



# Pacific Judicial Development Programme Newsletter - Issue 1

## Background

In July this year, NZAID in partnership with AusAID launched the second phase of the Pacific Judicial Development Programme (PJDP). PJDP Phase 2 is designed to build on the achievements of the Programme's first phase and the earlier Pacific Judicial Education Program by supporting 15 Pacific Island Countries to enhance the professional competence of judicial officers and court officers, along with the processes and systems they use.

PJDP operates in 15 Pacific Island Countries (PICs), namely: Cook Islands, Fiji, Federated States of Micronesia, Kiribati, Marshall Islands, Nauru, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu and Vanuatu.

## Launch of Phase 2

The Government of New Zealand's Ministry of Foreign Affairs and Trade in partnership with AusAID re-mobilised PJDP in July this year with the Federal Court of Australia being selected as the sole Managing Services Contractor until June 2012.

As part of a regional consultation and re-engagement process, Chief Justice Sapolu (Samoa), Chief Justice Lunabek (Vanuatu) and Chief Justice Ngiraklsong (Palau) launched Phase 2 of the Programme in each PJDP sub-region.

## Vision for Phase 2

The vision for the upcoming 18 month 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. The purpose of Phase 2 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. Continuing from the PJDP Phase 1, the focus of Phase 2 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. To promote continuity between these phases, these pillars are used as the framework within which activities are structured in the implementation period: 1 January 2011-30 June 2012.

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*PJDP is implemented by the Federal Court of Australia with the support of MFAT and AusAID.*



**Australian Government**  
**AusAID**

## Phase 2 Implementation: What we're doing from January 2011-June 2012

The Programme Executive Committee (PEC) met in Guam in early November to consider the 18 Month Implementation Plan developed by the Team in consultation with regional counterparts, and to consider the Programme's operation. The 18 Month Plan was approved at the meeting.

In overview, the Team will manage and deliver ten projects, comprising 28 activities. These projects are :

**1. Customary Dispute Resolution (CDR): Regional Research Project** - to support court-annexed Alternative Dispute Resolution in the formal justice sector and deepen understanding about the nature, role and potential of traditional dispute resolution practices with a view to adopting an integrated and holistic approach to dispute resolution. Research will commence in March 2011 with a pilot programme in three PICs. From this, a strategy to integrate CDR in the region will be developed.

**2. Codes of Judicial Conduct Project** - support will be provided to develop codes in three PICs to strengthen governance mechanisms in these courts. Consideration of codes of conduct at both national and regional levels will aim to promote harmonisation within the region. Implementation will commence in March 2011.

**3. Institutionalisation of PJDP Project** - to promote and enable the long term sustainability of judicial development across the region. Undertaking research and developing an options paper, including funding models and possible institutional linkages with other organisations around the region for consideration by the region's Chief Justices. Implementation will commence from July 2011 with the options paper to be considered at the Chief Justices' Leadership Workshop in September 2011.

**4. Regional Leadership Development Project** - to strengthen judicial leadership by providing opportunities for intra-regional interaction and actively involving leaders in the ongoing development and implementation of PJDP.

**5. Judicial Administration Diagnostic Project** - to assess the needs for judicial administration and support through three in-PIC pilot activities to guide the formulation of a regional support strategy for registry systems and process. Starting in September 2011, the activity will develop registry system and process plans for each selected PIC with findings then assessed to determine whether ongoing support will be provided on a PIC, or more regionalised, basis.



*Representatives at the PEC meeting in Guam, November 2010*

**6. Judicial Monitoring and Evaluation Project** - to enable ongoing monitoring and evaluation of PJDP's contribution to improving judicial performance in the region. Starting from June 2011, the project will: scope the available data on judicial performance monitoring systems in three sample PICs; consult Chief Justices and National Coordinators; collect available baseline data and assess the needs to strengthen reporting systems; and develop and design a regional judicial performance model.

**7. Regional Training Team (RTT) Project** - commencing in March 2011, additional training-of-trainers workshops will be held to complete to expand the pool of existing qualified trainers within the region. Qualified RTT members will then be supported to develop and deliver training locally.

**8. Core Judicial Development Project** - to develop orientation and decision-making training which will be delivered by the PJDP and co-facilitated by members of the RTT. Beginning August 2011, training will be offered to law-trained judicial officers and registrars exercising para-judicial duties, and lay magistrates and court officers.

**9. Benchbook Publishing Project** - to commission two new benchbooks and update two existing benchbooks. Starting from July 2011, managerial responsibility for publication and production will be assumed locally with the support of PJDP. Following production of each of the four benchbooks, a local training activity will be held in each participating PIC on the use of this resource.

**10. Responsive Fund Mechanism** - to provide an incentive-based mechanism where PICs can apply for funding to provide targeted and local support for judicial and court development strategies that promote the broader objectives of the PJDP. Activities will be led, developed, and managed by each PIC requesting funding support.

We trust that these activities reflect your voice and feedback that you expressed in our discussions. We recognise that PJDP will not be able to meet all judicial and court development needs in your jurisdiction, however, we hope that the priority needs that were identified have been captured in the implementation plan.

Should you be interested in receiving the full 18 Month Implementation Plan, a copy can be obtained from your National Coordinator or by contacting the International Project Officer ([hannah.clua-saunders@fedcourt.gov.au](mailto:hannah.clua-saunders@fedcourt.gov.au)).

## Governance and Management

The Programme is overseen by the Programme Executive Committee (PEC); a high level stakeholder forum that provides strategic direction to all PJDP activities. In addition to donor representatives from the New Zealand Ministry of Foreign Affairs and Trade and AusAID, the current PIC members of the PEC are:

- *Chief Justice P. F. Sapolu (Chair)* - Chief Justice, Supreme Court of Samoa (representing Polynesia.)
- *Chief Justice V. Lunabek* - Chief Justice, Supreme Court of Vanuatu (representing Melanesia.)
- *Chief Justice A. Ngiraklsong* - Chief Justice, Supreme Court of Palau (representing Micronesia.)
- *Ms. M. Pahulu* - Chief Registrar, Supreme Court of Tonga (representing the court officers of the region)
- *Mr. J. Kenning* - Senior Justice of the Peace, Cook Islands (representing the lay judicial officers of the region)

The Federal Court of Australia's team that is managing the implementation of the Programme includes the following core team members:

- *Dr. Livingston Armytage* - Team Leader.
- *Mr. Lorenz Metzner* - International Programmes Manager.
- *Ms. Helen Burrows* - Contract Manager and Management Support.
- *Ms. Hannah Clua-Saunders* and *Ms. Sonya Pell* - Project Officers.
- *Ms. Claire Blake* - Finance Officer.

The core PJDP Team is supported by a number of senior staff within the Federal Court as well as its team of volunteers from the International Programmes Unit.

In addition to the PEC governance structure, Mr. James Mc Govern has been appointed as Monitoring and Technical Advisor to the PEC. Mr Mc Govern will provide advice to the PEC the Programme generally and also monitor activities that have been undertaken.

## What we have done since July 2010



*Participants and MFAT representatives at concluding function hosted by the Supreme Court of Samoa at the Polynesia Sub-regional Workshop in Samoa, August 2010*

The **Development Needs Assessment Survey** was based on two surveys (one for judicial service providers, and one for court users), three Sub-regional Consultation Workshops, selected international research data and a range of consultations and discussions with stakeholders throughout the region. This assessment provides an unprecedented level of data on judicial and court development needs based on the first ever methodically-sound statistical surveys of stakeholders. This resulted in 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. The information gathered in the needs assessment is 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.

The **Sub-regional Consultation Workshops** focused on three themes: 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 PIC except Fiji and Tokelau. This constituted a representative leadership group from the PJDP's key counterparts, with a total of: 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, attending these workshops. Overall satisfaction for all three workshops, as ranked by participants in quantitative evaluations at just over 88%.



*Participants during an interactive session at the Melanesia Sub-Regional Workshop in Vanuatu, September 2010*



*Participants at the Micronesia Sub-Regional Workshop in Palau, September 2010*

Following the completion of the needs assessment and the consultations, the PJDP Team developed the draft **18 Month Implementation Plan** for presentation to the Programme Executive Committee. As discussed above, the Plan was approved by the PEC and a final Plan will be distributed shortly to all Chief Justices and National Coordinators.

Following the PEC meeting, the **19<sup>th</sup> Pacific Judicial Conference** was held in Guam. The Conference focused on the interplay between customary and traditional legal concepts and Western principles. Chief Justice Sapolu as Chair of the PEC, supported by Livingston Armytage and Lorenz Metzner, presented an overview of the PJDP including activities planned for the next 18 months.

## Comments and Feedback

We welcome and appreciate feedback from everyone involved in the PJDP along with any contributions, information, materials and photos (in JPEG format) which will can use for future editions of our quarterly newsletter.

If you have any queries regarding the newsletter or PJDP generally, please contact the:

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

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## Technical Pool Expressions of Interest

**Technical Pool:** PJDP is adding to its pool of experts who can be called upon to provide technical assistance of individual activities. In particular, we are seeking experienced advisers from *within* the region to support the project activities discussed, above.

If you are interested receiving further information about becoming involved in Phase 2, please contact us using the attached contact details.