing from this IPJDP options paper.
- **Regional Training Team Project** which provides for additional training-of-trainers (ToT) to develop and expand the pool of certified trainers within the regions. Further, selected RTT members will co-facilitate with experienced judicial training experts training under the *Core Judicial Development Project*. In this way, RTT will gain practical expertise in: finalising training programmes and sessions; developing locally relevant examples and content; and all aspects of managing and delivering training programmes.
- **Core Judicial Development Project** which will design, develop, pilot and introduce four training modules to be delivered through the RTT in the areas of orientation and decision-making training. These modules will be easy to update, adapt, and use by the RTT trainers for ongoing use, either with the support of PJDP or independently.
- **Responsive Fund Mechanism** which will provide incentives to counterpart judiciaries to develop targeted activities that respond to distinctively local needs not addressed by the regionally focussed priorities of the PJDP core programme. Through this mechanism, the Programme will support courts to locally lead, develop and manage training and capacity development activities. To promote financial sustainability of approved activities, opportunities for counterpart judiciaries to provide co- or ongoing funding for Responsive Fund-related activities will form part of the application and assessment process.

Underpinning the above practical sustainability strategies incorporated in to the core programming, is the recognition by the PJDP that it operates in a region comprising widely divergent cultures, customs and a variable range of access to and provision of justice services. It is recognised that some participating countries have had, or are receiving, considerable support from other bilateral projects, whilst others have not had access to development assistance and, will therefore have higher levels of need, or require more support on an ongoing basis.

The PJDP's activities have, therefore, been designed to: increase the benefits gained by participating judicial and courts officers; strengthen their capacity to meet future challenges to the administration of justice; and improve regional cooperation on relevant regional development issues. To ensure

²⁷ AusAID, *Promoting Practical Sustainability*, September 2000, at page 1.

sustainability principles are promoted throughout implementation, and in all interaction with counterparts, the PJDP will also:

- Maintain ongoing consultation with counterparts and stakeholders to ensure activities reflect contemporary needs and that they are based on local demand and initiatives.
- Develop local leadership capacity by designing and developing workshops to build on the ability of Chief Justices, National Coordinators and other key counterparts to efficiently and effectively undertake their roles and responsibilities.
- Take into account: the existence of other assistance schemes to counterpart courts; the capacity of individual PICs to take ownership of proposed initiatives; and the availability of current and future resources in individual PICs to sustain PJDP outputs when developing activities.
- Foster regional cooperation between PICs through regional/and or sub-regional activities and encouraging the sharing of experience and solutions so that support mechanisms are developed within the region, rather than promoting reliance only on external assistance.
- Encouraging participants to disseminate their learning outcomes, training manuals or any other new information they have gleaned to their PIC colleagues and more broadly, as appropriate.

PJDP COMMUNICATION AND ENGAGEMENT STRATEGY

1.0 AIM

Recognising the significant cultural, ethnic and linguistic diversity across PICs, PJDP will build and sustain effective relationships with stakeholders to ensure:

- an open exchange of information;
- trust and respect;
- participation in, understanding and ownership of the development and implementation of activities; and
- comprehensive and regular dialogue about PJDPs progress.

2.0 APPROACH

PJDP's communication will be based on open, ongoing and direct communications with key partners. Periodic feedback will be sought from each PIC to ensure that communication is effective.

The *CJs and NCs* of each PIC will be the first points of contact for the PJDP to enable it to confirm local needs and priorities as well as assess the relevance and appropriateness of activities. *CJs and NCs* will also be consulted to ensure the careful selection of appropriate participants to be involved in each activity considering; seniority, capacity, jurisdiction and skills.

Judicial and court staff will be invited to participate in ongoing assessments of need as well as monitoring progress.

Activity participants will be consulted on a rolling basis; that is; when activities are designed, being delivered and have been completed.

The PJDP Team will use and explore several means to communicate with and provide information to stakeholders. These include:

- Developing effective working relationships with relevant regional stakeholders such as PacLII, IJS, and NJCA to share and disseminate resources;
- Establishing and developing the capacity of the Regional Training Team to foster linkages between PICs, develop a cadre of trainers able to deliver training across the region and share resources;
- Distributing quarterly newsletters about PJDPs/associated activities and the availability of relevant resources;
- Supporting *NCs* to facilitating regular contact within and across PICs;
- Email, telephone and web based forums; and
- Distributing up to date contact lists to PICs.

Given the geographic scope of the PJDP, the reliability and cost of communicating across the region, along with the diversity of languages, cultures, time zones and English language skills, PJDP will be alert to challenges and issues relative to each PIC's ability to remain in frequent communication with the Programme's stakeholders.

3.0 IMPLEMENTATION OF THE STRATEGY

PJDP will continue to consult broadly with *courts and justice sector specialists in the Pacific, New Zealand and Australia* to consider how expertise might best be employed to achieve the Programme's outcomes. This will comprise:

- Consultation with CJs and NCs in each PIC to identify appropriate expertise in that PIC;
- Actively involving the judicial leadership in the ongoing development and implementation of the PJDP by providing opportunities for intra-regional interaction;
- Promoting the involvement of both Regional Training Team and local educators to co-facilitate/implement relevant activities in order to ensure language and context-specific engagement;
- Following the specific engagement process developed for interaction with the judiciary in New Zealand and Australia to enable relevant expertise to be accessed by the Programme;
- Engagement with judiciaries in Australia will be initiated through consultation with the Federal Court's International Development Committee which will make initial recommendations about the most appropriate court for PJDP to contact to access the most appropriate expertise.

Interested individuals from the PJDP 1 *technical pool* will be entered into the PJDP 2 technical pool. A briefing note about PJDP will also be sent to a broad range of relevant institutions, individuals and networks to maximise the opportunity available to request entry into the technical pool.

When the Terms of Reference for each advisory position/need has been finalised they will be sent to relevant members of the technical pool with a request for PJDP to receive expressions of interest (EOIs). EOIs will be assessed and shortlisted candidates interviewed by a panel from the PJDP Team. On selection, all experts will be briefed about the objectives of the Programme, the MSCs approach, cross-cultural considerations as well as reporting and other administrative requirements. All experts will be required to be guided by the needs of their counterparts and to tailor their advice and expertise to meet local needs in an appropriate way.

ANNEX FOUR - FULL PJDP 18 MONTH IMPLEMENTATION PLAN BUDGET

(Commercial-in-Confidence)

ANNEX FIVE - INDICATIVE WORK PLAN AND CORE PJDP TEAM RESOURCE SCHEDULE

Tasks	Primary Resources	2011												2012						
		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul
Component 1.0: Access to Justice (Customary Dispute Resolution - Regional Research Project)																				
1.1 Customary Dispute Resolution (CDR): Regional Research Project																				
1.1.1 Develop ToR	PJDP Team	█																		
1.1.2 Advertise	PJDP Team		█	█																
1.1.3 Select and Contract	PJDP Team			█																
1.1.4 Mobilise and Pre-implementation Planning	PJDP Team, CDR TA & NC			█																
1.1.5 Research in PIC 1 (Polynesia)	CDR TA				█	█	█													
1.1.6 Research in PIC 2 (Melanesia)	CDR TA						█	█	█											
1.1.7 Research in PIC 3 (Micronesia)	CDR TA								█	█	█									
1.1.8 Collation of Initial Findings and Report Development	CDR TA										█									
1.1.9 ADR Regional Strategy Development	CDR TA																█	█	█	
Ongoing Monitoring of Activities under Component 1.0	PJDP Team			●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Component 2.0: Governance																				
2.1 Code of Judicial Conduct (CoJC)																				
2.1.1 Develop ToR	PJDP Team	█																		
2.1.2 Advertise	PJDP Team		█	█																
2.1.3 Select and Contract	PJDP Team			█																
2.1.4 Mobilise and Pre-implementation Planning	PJDP Team, CoJC TA & NC			█																
2.1.5 Engagement with PIC 1 on CoJC	CoJC TA				█	█														
2.1.6 Engagement with PIC 2 on CoJC	CoJC TA					█	█													
2.1.7 Engagement with PIC 3 on CoJC	CoJC TA						█	█												
2.1.8 Finalisation of CoJC Component Interactions, Report and Training Session Development	CoJC TA							█												
2.2 Institutionalisation of PJDP (IPJDP)																				
2.2.1 Develop ToR	PJDP Team					█														
2.2.2 Advertise	PJDP Team						█	█												
2.2.3 Select and Contract	PJDP Team							█												
2.2.4 Mobilise and Pre-implementation Planning	PJDP Team / IPJDP TA								█											
2.2.5 Research and Develop Options Paper on IPJDP (various in-country consultations)	IPJDP TA									█	█	█								

Tasks	Primary Resources	2011												2012							
		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	
2.3 Regional Governance Workshops																					
2.3.1 National Coordinators' (NCs) Leadership Workshop	NC, PJDJ Team & TA						■														
2.3.2 Chief Justices' (CJs) Regional Workshop	CJ, PJDJ Team & TA																				
2.3.3 Combined CJs and NCs Regional Workshop	CJ, NC, PJDJ Team & TA																				
Ongoing Monitoring of Activities under Component 2.0	PJDJ Team			.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Component 3.0: Systems and Processes																					
3.1 Judicial Administration Diagnostic (JAD) Project																					
3.1.1 Develop ToR	PJDJ Team			■																	
3.1.2 Advertise	PJDJ Team			■	■	■															
3.1.3 Select and Contract	PJDJ Team					■	■	■													
3.1.4 Mobilise and Pre-implementation Planning	PJDJ Team						■														
3.1.5 Identify 3 PICs for Scoping Pilot Projects	PJDJ Team, JAD TA & NC						.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
3.1.6 Undertake Scoping Pilot Project in PIC 1	JAD TA																				
3.1.7 Undertake Scoping Pilot Project in PIC 2	JAD TA																				
3.1.8 Undertake Scoping Pilot Project in PIC 3	JAD TA																				
3.1.9 Develop Registry Systems and Process Plans for 3 PICs	JAD TA																				
3.1.10 Develop Registry Systems and Process Plans PIC 1 (in-country)	JAD TA																				
3.1.11 Develop Registry Systems and Process Plans PIC 2 (in-country)	JAD TA																				
3.1.12 Develop Registry Systems and Process Plans PIC 3 (in-country)	JAD TA																				
3.1.13 Continued Remote Support to Implement Plans	JAD TA																				
3.1.14 Final JAD Project Completion Report	JAD TA																				
3.2 Judicial Monitoring and Evaluation (JME) Project																					
3.2.1 Develop ToR	PJDJ Team																				
3.2.2 Advertise	PJDJ Team																				
3.2.3 Select and Contract	PJDJ Team																				
3.2.4 Mobilise and Pre-implementation Planning	PJDJ Team																				
3.2.5 Identify 3 PICs for Scoping Judicial Performance Monitoring Systems	PJDJ Team, JME TA & NC																				
3.2.6 Scope Judicial Performance Monitoring System and Collected Available Base-line Data in PIC 1	JME TA																				
3.2.7 Scope Judicial Performance Monitoring System and Collected Available Base-line Data in PIC 2	JME TA																				
3.2.8 Scope Judicial Performance Monitoring System and Collected Available Base-line Data in PIC 3	JME TA																				
3.2.9 Collate Available Base-line Data and Analyse Judicial Performance Monitoring Systems in 3 PICs	JME TA																				

Tasks	Primary Resources	2011												2012								
		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul		
3.2.10 Design Regional Performance Monitoring Model	JMETA														■	.....	■				
3.2.11 Final JME Performance Model Report	JMET A																	■				
Ongoing Monitoring of Activities under Component 3.0	PJDP Team				.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Component 4.0: Professional Development																						
4.1 Regional Training Team Project																						
4.1.1 Identification of former and potential ToT participants	PJDP Team & NC	.....	.....	.....		▲													
4.1.2 Finalise selection of ToT Provider (based on PJDP Phase 1 Selection Process)	PJDP Team	■	■																			
4.1.3 Contract Accredited Court ToT Provider	PJDP Team		■																			
4.1.4 Consolidated Training Capacity in Region (complete unfinished Level2 Programme)	ToT Trainer			■ -Level 2																		
4.1.5 Consolidated Training Capacity in Region (complete unfinished Level3 Programme 1)	ToT Trainer					■ -Level3																
4.1.6 Consolidated Training Capacity in Region (complete unfinished Level3 Programme 2)	ToT Trainer										■ -Level3											
4.2 Judicial Development - Core Programme Development																						
4.2.1 Identification of Available RTT Members	PJDP Team & NC					.....	.....	.....											
4.2.2 Development of Curriculum and Materials for Regional Orientation Workshops	PJDP Team					■																
4.2.3 Finalisation of design of Regional Orientation Workshop for Law-trained Judicial Officers	OTs TA & RTT							■														
4.2.4 Conduct of Regional Orientation Workshop for Law-trained Judicial Officers	OTs TA & RTT							■														
4.2.5 Finalisation of design of Regional Orientation Workshop for Lay Judicial Officers	OTs TA & RTT								■													
4.2.6 Conduct of Regional Orientation Workshop for Lay Judicial Officers	OTs TA & RTT								■													
4.2.7 Development of Curriculum and Materials for Regional Judicial Decision-making Workshop	JDMT TA						▲															
4.2.8 Finalisation of design of Regional Judicial Decision-making Workshop for Law-trained Judicial Officers	JDMT TA & RTT										■											
4.2.9 Conduct of Regional Judicial Decision-making Workshop for Law-trained Judicial Officers	JDMT TA & RTT										■											
4.2.10 Finalisation of design of Regional Judicial Decision-making Workshop for Lay Judicial Officers	JDMT TA & RTT											■		■								
4.2.11 Conduct of Regional Judicial Decision-making Workshop for Law-trained Judicial Officers	JDMT TA & RTT													■								
4.3 Bench Book Publishing Project																						
4.3.1 Identification of 2 BB to Revise	PJDP Team & NC					.....	.....													
4.3.2 Identification of 2 new BB to Develop	PJDP Team & NC					.....	.....													
4.3.3 Identification of In-country BB Counterpart(s) - New BB 1 & 2	PJDP Team & NC					.....	.....													
4.3.6 Drafting and Revision of New BB 1 (In-country)	BBW-N & Counterparts							■	■													
4.3.7 Remote drafting and/or support, In-country Comments on New BB 1	BBW-N & Counterparts								.....	.....										
4.3.8 Editing of New BB 1	BBE d										■											
4.3.9 Production of New BB 1	BBW-N & PJDP Team											.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

Tasks	Primary Resources	2011												2012								
		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul		
4.3.10 In-country Training on the Use of New BB 1	BBW-N & Counterparts																					
4.3.11 Drafting and Revision of New BB 2 (In-country)	BBW-N & Counterparts																					
4.3.12 Remote drafting and/or support, In-country Comments on New BB 2	BBW-N & Counterparts																					
4.3.13 Editing of New BB 2	BBE-d																					
4.3.14 Production of New BB 2	BBW-N & PJDP Team																					
4.3.15 In-country Training on the Use of New BB 2	BBW-N & Counterparts																					
4.3.16 Identification of In-country BB Counterpart(s) - Revised BB 1 & 2	PJDP Team & NC																					
4.3.17 Revision of Existing BB 1 (In-country)	BBW-R & Counterparts																					
4.3.18 Remote drafting and/or support, In-country Comments on Revised BB 1	BBW-R & Counterparts																					
4.3.19 Editing of Revised BB 1	BBE-d																					
4.3.20 Production of Revised BB 1	BBW-R & PJDP Team																					
4.3.21 In-country Training on the Use of Revised BB 1	BBW-R & Counterparts																					
4.3.22 Revision of Existing BB 2 (In-country)	BBW-R & Counterparts																					
4.3.23 Remote drafting and/or support, In-country Comments on Revised BB 2	BBW-R & Counterparts																					
4.3.24 Editing of Revised BB 2	BBE-d																					
4.3.25 Production of Revised BB 2	BBW-R & PJDP Team																					
4.3.26 In-country Training on the Use of Revised BB 2	BBW-R & Counterparts																					
Ongoing Monitoring of Activities under Component 3.0	PJDP Team																					
Component 5.0: Programme Management																						
5.1 General Programme Operations (communication, liaison, reporting logistics, etc)																						
5.1.1 Newsletters and other ongoing counterpart and stakeholder liaison	PJDP Team																					
5.1.2 6 Monthly Reports	PJDP Team																					
5.1.3 Internal PJDP Performance Audit	CM																					
5.2 Regional Training Team Project																						
5.2.1 PEC Tele-conferences (if required)	PEC / MFAT / PJDP Team																					
5.2.2 PEC Meetings	PEC / MFAT / PJDP Team																					
5.2.3 Decision on 12 Month Extension to Phase 2 (i.e. implementation from July 2012-June 2013) Made	PEC / MFAT																					
5.3 Responsive Fund Mechanism																						
5.3.1 Responsive Fund Commencement of Initial Application Period	PJDP Team																					
5.3.2 Responsive Fund Applications accepted, reviewed, managed and Implemented	PJDP Team																					

ANNEX SIX - LOGFRAME AND MONITORING AND EVALUATION FRAMEWORK²⁸

As discussed with and endorsed by MFAT during mobilisation discussions in Wellington during July 2010, the PJDP M&E activities will focus predominantly on the output level, recognising the limited opportunity to contribute visible impact or results within the 18 month implementation period. Consequently, this Logframe/M&E Framework mainly specifies *output*-focussed indicators, which may on occasion contribute to and be measurable as *outcomes*,²⁹ as outlined below:

Description	Performance Indicators	Means of Verification	Responsibility	PJDP Reporting Requirements
<p>Goal: Strengthened governance and rule of law in Pacific Island Countries through enhanced access to justice and professional judicial officers who act independently according to legal principles.</p>	<ul style="list-style-type: none"> • Service Users' perceptions indicate improvement in court performance and efficiency. • Reduction in the rate of successful appeals based on judicial incompetence. 	<ul style="list-style-type: none"> • Donor long-term sectoral assessments, such as service providers' and end users' surveys. • Statistical and performance reporting data published by Apex Courts in the region. • World Bank's <i>World Governance Indicators</i> on the Rule of Law. 	<ul style="list-style-type: none"> • Apex Courts in each Jurisdiction. • External (or MTA) assessment, as tasked by MFAT. 	<ul style="list-style-type: none"> • As required.
<p>Purpose: To support Pacific Island Countries to enhance the professional competence of judicial officers and court officers, and the processes and systems that they use.</p>	<ul style="list-style-type: none"> • Perceptions of Judicial Service Providers' and Service Users' indicate improved satisfaction in the professionalism and efficiency of courts. • Improvements in performance documented over time. 	<ul style="list-style-type: none"> • Judicial Service Providers' and Service Users' perceptions surveys. • Statistical and performance reporting data published by Apex Courts in the region. • World Bank's <i>World Governance Indicators</i> on the Rule of Law. • Service providers' and service users' follow-up surveys. 	<ul style="list-style-type: none"> • Apex Courts in each Jurisdiction. • External (or MTA) assessment, as tasked by MFAT. 	<ul style="list-style-type: none"> • Post-PJDP Phase 2 Completion.

²⁸ This logframe adopts OECD-DAC criteria for evaluating development assistance: http://www.oecd.org/document/22/0,2340,en_2649_34435_2086550_1_1_1_1,00.html

²⁹ These outcomes are establishment of a research-based local development methodology and practice; increased regional leadership and ownership of PJDP at all levels; devolution of service delivery to qualified and experienced local actors; consolidation of regionally-owned systems and process to develop and deliver core training modules and publications; and development of a framework for the institutionalisation of sustainable programme governance and management mechanisms.

Description	Performance Indicators	Means of Verification	Responsibility	PJDP Reporting Requirements
<p>Component 1.0 Access to Justice Component Outcome: The region's judicial leadership is better able to assess, plan and direct an integrated process of judicial development for both customary and formal justice services providers based.</p>	<ul style="list-style-type: none"> The level and quality of participation by key stakeholders in the development of the research methodology; The level and quality of participation by key stakeholders in the research and generation of options to support and integrate customary dispute resolution across the region. 	<ul style="list-style-type: none"> Regional CDR Strategy Paper. Counterpart surveys / interviews. 	<ul style="list-style-type: none"> External (or MTA) assessment, as tasked by MFAT. 	<ul style="list-style-type: none"> As required / as per MTA's monitoring visit schedule.
<p>Output 1.1: Customary Dispute Resolution (CDR) - Regional Research Project</p>	<ul style="list-style-type: none"> Establishment of a research-based local development methodology and practice, as evidenced by research being conducted in three PICs. Quality of CDR research paper developed; CDR / ADR regional strategy submitted to PEC for its decision. 	<ul style="list-style-type: none"> Regional CDR Strategy Paper. PEC agenda on CDR Strategy Paper. 	<ul style="list-style-type: none"> PJDP CDR TA 	<ul style="list-style-type: none"> Update on progress provided as part of 6 Monthly Progress Reports (periodic.) Regional Strategy Paper (upon completion of TA.)
<p>Component 2.0 Governance Component Outcome: Judicial leadership strengthened with respect to:</p> <ul style="list-style-type: none"> Establishing frameworks for judicial good conduct. Assessing, planning, and directing long term arrangements for ongoing professional development across the region and resolve key issues. 	<ul style="list-style-type: none"> The level and quality of participation in developing codes of judicial conduct. The level and quality of participation by key stakeholders in the development of and deliberation about the options paper to institutionalise PJDP. The level and quality of participation by key stakeholders in each leadership workshop. 	<ul style="list-style-type: none"> Activity Completion Report. IPJDP Options Paper. PEC agenda of IPJDP Options Paper. Counterpart surveys / interviews. 	<ul style="list-style-type: none"> External (or MTA) assessment, as tasked by MFAT. 	<ul style="list-style-type: none"> As required / as per MTA's monitoring visit schedule.
<p>Output 2.1: Codes of Judicial Conduct (CoJC) Project</p>	<ul style="list-style-type: none"> Support provided to develop and formalise up to 3 CoJCs. Degree of regional harmonisation of CoJCs. 	<ul style="list-style-type: none"> Formalised CoJC's and/or CoJC Development Plans (as appropriate.) 	<ul style="list-style-type: none"> PJDP CoJC TA 	<ul style="list-style-type: none"> Update on progress provided as part of 6 Monthly Progress Reports (periodic.) Activity Completion Report (upon completion of TA inputs.)

Description	Performance Indicators	Means of Verification	Responsibility	PJDP Reporting Requirements
Output 2.2: Scoping for the Institutionalisation PJDP (IPJDP) Project	<ul style="list-style-type: none"> Quality of options paper developed. Quality of the framework for the institutionalisation of sustainable programme governance and management mechanisms IPJDP. 	<ul style="list-style-type: none"> IPJDP Options Paper. PEC agenda and minutes of IPJDP Options Paper. 	<ul style="list-style-type: none"> PJDP IPJDP TA 	<ul style="list-style-type: none"> Update on progress provided as part of 6 Monthly Progress Reports (periodic.) IPJDP Options Paper (upon completion of TA inputs.)
Output 2.3: Governance Leadership Workshops	<ul style="list-style-type: none"> Number of leadership workshops facilitated (up to 3 in total.) Participants' perception of quality of workshops. Progress on key issues attributable to leadership workshops. 	<ul style="list-style-type: none"> Workshop programmes and materials (x3). Participants' satisfaction evaluations (x3) collated in 6 Monthly Progress Report. Action points arising from leadership workshops. 	<ul style="list-style-type: none"> PJDP Team 	<ul style="list-style-type: none"> 6 Monthly Progress Reports summarise outcomes of Leadership Workshops (periodic.)
<p>Component 3.0 Systems and Processes</p> <p>Component Outcome:</p> <ul style="list-style-type: none"> Understanding about the needs for improvement in judicial administration across the region and how needs should be addressed supported by targeted research. Method to monitor judicial performance including the contribution of the Programme created. 	<ul style="list-style-type: none"> The level and quality of participation by key stakeholders in conducting the registry systems and processes diagnostic and developing plans; The extent to which registry systems and process plans are implemented in PICs. The level and quality of participation by key stakeholders in scoping and developing judicial performance monitoring tools. 	<ul style="list-style-type: none"> Activity Completion Report PEC agenda of Regional Judicial Performance Framework / Model. Counterpart surveys / interviews. 	<ul style="list-style-type: none"> External (or MTA) assessment, as tasked by MFAT. 	<ul style="list-style-type: none"> As required / as per MTA's monitoring visit schedule.
Output 3.1: Judicial Administration Diagnostic Project	<ul style="list-style-type: none"> Quality of diagnostic assessment. Registry systems and process plans collaboratively developed and accepted in the 3 PIC's selected to participate in the scoping pilot projects. Support provided as specified by each PIC to commence implementation of the registry systems and process plans. 	<ul style="list-style-type: none"> Workshop agenda to scope JAD project. Registry diagnostic assessment. Registry systems and process plans developed (x3). 	<ul style="list-style-type: none"> PJDP JAD TA 	<ul style="list-style-type: none"> Update on progress provided as part of 6 Monthly Progress Reports (periodic.) Activity Completion Report (upon completion of TA inputs.)

Description	Performance Indicators	Means of Verification	Responsibility	PJDP Reporting Requirements
Output 3.2: Judicial Monitoring and Evaluation Project	<ul style="list-style-type: none"> Quality of scoping on judicial performance monitoring systems in three sample PICs undertaken. Available judicial performance data in the 3 selected PICs collected. A regional judicial performance framework/model developed, designed and submitted to PEC. 	<ul style="list-style-type: none"> JME Scoping Document. Regional Judicial Performance Framework / Model. PEC agenda and minutes on Regional Judicial Performance Framework / Model. 	<ul style="list-style-type: none"> PJDP JME TA 	<ul style="list-style-type: none"> Update on progress provided as part of 6 Monthly Progress Reports (periodic.) Regional Judicial Performance Framework / Model (upon completion of TA inputs.)
Component 4.0 Professional Development				
<p>Component Outcome:</p> <ul style="list-style-type: none"> The means to supply judicial development services using local resources enhanced. Improvement in the competence of judicial service providers across the region supported. 	<ul style="list-style-type: none"> The extent to which RTT members feel confident to develop and provide training following the ToT. Participants' perceptions about the quality of the training delivered by the RTT. Participants' perceptions about the quality of the orientation and decision-making training. Participants' perceptions about the quality of the new and revised benchbooks. Stakeholders' perception on the quality of training and its contributions to improvements in judicial performance. 	<ul style="list-style-type: none"> Participants' satisfaction evaluations. Counterpart surveys / interviews. 	<ul style="list-style-type: none"> External (or MTA) assessment, as tasked by MFAT. 	<ul style="list-style-type: none"> As required / as per MTA's monitoring visit schedule.
Output 4.1: Regional Training Team Project	<ul style="list-style-type: none"> 3 ToT workshops conducted. Devolution of service delivery to qualified and experienced local actors, as evidence by the of participation of up to 8 selected RTT members mobilised as co-facilitators for the <i>Core Judicial Development Modules</i> training programmes, and in benchbook development activities (if appropriate). Consolidation of regionally-owned systems and processes to develop and deliver core training modules and publications. Participants' perception of quality of RTT members' training. 	<ul style="list-style-type: none"> Workshop programmes and relevant materials (x3). Participants' satisfaction evaluations (x3) collated in 6 Monthly Progress Report. 	<ul style="list-style-type: none"> PJDP ToT Trainer 	<ul style="list-style-type: none"> Update on progress provided as part of 6 Monthly Progress Reports (periodic.)
Output 4.2: Judicial Development - Core Programme Development Project	<ul style="list-style-type: none"> Quality of orientation programme (curriculum and materials) for law-trained judicial officers, and registrars exercising para-judicial duties, developed and piloted. Quality of orientation programme (curriculum and materials) for lay magistrates, and court officers, developed and piloted. 	<ul style="list-style-type: none"> Workshop programmes and relevant materials (x4). Participants' satisfaction evaluations (x4) collated in 6 Monthly Progress Report. 	<ul style="list-style-type: none"> PJDP Team, OT TA(s), and DMT TA 	<ul style="list-style-type: none"> Update on progress provided as part of 6 Monthly Progress Reports (periodic.)

Description	Performance Indicators	Means of Verification	Responsibility	PJDP Reporting Requirements
	<ul style="list-style-type: none"> Judicial Decision-making programme (curriculum and materials) for law-trained judicial officers, and registrars exercising para-judicial duties, developed and piloted. Quality of judicial decision-making programme (curriculum and materials) for lay magistrates and court officers developed and piloted. Participants' perceptions of quality of these activities. Behaviour changes attributable to orientation and training programmes (self assessment.) 			
Output 4.3: Bench Book Publishing Project	<ul style="list-style-type: none"> Number and quality of existing BB updated (up to 2), and new bench books produced (up to 2.) Participants' perception of quality of training conducted on the use of the updated and new BBs. Behaviour changes attributable to BB (self assessment.) 	<ul style="list-style-type: none"> BB published / reproduced (x4). Participants' satisfaction evaluations (x4) collated in 6 Monthly Progress Report.. 	<ul style="list-style-type: none"> PJDP BBW-R and BBW-N 	<ul style="list-style-type: none"> Update on progress provided as part of 6 Monthly Progress Reports (periodic.)
<p>Component 5.0 Programme Management Component Outcome: quality delivery of the above components by the Federal Court of Australia.</p>	<ul style="list-style-type: none"> Based on individual component indicators. 	<ul style="list-style-type: none"> Based on individual component means of verification 	<ul style="list-style-type: none"> MTA 	<ul style="list-style-type: none"> As required / as per MTA's monitoring visit schedule.
Output 5.1: General Programme Operations	<ul style="list-style-type: none"> Skill levels and experience of TA personnel engaged. Stakeholders' perceptions of quality of TA personnel. Quality of TA selection, NC support, logistics, progress reporting undertaken to a high standard to enable activities to be implemented in a collaborative manner within defined timeframes and budget. Budget variations and their justifications. Communication & Engagement: The extent to which key stakeholders in PICs, NZ and AU: <ul style="list-style-type: none"> (i) are provided the opportunity to identify experts / participants to be involved in activities; and (ii) receive culturally and linguistically appropriate training / activities. Sustainability: the extent to which stakeholders: <ul style="list-style-type: none"> (i) take ownership of activities; and 	<ul style="list-style-type: none"> Draft 18 Month Implementation Plan. Invoicing and budget variance reporting. 6 Monthly Progress Reports. 18 Month Implementation Period Completion Report. PEC Minutes noting any management-related issues in implementation. 	<ul style="list-style-type: none"> MTA 	<ul style="list-style-type: none"> As required / as per MTA's monitoring schedule.

Description	Performance Indicators	Means of Verification	Responsibility	PJDP Reporting Requirements
	<p>(ii) consider the RTT as a feasible and useful resource to provide training after PJDPs cessation.</p> <ul style="list-style-type: none"> • Gender: the extent to which male and female stakeholders: <ul style="list-style-type: none"> (i) have equitable opportunity to participate in PJDP activities; and (ii) consider PJDPs TAs are aware of and understand relevant gender equity and equality issues • Human Rights: the extent to which: <ul style="list-style-type: none"> (i) concepts relating to non-discriminatory court systems and processes that promote equitable access to courts are discussed as part of relevant activities; and (ii) key human rights (e.g. concepts relating to fair and expeditious trial) are integrated into professional development activities. 			
<p>Output 5.2: Management Meetings - Programme Executive Committee</p>	<ul style="list-style-type: none"> • Quality of MSCs communication with PIC and donor representatives. • Quality of secretariat and logistical support to PEC efficiently undertaken. • Quality of integration into PJDP of action points arising out of PEC meetings. 	<ul style="list-style-type: none"> • PEC Minutes noting any communication-related issues in implementation. 	<ul style="list-style-type: none"> • PJDP Team, PEC, MFAT 	<ul style="list-style-type: none"> • 6 Monthly Progress Reports.
<p>Output 5.3: Responsive Fund</p>	<ul style="list-style-type: none"> • Responsive Fund applications as against Responsive Fund approvals. • Rate at which Responsive Fund exhausted per PIC as against rate at which approved budget exhausted. 	<ul style="list-style-type: none"> • Responsive Fund applications. • Mid-term review of Responsive Fund. • Responsive Fund Activity Completion Report and acquittal. 	<ul style="list-style-type: none"> • NC, In-country Counterparts, PJDP Team 	<ul style="list-style-type: none"> • Responsive Fund Activity Completion Report and acquittal.

ANNEX SEVEN - MILESTONE AND PROGRESS REPORTING SCHEDULE

(Commercial-in-Confidence)

ANNEX 8 - RESPONSIVE FUND GUIDELINES

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ABBREVIATIONS AND ACRONYMS

MFAT	-	New Zealand Ministry of Foreign Affairs and Trade
AUD	-	Australian Dollar
PEC	-	Programme Executive Committee
PIC	-	Pacific Island Country
PJDP	-	Pacific Judicial Development Programme
the Fund	-	Responsive Fund Mechanism

1.0 OVERVIEW PACIFIC JUDICIAL DEVELOPMENT PROGRAMME RESPONSIVE FUND GUIDELINES

Although the Pacific Judicial Development Programme (PJDP) has a regional focus it is acknowledged that some activities may be better addressed at a national level. In particular, where activities and initiatives can be shared with judiciaries from other Pacific Island Countries (PIC), and perhaps adapted for use elsewhere in participating PICs, with potential to benefit the region as a whole.

The PJDP Responsive Fund is an incentive based mechanism designed to respond to PIC needs and support initiatives which strengthen governance and rule of law in PICs through enhanced access to justice and professional judicial officers who act independently according to legal principles and to support enhancements to the professional development of judicial and court officers and the systems and processes they use. Accordingly the Fund is available to provide targeted funding for PIC judiciaries that are vigorously pursuing strategies and objectives contained in the broader aims of PJDP and are positioned to embrace further institutional strengthening and sustainable improvements.

It provides an established and proven mechanism for PIC-based training and capacity development activities to be supported that are locally led, developed and managed. The Fund allows for timely support to local/sub-regional additional requirements within the PJDP Phase 2 implementation period (January 2011-June 2012.)

Specific guidelines and criteria for implementing the Responsive Fund are provided and these include provision for contribution from PICs in receipt of financial support through the Fund. Proposals for funding will be assessed and prioritised, then processed with provision for feedback on all applications. Implementation of the Fund will be monitored and a report prepared for the PEC. Funding is limited, and it may not be possible to fund all applications received. Therefore, PICs are urged to submit funding applications on a priority basis.

2.0 AIM

The aim of the Responsive Fund is to facilitate access by PIC judiciaries to incentive based funding and technical assistance for specific initiatives that directly support and are consistent with the objectives of the PJDP.

3.0 PRINCIPLES

The Responsive Fund is based on the following principles:

1. Supporting commitment by individual PIC judiciaries to the goal and purpose of the PJDP;
2. Transparent, robust and rigorous processes;
3. Providing incentives for improved sustainable effectiveness and performance in judicial systems;
4. Providing a platform for locally led training and development activities;
5. Providing assistance to activities for the judiciary that support gender equity and human rights initiatives, ensuring women and young people, the poor and disadvantaged gain equitable access to development funds;
6. Demonstrating organisational capability in planning and implementing Responsive Fund activities, and in providing timely invoices to the PJDP for payment;

7. Demonstrating ownership and commitment to the activity through significant contribution by the relevant PIC judiciary to the successful implementation of the activity; and
8. Evaluating and sharing with other PICs the effectiveness of initiatives.

4.0 CRITERIA

All applications made under the Responsive Fund will be assessed against the following criteria:

4. Where a national development framework for the sector exists, that the activity fits within that framework. Where a national development framework is not in place, the activity contributes to the strategic direction as identified by the PIC Chief Justice or head of the relevant judiciary, as appropriate.
5. The application must have the support of both the Chief Justice and the National Coordinator of the applying PIC.
6. The activity enhances the professional competence of judicial officers and court officers, and / or the systems and processes that they use.
7. The activity recognises and addresses cross cutting concerns, where appropriate.
8. The activity is not likely to go ahead without external funding and the application demonstrates that the activity will be implemented in a way that is cost effective.
9. The activity clearly identifies achievable outputs and provides a method for measuring these.
10. The application has clearly identified the anticipated outputs that are consistent with the goal and purpose of PJDP.
11. The activity will be completed within a 3 month time frame, and be completed no later than end-March 2012.
12. The PIC has identified an authorised person(s) who has the capacity to, and will be responsible for, the preparation and management of the activity's budget as well as the transparent acquittal of funds to Ministry of Foreign Affairs and Trade (MFAT) requirements.
13. The activity will be sustainable in the future (recommended.)
14. Where the activity is capacity building or training then the application should demonstrate that the training will be conducted by person(s) with the appropriate and relevant skills; is targeted at a level appropriate for the proposed participants and that the participants have the necessary prerequisites or experience to derive benefit from the activity.
15. The PIC can demonstrate ownership of and commitment to the activity and can demonstrate the contribution that the PIC will make to the successful implementation of the activity.

5.0 RESTRICTIONS

Although areas of potential assistance through the Responsive Fund are broad, assistance will NOT be provided for capital expenditure or recurrent operational costs such as salaries, telephone/internet bills, motor vehicles or for any activity related expenses that are already provided for under any existing funding arrangement or agreement. Initially, the maximum funding available per PIC for the 18 month implementation period (January 2011-June 2012) will be approximately AUD 11,000. This funding will be can be accessed in one, or at most two, application(s) during the 18 month implementation period.

6.0 HOW TO APPLY

The submission of any application to the PJDP can be made in writing (either by email or facsimile) using the PJDP Responsive Fund Application Form (see **Annex Two**, below.) Applications are to be addressed to Ms. Helen Burrows, PJDP Contracts Manager:

Address: Level 19, Law Courts Building
Queens Square
NSW 2000, Australia

Email: Helen.Burrows@fedcourt.gov.au

Telephone: (+ 61-2) 9230 8546

Facsimile: (+ 61-2) 9230 8989

More information and additional applications are available from the PJDP Contracts Manager.

7.0 FORMAT FOR APPLICATION

In order to be considered for assistance under this mechanism, a PIC judiciary must first provide the following information (which is outlined in the Responsive Fund Application Form, **Annex Two**):

1. Aims and objectives of the proposed assistance and how the proposal is consistent with the goals and objectives of the PJDP.
2. A concise description of the proposal providing details of the nature of the assistance, and a plan (with timelines if appropriate) for the various stages of development and implementation.
3. Where the proposed activity fits within the national development framework and/or within national priorities as agreed between the Chief Justice and National Judicial Committees.
4. Does the proposed activity assist in achieving the stated outputs?
5. Anticipated benefits to be gained from implementation of the initiative.
6. How will participants for the activity be selected?
7. Explanation of how the proposed assistance will benefit gender equity and/or human rights in the judicial system.
8. Evidence of sustainability that will preferably generate internal incentives for change and performance enhancement and how that will be achieved.
9. A description of the expected performance targets and how their achievement will be measured.
10. A detailed budget for the proposal, listing and justifying all items of expenditure and supported by quotations if available.
11. Details of any other funding committed or obtained from any other source in respect to the request for assistance that is being made.
12. Details of the contribution to the initiative that will be provided by the PIC agency requesting funding support.
13. Details of how activities and budgets will be monitored, evaluated and reported on, and who (in addition to the National Coordinator) will have responsibility for this.
14. Certification by the Chief Justice and the National Coordinator of the judiciary making the request.

8.0 ADMINISTRATIVE PROCEDURE

Upon receipt of any application for assistance, the PJDP Contracts Manager will acknowledge receipt of each application. The Approval Committee will meet approximately every two months, or as necessary, to assess and consider each application against the previously outlined criteria and either:

- Approve the application;
- Reject the application;
- Defer the application for consideration at some later time; or
- Refer the application back to the court for additional work/information for consideration at some later time.

Further details of the administrative procedure are found in the attached flowchart (see **Annex One**.) The PJDP Contracts Manager will minute the meetings / discussions and advise applicants in writing of the Approval Committees decision providing a full explanation in writing for the decision. Decisions should provide details of the assessment of the application against the Responsive Fund criteria. The minutes of the meeting will not be made available with decisions.

In making their application, applicants acknowledge the following:

- While careful consideration will be given to each application, it may not be possible to assist applicants to the extent requested, even if the application meets the Responsive Fund criteria;
- The final decision on applications and the level of funding provided is at the discretion of the Approval Committee; and
- The decision of the Approval Committee shall be final and not subject to negotiation or legal challenge.

9.0 APPROVAL COMMITTEE

The Approval Committee will comprise of the:

- PJDP Team Leader;
- International Programmes Manager; and
- PJDP Contracts Manager.

As part of 6 monthly reports to the PEC the Approval Committee will provide a summary of: the applications that have been received; the decisions of the Approval Committee; and how activities that have been approved are proceeding.

The PJDP Contracts Manager will draft reports for the consideration and approval of the Team Leader for submission to the PEC as part of 6 monthly reporting. The reports will cover the rationale for funding specific activities and periodic updates based on monthly updates provided by the PIC to the PJDP Contracts Manager.

10.0 FUNDING

Initially, the maximum funding available per PIC for the 18 month implementation period (January 2011-June 2012) will be approximately AUD 11,000. This funding will be can be accessed in one, or at most two, application(s) during the 18 month implementation period.



Applications for funding must be used **only** for the purposes for which funding approval has been granted. Following approval a contract will be drafted and signed between the Federal Court of Australia and the applicant detailing the scope, budget and any schedules of the activity, including by when the initiative will be commenced, the completion date, and financial acquittal and narrative reporting requirements. All activities, financial acquittals and narrative reporting must be completed and submitted to the Federal Court of Australia no later than end-March 2012.

The Federal Court of Australia will allocate funding in line with the applicant's approved application, and the applicant will be reimbursed for their actual expenditure. If the applicant is not able to access the funds required to implement the activity, the applicant will send all invoices relating to the implementation of the approved activity directly to the PJDP Contracts Manager for payment. To enable payment to be made by the Federal Court of Australia, the PIC will need to provide the bank account details of those being paid for services under the Responsive Fund activity, including:

- Account Name
- Account Bank
- Account Branch
- BSB or Branch Number
- Account Number
- Swift Code

The PJDP Contracts Manager will send the applicant a cheque or money order, or arrange direct electronic transfer for payment. Successful applicants will be required to maintain accurate and comprehensive financial records of all transactions which will be sent to the PJDP Contracts Manager upon completion of the activity. The Federal Court of Australia will provide these records to MFAT as part of its acquittal process.

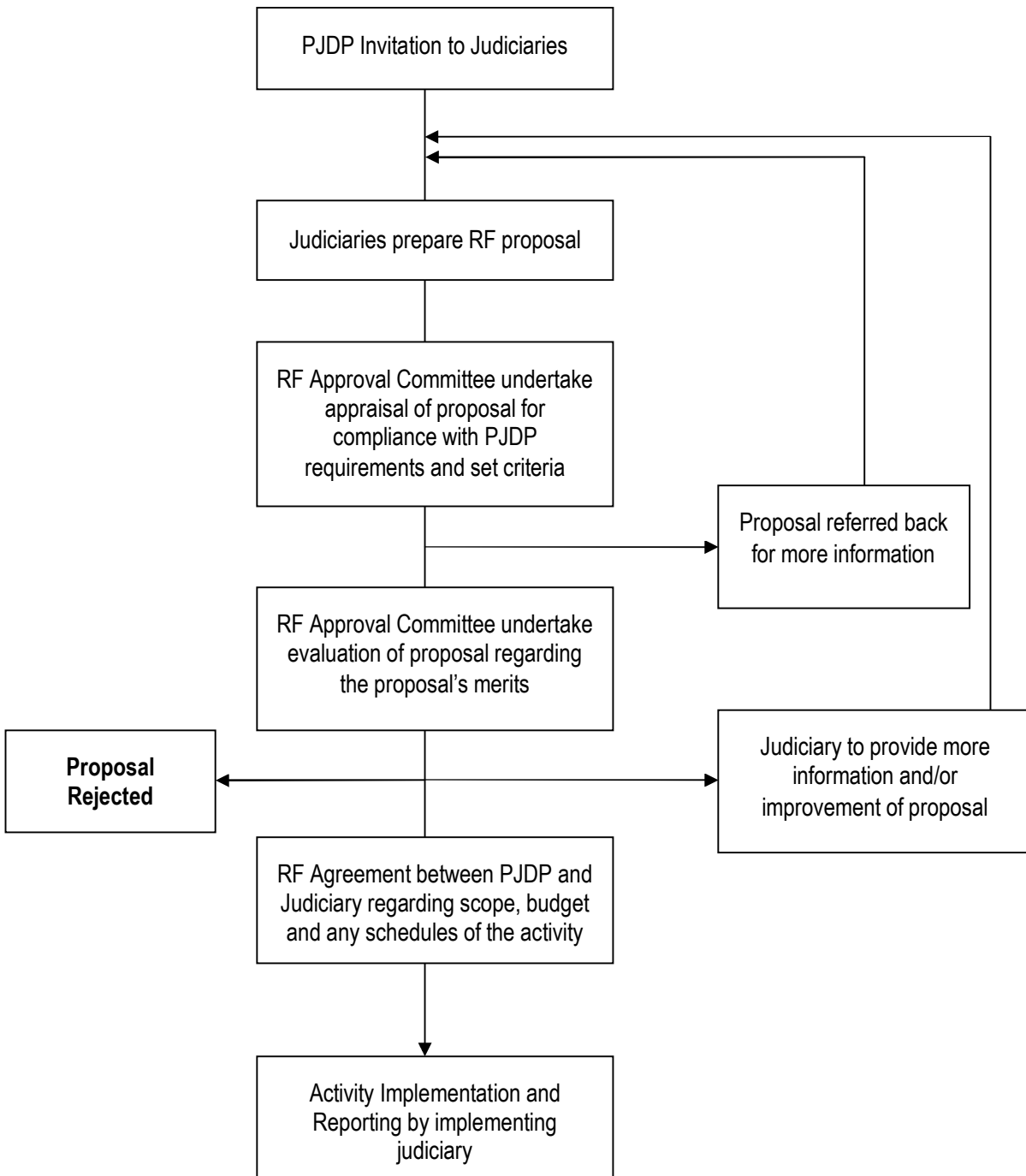
11.0 REPORTING OF ACTIVITIES

It is anticipated that activities will last no more than three months. The applicant PIC is required to submit a report to the PJDP Contracts Manager on progress of the activity on an agreed basis and no less than monthly. Final reports including fully acquitted accounts, the template for which will be provided to the applicant following approval of the application, must be received by the Federal Court of Australia within two weeks of the conclusion of the activity. The Approval Committee in partnership applicant will establish any specific monitoring and evaluation arrangements at the time of the approval of the funding for the particular activity.

Accounts are to include:

- A completed Acquittal of Advance form to be provided by the Federal Court of Australia;
- The actual expenditure acquitted against the initial budget;
- Original copies of receipts for all expenditure;
- Any additional information as requested by the PJDP Contracts Manager.

ANNEX ONE - RESPONSIVE FUND FLOWCHART



ANNEX TWO - PJDP RESPONSIVE FUND APPLICATION FORM

Applicant Organisation:	
Principal Contact Person(s):	
Contact Details:	
Telephone:	
Facsimile:	
E-mail:	
Nature of Request: (briefly describe)	
Estimated Cost:	
Outline the detailed budget (if applicable) of the proposal: (list and provide justification for <u>all</u> items of expenditure)	
Are Quotations Attached?	Yes / No
Has funding been requested from any other source including donor agencies? (give details)	
Clearly outline the aims and objectives of the proposed initiative for which you are seeking funding: <ul style="list-style-type: none"> • List of overall outputs that the proposed activity aims to achieve • If capacity building identify the proposed areas, subjects and topics to be covered • Clarify whether the proposed activity is part of an approved national plan using qualified workplace trainers • Confirm whether the proposed activity is a priority in terms of addressing immediate specific needs for the targeted group and how it will address them. 	
Briefly explain how this proposal is consistent with and supports the PJDP's goals and objectives: <ul style="list-style-type: none"> • Identify the proposed target group stating which level or levels of the judiciary or sections of court support staff that the activity targets. How were they identified / selected? • How are the participants involved in planning 	

and evaluation of the activity?	
Details of the Proposal: (Attach supporting documentation including the nature of assistance and an implementation plan - with timelines if appropriate)	
Identify immediate benefits to the organisation and/or learning for members.	
Briefly explain how the proposed initiative will contribute to the enhancement of gender equity and/or human rights (if relevant)	
Outline the contribution that will be made by your judiciary in support of this proposal	
Briefly provide evidence of sustainability of the proposed assistance. (how will it generate internal incentives for change and performance enhancement, which strengthen and improve law and order in the longer term)	
Describe what risks to the project you can foresee and how you will mitigate those risks.	
Outline the proposed Monitoring and Evaluation mechanisms to measure the outputs of the proposal: Will there be any follow up support activities to ensure sustainability of training outputs?	

Signed:
 Chief Justice

Date: / /

Signed:
 National Coordinator

Date: / /