



PROGRAMME EXECUTIVE COMMITTEE MEETING - RESOLUTIONS

15-17 October, 2011 - Port Vila, Vanuatu

The PEC unanimously resolved the following matters during the third PJDP Phase 2 Programme Executive Committee Meeting in Port Vila, Vanuatu (15-17 October, 2011):

Resolution One:

Upon the receipt of a suggestion of the National Coordinators' Leadership Workshop for the inclusion of two National Coordinators to be members of the PEC, the PEC agreed to refer any matter relating to the composition of the PEC to the Chief Justices' Leadership Workshop (18-20 October - Port Vila, Vanuatu) for their information, and recommends that the matter be discussed between the PEC and representatives of the NCs before a recommendation can be given to the Meeting of the Chief Justices.

The PEC further notes the Outcomes and Recommendations developed at the National Coordinators' Leadership Workshop, 12-14 October, 2011 in Port Vila, Vanuatu (see **Annex One**.) With respect to the matters discussed in the outcomes and recommendations document:

- **Recommendation 1 - Composition of PEC:** refer to **Resolution One** of these minutes.
- **Recommendation 2 - Continuation of Support to PJDP:** The Pacific members of PEC **noted** and **endorsed** the NCs' recommendation for a five year extension. Refer also to **Resolution Two** of these minutes.
- **Recommendation 3 - PJDP Purpose:** the PEC **noted** and **endorsed** the NCs' recommendation, with minor changes to the wording. The PEC endorsed purpose of PJDP reads:
The ongoing emphasis of the PJDP should be to continue to provide a regional network for discussions of problems and models, capacity building in strategic planning, and the development of pilot activities as models for the other PICs to apply. They further noted that this emphasis should promote the sustainability of the Programme, flexibility and inclusiveness, and should also retain the Responsive Fund mechanism.
- **Recommendation 4 - future PJDP support should be given to CoJC development and consolidation:** the PEC unanimously **noted** and **endorsed** the NCs' recommendation.
- **Recommendation 5 - that CDR research should continue with the development of concrete recommendations to be applied to the local context:** the PEC unanimously **noted** and **endorsed** the NCs' recommendation.
- **Recommendation 6 - the nature of future ToT should focus on a 'capacity building' approach; future PJDP support should be given to ToT:** the PEC unanimously **noted** and **endorsed** the NCs' recommendation.
- **Recommendation 7 - future PJDP support should be given to Orientation Training:** the PEC unanimously **noted** and **endorsed** the NCs' recommendation.
- **Recommendation 8 - future PJDP support should be given to judicial administration:** the PEC unanimously **noted** and **endorsed** the NCs' recommendation.
- **Recommendation 9 - ongoing support should be given to judicial monitoring and evaluation:** the PEC unanimously **noted** and **endorsed** the NCs' recommendation.
- **Recommendation 10 - NC working group to promote regional ownership and involvement in ongoing programme design:** refer to **Resolution Three** of these minutes.
- **Recommendation 11 - promotion of electronic publishing of meeting materials:** the PEC unanimously **noted** and **endorsed** the NCs' recommendation.



- **Recommendation 12** - *expression of support for PacJII*: the Pacific members of the PEC unanimously **noted** and **endorsed** the NCs' recommendation, and noted that this matter should also be raised at the upcoming Chief Justices' Leadership Workshop for a further expression of support.
- **Recommendation 13** - *Scoping of services on Sexual and Gender Based Violence (SGBV)*: the PEC unanimously **noted** and **endorsed** the NCs' recommendation.

Resolution Two:

The Pacific members of the PEC resolved that the meeting would formally request a five year extension from AusAID and NZ MFAT, commencing at the end of PJDP Phase 2.

Resolution Three:

The PEC resolved to appoint a National Coordinators' working group to draft the proposed PJDP work plan for a 12 or 24 month extension as representatives of, and in close consultation with, their Chief Justices or the chair of the national judicial development committee.

Resolution Four:

The PEC resolved to hold the next PEC Meeting from 1-3 April, 2012, in Samoa following a NCs' Leadership Workshop (26-28 March, 2012) and CJs' Leadership Workshop (28-30 March, 2012), including one shared day.

The PEC **notes** that:

- a) AusAID has informed NZ MFAT that AusAID is currently considering its ODE review and was therefore unable yet to commit to co-funding any extension of the current phase of PJDP; and that AusAID was not yet able to advise MFAT as to when it can confirm its position.
- b) NZ MFAT will convey to AusAID the request of the Pacific members' of the PEC for succession planning for a further 5-year programme of support.
- c) MFAT will consider the request from the Pacific members of the PEC to MFAT for an extension of the current phase by 12 or 24 months and confirm its decision by 31 December, 2011.
- d) MFAT advised it will consider a review of the current phase (to be potentially timed to occur in December 2011); which may inform future direction of a follow-up programme of support.
- e) MFAT confirms no commitment has been made by MFAT to fund a design and/or implementation of a follow-up programme beyond any extension of the current phase.
- f) In relation to any follow-up phase of support, NZ Procurement Guidelines preclude a MSC who has been involved in design from also undertaking implementation.

The Pacific members of the PEC request MSC to undertake a scoping concept note for future programme of support; and request that MFAT consider the feasibility of this request financially and in line with its procurement guidelines.



Annex One - Outcomes and Recommendations developed at the National Coordinators' Leadership Workshop (12-14 October, 2011: Port Vila, Vanuatu)

We the National Coordinators recognising that we represent the interests of our jurisdictions at the operational level, and wishing to advance the aims, objectives and goals of PJDP, do hereby make the following recommendations for the consideration of the Programme Executive Committee:

1. **PEC Agenda Item:** that the PEC consider as part of its ongoing composition the inclusion of 2 National Coordinator representatives in the PEC.
2. **Continuing support to PJDP:** National Coordinators reaffirm their recommendation from the Cook Islands Meeting that the PJDP be extended; and recommends that it is extended for five years.
3. **Purpose Statement:** National Coordinators indicated that the ongoing emphasis of the PJDP should be to create a regional forum for discussions of problems and models, capacity building in strategic planning, and the development of pilot activities as models for the other PICs to apply. They further noted that this emphasis should promote the sustainability of the Programme, flexibility and inclusiveness, and should also retain the Responsive Fund mechanism.
4. **Codes of Judicial Conduct (CoJC):** National Coordinators noted their agreement with all of the recommendations in the CoJC Expert's final report, and recommend that CoJC-related activities should be undertaken in other PICs in an extension, and that follow-on activities may be undertaken in the 3 PICs that have received support to-date.
5. **Customary Dispute Resolution:** National Coordinators note that future refinements to the interim report should focus on the development of concrete recommendations to be applied to the local context.
6. **Training-of-Trainers:**
 - Focus of ToT Training: all upcoming ToT training should focus on and adopt the capacity building approach. Participants successfully completing the capacity building training will receive PJDP accreditation and can participate in the Regional Training Team.
 - PJDP should continue to hold capacity focussed ToT training under any extension.
 - PJDP should continue to build the membership of the RTT.
 - The joint faculty approach used in the Regional Orientation Course for Judicial and Court Officers should be extended using experienced RTT members as the core faculty, together with other trainers as required.
7. **Orientation Training:**
 - Regional Orientation Training: Feedback was that the workshop was very successful, particularly for the lay judges. In future, PJDP should focus on training lay officers as a matter of priority, though to include law-trained officers where needed and feasible.
 - National Coordinators note the need for a Judicial Development Refresher as a matter of priority for experienced law-trained judicial officers in the immediate term, and lay refresher training in the medium term.
 - PJDP should continue to hold regional orientation training on an annual basis under any extension with the aim to build the capacity of local trainers to conduct local orientation training in the medium-term.
8. **Judicial Administration Diagnostic:** Ongoing support promotes the:
 - development of timelines and goals for case disposal in interested PJDP partner courts; and



- use of information technology (IT) appropriate to the local conditions and court environment.
9. **Judicial Monitoring & Evaluation:** National Coordinators noted that the current activities under the Project should continue.
 10. **Development of the Extension Plan:** National Coordinators discussed ways of promoting their ongoing involvement in the development of the proposed PJDP Extension Plan (post-June 2012). The National Coordinators established a working group for the purpose of ongoing programme design consisting of one representative from each sub-region.
 11. **Publishing of Workshop Materials:** National Coordinators decided that all PowerPoint presentations for the workshop would be distributed in electronic format. Further, in the interests of developing principled leadership on environmental sustainability, National Coordinators also agreed that papers will be published in future on CD so that some delegates can use only electronic copies.
 12. **PacLII:** National Coordinators expressed their strong support for PacLII as being a key resource to the region which requires guaranteed ongoing funding.
 13. **Services on Sexual and Gender Based Violence (SGBV):** National Coordinators noted that services on SGBV will be scoped and possibly developed under an extension.
