

**2007 SPEECH
OFFICIAL OPENING OF THE COURTS OF
VANUATU**

THE HONOURABLE CHIEF JUSTICE LUNABEK

His Excellency Kalkot Mataskelekele, President of the Republic of Vanuatu and Lady Mataskelekele,

Right Hon. Ham Lini Vanuaroroa, Prime Minister of the Republic of Vanuatu, and Mrs. Lini,

Hon. Sam Dan Avock, Speaker of Parliament and Madame Avock,

Hon. Isabelle Donald, Minister of Justice and Social Welfare

Hon. Ministers of the Government

Hon. Judges of the Supreme Court of Vanuatu and wives,

Hon. Serge Vohor, Leader of the Opposition,

Hon. Members of Parliament,

Hon. Dudley Aru, Acting Attorney General of Vanuatu and Mrs Aru,

Excellencies Members of the Diplomatic Corps,

Magistrates and wives,

Public Prosecutor,

Public Solicitor,

Ombudsman,

Commissioner of the Police,

Big Chief Paul Tahi, President of the National Council of Chiefs,

Members of the Legal Profession,

Members of the U.S.P. Law Faculty,

Registrar of the Supreme Court, the Court Staff and Families,

Representative of Women,

Representative of the Press/Media,

Representative of the Churches,

**Ladies and Gentlemen, Big Men and Women, Pikinini mo People
blong Vanuatu.**

I am very pleased to address you all on this special occasion of the opening of the Courts' session for the year 2007. Happy New Year to all of you.

The past legal years have been very challenging and interesting years for the Courts and the people of Vanuatu.

Last year 2006 has been a very special and challenging year for all and in particular the Judiciary of Vanuatu. The challenge for the Judiciary was to set a new Direction for the judicial reform in the Republic of Vanuatu. This process was identified and set out in detail in the Official Opening Speech of the legal year 2006. The 2006 Speech has laid down a vision and policy statement which I now again repeat them:-

"VISION OF THE ADMINISTRATION OF JUSTICE

A Judiciary that is independent, effective and efficient, and worthy of public trust and confidence, and a legal profession that provides

quality ethical, accessible and cost-effective legal service to our people and is willing and able to answer the call to public service.

Elaborating on this vision is the policy statement of this vision, which enunciates the following:

POLICY STATEMENT

The Judiciary, as the constitutional designated arbiter of all legal disputes in our democratic system of government, must, at all times, maintain its independence and remain immune from undue influence, not at the cost, however, of sacrificing comity with the co-equal branches of the Government. It is essential that the Judiciary and the members of the legal profession, as officers of the Court, be of utmost competence and unassailable integrity.

As the Judiciary is meant to serve the people through the dispensation of justice, the Bench must be fully accountable to the public by remaining transparent, yet not betray those aspects of the judiciary process, which require utmost confidentiality. Members of the Judiciary and court personnel must unerringly adhere to the constitutional precept that public office is a public trust. Dishonesty, incompetence, inefficiency and any form of unbecoming conduct are impermissible and will not be tolerated in the Judiciary nor in the legal profession.

The system of administration of justice must be geared to achieve the goal of delivering fair, impartial and swift justice. Hence, the core values of the rule of law, equal justice, judicial independence and the pursuit of excellence should be preserved and at all times be predominant.”

In pursuing the stated vision of enhancing and maintaining public trust and confidence in the country’s system of justice, and improving the contribution of the judicial system to socio-economic development and global competitiveness, the Official Speech of 2006 identified Four (4) critical areas for judicial reform: (1) Judicial Systems and Procedures; (2) Development in Human Resources; (3) Institution Development and (4) Reform Support System.

As we all know, judicial reform is a long and tedious process involving considerable planning and evaluation.

In this year 2007, the focus will be placed on certain aspects of the abovementioned areas of reform which are quantifiable, realistic and within our resources to do. The following year we shall concentrate on some other aspects of the Reform. The first aspect to focus on in 2007 is about the judicial systems.

(a) Judicial Systems

The reform under this area shall cover the Courts management systems including :-

- Caseload management, monitoring and evaluation;
- Financial standard procedure rules manual for the courts staff (a three(3) volume Financial Manual will be launched in the first part of the year 2007);
- A Management Improvement plan for the Supreme Court will be provided at the end of March-April 2007 in conjunction with the release of the First ever Judiciary Annual Report for 2006 operations;
- A database system will be put in place;
- A court staff Manual has been considered and will be finalized toward the end of the year 2007 or early part of 2008;

The next area is about the rules and procedures.

(b) Rules and Procedures

The Civil Procedure Rules 2002 have been implemented in 2003 together with the Constitutional Rules, the Elections Petition Disputes Rules and the Probate and Administration Rules. With the passage of time, the Civil Procedure Rules have been widely tested. It is now timely appropriate to review the Civil Procedure Rules. A Rules Review working Group Committee will be established very soon for that purpose. It will be composed of Judges, Lawyers and Members of Law Faculty. The process will be the same as the one followed in 2001-2002.

In 2007, the courts will also explore alternative dispute resolution mechanism through the appointment of a court annexed mediator as an integral part of the case management by the courts to help managing the workload in the Supreme Court.

Further, the Courts will strengthen the linkage with other pillars of Justice including, the police, the prosecutions, the Bar and the newly established Correctional Services. Development in human resources is the next aspect of focus.

(c) Development in Human Resources

The central Registry and the supreme court administration will be strengthened through the appointment of a Chief Registrar to replace Madam Naviti who will be transferred to the Magistrates Courts. The appointment is a matter of days. A senior position of the court personnel Manager will also be filled soon. A qualified Supreme Court librarian has been recruited and appointed toward the end of last year 2006.

The office of the Sheriff of the Supreme Court has been strengthened with a secretary in Port-Vila and an Assistant Sheriff based in Luganville, Santo.

In terms of judicial appointments, a Chief Magistrate will be appointed in the first part of 2007 to be responsible for the administration and management of the affairs of the Magistrates Courts in the country in accordance with the provisions of the Judicial Services and the Courts Act. The appointment of another magistrate is in good progress. Some of the current sitting Magistrates will be considered for the positions of Senior Magistrates responsible for each province of the country.

There is need for at least two (2) Judges of the Supreme Court to be appointed considering the ever increasing workload in the Supreme Court.

The strengthening of the Island Courts throughout Vanuatu is still on going and in good progress. A senior administrator for the Island Courts has been appointed in November 2006.

From July to October 2006, the Judiciary had successfully undertaken the training of 225 participants/Island Courts Justices in all the six(6) provinces in the country through the Pacific Judicial Development Programme (P.J.D.P.) established after the Pacific Judicial Conference of 2005 in Port-Vila, with the funding assistance of Ausaid and NZAid. The following are further developments of the Island courts:-

- An Island Court clerk will be posted permanently at Loltong on the Island of Pentecost in February 2007.**
- The Efate Island Court building and the Lakatoro court building have been repaired and renovated. The works have been ended this week and both buildings will be operational by next week.**
- It is envisaged that two (2) Island Courts semi- permanent Buildings will be constructed on the Island of Ambrym and Epi in 2007.**

The next focus is the continuing legal education and Training.

(d) Legal education, training of the staff and exchange

The Judiciary will continue with the legal training of its officers through the law faculty of the University of the South Pacific. At least 7 have successfully completed their LLB program and return working with the Judiciary. One Magistrate was forced to stop studying and is currently recovered at the Hospital from illness. Another court staff was given study leave this year to prepare a LLB course until 2010. In addition to this, Vanuatu Judiciary will benefit from the training development under the P.J.D.P. either regionally or nationally (the details for 2007 are yet to be finalized)

In July 2007, the Judiciary will attend the Pacific Judicial Conference in Tonga. The Judiciary is exploring the possibility of having its English speaking staff undergoing the study of

French language with the assistance of the French Embassy in Port- Vila as a pre-requisite to quality of service to the people in the language of their choice within the spirit of the Constitution.

In December 2006, a Twinning Convention was signed by the Supreme Court of Vanuatu, the Office of the Public Prosecutor of Vanuatu and the Cour d' Appel de Noumea, New Caledonia for exchange of information and documentations, seminars and conferences. In March 2007, the Public Prosecutor and the Chief Justice at the invitation of the Cour d' Appel de Noumea, will attend the official opening of the legal year of the Cour d'Appel de Noumea and this will follow with exchanges on how and the extent to which custom has been used in Vanuatu Courts.

Toward March-April 2007, a Magistrate will be attached with a court in the French territory of New Caledonia for a week judicial and legal discoveries in that country.

Before I end, I now provide you with the summary of the Courts statistics as at end of December 2006 (see as attached).

Ladies and gentlemen, I now declare that the courts session for the 2007 is officially opened.

Thank you for your kind attention.