

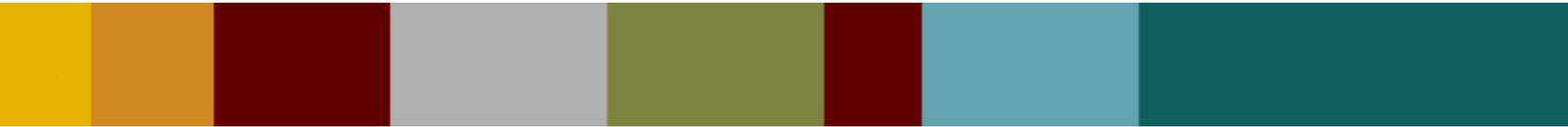


Pacific Judicial Development Programme

2010-2015 COMPLETION REPORT

June 2015





Front cover: Chief Justices' Leadership Meeting, Auckland, March 2014

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Key Results at a Glance

Courts are Administering Justice Better

PJDP is improving the quality of society and human wellbeing in the Pacific

Citizens Live in Fairer Societies with Better Access to Justice



Citizens in Pacific Island Countries (PICs) are more empowered to access and use the courts to redress injustice, and the courts are more responsive to the needs of the public seeking justice.

*Two-thirds (67%) of court users experience improvements in performance.
85% of court actors indicate PJDP has helped courts be more responsive to community needs.*

Judicial Leaders are Directing the Delivery of More Substantive Justice Outcomes



Courts are more proactively managing improvements with Chief Justices networking across the region to drive, plan and administer justice locally.

*94% of court actors agree their peers are more competent in their roles.
81% of court users experience improvements in competence and reliability of justice services.*

Public is Enabled to Demand Judicial Integrity, Transparency and Accountability



Improvements in professionalism, integrity and conduct have built public trust in the courts. The 15 “Cook Island Performance Indicators” and regular annual reporting equip courts and the public with knowledge and capacity to drive continuing improvements in judicial quality.

*77% of court users experience improvements in the standard of judicial integrity and conduct.
12 PICs are now regularly publishing Annual Court Reports, up from 2 PICs in 2010.*

Courts Administer and Deliver Justice More Efficiently



Courts are increasingly disposing of cases and reducing backlogs according to established time standards. Improved efficiency, and public awareness of this, is strengthening public trust and consolidating confidence in courts.

*68% of court users experience improvements in efficiency, transparency and accountability.
96% of court actors report improvements in time standards and/or case disposal rates.*

Continuing Improvements are Transforming Court Performance



Courts are more able to build capacity through experienced local trainers conducting sustainable judicial development across the region.

*84% of court actors report courts are managing their development more effectively.
69 locally-led activities designed and delivered by PJDP-certified trainers.*



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Message from the Team Leader



Dr Livingston Armytage
PJD Team Leader

Over the past five years, the Pacific Judicial Development Programme (PJDP) has improved the quality of justice across the Pacific in ways that are relevant, effective, efficient and sustainable. These improvements have a measurable impact on promoting a fairer society and improving human wellbeing.

This report documents PJDP's activities, outcomes and results. It shows that PJDP has delivered some significant results¹ in developing competency among a large body of judicial and court officers relating to their core functions, in strengthening the systems and processes supporting courts in Pacific Island Countries (PICs), and in equipping PICs with tools and competence to begin leading, directing and managing their reform agendas locally.

PJDP's goal was to strengthen governance and rule of law in PICs through enhanced access to justice and professional judicial officers who act independently according to legal principles. Its purpose was to support PICs to enhance the professional competence of judicial officers and court officers, and the processes and systems that they use. Fourteen countries participated, namely: Cook Islands, Federated States of Micronesia (FSM), Kiribati, Republic of Marshall Islands (RMI), Nauru, Niue, Palau, Papua New Guinea (PNG), Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu and Vanuatu.

PJDP successfully achieved its objectives, substantiated with detailed evidence gathered from key court actors, court users and the community. In doing so, it addressed the Principles for Evaluation of Development Assistance articulated by the Organisation for Economic Cooperation and Development's Development Assistance Committee (OECD-DAC): relevance, effectiveness, efficiency, impact and sustainability.²

The core need addressed by PJDP has been to build and consolidate court capacity to administer justice accessibly, fairly and efficiently for all citizens. Justice is fundamental to social stability, societal development and individual wellbeing. The courts are the key state agency for administering justice. When they perform their role well they: (a) promote order and public safety; (b) conserve good governance; (c) encourage economic growth and investment; and (d) provide citizens with a means of resolving disputes and accessing their rights. Limited accessibility and responsiveness can impede courts' ability to deliver justice outcomes that are inclusive, sustainable and measurably improve human wellbeing.

PJDP is a unique, important and challenging investment in promoting the rule of law across the Pacific. Over two decades of development investment, this has built on the notion that providing technical assistance to improve the competence of judicial and court officers will lead to better judicial performance and service delivery and, thereby, enhanced access to

¹ Performance data was collected and recorded from a number of sources. See **Annex One** for the Evaluation Strategy containing a list of data sources and the methodology. Note: all Annexes to this Report are located on the Federal Court of Australia's PJDP website: <http://www.fedcourt.gov.au/pjdp>

² OECD-DAC, 2002

justice. This ‘theory of change’³ has evolved over the years in three stages: (i) an initial approach which centred on training law-trained and lay judicial officers and court staff; (ii) an intermediate approach which continued training and began integrating organisational capacity-building; and (iii) the current, more holistic approach, to improving access to and delivery of justice-related services.

PICs are characterised by their physical smallness, geographical dispersion, cultural diversity, capacity limitations and institutional fragility. Most citizens live in remote communities, have limited knowledge of and access to the courts, and resolve their disputes using traditional mechanisms. Within this context, we, the Federal Court of Australia (FCA) as the Managing Services Contractor (MSC), have sought to address an overarching need for courts to develop means to reach more citizens, both by expanding direct access and building stronger links with customary justice.

This has been achieved by combining an emphasis on institutional strengthening, through the development of management skills, with targeted technical assistance delivered regionally through leadership fora, toolkits and pilot projects, and financial assistance to local initiatives. It has explicitly aimed at developing the ability and autonomy of PICs to identify and resolve deficiencies in service delivery to improve law and justice outcomes at the regional, national and local levels.

What we Did

The PJDP completed 177 activities⁴ across 17 projects within the PJDP’s four thematic pillars:

COMPONENT 1 ACCESS TO JUSTICE (21 ACTIVITIES)	COMPONENT 2 GOVERNANCE (96 ACTIVITIES)	COMPONENT 3 SYSTEMS AND PROCESSES (37 ACTIVITIES)	COMPONENT 4 PROFESSIONAL DEVELOPMENT (23 ACTIVITIES)
Customary Dispute Resolution/Access to Justice	Codes of Judicial Conduct / Complaints Handling	Judicial Administration	Regional Training Capacity
Family Violence & Youth Justice	Regional Governance and Leadership Meetings	Performance Monitoring	Core Judicial Development
Public Information	National Judicial Development Committees	Court Annual Reporting	Benchbooks
Enabling Rights	Responsive Fund		
	Institutionalisation of PJDP		
	Project Management		
	Remote Delivery Concept Paper		

Table 1: Projects by component

Projects and activities were delivered in cooperation and collaboration with all participating PICs and split between regional and bilateral activities as highlighted on the next page.

³ See **Annex Two** for more detail on the theory of change.

⁴ A complete list of activities is located at **Annexes Three** and **Four**.

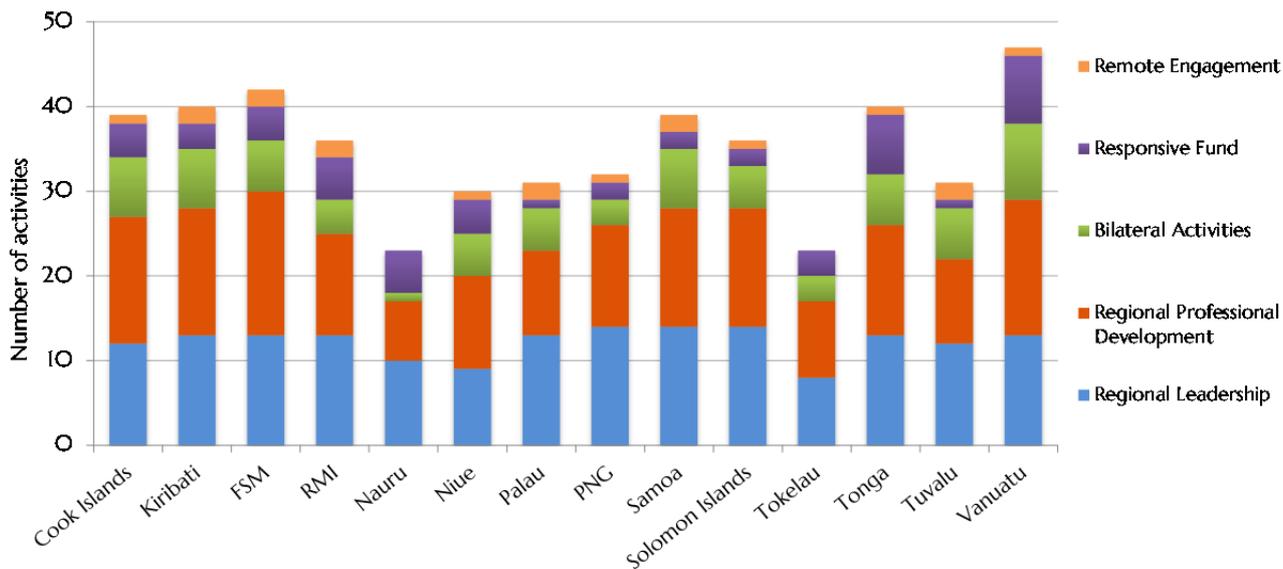


Figure 1: Number and type of activity by Pacific Island Country

A large number of outputs were produced,⁵ each of which contribute to the achievement of important outcomes. The following are among the most significant outputs:

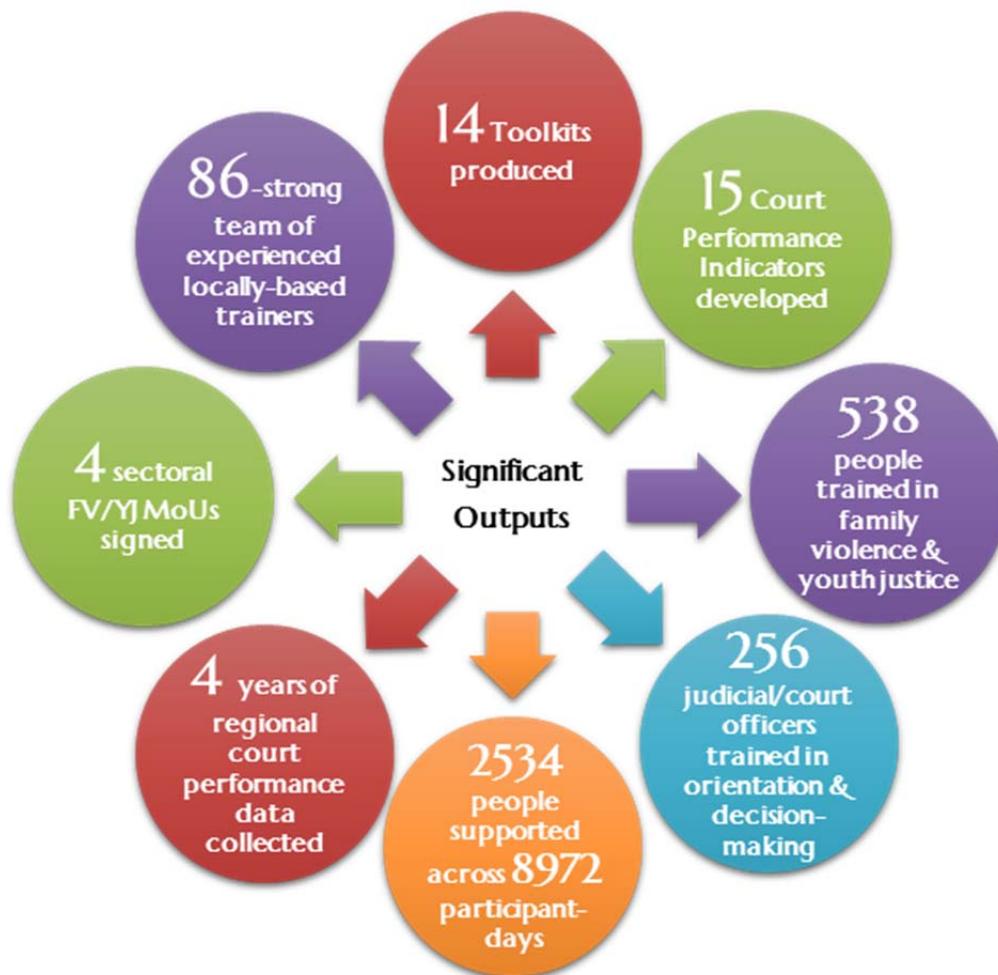


Figure 2: Significant outputs

⁵ See Annex Five for baseline data, End-of-Programme targets and key outputs for each project.

How did we Assess the Achievements?

In assessing PJDP's achievements, the MSC sourced and triangulated data from periodic and technical advisory reports, observations, activity surveys and assessments, the MSC's self-assessment and four region-wide evaluation surveys which captured 224 responses from judicial and court officers (court actors)⁶ and 99 responses from court users.⁷

For the purpose of this evaluation, court users comprised a cross section of parties and legal representatives, non-government/community organisations, churches, business and members of the community who may not have used the court, but may do so in the future. Including this cross section enabled the MSC to elicit firsthand and anecdotal views about PJDP-inspired changes to the experience of accessing justice services through the courts and the impact that has had on perceptions of the judiciary and community wellbeing. Including members of the community who have not yet engaged with the courts was considered critical to interrogate the extent to which they are better informed, equipped and confident to use the court to pursue their rights.

What did we Achieve?⁸

This section assesses the extent to which PJDP contributed to its goal and purpose and how developmentally effective it has been according to the OECD-DAC criteria for evaluating development assistance.⁹ These criteria are valuable, clear and universally accepted reference guide in evaluating practical development work.

The goal of PJDP was to strengthen governance and rule of law in PICs through enhanced access to justice and professional judicial officers who act independently according to legal principles. Its purpose was to support PICs to enhance the professional competence of judicial officers and court officers, and the processes and systems that they use. PJDP contributed significantly to the goal and purpose as evinced by the survey responses received from PICs noting some or significant improvements in the competence, conduct, efficiency and responsiveness of partner courts over the last five years:



Figure 3: Percentage of court users surveyed indicating some/significant improvements have occurred over the last five years

⁶ Comprising the following responses: 96 to the End-of-Programme surveys, 87 to the Toolkit Usage survey and 41 to the Responsive Fund.

⁷ See **Annex One** for a list of all data sources. A copy of each survey is located at **Annexes Six and Seven**. The collated results from the surveys are located at **Annexes Eight and Nine**.

⁸ See **Annex Ten** for a breakdown of the results achieved by each project.

⁹ OECD-DAC, 2002.

Collated assessments from a number of sources, including feedback from stakeholders within and external to the PIC courts, also demonstrate how PJDP scored against each of the five OECD-DAC criteria.¹⁰

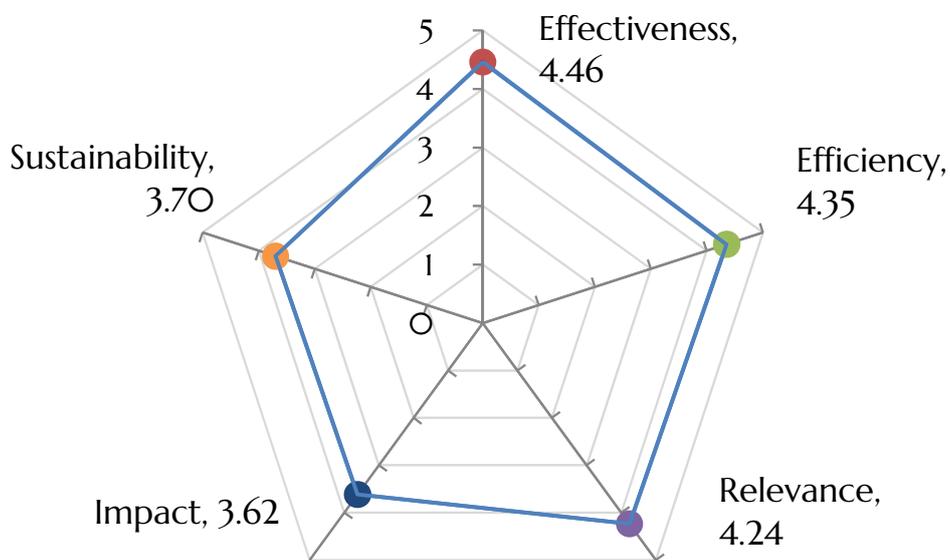
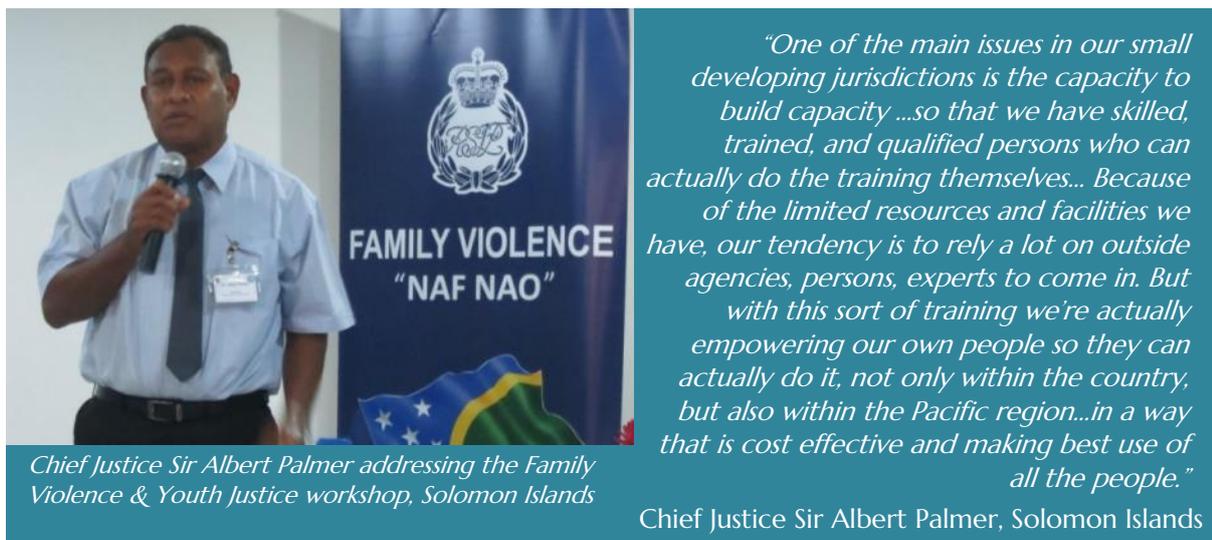


Figure 4: PJDP performance against the five OECD-DAC criteria



Chief Justice Sir Albert Palmer addressing the Family Violence & Youth Justice workshop, Solomon Islands

“One of the main issues in our small developing jurisdictions is the capacity to build capacity...so that we have skilled, trained, and qualified persons who can actually do the training themselves... Because of the limited resources and facilities we have, our tendency is to rely a lot on outside agencies, persons, experts to come in. But with this sort of training we’re actually empowering our own people so they can actually do it, not only within the country, but also within the Pacific region...in a way that is cost effective and making best use of all the people.”

Chief Justice Sir Albert Palmer, Solomon Islands

¹⁰ See **Annex Eleven** for a list of collated results of OECD-DAC criteria by data source. Scores are based on advice provided by MFAT at the Programme Executive Committee Meeting, October 2014, indicating that 2 = average; 3 = above average; 4 = very good; 5 = excellent.

How PJDP Strengthened Governance, Leadership and Change

Central to PJDP's goal is strengthened governance and rule of law. PJDP has **strengthened governance** by supporting judicial leadership with the capacity to promote and implement change.¹¹ This has been achieved by networking Chief Justices, National Coordinators and a Regional Training Team, and by building the capacity of each stakeholder group to respectively prioritise, design and deliver improvement activities supported by National Judicial Development Committees. The practicality and usefulness of leadership activities in clarifying strategic direction and activities was rated very highly by Chief Justices and National Coordinators.



65% of Responsive Fund activities delivered by local trainers

Capacity now exists in all PICs to design and implement development projects, with 86¹² certified trainers across all PICs. Local trainers designed and delivered 69 professional development activities in 11 PICs¹³ without external technical assistance and 65% of all Responsive Fund activities were designed and delivered by local trainers.

Governance has also been strengthened by fostering acceptance, and enabling the development and implementation of cogent governance, performance and disciplinary structures and processes. This has resulted in judicial leaders taking ownership for implementing processes to improve transparency,¹⁴ enabling 68% of court users to report improvements in accountability. This is bolstered by 91% of judicial and court officers who noted considerable improvements in the standard of judicial integrity and conduct.



86-strong team of certified and experienced local trainers



Court officers at Training-of-Trainers workshop, Federated States of Micronesia

"Our court now has a time standard to improve case management, a team of local judicial trainers to deploy training as needed and the training toolkits to help our training team in assessment, formulation/development, design, delivery and evaluation of training programs. These are significant improvements and measurable achievements that directly help improve capabilities and competence of judges and staff in dispensing their duties."

Court officer & Regional Training Team member, FSM

¹¹ Chief Justices indicated that leadership meetings were highly useful, practical and relevant to them as leaders, rating this at 92% across seven leadership meetings.

¹² Comprising 49 Regional Training Team members (12 currently inactive) and 37 National Trainers

¹³ A list detailing these activities is located at **Annex Twelve**.

¹⁴ For example, the Supreme Court of Vanuatu has committed to including the number, nature and resolution of complaints against the judiciary in its annual reports.

How PJDP Strengthened Rule of Law

In strengthening the **rule of law** PJDP has focused on building knowledge, understanding and capacity to apply the rule of law on the part of key judicial actors as well as the community. This has been particularly significant given that three-quarters of judicial officers in the Pacific have no formal legal education.¹⁵

This has enabled judicial and court officers to better understand and perform their roles in interpreting and applying the law correctly. This is evidenced by 94% of judicial and court officers indicating that they are more competent and confident in performing their roles and duties. PJDP has also contributed to strengthening fundamental rights including a right to justice and a fair trial,¹⁶ by promoting human and gender rights as integral to the role and function of judicial and court officers. 76% of judicial and court officers agree that as a result of PJDP's interventions they, and their colleagues, have a better understanding of human rights and gender equity/equality.



538
people
participated
in family
violence /
youth justice
workshops



4 sectoral
family
violence/
youth justice
MoUs signed

By extension, this approach has also involved empowering court users to expect more appropriate and holistic justice outcomes. This has been achieved by dissecting and promoting the interplay between formal and customary justice and supporting cross-sectoral treatment of challenging issues including gender-based and family violence, juvenile justice and access to justice by other marginalised groups. 85% of judicial and court officers consider that PJDP has assisted their court in becoming more responsive to community justice needs.

PJDP activities triggered momentum in addressing community justice needs. One example follows the Family Violence and Youth Justice workshop in Niue where a Land Court Division Commissioner reinvigorated the Niue Women's Group to drive local action on domestic and family violence. The Group will be a focal point and support network for female victims while it also intends to run awareness programmes to encourage women to report violence and seek help.



Self-reflection exercise at the Family Violence & Youth Justice workshop, Niue

¹⁵ According to data provided to PJDP by the region's Chief Justices in 2014. See below for discussion about achievements in capacity development.

¹⁶ Article 14, International Covenant on Civil and Political Rights

How PJDP Enhanced Access to Justice

PJDP's goal envisages that in order to strengthen governance and rule of law, **access to justice must be enhanced**. PJDP has supported *access* by promoting community awareness about the role of the courts in dispute resolution, and by empowering the use of their legal rights. This is emerging in PICs where PJDP activities have facilitated consultations and information sharing with the public. Citizens in these PICs are now better informed about accessing justice services and empowered to exercise their legal rights in court more easily.



10 PICs had media coverage of PJDP activities. FV/YJ workshops received media coverage in **6** of **7** recipient PICs

Once court proceedings are initiated, PJDP has supported *justice* by empowering judicial and court officers to: provide a fair trial and provide reasons for their decisions;¹⁷ offer more creative and restorative approaches to justice where appropriate;¹⁸ and meet the justice needs of marginalised groups, particularly unrepresented litigants, victims of violence, and children.¹⁹



Community consultations on Maiana Island. Enabling Rights Project, Kiribati

"We are more aware of the 'real people' vulnerable, disabled, marginalised after PJDP workshops ... It challenges the court to reach out to those people, educating them on their legal rights."

Judicial officer, Kiribati



From left: Chief Justice Sir John Muria, Justice Vincent Zehurikize and Dr Livingston Armytage. Enabling Rights Project, Kiribati

"I am particularly pleased to see the interest the [Enabling Rights] Project has generated, not only in the Courts and Court officers and Court Staff, but members of the public are beginning to have some idea of what they can do themselves if they come to the Court to do their own cases. Both the judicial officers and court officers have greatly benefitted."

Chief Justice Sir John Muria, Kiribati

¹⁷ Through Orientation and Decision-Making Training.

¹⁸ Through the Family Violence and Youth Justice Project.

¹⁹ Ibid and the Enabling Rights and Public Information Projects.

How PJDP Enhanced Professional Competence



801

people locally engaged or trained as a result of Responsive Fund activities

Also integral to PJDP's goal are **professional judicial officers acting independently and according to legal principles**. This was achieved through PJDP's purpose of **enhancing professional competence**. Equipped with robust codes of conduct and advanced capacity, the competence of judicial and court officers is improved, and as a result, so is their capacity to deliver judicial services, with 87% of judicial and court officers surveyed agreeing that PJDP has assisted their court improve the quality of justice service delivery.

Furthermore, the quality, relevance and sustainability of professional competence building are improved through local trainers who are proactive, self-sufficient and professional in addressing competence needs. This is evidenced by 84% of judicial and court officers surveyed indicating their court is able to manage their own locally-delivered development activities and 79% reporting that the quality of locally-led training activities has improved.



256

judicial/court officers received orientation & decision-making training



"The judicial officers are now more focused on explaining their decisions rather than just passing sentence."

Court user, Cook Islands

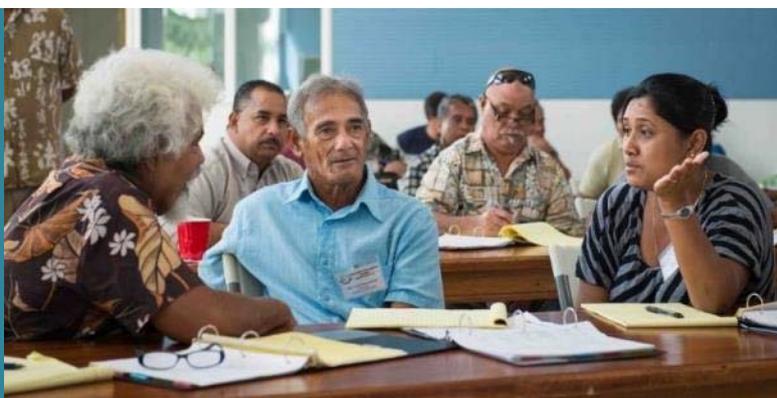
"...[T]rainings ... have improved the quality of the decisions issued by the courts. These trainings also have positive impacts on the resolution of cases, which improve the wellbeing of the citizens."

Court officer, FSM

Left: Court Clerks group activity during Enabling Rights workshop, Kiribati

"Judgments are given on time, court officers are present during court sessions. Judgments are fair and just."

Court user, PNG



Right: Small group exercise discussions during Enabling Rights workshop, Kiribati

How PJDP Enhanced Processes and Systems

The second element of PJDP's purpose was to **enhance processes and systems** used by judicial and court officers. PJDP has achieved a considerable amount in this sphere through diagnostic work²⁰ along with the development and implementation of internationally recognised performance measures, standards and principles of timeliness.²¹ Since the 15 "Cook Island Performance Indicators" were developed by the region's Chief Justices in 2011, a region-wide willingness has emerged to embrace the idea of collecting and annually reporting on court performance. In 2011 only two PICs published annual reports each year and were able to report on ten or more of the Cook Island Performance Indicators; however neither presented gender disaggregated data for any type of case. In 2015 12 PICs produced or contributed to annual reports, 10 PICs were able to report on ten or more of the Cook Islands Performance Indicators, and four now include gender disaggregated data. Between 2011 and 2014 six PICs issued their first judiciary annual report and all PICs now have a complete range of tools to assist them in future.



4 years of regional court performance data collected



15 court performance indicators developed

By measuring and reporting on performance, courts are becoming more transparent. Courts are also becoming more proactive in dealing with delay and backlogged cases. Increased community awareness of these performance and time standards has been supported by media coverage on court annual reporting in several PICs.²² Through advances in timeliness, courts are conducting proceedings more competently, consistently and efficiently, with 81% of court users indicating there has been some or significant improvements in the competence of judicial and court officers and reliability of their services.

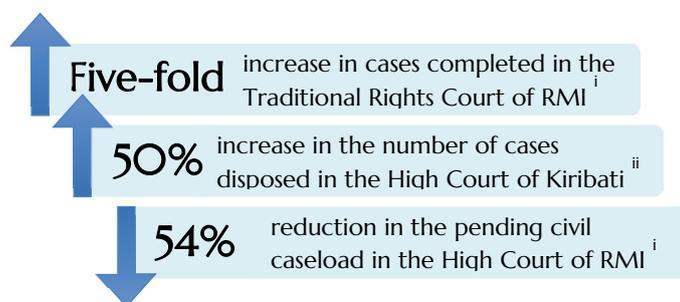


Figure 5: Discernible improvements in timeliness in PICs.²³

Beyond measuring the extent to which PJDP has contributed to its goal and achieved its purpose, it has also demonstrably satisfied the OECD-DAC criteria related to its impact, sustainability, relevance, efficiency and effectiveness.

²⁰ To identify challenges and develop plans to address them in Solomon Islands, Vanuatu and Tonga.

²¹ The International Framework for Court Excellence.

²² Further details about media publication are located at **Annex Thirteen**.

²³ ⁱ Statement from Hon Chief Justice Ingram of the Republic of Marshall Islands. The Chief Justice adds that "it is important to note that the Time Goals project materially helped sustain an existing 7-year backlog reduction effort"; ⁱⁱ High Court of Kiribati 2015 Legal Year Opening Address, 6 Feb 2015, Hon Chief Justice Sir John Muria Kt.

What is the Impact?²⁴

Combining the various results, PIC courts are administering justice better which contributes to improving the quality of society and human wellbeing²⁵ in the region.

Citizens Live in Fairer Societies with Better Access to Justice



Citizens in Pacific Island Countries (PICs) are more empowered to access and use the courts to redress injustice, and the courts are more responsive to the needs of the public seeking justice.

*Two-thirds (67%) of court users experience improvements in performance.
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Courts are more proactively managing improvements with Chief Justices networking across the region to drive, plan and administer justice locally.

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81% of court users experience improvements in competence and reliability of justice services.*

Public is Enabled to Demand Judicial Integrity, Transparency and Accountability



Improvements in professionalism, integrity and conduct have built public trust in the courts. The 15 “Cook Island Performance Indicators” and regular annual reporting equip courts and the public with knowledge and capacity to drive continuing improvements in judicial quality.

*77% of court users experience improvements in the standard of judicial integrity and conduct.
12 PICs are now regularly publishing Annual Court Reports, up from 2 PICs in 2010.*

Courts Administer and Deliver Justice More Efficiently



Courts are increasingly disposing of cases and reducing backlogs according to established time standards. Improved efficiency, and public awareness of this, is strengthening public trust and consolidating confidence in courts.

*68% of court users experience improvements in efficiency, transparency and accountability.
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Continuing Improvements are Transforming Court Performance



Courts are more able to build capacity through experienced local trainers conducting sustainable judicial development across the region.

*84% of court actors report courts are managing their development more effectively.
69 locally-led activities designed and delivered by PJDP-certified trainers.*

²⁴ **Impacts:** Positive and negative, primary and secondary long-term effects produced by a development intervention, directly or indirectly, intended or unintended. OECD-DAC Glossary of Key Terms in Evaluation and Results Based Management 2002.

²⁵ 75% of court users agree that PJDP contributed to assisting the courts to improve human wellbeing.

Are the Results Sustainable?²⁶

Central to the vision for PJDP is enhancing the **institutionalisation, localisation and sustainability** of judicial training and court development services for stakeholders across the region. Specifically, sustainability has been promoted by:

- Networking regional judicial leadership through face-to-face and virtual fora to address shared issues and problems;
- Facilitating regional acceptance of the need and ability to improve access to courts, robust governance, efficient performance and effective competence levels;
- Equipping judicial leaders in the region with the tools and support to address local justice needs;
- Delivering tailored practical pilot projects based on local research to provide local actors with the capacity to replicate methodologies locally without or with less external technical assistance;
- Promoting autonomy by documenting the pilot project processes, associated instruments and methods and publishing them in 14 toolkits which have been disseminated across the region;
- Developing local capacity to assess competence needs, design and conduct training;
- Enabling trainers, through the Responsive Fund, to lead the design and delivery of highly nuanced activities in individual PICs and continue honing their skills through co-facilitation of core professional development activities; and
- Bolstering institutional acceptance of, and capacity to report on, the *15 Cook Island Performance Indicators* through ongoing support to and collection of court performance data.



Ulu o Tokelau, Aliko Faipule Kuresa Nasau and Chief Justice Patu Sapolu, Samoa

“Three quarters of the judiciary in the Pacific have no formal legal education, a situation that is unique to Oceania. To address this, we crafted a curriculum that is honed to the needs of lay judicial officers at a regional level, but when we do it at a local level, we find the level of satisfaction and knowledge gain higher because the training is localised to the jurisdiction.”

Dr Livingston Armytage,
Radio NZ Interview

Assessing the extent to which **skills have been effectively and sustainably transferred** is inherently complex and requires ongoing investment. Post-activity assessments indicate however that there was an aggregate knowledge increase of 145% across regional professional development activities, with assessment of some key knowledge areas demonstrating up to eight-fold improvement. Informal assessments by technical advisers acknowledge similar increases.

²⁶ **Sustainability:** The continuation of benefits from a development intervention after major development assistance has been completed, the probability of continued long-term benefits, the resilience to risk of the net benefit flows over time. OECD-DAC Glossary of Key Terms in Evaluation and Results Based Management, 2002.

In addition to capacity increases related to the core functions of judicial and court officers, there are similar increases in **confidence and capacity to lead the design and implementation of activities locally**. These increases are demonstrated by 65% of all Responsive Fund²⁷ activities having been delivered by local trainers and 69 training activities having been delivered independently by a number of the 86 people considered competent as trainers.

Four out of five (79%) judicial and court officers agree that the quality of locally-led training activities has improved, with the quality of locally-led training programmes rated as either good or excellent by 82% by this group. In addition, PICs also reported that the activities are high quality and effective in achieving their objectives. 92% of survey respondents²⁸ confirmed that Responsive Fund activities had achieved their objectives.

This **transformational behavioural change** is significant as PICs are no longer solely reliant on external trainers to design and deliver activities. They are taking responsibility for their own development and have the capacity and initiative to do so effectively. 84% of judicial and court officers indicated that they have the ability to manage locally-delivered development activities without external assistance.

Integral to PJDP's theory of change has been the production of **toolkits** on key reform areas. Each toolkit was designed to be sufficiently comprehensive and practical to provide adequate guidance to PICs to continue implementing change without external technical assistance, and sufficiently adaptable to the needs and realities in each PIC.



2534
people supported
across
8972
participant
training days

"[Toolkits] are a most useful methodology for enlightening and educating the judiciaries and judicial services in the region of what needs to be done and how it is to be done for the enhancement and the improvement of the services provided by the Courts to the public."

Chief Justice Patu Sapolu, Samoa
Chair of the PJDP Programme Executive Committee



Chief Justice Patu Sapolu (Samoa); Dr Livingston Armytage (PJDP Team Leader); Mr John Allen (then MFAT CEO); and Chief Justice Dame Sian Elias (New Zealand & Tokelau) at the Chief Justices' Leadership Meeting in Auckland, March 2013

²⁷ The Responsive Fund was a small grant facility open to all PICs enabling them to apply for, design and deliver development activities addressing local priority reforms not otherwise addressed by PJDP.

²⁸ Responsive Fund Monitoring and Evaluation surveys

PJDP published a collection of 14 toolkits, with each toolkit piloted in at least one PIC. 75% of PIC National Coordinators have independently accessed the toolkits, with 95% reporting their usefulness and relevance, and 94% recommending the development of further toolkits to address more local needs.²⁹ The toolkits page of the PJDP website is the most visited content page, accounting for over 20% of all website traffic.³⁰ While the toolkits provide a legacy, their use will need to be promoted among judicial leaders to ensure their benefits continue to be realised.



14
toolkits
produced

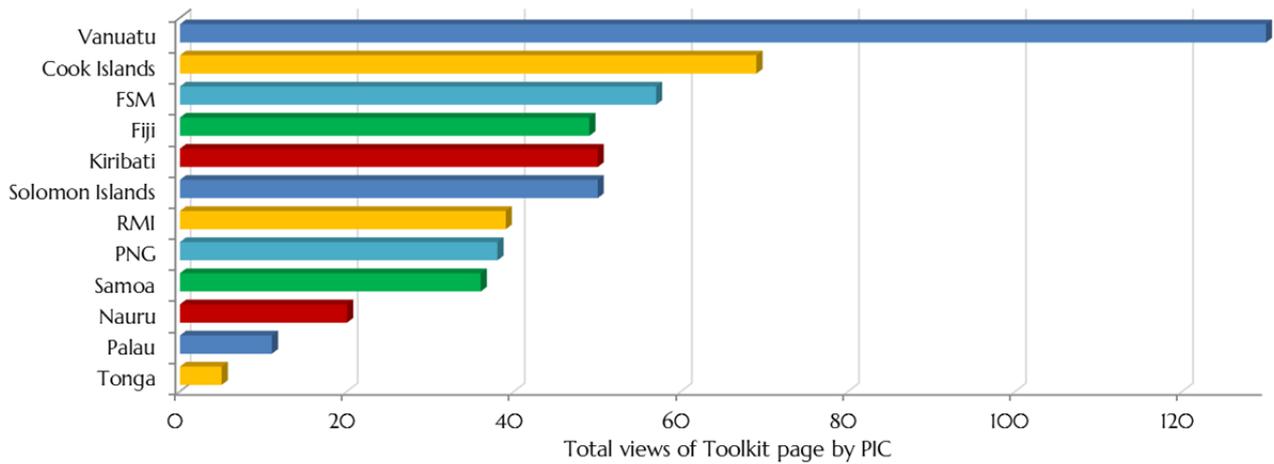
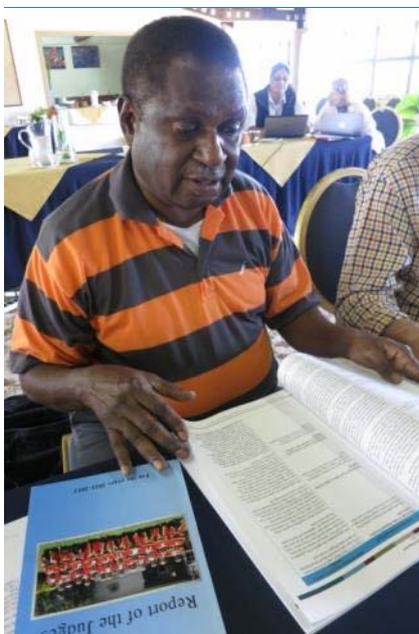


Figure 6: Number of views of Toolkit Page by PIC³¹



Deputy Chief Justice Sir Gibbs Salika, PNG

"I appreciate and acknowledge the work of the Pacific Judicial Development Program (PJDP) for their continued assistance during the year including the development of toolkits such as the Annual Report Toolkit we are using for the production of this annual report."

Chief Justice Sir Albert Palmer, Solomon Islands, His Honour's Foreword to the 2012 Annual Report

"The toolkits have improved my knowledge and increased my awareness in delivery of my role as a judge as well as performance of other duties within the judiciary...The PJDP toolkits are very helpful especially for clerks to learn and get professional ideas from."

Respondent from Toolkit Usage Survey

"The quality [of materials and resources] is amazing."

Lord Chief Justice Owen Paulsen, Tonga

²⁹ Full collated results of the Toolkit Usage survey are located at **Annex Fourteen**.

³⁰ Further details about the website's usage are located at **Annex Fifteen**.

³¹ No data is available for Niue, Tokelau and Tuvalu.

Was it Relevant?³²

PJDP has served 14 PICs which range from micro-states like Tokelau with a population of 1,400 to substantial states like PNG with a population of seven million. These PICs are characterised by their diversity replete with enormous variances in terms of capacity and resources. In 2010 there were no common set of indicators to assess court performance or performance enhancement models, no regional governance mechanisms to institutionalise judicial development or manage internal governance/ethics, an unquantified number of marginalised prospective court users and a significant number of lay judicial officers.

The MSC committed to addressing these deficiencies enabling PICs to report continuing positive trends in court performance transparently accounting for performance and routinely using performance data to forward plan. We also committed to enabling PICs to independently implement tools and methodologies for continued self-improvement sharing results between the region's Chief Justices. We said we would do this by implementing the theory of change articulated below.

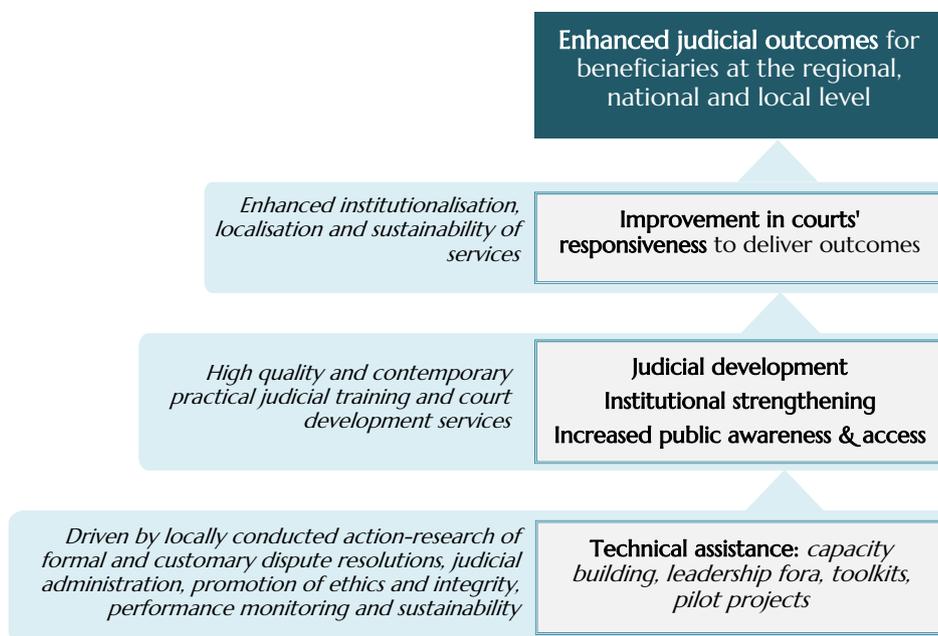


Figure 7: Theory of change

Within the strategic mandate and frameworks that the MSC inherited in 2010, we refocused PJDP to assess and address PIC needs, with an explicit regard to restoring the momentum of development interventions following a hiatus of activities. The assessment of needs was undertaken by three sub-regional workshops attended by key members of each PIC's judicial leadership body and momentum was restored by regular consultation with the PEC (Programme Executive Committee), Chief Justices and/or National Coordinators. These bodies provided feedback, strategic guidance and direction to the MSC throughout. Robust yet flexible arrangements between PICs and the MSC enabled designs to be refined ensuring regionally developed projects and activities were relevant locally. The success of these arrangements is evidenced by:

³² **Relevance:** The extent to which the objectives of a development intervention are consistent with beneficiaries' requirements, country needs, global priorities and partners' and donors' policies. OECD-DAC Glossary of Key Terms in Evaluation and Results Based Management 2002.

- 79% of judicial and court officers surveyed agreed that the PJDP had met their expectations.
- All projects being taken up by the maximum number of PICs the MSC was able to collaborate with.
- Great interest in the implementation of projects/activities in additional PICs.
- Demand for the Responsive Fund exceeding the amounts initially allocated.

While a regional programme; the diversity across PIC contexts, resources and needs, the MSC was required to negotiate the delicate balance between providing regional solutions to local challenges and local solutions to regional challenges. Critical to maintaining both PJDP's relevance as a regional assistance process, and ensuring maximum relevance locally, was supporting the delivery of locally-owned activities in PICs and designing projects/activities that could readily be refined and easily replicated in other PICs.

Assessing the extent to which PJDP struck appropriate balances and provided high quality and beneficial activities, participants' evaluations from all regional and bilateral activities were reviewed. The results are illustrated below:

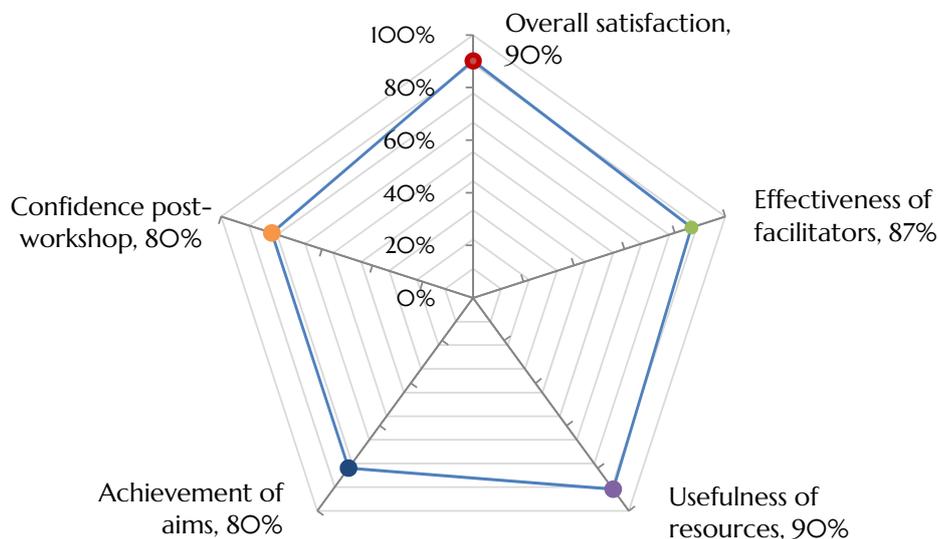


Figure 8: Summary of participant evaluations for PJDP regional and bi-lateral activities

The graph demonstrates high levels of effectiveness, usefulness and satisfaction across all activities. The increased confidence evidenced by participants' self-assessment before and after the workshops, as well as the perception that activities achieved their aims, demonstrate PJDP was relevant in its approach to the challenges it was designed to address.

Was it Effective and Efficient?³³

In terms of development effectiveness, this report documents how the MSC successfully achieved its objectives, as substantiated with detailed evidence gathered from key actors, court users and the community.

In terms of efficiency, the MSC successfully delivered all approved activities on time and within budget, utilising over 99%³⁴ of available funds including \$499,022.18 on Responsive Fund activities.³⁵ With approval from MFAT, the MSC reallocated underspends identified during delivery to implement 12 additional activities. Comprehensive and analytical evidence-based reporting, including the submission of all Milestone and financial reports were submitted on time and met expected quality standards. Of the judicial and court officers surveyed, 83% considered the MSC's management of the PJDP was either effective or very effective and the quality of its training activities and resources was similarly rated highly.³⁶

The MSC used a variety of methods to communicate with its counterparts and stakeholders, distributing nine newsletters and developing a website making available all key resources and reports for viewing and downloading. Since records began in September 2012, 13,401 views of the website have been recorded. Beyond the 'homepage' the most viewed pages are Toolkits with 2,638 views and Materials with 1,841 views.³⁷ In addition, PJDP activities were the subject of a number of media articles, further broadening the PJDP's scope and reach.³⁸

The PJDP achieved all the targets set in its [Monitoring and Evaluation Framework](#).³⁹ The MSC was effective in achieving its targets because it:

- Fostered relationships with the PEC, the region's Chief Justices and National Coordinators to maximise the benefit of the governance structure and provide leadership and ownership;
- Involved judicial stakeholders in decision-making throughout the life of the PJDP;
- Empowered other actors within PIC courts; particularly National Coordinators to partner with it to support the implementation of activities;
- Procured world-leading experts to provide technical expertise and advice;
- Monitored progress and took decisive action to mitigate emerging risks;
- Coordinated with other projects to maximise outcomes for PICs; and
- Ensured a full complement of skilled management and administrative support within the MSC.

³³ **Effectiveness:** The extent to which the development intervention's objectives were achieved, or are expected to be achieved, taking into account their relative importance. **Efficiency:** A measure of how economically resources/inputs (funds, expertise, time, etc.) are converted to results. OECD-DAC Glossary of Key Terms in Evaluation and Results Based Management 2002.

³⁴ As projected at the time of printing.

³⁵ The maximum grant for each activity was \$14,285.

³⁶ 82% of judicial/court officers rated both the quality of PJDP training activities adviser-led activities as good or excellent. 81% rated the quality of resources developed for the RTT as good or excellent.

³⁷ Further details about the website's usage are located at **Annex Fifteen**.

³⁸ Further details about media publication are located at **Annex Thirteen**.

³⁹ See a detailed assessment of achievement by indicator at **Annex Sixteen** and the Monitoring and Evaluation Framework at **Annex Nineteen**.

The MSC has demonstrated commitment to ensuring efficient implementation, value for money and maximising cost-benefit, without compromising the quality and effectiveness of activities, by:

- Securing pro bono technical inputs by 97 individuals and organisations;⁴⁰
- Seeking financial and in-kind contributions from PICs (where possible) to minimise out of pocket activity expenses and maximise the benefit of activities for stakeholders;
- Refining criterion for nomination by PICs of suitable candidates to attend training, ensuring the best opportunity for supporting sustainable outcomes on their return to country; and
- Constantly reviewing actual and anticipated expenditure enabling reallocation of underspends to additional activities.⁴¹

Testimonials from Pacific Chief Justices:

"We use PJDP because we have confidence in it as a judicial programme which is unique in the world in the sense that it is regionally managed by a court. We have tremendously benefited from PJDP" - Chief Justice Vincent Lunabek, Vanuatu

"PJDP has built our confidence in our ability to do these things (judicial development) ourselves." - Deputy Chief Justice Sir Gibbs Salika, PNG

"PJDP has been one of the best programs; I was very impressed from the beginning; there was no better way to maximise the use of resources." - Chief Justice Sir Albert Palmer, Solomon Islands

"PJDP has given us new ways, new concepts and new techniques; definitely there has been a significant change." - Chief Justice Patu Sapolu, Samoa

"Could not have done better." - Chief Justice Patrick Savage, Niue

"Of importance for multi-lateral projects is the quality of management personnel; and we have that." - Chief Justice Patu Sapolu, Samoa



Ms Helen Burrows, Director of International Programs, Federal Court of Australia, presents at the Chief Justices' Leadership meeting in Apia, April 2015

⁴⁰ A detailed list of pro bono support provided to the PJDP is located at **Annex Seventeen**.

⁴¹ A detailed self-assessment of our performance against contracted quality indicators is located at **Annex Twenty**.

Gender Balance

The MSC placed a high priority on incorporating a **gender balance** in the management and delivery of PJDP activities, as well as maximising the reach of activities to include women. Promoting women as leaders of change and of judicial and court services, 41% of judicial and court officers certified as trainers were women. More generally, the MSC proactively sought the inclusion of women in its technical and project team as well as participants involved in activities.



47% of PJDP projects were delivered by females



41% of PJDP certified RTT & National Trainers were female



40% of PJDP participants across regional, bilateral & local PJDP activities were female



56% of the MSCs management, technical & implementation team were female



First row: RTT members Sister Bernadette Eberi, Kiribati (left) and Ms Lise Suveinakama, Tokelau (right) conducting training. *Second Row:* Technical Adviser Ms Margaret Barron and RTT member Ms Sala Tapu, Tuvalu (left). Technical Adviser Ms Jennifer Ehmann with court officers, Samoa (rights). *Third row:* Advisers Ms Jennifer Ehmann and Ms Kerin Pillans (left); RTT member Ms Allison Sengebau, Palau conducting training (centre); Technical Adviser Ms Cate Sumner and RTT member Sister Bernadette Eberi (right). *Fourth row:* Federal Court of Australia management and implementation team.

Lessons Learned

Through implementing the PJDP and surveying key stakeholders within all PIC courts, a number of lessons were learned:

1. While the MSC gave priority to restoring continuity and momentum owing to the preceding interruption in support from the earlier phase, inheriting the strategic architecture and framework from previous iterations of the PJDP was less useful than being granted the opportunity to research and design a renewed theory of change.
2. The annual budget was sizable. However, when applied to a broad project with 14 participating countries, programme-wide wholesale behavioural change cannot be expected in the short-term.
3. While the PJDP has operated for five years, it was originally contracted for two years, extended by one year, followed by a further two-year extension. It would have been more effective to grant a five year contract from the outset, enabling the MSC to design, commit to and achieve even more significant outcomes.
4. While possibly unavoidable, the significant variations in the capacity, commitment and availability of stakeholders in PICs to support activities or implement changes impacted on the consistency of results across the region.
5. Subject to the ongoing research and development of an effective remote technology approach, regional remote networks and engagement was of less value than face-to-face interactions given the prevalence of oral cultures in the region, competing priorities for people's time, and the general inadequacy of IT access needed to participate in the networks.
6. Beyond technical value, stakeholders within PIC courts benefitted from opportunities to interact with and lead the PJDP.
7. While the Responsive Fund has been an invaluable tool in enabling PICs to address local needs and in strengthening local project management skills, it is extremely resource-intensive and in future would benefit from additional investment in its management. This will enable local project management skills to be further strengthened, moving further towards self-sufficiency in this area.

Conclusion

We see our work during this phase of PJDP as consolidating the foundations of earlier endeavours. Certainly, much has been achieved with our counterparts for the benefit of those seeking justice in the Pacific. But the reach of regional support, however substantial, is finite. Promoting the rule of law across the region is an ongoing endeavour which confronts many challenges. Much remains to be done.



Pacific Judicial Development Programme

2010-2015
COMPLETION REPORT

