

STRETEM ROD BLONG JASTIS
Vanuatu Law and Justice Partnership (VLJP)

MILESTONE 2
INCEPTION REPORT

May 2012



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TABLE OF ACRONYMS

AusAID	Australian Agency for International Development
ARF	Adviser Remuneration Framework
CLE	Continuing Legal Education
DG	Director General
GoA	Government of Australia
GoV	Government of Vanuatu
HoAG	Heads of Agency Group
LTA	Long Term Adviser
M&E	Monitoring and Evaluation
MJCS	Ministry of Justice and Community Services
OPM	Operational Procedures Manual
PC	Partnership Coordinator
PJDP	Pacific Judicial Development Program
PMG	Partnership Management Group
PPO	Public Prosecutor's Office
PSO	Public Solicitor's Office
RMM	Risk Management Matrix
SLO	State Law Office
SPD	State Prosecutions Department
TA	Technical Assistance
TOR	Terms of Reference
TVET	Technical and Vocational Education and Training
UNICEF	United Nations Children's Fund
USP	University of the South Pacific
VAPP	Vanuatu Australia Police Program
VLC	Vanuatu Law Commission
VLJP	Vanuatu Law and Justice Partnership
VLSSP	Vanuatu Legal Sector Strengthening Program
VPF	Vanuatu Police Force

1. Executive Summary

The report addresses Partnership administrative support, mobilisation and operational procedures; consultations to date; an update on the sector since Partnership inception and the Partnership Work-plan for Stage One including the development of the three Components and an indicative budget allocation.

Partnership Inception

All Vanuatu based members of the Partnership administrative and management team have been mobilised, the Partnership office has been established, is fully functional and operations procedures have been finalised.

Partnership Activities

Partnership activities to date have included:

- Broad consultation with the sector
- Consultations with the heads of the Public Prosecutor's Office, Public Solicitor's Office and State Prosecutions Department to refine the proposed terms of reference for recruitment of the long term advisers
- Development of a joint management agreement for the long term advisers
- Development of an agreed joint recruitment process for long term adviser recruitment
- Preparation of the position description and advertisement for recruitment of the monitoring officer
- Consultations relating to clarification of the governance structures for the Partnership, donor coordination and communication
- Drafting concept note for the establishment of a grants facility and proposed Partnership Management Group membership
- Review of current agency generated applications for funding.

Sector update

There is currently locally-driven momentum for enhancing coordination across the sector (as broadly defined). This momentum commenced prior to the appointment of the current Director General (DG) but has been maintained by the current DG and is supported by the Minister, particularly in seeking to revise and refine the sector strategy. The strategy does not yet provide overarching guidance for the sectoral approach to development for the medium to long term although it does list some concrete recommendations arising from the recent Law and Justice Summit as well as some guiding principles and some priorities. There has been no further progress by the agencies in developing revised corporate, business and annual plans that are consistent and aligned with the amended sector strategy as a result of a combination of other factors despite the clear intention to strengthen planning as a sector. Provision of support directed specifically to facilitating planning at the sectoral and agency levels is likely to assist the progress of sector and agency plans by harnessing the existing energy by facilitating a stakeholder driven process.

Broadly, the consultations relating to the sector strategy have identified four key priority needs across the sector which have been reflected by the DG in his discussions at the donors meeting in April:

- Human resources and capacity and institutional capabilities
- Infrastructure and refurbishment
- Case, file and data management and retrieval
- Provincial service delivery

Human resources are challenged at each level and across the sector in terms of both the numbers of staff available to fulfil the mandate of the relevant agency and the capacity of members of staff to fulfil their position descriptions to the desired standard. This has an impact on the capacity of agencies to manage and lead and thus on institutional capacity overall.

Infrastructure needs are many and range from small refurbishments to entire re-builds with an increasing focus on service delivery outside of Port Vila. The primary challenge for the MJCS with respect to infrastructure is to develop a cogent strategy for dealing with the numerous and competing infrastructure demands in a programmatic and prioritised way.

Case, file and information management and retrieval is inconsistent across the sector and in some areas is unreliable. Systems require greater compatibility to allow for the tracking of cases and information across the justice spectrum and an agreed minimum standard across the formal justice agencies to raise the level of service delivery to the community and provide greater support to the staff.

The need for improved service delivery beyond Port Vila is universally accepted across the formal sector agencies, NGOs and civil society. However, at this point there seems little consistency or clarity regarding the most appropriate modality for improving service delivery given resource constraints or an agreed prioritised approach (which would consider both which areas should be prioritised and at which level(s) engagement should be enhanced initially).

Stage One Workplan in brief

Component one's focused support to enhancing the capacity for the Ministry to strategise, plan, coordinate donor support and communicate effectively within and beyond the sector remains a cogent entry point for support given the existing momentum of the sector. Strategic and targeted technical assistance that is facilitative and consultative rather than directive has the potential to harness and articulate existing momentum to produce wholly owned and understood development plans for the future at both the sector and agency level. Existing structures (Heads of Agency Group) and the proposed management group (Partnership Management Group) together with stakeholder commitment to enhanced sectoral cooperation are sufficiently developed to support the proposed Partnership governance arrangements without being over burdensome or duplicating processes.

The Partnership's intended support to capacity development under component 2 continues to be well aligned with the Ministry's reform agenda and reflects a key priority articulated across the sector (at sectoral and agency level). A combination of high level technical assistance for the development of a mid- to long term sectoral approach to capacity development (which will include consideration of modalities for capacity development, ordering of activities, professional development, succession planning and renewal, leadership and management development); placement of long term technical assistance within identified offices; generation of a Vanuatu-based program for continued legal education shared across the profession to be commenced at a small scale and further developed if effective; implementation of a program for paralegals and interns to groom undergraduates and recent graduates for practical application of their knowledge; as well as the development of a tailored leadership & management program for the sector will provide a robust multi-layered foundation for further capacity development in Stage two.

Finally, under component 3, the Partnership will focus on designing and implementing a monitoring and evaluation framework that is ni-Vanuatu owned, well understood, not over burdensome and is able to monitor progress of both the sector's reform agenda and the Partnership's outcomes. One of the recommendations at the recent Law and Justice Summit was to strengthen the sector's capacity to monitor and evaluate its achievements.

In addition, the Partnership proposes to support the child protection pilots developed by Save the Children and UNICEF and (if considered appropriate and with AusAID approval) support the entire child protection program which is to be coordinated by the MJCS for the next year; support the VLC to recruit key staff on an interim basis and support

coordination with other programs and legislative reform initiatives; as well as supporting incremental consistent improvements in case and data management and retrieval across the sector. Support for the development of an appropriate approach to provincial service delivery and prioritisation will be the subject of further consultation and possible support. Each of these areas of proposed support has the MJCS' backing, is an identified priority and impacts across a number of organisations and agencies within the sector and beyond, resulting in the additional benefit of providing a vehicle by which to enhance coordination around concrete issues which feeds into Partnership activities in component one. Progress in concrete areas that require cross sectoral problem solving and coordination such as case management, aspects of capability enhancement and provincial service delivery, if effective, could engender greater support for a cross sectoral approach. This approach may be more effective than the more esoteric or rhetorical aspects of cross sectoral coordination, such as the high level planning.

During Stage One, under component 3, the Partnership is not providing direct support to policy development with respect to the interface between formal and customary law at community levels. This issue received significant focus during the design phase. In addition, the Law and Justice Summit resolved that the MJCS should sponsor legislation that gives effect to the ascertainment of the relevant rules of custom and for the establishment of island and village courts to administer matters of custom with a defined role for chiefs.¹ There are a number of programs and activities that are currently working on initiatives that impact directly at the interface between the two systems of law² as well as some that are providing research into areas relating to that interface and customary governance structures³ to supplement and clarify the literature that exists on the topic. Further analysis of the current work in this field is likely to provide an opportunity to identify, with greater clarity aspects, where the Partnership would be able to provide strategic and coordinated support to further policy development. This approach will lessen the risk of duplicity of effort particularly where consultations to date have not identified a gap in the current work that could be supported by the Partnership. However, it should be noted that the child protection pilots and research into provincial service delivery will rely heavily on a comprehensive understanding of the strengths and challenges of the coexistent systems.

2. Introduction and Background

Stage One of the Vanuatu *Stretem Rod Blong Jastis* (Vanuatu Law and Justice Partnership - VLJP) commenced operations on March 6, 2012. The Partnership builds on the Vanuatu Legal Sector Strengthening Project (VLSSP), the first phase of which commenced 2000. Phase three of VLSSP ended in June 2011. From 2009 to 2010, the VLSSP supported the newly re-structured Ministry of Justice and Community Services (MJCS) to facilitate sector-wide consultations, resulting in the development and launching of Vanuatu's Law and Justice Sector Strategy and Action Plan. This Strategy and Action Plan brings together all Vanuatu stakeholders in the sector, including formal, *Kastom* and non-formal institutions.

During 2010, AusAID commissioned a design team to work with ni-Vanuatu counterparts to design the next phase of sector collaboration between the Governments of Vanuatu and Australia – the *Stretem Rod Blong Jastis* Partnership. At the request of the Government of Vanuatu, (GoV), and based on the 2010 consultations, Stage One of the Partnership is designed to support capacity building for key legal sector agencies, development of detailed implementation plans for the Sector Strategy, and development of a sector policy framework. Stage One will last for 15 months, until the end of May 2013. During that time, the Partnership will develop a Plan for

¹ That is to give effect to Articles 51 and 52 of the Constitution.

² Mama Graon Program, Jastis Blong Evriwan and to some extent Save the Children and UNICEF's work in mapping and community level child protection mechanisms

³ Mama Graon Program, Vanuatu Kastom Governance Program, Jastis Blong Evriwan, Vanuatu Cultural Centre

Partnership Activities for Stage Two (two years and nine months). Implementation of Stage Two will depend on agreement between the GoV and Government of Australia (GoA).

2.1 Partnership objectives and components

The high level objectives for the Partnership are to contribute towards GoV's vision for the sector, "A professional, competent and accountable law and judicial system that enables equal rights and access to justice for all" and its mission statement; "To support justice agencies to promote justice and provide fair and equitable services to meet the needs of the community, the rule of law and protection of human rights". Whilst the Partnership design provides broad parameters for its three components, it is not possible for the Partnership to respond to all needs across the sector. The Partnership will be guided by identified sectoral priorities through the sectoral strategy and activities which engage across agencies within the sector to support shared outcomes.

Envisaged outcomes for Stages One and Two are:

- a) Increased GoV leadership of the sector;
- b) Increased coordination across the sector;
- c) Increased sectoral capacity represented through improved performance and ability of GoV and other stakeholders to achieve shared objectives relating to law and justice priorities, such as human rights;
- d) Quality of formal legal service delivery for GoV and the Vanuatu population is maximised within an affordable budget;
- e) Interface between formal justice and kastom law systems is more clearly and widely understood within the sector and beyond;
- f) A broader definition of the law and justice sector is used by all stakeholders to take into account the critical role of agencies and kastom leaders beyond urban centres and outside Government;
- g) Increased and more equitable access by ni-Vanuatu women and men to affordable, sustainable and culturally relevant services which promote harmony and justice; and
- h) Increased understanding of the interface between formal (including police) elements and kastom systems in delivering services and maintaining harmonious communities to inform better practice and increased access.

To contribute to these high level objectives, the Partnership consists of three components, each with its own objectives for Stage One:

Component 1: Sectoral coordination, including donor coordination

Objectives Stage One:

- (a) Assist GoV to develop its comprehensive framework to support the implementation of the sector strategy and policy, including the identification and documentation of processes to prioritise, plan, cost and report on the strategy; and
- (b) Prepare a plan for Australia's contribution to this framework for Stage Two of the Project, including in police and justice agencies.

Component 2: Capacity development

Objective Stage One:

- (a) Ensure sustained delivery of current level of legal services to GoV and population.

Component 3: Policy Development, Research and Monitoring

Objectives Stage One:

- (a) Enhanced understanding about key legal issues to inform policy development, particularly those identified by GoV as priorities for 2011-12 including:
 - (i) Better coordination and strengthening of sector plan activities;
 - (ii) Human resources and capacity;
 - (iii) Provincial service delivery;
 - (iv) Legislation and international conventions; and
 - (v) Support for victims of crime.
- (b) Under these headings, support will be provided subject to early discussions between GoA and GoV on selected issues such as Family Law related to progressing the rights of women, children, people with disability; the interface between formal and customary law particularly at community levels; and continuing legal education beyond specific agencies.
- (c) Sector wide monitoring system developed to enable GoV and partners to monitor progress and assess sector-wide achievements. This will encompass three kinds of monitoring:
 - (i) Policy development and the outcomes of policy changes;
 - (ii) Sector's progress against its strategy objectives; and
 - (iii) Donors' contributions to achievement of objectives.

2.2 Inception report

This report addresses the way in which contractual obligations of the inception period have been achieved. It also provides an update on recent developments in the law and justice sector and suggests how these may influence the implementation of Stage One of the Partnership. It reports on Partnership support and mobilisation, operational procedures, and consultations to date. It also provides a sector update and the Partnership Work-plan for Stage One, with the development of the three Partnership Components and an indicative budget allocation.

3. Partnership support and mobilisation

3.1 Mobilisation of team members

Mobilisation of the Partnership began on 6 March 2012. The VLJP Administration/Finance Assistant, Joanna Garae and GRM Project Manager, Sheena Day, undertook initial mobilisation and project set-up activities. This included securing an office space for VLJP, opening a project bank account and having initial meetings with AusAID Post in Vanuatu. At this time Sheena and Joanna began setting up VLJP financial and management systems; reporting and operational procedures; and initial procurement of office furniture, IT and other items. The Partnership continues to receive ongoing corporate support from Sheena and also our GRM Senior Manager, Celia Grenning, who are both based in the GRM Office in Brisbane.

Natalie David, the Partnership Coordinator (PC), mobilised on 1 April 2012. Natalie has been located at the MJCS since 16 April at the invitation of the DG but also has a desk at the Partnership office (Vila Picardie, Rue de Picardie, Nambatu, Port Vila) for VLJP administrative and internal matters as needed. This has enabled Natalie to be across all program and operational project matters. Importantly being located at the Ministry allows for daily liaison and support to the Ministry that is immediate and tangible and increases the opportunity for building counterpart relationships. The PC and the DG have already established effective methods of communication and consultation, based on regular meetings and exchange of documents.

Natalie was supported during the inception period by the VLJP Contracts Representative/Technical Director, Sally Low. In addition to providing quality assurance to the Partnership, Sally spent two weeks in Port Vila from 9 – 21 April, providing operational support to the VLJP start-up and meeting with key stakeholders. These key stakeholders included the Public Prosecutor, the Solicitor General (State Law Office), the Head of the State Prosecutor's Department, the Vanuatu Women's Centre, Save the Children, the Department of Women's Affairs, World Bank's Jastis Blong Evriwan, Mama Graon, the Vanuatu Australia Police Project (VAPP) and several advisers working for law and justice agencies. Celia Grenning was also in Port Vila from 9 – 13 April, overseeing VLJP's establishment and ensuring the PC and Administration/Finance Assistant understood corporate project procedures.

VLJP is supported by a Contract Manager, Alison Crouch. Both Joanna and Alison are situated at the VLJP Office. Alison mobilised in Port Vila on 25 April 2012. Alison and Joanna, with assistance from GRM corporate personnel, have now completed the office set up, with the procurement and installation of all essential office furniture, computer equipment and telephone/internet systems completed. The office is now fully functional.

The Partnership M&E Specialist advised in April that he would not agree to sign his contract for the agreed Adviser Remuneration Framework (ARF) rate in the Scope of Services. After reviewing the required inputs and anticipated outcomes, there is justification for the argument that the ARF is set at a relatively low level for the skills and experience required. GRM submitted a proposal to AusAID to reduce the number of days of the Specialist and increase the M&E support by the Contracts Manager and Monitoring Officer, allowing for an increase in the rate paid to the Specialist without increasing the overall cost to the donor. The proposal has just been approved by AusAID. This has caused some delay in the commencement of the preparatory work by the Specialist in anticipation of his visit to Vanuatu at the end of May or early June, including desk and literature reviews and remote oversight for early baseline assessment. However, at this stage we envisage the tasks will still be achievable within the required timeframe with a slightly contracted period for reflection.

3.2 Establishment of systems and procedures

During the Inception Phase of the Partnership, VLJP developed a comprehensive Operational Procedures Manual (OPM). The OPM outlines the systems and processes that have been established for project management, including:

- Human resources management (which includes personnel recruitment and management);
- Procurement processes for the purchase of goods and services;
- Financial management and administrative procedures;
- Personnel safety and security;
- Vehicle management; and
- Fraud and risk management.

The OPM has been annexed to this report (Annex 8).

3.3 Financial Control Procedures

GRM has set up an in-country financial accounting package for VLJP. The procedures include use of the foreign and local currency bank accounts, a petty cash account, operation of bank transfers, management of receipts and invoicing, financial security, timesheets, leave records, vehicle logbooks, cashbook management and bank reconciliations. A detailed chart-of-accounts has been prepared to manage all activities and to support VLJP's monitoring and reporting. VLJP staff, and in particular the Administration/Finance Assistant and the Contract Manager, were trained in these procedures during the mobilisation period.

Detailed information on VLJP financial management and procedures can be found in the OPM.

3.4 Safety and Security Management Procedures

The VLJP Safety and Security Management Procedures document was developed by the Contract Manager during the Inception Phase and it is part of the OPM. The Procedures are intended to provide all VLJP team members with a comprehensive overview of precautions and actions to be taken within the current context of Vanuatu. The document was enhanced using lessons learned from the GRM managed TVET Strengthening Program and sets out procedures to be followed in the case of natural disaster or serious civil unrest necessitating the evacuation of Partnership international and national team members.

3.5 Communication Plan

During the Inception phase, the PC and Contract Manager developed a Communication Plan for VLJP, with the purpose of specifying the strategies that will be followed to ensure that communication channels are established and maintained for the Partnership. The Plan aims to ensure that lines of communication and responsibilities of key individuals within the management structure of the team are clearly understood by all parties and will establish points of contact for all aspects of the Partnership's management.

3.6 Procurement of Partnership Equipment

Procurement and installation of essential office furniture and equipment commenced in March and was completed in mid-May. To date, the following items have been purchased:

- Two vehicles;
- Desk-top computer, three laptops and software;
- Mobile phones for all staff;
- Desks and chairs for all staff;
- Meeting desk and chairs;
- Filing cabinets;
- Printer/photocopier/fax/scanner;
- Water dispenser; and
- Other basic office supplies and equipment.

Procurement has been undertaken in accordance with Australian Government Procurement Guidelines and procurement procedures have been included in the OPM. Asset management procedures are in place (see Annex 20 of the OPM) and the VLJP Asset Registers for AusAID and GRM assets are operational.

3.7 Risk Assessment and Management

The original VLJP Risk Management Matrix (RMM) that was submitted as part of the GRM VLJP tender, has been updated by the PC in conjunction with the Contractor Representative (see Annex 2). This update has been critical to ensure that any new risks identified during the Inception Period are included in the current RMM. The RMM demonstrates that some risks may become more prominent, and new risks emerge, during periods of heightened sensitivity. The RMM will inform the review and updating of security, management and quality assurance functions on the program. The RMM will be updated in each six-monthly Report, with particular attention to prominent or emerging risks. The Partnership recognises the importance of raising and maintaining awareness amongst the Partnership team of risks and associated mitigation strategies and accountabilities.

3.8 Emerging strengths and Challenges

The strengths and challenges that have become apparent during early consultations with Partnership stakeholders are summarised below and are intended to supplement (not replace) information provided at the design and tender phases:

i. Strengths

- The Partnership currently has the benefit of a very experienced and engaged public servant in the DG. His priorities are to enhance sectoral coordination and cooperation, strengthen the Ministry, and to grow human and institutional capacity while focusing on service delivery, particularly beyond Port Vila. The stated objectives of the Partnership are well aligned with these ambitions.
- The Partnership goals are supported by the MJCS.
- There is a groundswell of support for enhanced sectoral coordination and coordination with sector agencies and institutions.
- A possible counterpart for the PC has been identified although this requires further discussions by the DG with the potential incumbent to clarify the incumbent's longer term intentions. The proposed counterpart is currently on a non-exclusive contractual arrangement with the Ministry and it is unclear if he will be available to work solely with the MJCS on a longer (at least three year) basis. This will be explored by the DG.
- The Ministry has located an Executive Officer who has skills in strategic management and finance.
- The Judiciary has indicated its desire to become increasingly engaged with the sector.
- The State Law Office (SLO) has indicated a cautious willingness to explore support to that office by the Partnership.
- There is significant dynamism both within formal sector and civil society regarding child protection and enhancement of access, service delivery as well as prevention and diversion for children and youth.
- Discussions relating to refinement of position descriptions together with joint management agreements with the State Prosecutions Department (SPD), Public Prosecutor's Office (PPO) and Public Solicitor's Office (PSO) have been engaged and constructive.
- There is some cross sectoral momentum gathering around the Crime Prevention/Community Liaison patrols coordinated by police and supported by the Vanuatu Women's Centre, Save the Children, Kastom Governance and others.
- Coordination with the AusAID funded police program (VAPP) has been regular, open and supportive.
- There are a significant number of ni-Vanuatu law students in 'the pipeline' as undergraduates (the second largest group after Solomon Islanders) at the Law School in Port Vila. They are a resource that might be considered in the development of a paralegal / intern program with public law offices.

ii. Challenges

- Supportive leadership of the MJCS counterparts is susceptible to change, particularly post elections.
- There will need to be some additional support or incentive to move agencies and institutions from ‘silos’ to a sectoral approach in a tangible way (in terms of actually working together) particularly in the context of their own human resource constraints and workloads.
- The Ministry currently has very limited human capacity to drive the reform agenda which is being set at the top, so strengthening the Ministry will need to be a priority for the Partnership (while maintaining engagement with the sector more broadly).
- Formal offices continue to demonstrate a common challenge of a lack of middle management, leadership, succession planning and capacity to retain qualified staff.
- University of the South Pacific (USP) law school is currently focused primarily on its undergraduate program and has little capacity to play a role with respect to any formal continuing legal education, although it would be interested in participating in activities coordinated by the Program.
- USP law school, symptomatic of the promotional requirements within academia, does not play any significant role in engagement with the legal profession or sector within Vanuatu (i.e. in terms of critiquing, research and interaction with the profession). Its focus appears to be increasingly towards Suva.
- There is a lack of an overarching public communications or relations strategy or capacity for the sector and many of the agencies suffer from a lack of community understanding of their role and positive publicity regarding their achievements. Significant inroads were being made in this area by the communications officer (an Australian Youth Ambassador for Development) who worked with a number of agencies to improve their public relations, but she has now completed her assignment.

4. Report on consultations and activities to date

4.1 Consultations

Since the PC was mobilised at the beginning of April (six weeks ago), she has been well supported and briefed by the AusAID post and has met with the DG, the majority of the heads of agencies within the MJCS’ portfolio, the program team leaders working with the sector, as well as donors and advisers. She has also had the opportunity to participate in three sector meetings. See Annex 1 for the full list of consultations.

4.2 Recruitment of long term positions

i. Recruitment of long term advisers in the three justice sector agencies

The PC has undertaken consultations with the respective heads of agency for the SPD, the PPO and the PSO to refine and agree on the terms of reference (TOR) for the long term advisers to be recruited to their offices. AusAID and the DG have approved the TORs for the SPD and the PPO advisers. The TOR for the Adviser to the PSO has been refined and agreed with the Public Solicitor and has been submitted to the DG and AusAID for their approval. The TORs for each position are attached in Annex 11.

The Contract Manager and the GRM Recruitment Unit have developed a “recruitment strategy”, which includes a comprehensive advertising and attraction campaign. In addition to media advertising - which includes advertising the roles through a range of international development and national or regional development websites (i.e. Seek.com.au) – the Partnership will be distributing advertisements and information on the Partnership and the adviser positions directly to legal institutions in Australia and New Zealand. The positions will be advertised in Vanuatu and the other Pacific Island countries.

Advertising for the three positions was due to commence in the week beginning 15 May 2012. However, the recruitment of international advisers has been put on hold until 1 June at the request of the AusAID, as a result of political sensitivities relating to the expulsion of the AFP by the GoV in May 2012.

ii. Monitoring Officer Recruitment

The TOR, advertisement and application package for the Monitoring Officer position have been reviewed, updated and approved by the PC in conjunction with the DG and AusAID. Advertising for the role commenced on 22 May 2012, with a closing date of 5 June 2012.

iii. Upcoming shortlisting and interview process

Inclusive, joint recruitment processes have been agreed with the heads of agencies, the DG and AusAID. Once the advertising period has closed, the Partnership will rank the applicants for both the adviser roles and the Monitoring Officer position in accordance with the selection criteria set out in the TOR. The shortlists for the adviser roles, which will include the ranking and comments together with the applications of those shortlisted candidates, will be provided to the head of agency for his/her consideration and comment. The Partnership will arrange an interview process for shortlisted applicants and invite the head of agency or his or her nominee to participate in the interview of the applicants. AusAID and the DG will be kept informed of the recruitment process and will be involved in interviews where they so determine.

4.3 Joint Management Process

In consultation with the relevant heads of agencies and the DG, the PC has developed a joint management agreement which will be co-signed on recruitment of the adviser to each of the three legal offices (Annex 10). The agreement is intended to: outline how the joint performance management of the adviser is to operate; clarify to whom the adviser should report; and to establish procedures for approving requests for the adviser to undertake in-line work. All three heads of agency have been willing to accept that the adviser will be performing in an almost entirely advisory capacity. In exceptional cases where they are asked to perform an in-line function, additional approvals will be required.

4.4 Partnership Governance

The Heads of Agency Group (HoAG) has been established and oversees the Sector Strategy and the plans that are developed pursuant to that strategy. It is envisaged that it will provide overall high-level guidance and oversight to the Partnership. If considered appropriate by the DG, the PC will request the opportunity to attend a HoAG meeting to formally introduce the Partnership, clarify the role that it is hoped the HoAG will play with respect to the overall guidance of the program and share the indicative workplan for comment and approval as soon as there is 'in principle' endorsement from AusAID.

The Partnership design document additionally envisaged a small, active, joint decision-making team to interpret the guidance provided by the HoAG for implementation of the Partnership activities – the Partnership Management Group (PMG). The Partnership design suggests that the PMG members include a nominated AusAID representative, the DG, as well as a VAPP representative and a Vanuatu Police Force (VPF) representative. After consultation with AusAID, the PC has submitted a discussion note to the DG to consider reducing the PMG membership to include only the DG, PC and the AusAID representative.

Before the recent suspension of the VAPP program, the PC was meeting regularly with the VAPP team leader (weekly) and participated in a number of police meetings (for example, briefing of two new New Zealand police arrivals and joint patrol planning meetings). It is recommended that this would be a more productive method of

collaboration and information sharing between the two programs. The relationship has been constructive and supportive to date.

This would ensure accountability between meetings of the HoAG and would also reflect the very productive practices that have emerged during the inception period. Much of the work of the Partnership will not directly affect the VPF or VAPP. The VPF can provide input on the work of the Partnership through its participation in the HOAG and the VAPP Team Leader will be consulted by the PMG as appropriate.

In order to maximise efficiency and maintain a strategic focus for the Partnership, the PC has prepared a discussion note for the DG regarding the establishment of a grants facility under the Partnership which would consider unsolicited requests for support for agency or institution level initiatives. The facility would be overseen by the PMG on a monthly basis when recommendations based on known criteria are reviewed for approval or otherwise by the PMG, with the aim of streamlining the administrative process. The DG's initial response to the proposal has been positive.

Once the governance structure has been clarified and agreed with the DG, the Partnership will develop an organisational diagram to reflect the agreed governance arrangements for the Partnership.

5. Sector update

The design of the Partnership focuses significantly on the process and outcome of the development of the sector strategy, providing support to sectoral policy initiatives and cross sectoral priorities while supporting a more strategic approach to capacity development. This section seeks to provide an overview of the current status of the sector strategy, emerging sectoral priorities, recent initiatives and their implications for the Partnership.

5.1 Sector Strategy

The DG has consistently pressed for the completion of a revised strategy document through engagement with representatives of the agencies within the Ministry and other stakeholders (including NGOs and civil society) since the Mele Summit (the Vanuatu National Law and Justice Summit held from 23 – 26 January 2012 at Farea Pasifika, Mele Village, Efate Island). It is intended to provide an overarching guiding document for the sector as broadly defined *and* the MJCS, specifically including its community services arm which does not always sit easily with aspects of the justice sector. The DG has called for the agencies to re-focus on their *raison d'être* of service delivery to the people of Vanuatu, which then allows the sector be viewed as part of one continuum from community service and prevention (soft end of the continuum) to dispute resolution, courts and penalties (hard end). Community Services currently encompasses women's affairs, children (including youth) and disability. The challenge for the community services will be advocacy for equitable funding consideration when competing with the Justice components of the portfolio and ensuring that funding reaches those who need it, given that service delivery is predominantly the responsibility of non-government agencies and civil society.

The strategy does not yet provide overarching guidance although it does list some concrete recommendations arising from the Mele Summit as well as some guiding principles and agreed priorities (see Annex 3 for the Executive Summary).

There has been no further progress by the agencies in developing revised corporate, business and annual plans that are consistent and aligned with the amended sector strategy. This is a result of a combination of factors including: the truncation of the budget process, which required ministries, and therefore agencies to complete budget submissions in May prior to the GoV going into care taker mode and before the EU/ACP which is being hosted by Vanuatu; as well as the sector strategy itself being still at a nascent stage. Whilst the sector has commenced discussions relating to coordinating itself as a sector and has started to recognise the mutual benefits

that this might derive, there is further work to be done before agencies commence planning and operating from within a sectoral perspective. Judiciary has received Federal Court of Australia support in the development of a 3-5 year plan for the Administration of the Courts. It is not clear yet how consistent that is with the overall approach of the strategy.

5.2 Sectoral Coordination

There is currently locally-driven momentum for enhancing coordination across the sector (as broadly defined). This momentum is supported by the DG and the Minister.

The DG is seeking a number of tangible outcomes through greater coordination of the sector, including:

- Cost and efficiency benefits of a coordinated approach to a reform agenda based on shared priorities
- Increased capacity for mid- to long-term planning for development at the sector and agency level
- Increased donor coordination and harmonisation
- Strengthening the foundations for future centralised funding by donors
- Strengthening the capacity of the Ministry itself to support the sector

Further recent evidence of the DG's desire for greater coordination of the sector was his calling of a donor meeting for the sector on 3 May which included agency heads, non-government partners, other relevant government ministries and donors. Participants from within the sector responded positively to the initiative and demonstrated the desire to coordinate and engage with each other across the sector. Of particular note was the Chief Justice's comment that he is willing to engage with the sector at this juncture.

However, it may become increasingly difficult to maintain the momentum for coordination that is required to develop corporate, business and annual plans in the absence of additional support as a result of competing immediate priorities (such as accelerated budget submissions); lack of human resources within the agencies to drive the planning initiative; and the necessity for some concrete benefits to energise the coordination initiatives made to date. Initially it may be appropriate to focus on inter-agency cooperation on single issues of mutual concern, such as case management and/or service delivery to outer islands. Such cooperation may help to break down the current tendency of agencies to work in isolation and make it easier for agencies to then start to develop corporate, business and annual plans that are consistent and subordinate to the sector's needs. Recognising the current human resource capabilities and the exigencies of daily work, additional support may be required to assist agencies to develop more refined plans that are consistent with the strategy, are not developed in isolation and are sufficiently detailed to be costed.

5.3 Emerging Sectoral Priorities

Broadly, the consultations relating to the sector strategy have identified four key priority needs across the sector, which have been reflected by the DG in his discussions at the donors' meeting:

- Human resources and capacity, and institutional capabilities
- Infrastructure and refurbishment
- Case, file and data management and retrieval
- Provincial service delivery

i. Human Resources

Across the sector at all levels there are human resource challenges, both in terms of the number of staff and the capacity of staff recruited. The previous program has had an impact on the professional capacity of individuals within the agencies of the formal sector which needs to be built on and continued in a considered way that focuses increasingly on institutional capacity, professional development, succession planning and renewal within a sector wide capacity development strategy. A number of offices reportedly suffer from frequent staff turnover, particularly of lawyers. While public law offices cannot compete with the private sector in terms of salaries, they may be able to better identify barriers to retaining staff and work creatively to overcome these. They may also be able to develop more effective staff renewal strategies. A modified version (to include paralegals) of the internship program supported by VLSSP may be one useful method to attract and train new staff.

Supporting the sectoral priority of meeting identified human resource challenges is directly aligned with component 2 and aspects of component 3. The objectives of component 2 for Stage 1 (to ensure sustained delivery of current level of legal services) are supported by responding both to the professional capacity of staff but also to the institutional issues of professional development, succession planning and renewal within a sector wide capacity development strategy. The objectives of component 3 for Stage 1 of facilitating a better understanding of the issues relating to policy initiatives in the area of human resources are also advanced by support to this key identified priority which allows for continued growth in capability, building on the inputs of VLSSP and responding to a clearly identified cross sectoral priority.

ii. Infrastructure and refurbishment

Infrastructure has been identified by agencies and the DG as a key challenge across the sector, with infrastructure needs ranging from small refurbishments to larger renovations and complete rebuilds such as the Hall of Justice. However, these needs have not yet been prioritised by the Ministry. The DG agrees that infrastructure needs should be prioritised across the sector in a coordinated way to ensure appropriate allocation of funds in this area, particularly between urban and rural areas but also to ensure that the needs of those for whom accessing funds is more difficult are not forgotten. For the formal sector, coordination with the courts will be fundamental as the court's decisions regarding posting judges to certain locations has an immediate impact on other agencies required to service the courts.

The Partnership has funding available for some refurbishment of infrastructure. More detailed discussion is required with the DG and other stakeholders to agree and develop an appropriate approach to responding to competing refurbishment needs which should relate directly to sustained service delivery (objective of component 2, stage 1) or provincial service delivery (objective of component 3, stage 1). With the support of the DG and with further consultation, possibly through the HoAG, it may be possible to identify a set of criteria to prioritise support for infrastructure. For example, the stakeholders as a sector might agree that its current priority lies with the refurbishment of provincial facilities, at a certain level and in an identified order reflecting service delivery needs by province.

iii. Case management and data capture and retrieval

Improvements were made in the management and recording of cases within the formal sector offices during VLSSP, which need to be continued and strengthened. The systems used by the agencies have tended to be developed in isolation without ensuring consistency with other relevant agencies. It is reportedly not possible to track cases systematically from investigation to completion and into corrections.

The PSO has very recently developed an electronic system for case management and data collection. The system is maintained and supported by the government IT department although further future enhancements may need

to be provided by external technical assistance. It has only been effective for a few months, but at this stage the Public Solicitor is entirely satisfied with it in fulfilling that office's needs for case management, data retrieval and document production. It is a system that may be suitable for other public offices, if after further consultation it can be demonstrated that it fulfils the current needs of those offices and the sector.

The Chief Justice has been developing a 3-5 year plan for enhanced court administration with the support of the Federal Court of Australia and the Pacific Judicial Development Program (PJDP) which includes a number of recommendations with respect to case management. The courts are in the process of ensuring the existence of a solid foundation of understanding for a paper-based manual system before moving to an electronic system.

The need still exists for a consistent system which allows for coordination between agencies, capturing the same information across the justice sector continuum and providing greater efficiency for all of the offices whilst maintaining their independence, although the courts arguably require a greater level of security protection for their system. Further discussion among agencies is required to determine how best to proceed in establishing such a system. Over the coming months, the PC will consider ways in which the Partnership may be able to facilitate such a process, building on the separate agency initiatives that are already under way.

Partnership assistance in this area would not only facilitate enhanced institutional capacity within the formal sector (Component 2), it also enables improvements in service delivery (Component 2) as well as tangible improvements in inter-agency coordination, for example, between VPF and SPD, between SPD and PPO, between PPO and Magistrates and Supreme Courts (Component 1).

iv. Provincial service delivery

There is a genuine and widespread desire across both the formal agencies and non-government stakeholders in the sector to enhance service delivery in the provinces and islands although the financial burden of doing so is often prohibitive in terms of human resources, infrastructure, accommodation and transport. This desire is also reflected as a Ministerial priority for the sector. Improvement of the access to justice in its broadest sense is an envisaged outcome of the Partnership, and an identified objective of component 3 is to provide support for policy initiatives that may include provincial service delivery.

Significant further consultation is required to identify how the Partnership might most appropriately support this sectoral priority, although one possibility might be through the synthesis of existing material and some additional research or study develop briefing papers with recommendations on possible modalities that might be explored to facilitate a sustainable approach to enhancing access to justice to the communities outside Port Vila.

5.4 Recent Initiatives

i. Agency and institution initiated activities

Agencies and institutions within the sector have become accustomed to approaching the previous program (VLSSP) and AusAID to fund proposals on a constant and short-term basis. The proposals often demonstrate an opportunity to add value and initiative in developing a response to an identified challenge. However, the impact that constant attention on such applications would have on the Partnership is that it would become more agency-focused, more responsive or reactive and short term, rather than sector-wide, strategic and programmatic. In addition, the constant response to proposals is an administrative burden that distracts from the intended focus of the Partnership and the Ministry.

It is proposed that these requests for support be responded to by the Partnership through the grants facility discussed above (4.4, p. 12). Most of these initiatives focus on capacity building, consultation and awareness

raising initiatives and fall within the ambit of the Partnership's support to the sector. Some may become part of a more strategic sector-wide area of focus for the Partnership. To date, the Partnership has received proposals from the PPO regarding a Youth Diversion Program; from the Disability Unit for a Public Awareness Campaign on disability; and from the Department of Women's Affairs to support national consultations underpinning the development of a National Policy for the Empowerment of Women. Each of these could be considered under the facility.

ii. Other initiatives

There are a number of initiatives that have gained momentum with ni-Vanuatu stakeholders and which may, with strategically targeted support, result in further progress. These initiatives provide a vehicle for encouraging increasing coordination and cooperation across a number of agencies and institutions within the sector. Demonstrable and tangible results in an area of mutual stakeholder concern may encourage further links within the sector and coordination and collaboration in a way that broad discussions about strategic goals may not.

- **Child protection, diversion and juvenile justice:** the necessity to offer improved and appropriate protection, prevention, reporting, response and service delivery to children and youth has gained significant currency with the community and civil society as well as the formal justice agencies. There is a desire within many agencies to offer better and more appropriate access to justice to children and youth as well as specialised programs (such as diversion). There are a number of actors already working in this area (UNICEF, Save the Children). The DG strongly supports prioritisation of this issue as it is well aligned with his service delivery focus and as a cross cutting issue it is one which will require coordination across a number of agencies and organisations.

Two pilots have been developed with Save the Children and others to trial a child safety framework at two locations. They are ready to be implemented and have been discussed in some detail with and are supported by the DG. They are to be implemented as a discrete project using a centralised funding approach and project managed by the Ministry with back up support from the Partnership and Save the Children as needed. This would allow the child safety pilot to not only pilot the establishment of a child safety framework at the community level at three locations at a pace which is appropriate and incremental but it would also pilot the Ministry's capacity for project management, oversight and acquittal. The funding arrangements currently propose joint funding with UNICEF for a period of 6 months. UNICEF in Port Vila have assured the Partnership that all approvals for the funding have been obtained and that their funding for the program (just under half) will be received by the end of May or latest in the first week of June. The Partnership could then co-fund the pilots with UNICEF for a 6 month period with a review at that point. It is the aim of the Ministry to have the pilots established and commenced prior to the pre-election caretaker period in the provinces so that they can then continue without interruption.

Given the momentum that the issue has garnered across the sector, the support it has from the Ministry and the progress that has already been made in this area. The Partnership could consider funding the entire annual plan of Save the Children within the Partnership to streamline administrative and reporting structures, remove duplication, and ensure the MJCS is in the coordinating position. A significant focus of the Save the Children annual plan is to mainstream child protection and services across the sector. Cooperation at this level would also facilitate support from Save the Children agency driven initiatives which could receive funding through the grants facility such as the diversion proposal of the PPO. If this is agreed by the DG who supports the implementation of the Save the Children Annual Plan then it would need considered AusAID approval as it would require increase in Partnership funds by increasing the fixed budget for the Program Activity Costs and consideration of what impact this might have (if any) on the Partnership's focus. The entire budget for

the Save the Children annual plan has not been included in the indicative budget for those reasons (estimated at 35, 541, 656 vatu or \$378,102AUD at an exchange rate of 94c).

- **Vanuatu Law Commission (VLC):** The Commissioners and the Secretary of the VLC have been appointed. The VLC is intended to be staffed by four permanent research officers and an administrative officer to support the work of the Commissioners. The Council of Ministers has approved these positions, as has the Public Service Commission, but that approval was too late for the VLC to receive the budget allocations for those positions in the last budget cycle.

The Partnership should provide transitional support to allow the VLC to recruit two of the four research officers and an administrative person so that it can commence fulfilling its responsibilities with respect to the review of legislation. This support would only cover the first year of employment, with the expectation that the VLC will receive GoV funding in the 2013 budget. The DG intends to sign an agreement with AusAID to undertake that GoV will absorb the positions into its budget by a certain date. An additional advantage would be that both the VLC, the SLO and parliamentary counsel, responsible for legislative drafting, would then be in a position to benefit not only from law and justice legislative reform agendas but also a number of other programs working on legislative reform across the aid program including the AusAID funded Health Program, Mama Graon, Governance for Growth as well as initiatives in the areas of climate change and disaster risk reduction. The VLC would be strengthened if the relevant experts work alongside research officers in the VLC and the legislative drafters in the SLO to build technical capacity in those areas whilst ensuring that there is appropriate ni-Vanuatu support, involvement and consultation in the policy development relating to the legislative reform and that the ni-Vanuatu processes are used and not bypassed. This would also help to raise awareness of and compliance with the GoV's prescribed legislative drafting process and enhance coordination among AusAID funded programs. The AusAID health program (which is also working with World Health Organisation) and the Partnership have commenced discussions on how this might best be facilitated and what additional support, if any, might be required.

5.5 Implications for the Partnership

Existing structures (HoAG and PMG) and stakeholder commitment to enhanced sectoral cooperation are sufficiently developed to support the proposed Partnership governance arrangements without being over burdensome or duplicating processes. Component one's focused support to enhancing the capacity for the Ministry to strategise, plan, coordinate donor support and communicate effectively within and beyond the sector remains a cogent entry point for support given the existing momentum of the sector. Strategic and targeted technical assistance that is facilitative and consultative rather than directive has the potential to harness and articulate this energy to produce wholly owned and understood development plans for the future at both the sector and agency level.

The Partnership's intended support to capacity development under component 2 continues to be well aligned with the Ministry's reform agenda and reflects a key priority articulated across the sector (at sectoral and agency level). A combination of high level technical assistance for the development of a mid- to long term sectoral approach to capacity development (which will include consideration of modalities for capacity development, ordering of activities, professional development, succession planning and renewal, leadership and management development); placement of long term technical assistance within identified offices; generation of a Vanuatu based program for continued legal education shared across the profession, implementation of a program for paralegals and interns and development of a tailored leadership & management program for the sector will provide a robust multi-layered foundation for further capacity development in Stage two.

Capacity development support will then become part of a programmatic approach, increasing the ability to capture cost and opportunity benefits across the sector and ensuring that each activity builds on the previous one in an incremental way. It has the potential to provide the foundation for robust capacity development for the sector for the next Stage of the Partnership and beyond. This will reduce ad hoc responses for requests to participate in or run capacity building activities. The PC has had broad discussions with the DG regarding capacity development and human resource needs. This approach requires further consultation and approval and the PC will draft a TOR and discussion paper to develop this further with the DG.

Finally, under Stage One of component 3, the Partnership will focus on designing and implementing a monitoring and evaluation framework that is ni-Vanuatu owned, well understood, not over burdensome and is able to monitor progress of both the sector's reform agenda and the Partnership's outcomes.

The M&E aspect of Stage One will be implemented by the M&E Specialist, the Contracts Manager and the Monitoring Officer which will allow for the high level design and communications to be conducted by the Specialist who will also support the capacity development of the Contracts Manager and Monitoring Officer in-country. The Contracts Manager and Monitoring Officer will be able to provide input for the baseline assessment, implement and support the implementation of the framework with continuity as well as support the preparatory inputs of the Specialist.

The M&E framework will be designed to monitor progress at the sectoral level (across the sector) and in some cases agency level as well as integrating an M&E framework for the Partnership.

In addition, the Partnership proposes to support the child protection pilots developed by Save the Children and UNICEF and (if considered appropriate and with AusAID approval) support the entire child protection program which is to be coordinated by the MJCS for the next year; support the VLC to recruit key staff on an interim basis and support coordination with other programs and legislative reform initiatives; as well as supporting incremental consistent improvements in case and data management and retrieval across the sector. Support for the development of an appropriate approach to provincial service delivery and prioritisation will be the subject of further consultation and possible support. Each of these areas of proposed support has Ministerial backing, is an identified priority and impacts across a number of organisations and agencies within the sector and beyond, resulting in the additional benefit of providing a vehicle by which to enhance coordination around concrete issues which feeds into Partnership activities in component one.

These proposed initiatives continue to reflect priorities with currency at the time of the Partnership design. They support enhanced understanding about key legal issues to inform policy development including; better coordination and strengthening of sector plan activities (coordinated and consistent file and data management and interagency work on child protection); provincial service delivery; legislation (support for VLC) and international conventions (mainstreaming child protection including for victims of crime).

6. Partnership Workplan for Stage One

The proposed Partnership Workplan for Stage One flows from consultations with key stakeholders and reflects identified sectoral priorities and remains well aligned with the Partnership design. The outline of activities for Stage One (below) should be read in conjunction with the Gantt chart in Annex 4 which provides indicative timing and greater detail of each input and milestone. It also indicates the Partnership personnel primarily responsible for the input. As such no separate Workplan has been developed for the Partnership Coordinator who has carriage of many of the inputs and oversight of all others.

6.1 Partnership Management

Stage One Partnership management will include the following, which are all top priorities as they are foundational both to the Partnership management and design, but also to the facilitation of the other activities of the Partnership:

- Development of effective, constructive and respectful relationships with counterparts and stakeholders across the sector and beyond. This has commenced but is incremental and ongoing;
- Agreement and initiation of the partnership governance arrangements particularly the PMG which has been discussed but not finalised;
- A first meeting with the HoAG since the commencement of the Partnership (where the Workplan would be included as an agenda item) has been discussed but not yet progressed;
- Ongoing quarterly meetings of HoAG with Partnership secretariat support;
- Inception and six monthly report preparation;
- The process of consultation and refinement of a draft and ultimately final design for Stage two will be an ongoing process and become the primary long term focus of the Partnership Coordinator once the workplan for Stage One is finalised and agreed; and
- Preparation of a concept note, draft Stage Two Workplan and finalised Workplan for Phase 2 of the Partnership including meetings and workshops associated with finalisation of the Workplan.

6.2 Component 1 - Support for the sector strategy, coordination and communication

Partnership support for the sector strategy, sector communication and coordination will include:

As top priorities to achieving the key deliverables for Stage One:

- Supporting development of an agreed process for coordinating with donors and the DG has commenced the process by suggesting a sector-wide working group.
- Supporting the MJCS to identify and recruit the Monitoring Officer (finalised terms of reference and advertisement are with the DG for approval);
- Supporting the MJCS as required, in identifying, recruiting and supporting a Policy & Coordination Officer. This is dependent on the results of consultations by the DG with the policy officer currently working for the MJCS on a 3-month contractual basis;
- Supporting the strategic planning work at the sectoral and agency levels. The technical support for planning will adopt inclusive, consultative facilitation methods to achieve the articulation of key achievable priorities, and associated workplans that are sufficiently detailed to be costed;
- Supporting the budgeting of plans through assistance which may be sourced locally to ensure a consistent approach and to achieve accurate forecasts and costings for their business and annual plans.
- Establishing a grants facility to administer funding of appropriate agency-generated applications during Stage one (concept paper is currently with the DG for consideration);
- Further clarification immediate cross agency and sectoral priorities for implementation in Phase I, and support their subsequent implementation;
- Supporting the development of infrastructure development plan which is methodical and prioritised which will guide the funding of infrastructure refurbishments under the Partnership (as well as by other donors);
- Ongoing consultation with donors to ensure harmonisation of content and approach as well as further consultations with DG, agencies and AusAID once there is sufficient clarity to develop a concept note followed by a more detailed plan;

- A workshop that will then be conducted with the Ministry and other stakeholders to further refine the plan for Stage Two; and
- Seeking feedback from all relevant stakeholders prior to finalising the Stage Two plan in November 2012

As secondary (more iterative priorities):

- The communication and coordination process may be supported by a newsletter and a simple database of all current donor inputs;
- Supporting development of an agreed communications strategy for the Ministry and sector internally and externally;
- Compiling and analysing the lessons from previous and early implementation;
- Building the capacity, as necessary, of the Monitoring Officer with respect to baseline assessments, M&E and communications (ongoing and incremental);

6.3 Component 2 - Capacity Building

Capacity building during Stage One of the Partnership will include:

As top priorities:

- Initial consultation and drafting of documents required to facilitate and manage joint recruitment of long term advisers and other staff/advisers;
- Ongoing joint management of the LTAs;
- Identification and recruitment of experienced capacity development TA to support the development of agency-level capacity development plans that are consistent with the sectoral approach and can be used as an effective tool by the agencies in guiding future capacity development inputs:
 - Conduct an objective training needs analysis of the agencies which assesses current skills and expertise and their objective gaps;
 - Develop an overarching sector-wide capacity development strategy; and
 - Develop 3-5 year agency-level capacity building plans consistent with the sector wide strategy (that include professional development for staff from new recruit to senior management, modalities of capacity development, ordering of capacity development inputs to maximise their impact, tools for measuring the impact of activities, approaches to succession planning, staff retention and renewal, increase accountability and indicative costing of all of the capacity building inputs recommended). This will be an iterative process which may continue into Stage Two.
- Identification and prioritisation with support of the TA and in consultation with the DG aspects of the capacity development strategy and plans that can be implemented during Stage One and those that should be implemented in Stage Two.
- Specific litigation training for the SLO.
- Design a Vanuatu based leadership/executive management course for the current and future leaders and middle management within the sector agencies and institutions for implementation in Stage Two.

During Stage One the Partnership will explore and where agreed, support and progress as secondary priorities:

- Regular continuing education fora across the profession, perhaps on the Supreme Court nominated 'big day out' training days which could incorporate the private lawyers, public legal officers, judiciary and USP law

school. It is hoped that this will strengthen links between the profession itself and also with academia and could be commenced from a small base initially; and

- Consult on, develop and support a paralegal and intern program with the USP Law School and public law officers for the large numbers of ni-Vanuatu law students who are now in the early years of undergraduate law.

6.4 Component 3 – Policy Development, Research and Sector Monitoring

A. Monitoring and Evaluation

Partnership inputs will include:

- A desk review of current materials available providing any baseline assessments, including any community perception surveys available;
- Enhancing or clarifying existing baseline, as necessary;
- Design of a sector wide monitoring framework;
- Design of an integrated Partnership monitoring framework;
- High level communication and capacity development with sector and agency heads; and
- Collaboration with the AusAID, Evaluation Capacity Building Program in Vanuatu.

B. Other policy development / support activities

- **Island service delivery**

The Partnership Coordinator will consult with the Ministry to explore possible support for the development of an evidence-based policy outlining an appropriate and sustainable sectoral mechanism for enhancing access to justice beyond Port Vila.

- **Case and information management, data storage and retrieval**

It is suggested that the Partnership support:

- Further detailed discussions with the relevant agencies as well as court users and the DG;
- The conduct of a diagnostic study of case management issues across the sector (but for the Judiciary where one has recently been conducted); and
- Development of a plan for immediate implementation of priorities and a longer term plan for implementation of Stage Two.

- **Support for the Vanuatu Law Commission**

The Partnership will:

- Fund the salaries of two research officers and an administrative officer with some operational costs on an interim basis until the VLC receives the funding for those positions (anticipated to occur in 2013). Funding of the positions will be based on an agreement that the funding be absorbed by the GoV by an agreed date; and
- Provide coordinating support to the VLC in linking it with donor programs that have a legislative reform agenda where possible.

- **Support for Child Protection and child and youth focussed justice initiatives**

Partnership support to include:

- Joint funding of the child protection pilot programs in three locations with some additional oversight, administrative and coordination support;
- Support for the Child Protection Annual Plan of Save the Children (if approved by AusAID) which has not been costed in this Workplan; and
- Possible funding of the support for the Youth Diversion program through the grants facility.

7. Individual Workplans for Stage One and Budget allocation

7.1 Draft workplans for the long term advisers

Indicative plans for the long term advisers for the SPD, PPO and PSO are at Annexes 5, 6 and 7 respectively.

7.2 Budget allocation

An indicative budget allocation based on the Partnership workplan is attached at Annex 9. This allocation has yet to be confirmed by the DG and the individual line items have been amended to reflect the Partnership workplan outlined above. There is no current additional cost for support to donor coordination as that will be inputs by the PC and support staff.

Monitoring expenses are dealt with entirely under component 3 and budgeting and planning TA costs have been added in component 1.

In component 2 training workshops (other than the proposed support to continuing legal education [CLE]), study tours and twinning will be subsumed in the grants facility where responding to agency-based proposals). Otherwise the Partnership will focus on the foundational design work, tailored support to the State Law Office, development of the paralegal program and design of the leadership/management course. There are also proposals for disability awareness support, a diversion program and consultations for the development of the National Policy for the Empowerment of Women that will be dealt with under the grants facility.

In component three the Partnership has budgeted for support to modalities for provincial service delivery, the co-funding of child protection pilots, support to the VLC and monitoring and evaluation. CLE is now in component 2, support for USP and the legal centre will be discussed and designed for Stage Two under component 2 where appropriate and based on implementation of a small CLE activity. The Partnership is not implementing activities in the area of customary/formal interface during Stage One, given the number of other program activities being implemented in this area (Kastom Governance, Mama Graon, Jastis Blong Evriwan) and until there is further analysis of the work to date with resulting identification of possible strategic support by the Partnership.