



# PACIFIC JUDICIAL STRENGTHENING INITIATIVE

## OPTIONS PAPER

# USP CERTIFICATE & DIPLOMA OF JUSTICE: FUNDING OPTIONS 2021+

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**FEDERAL COURT  
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## CERTIFICATE AND DIPLOMA OF JUSTICE: FUNDING OPTIONS 2021+

November 2020

This options paper builds on an earlier strategy paper to promote awareness and participation in University of the South Pacific's (USP) new Certificate and Diploma of Justices (the 'program') by Pacific Islands courts, which was endorsed by PJSI regional leaders in March 2020. Among other things, that strategy paper outlined options for partner courts to develop sustainable funding strategies for the courts' ongoing participation in this program after PJSI ends in May 2021.

The strategy paper found that the foundations of this program are strong and well positioned to address the development needs of court actors. Since its launch in 2018, this program has been well-subscribed by the courts with more than one hundred law officers successfully participating each year. Additionally, court users have identified measurable improvements in the administration and delivery of justice services by courts across the region.

Despite these early successes, however, the issue of financial viability was likely to become the standout risk confronting the sustainability of this program. During the piloting phase, participation was actively supported by special funding principally from PJSI in order to underwrite launching and establishing this initiative. In 2020, most participation (71.6%) was specially funded, mainly by PJSI. The strategy paper found that the scarcity of self-funded participants during the pilot suggests that this program was unlikely to be sustainable without financial support, and that there was scant evidence to suggest that the program can operate on any kind of 'user-pay' model. It concluded that this program - however useful and popular it may be - requires underwriting or subsidisation.

This options paper further examines the issue of self-funding options in more detail by identifying the range of potential funding sources for ongoing support and reporting on potential availability to support the ongoing participation of partner courts in these courses.

### Existing participation

Since designing and piloting the Certificate of Justice in 2018 and the Diploma in 2020, officers of courts across the Pacific have actively participated in these courses, and the earlier strategy paper reported on the substantial importance and value of this participation in building the institutional of the courts, and their staff, to administer justice across the region.

Over the first three years, participating courts have included: Kiribati, Fiji, the Republic of the Marshall Islands, Niue, Tonga, Vanuatu, Palau, the Federated States of Micronesia, Nauru, Papua New Guinea and the Solomon Islands. During this pilot phase, almost 200 students have successfully completed units of the Certificate of Justice. In addition, almost 50 graduates of the Certificate are now enrolled in completing the Diploma. So, there is plenty of demand to participate, and this demand is sustained over the first 3 years of operation.

A summary of participation in the Certificate and Diploma of Justice to date is follows: -

<b>Certificate of Justice</b>			
<b>Year</b>	<b>Course</b>	<b>Registrations - Per Semester</b>	<b>Registrations - Total</b>
2018	COJ01	63 - Semester 1	100
		37 - Semester 2	
	COJ02	62 - Semester 1	100
		38 - Semester 2	
COJ03	13 - Semester 2	13	
COJ04	13 - Semester 2	13	
2019	COJ01	26 - Semester 1	26
	COJ02	24 - Semester 1	24
	COJ03	43 - Semester 1	86
		43 - Semester 2	
COJ04	44 - Semester 1	83	
	39 - Semester 2		
2020	COJ01	70 - Semester 1	70
	COJ02	70 - Semester 1	70
<b>Diploma of Justice</b>			
2020	DOJ01	46 - Semester 1	46
	DOJ02	46 - Semester 1	46

The program has been well received by both participants and their courts. Moreover, it is significant that courts have endorsed most graduates (55.4%) of the Certificate to extend their participation in the Diploma, which is ongoing at the time of writing this report.

In these course, I've learned about the different state laws and custom, Constitutions, the type of courts, principles of justice, introduction [to] criminal/civil law and procedure, trial proceedings, appeals and court services.

These courses helped me to understand how the court works in different Pacific Islands. It is also helping me in my work by understanding how the judiciary works, and has helped me build more understanding on how to structure our Court Case Tracking System. I am now able to identify a wrong entry/missing entry into our system, and now I'm able to help with different case hearings as I have more knowledge and understanding on how to handle different types of case.

I'm also helping more in the court room during a court proceeding, by helping the clerks setting up for a different hearing based on the type of case.

**Participant in the Certificate of Justice, 2020**

At the time of writing this options paper, it is proposed that PJSI will fund the further participation of court officers from across the region in the Certificate and Diploma of Justice throughout 2021, presently estimated to be at least that 50 in each semester, though this is yet to be confirmed.

## Future funding options

In the earlier options paper, a range funding options were traversed. These included donor funding, philanthropic sponsorship, USP program discounting, PNG-CJE sponsorship and fully self-funding. After analysis of each option, that paper presented recommendations to Pacific stakeholders that are re-stated below: -

Accordingly, this paper recommends that Pacific stakeholders take proactive steps to explore funding to support participation in the Certificate and Diploma of Justice program, including: -

- 1) Allocate a third and final cycle of PJSI's LIF funding to support the participation of court actors in these programs, subject to available funding - **action:** *PJSI Team.*
- 2) Expand awareness raising to prosecutors, police and/or paralegals, and introduce streaming and course-electives should the participation of prosecutors, police and/or paralegals warrant this in due course - **action:** *Pacific Chief Justices, USP, PJSI Team.*
- 3) Support participation in these programs by investigating further: -
  - a. availability of local funding - **action:** *Pacific Chief Justices.*
  - b. availability of other project funding - **action:** *PJSI Team.*
  - c. availability of donors' technical/vocational education and training funding - **action:** *PJSI Team.*
  - d. appetite of philanthropic sponsorship, such as the Gates Foundation - **action:** *PJSI Team.*
  - e. appetite of MFAT to program-fund participation to discount costs - **action:** *PJSI Team.*
- 4) Give longer notice to other funding sources of registration deadlines - **action:** *USP.*
- 5) Consult with the Chief Justice of PNG to explore possible interest of PNG's Centre for Judicial Excellence to subsume the management of the Certificate and Diploma of Justice program within its prospective regional operation - **action:** *USP, PJSI Team.*

In relation to Recommendation 3(a), all Chief Justice have been recommended to explore the availability of local funding with their respective governmental authorities on an ongoing basis, following stakeholders' endorsement of that options paper. The allocation of local funding for human capital development focusing on staff training, specifically participation in USP's Certificate and Diploma of Justice, will provide the most sustainable source of funding for continuing participation. Indeed, Kiribati has been notably successful in securing substantial funding in this regard. Other jurisdictions are actively encouraged to extend appropriate representations.

Additionally, in relation to Recommendation 3(e), the PJSI team has explored prospects directly with MFAT. From these discussions, it was understood that funding participation in the Certificate and/or Diploma of Justice did not qualify for any existing MFAT support, as this support was only directed towards degree-level (not sub-degree level) studies conducted in New Zealand. This however could be reviewed in due course.

## Potential Donor Funders and Philanthropic Organisations

This funding paper further explores outstanding aspects of Recommendation 3, specifically: (b), (c) and (d) outlined above. The research outlined below identifies the range of prospective donor funders and philanthropic organisations in detail.

The conclusion of this research is to highlight a range of funding options for the consideration of Pacific stakeholders to supplement, and possibly replace, the funding support provided by PJSI between 2018-2020 and possibly 2021.

Pacific stakeholders have already been encouraged to take steps to implement other funding options identified in the earlier paper, extracted above, such as soliciting adequate allocations for staff development in your local budgets.

More particularly, Pacific stakeholders are now encouraged to actively interrogate the details outlined in **Annex 3**. While no donors or philanthropic organisations have provided any general assurances, the courts are strongly encouraged to take early steps to approach the six more likely donors and philanthropic organisations to support ongoing participation in USP's Certificate and Diploma of Justice, listed below: -

<b>Donor Funding - more likely supporters</b>				
<b>Prospects</b>		<b>Objectives</b>	<b>Funding Parameters</b>	<b>Contacts</b>
1.	New Zealand Ministry of Foreign Affairs and Trade (MFAT)	<p>The New Zealand Ministry of Foreign Affairs and Trade (MFAT) builds connections with and influences other countries in order to advance New Zealand’s interests, project New Zealand values and secure the outcomes that matter to New Zealand.</p> <p>MFAT currently provides citizens of Kiribati, Niue, Samoa, the Solomon Islands, Tonga, Tuvalu and Vanuatu with scholarships to study at universities across the Pacific, including The University of the South Pacific (USP).</p> <p>Noting earlier inquires outlined above with MFAT, stakeholders are encouraged to continue direct engagement with MFAT (either in Wellington or the local post), to confirm if their support can be extended to sub-degree USP courses conducted in-country.</p>	Significant, NZD \$2.2 billion dedicated across 2018-2021	
2.	Australian DFAT - Direct Aid Program	<p>The Direct Aid Program (DAP) is a small grants program funded from Australia’s aid budget. It has the flexibility to work with local communities in developing countries on projects that reduce poverty and achieve sustainable development consistent with Australia’s national interest.</p> <p>DAP projects cover a range of sectors such as education, health, water and sanitation, environmental protection, women’s empowerment and gender equality, supporting people with disabilities, economic livelihoods, food security and human rights.</p> <p>In 2019-20, over 230 projects were funded in over 60 countries.</p>	AUD60,000 limit for each grant	<p>The management of the Direct Aid Program varies from mission to mission.</p> <p><a href="https://www.dfat.gov.au/about-us/our-locations/missions/Pages/our-embassies-and-consulates-overseas.aspx">https://www.dfat.gov.au/about-us/our-locations/missions/Pages/our-embassies-and-consulates-overseas.aspx</a></p>

Prospects	Objectives	Funding Parameters	Contacts
3.	<p>Australia Pacific Training Coalition (APTC)</p> <p>The Australia Pacific Training Coalition (APTC) is a centre for Technical and Vocational Education and Training (TVET) investment in the Pacific region.</p> <p>Working collaboratively with national governments, development partners, the private sector, civil society organisations and Pacific TVET institutions across nine Pacific Island countries (Fiji, Samoa, Vanuatu, Papua New Guinea, the Solomon Islands, Tuvalu, Nauru, Tonga and Kiribati), APTC delivers training programs designed to provide future career opportunities for graduates in fields where skilled employees are in high demand.</p> <p>ATPC is supported and funded by the Australian Government (through the Department of Foreign Affairs and Trade, DFAT) and managed by TAFE Queensland.</p>	Small	<p>Regional Head Office</p> <p><b>Phone:</b> (679) 330 0967</p> <p><b>Email:</b> <a href="mailto:enquiries@aptc.edu.au">enquiries@aptc.edu.au</a></p>
4.	<p>United Nations Development Programme (UNDP)</p> <p>The United Nations Development Programme (UNDP) is the leading United Nations organisation fighting to end the injustice of poverty, inequality and climate change.</p> <p>In the Pacific, the UNDP provides regional and country support to 10 countries and regional support to five countries, aligned with three focus areas: effective governance, inclusive growth, and resilience and sustainable development.</p> <p>Programs delivered include: <a href="#">Enhancing Justice in the Solomon Islands</a> and <a href="#">Fiji’s Access to Justice Project</a>.</p>	Moderate, USD \$30 million in aid to the Pacific over the past 12 months	

Philanthropic Sponsorship - <i>more likely supporters</i>				
Prospects		Objectives	Funding Parameters	Contacts
5.	Gates Foundation	<p>The Bill and Melinda Gates Foundation is the world’s largest private philanthropic foundation.</p> <p>Guided by the belief that every life has equal value, the Bill &amp; Melinda Gates Foundation works to help all people lead healthy, productive lives. In developing countries, it focuses on improving people's health and giving them the chance to lift themselves out of hunger and extreme poverty.</p> <p>This foundation has over 1,200 staff. It has given over USD30 billion in grants since its inception in 2000, \$3.6 billion in 2013 alone. 2 Most of the grants go to global health programmes and educational work in the US, traditionally the foundation's priority areas.</p> <p>Despite these priorities, this foundation has on occasion funded law and justice related activities and may be worth approaching.</p>	<p>Substantial.</p> <p>Direct grants to organisations in line with the Foundations funding priorities.</p>	<p>Bill &amp; Melinda Gates Foundation Headquarters</p> <p><a href="https://www.gatesfoundation.org/Who-We-Are/General-Information/Contact-Us/Write-to-Us">https://www.gatesfoundation.org/Who-We-Are/General-Information/Contact-Us/Write-to-Us</a></p>
6.	Commonwealth Secretariat	<p>The Commonwealth is a voluntary association of 54 independent and equal countries with shared goals of development, democracy and peace.</p> <p>The Commonwealth Secretariat supports these member countries to achieve the Commonwealth’s aims. It engages in technical assistance to build capacity and enhance skills, providing training and capacity building, delivering study tours and exchange programmes, and promoting effectiveness and best practice through increasing legal professionals’ substantive knowledge of the law.</p>	<p>Moderate, GBP \$20 million in aid throughout 2018-2019</p>	<p>Commonwealth Secretariat Headquarters</p> <p><b>Phone:</b> (44) 0 20 7747 6500</p>