



**Vanuatu Law and Justice Partnership  
Stretem Rod Blong Jastis  
Vanuatu**

**Stage One Completion Report**

**July 2014**

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## Acronyms

<b>ADR</b>	Annual Development Report
<b>CDLA</b>	Capacity Development & Leadership Adviser
<b>CDMA</b>	Case & Data Management Adviser
<b>CLE</b>	Continuing Legal Education
<b>CP</b>	Child Protection
<b>CSU</b>	Corporate Services Unit
<b>DFAT</b>	Australian Department of Foreign Affairs and Trade
<b>DOA</b>	Deed of Amendment
<b>DWA</b>	Department of Women's Affairs
<b>GoA</b>	Government of Australia
<b>GoV</b>	Government of Vanuatu
<b>FWCC</b>	Fiji Women's Crisis Centre
<b>GRM</b>	GRM International Pty Ltd
<b>HOAG</b>	Heads of Agency Group
<b>JCSSS</b>	Justice and Community Services Sector Strategy
<b>JBE</b>	Jastis Blong Evriwan
<b>KAP</b>	Knowledge, attitudes and practices
<b>LSIP</b>	Law Student Internship Program
<b>LTA</b>	Long Term Adviser
<b>M&amp;E</b>	Monitoring and Evaluation
<b>MEF</b>	Monitoring and Evaluation Framework
<b>MES</b>	Monitoring and Evaluation System
<b>MJCS</b>	Ministry of Justice and Community Services
<b>MNCC</b>	Malvatumauri National Council of Chiefs
<b>NZAID</b>	New Zealand Agency for International Development
<b>OGCIO</b>	GoV Office of the Chief Information Officer
<b>PAA</b>	Priority Action Agenda
<b>PFM</b>	Partner Financial Management
<b>PJSPV</b>	Policing and Justice Support Program (Vanuatu)
<b>PLAS</b>	Planning Long Acting Short
<b>PMG</b>	Partnership Management Group
<b>PMF</b>	Performance Management Framework
<b>PMO</b>	Prime Minister's Office
<b>PPO</b>	Public Prosecutor's Office
<b>PSC</b>	Public Service Commission
<b>PSO</b>	Public Solicitor's Office
<b>SCV</b>	Save the Children Australia
<b>SLO</b>	State Law Office
<b>SPD</b>	State Prosecutions Department
<b>SRBJ</b>	Stretem Rod Blong Jastis Partnership
<b>TA</b>	Technical Advisers
<b>TOR</b>	Terms of Reference
<b>UNICEF</b>	United Nations Children's Fund
<b>USP</b>	University of the South Pacific
<b>VAPP</b>	Vanuatu Australia Police Program
<b>VLC</b>	Vanuatu Law Commission
<b>VLJP</b>	Vanuatu Law and Justice Partnership
<b>VLSSP</b>	Vanuatu Legal Sector Strengthening Program
<b>VNSO</b>	Vanuatu National Statistics Office
<b>VPF</b>	Vanuatu Police Force
<b>YEPP</b>	SCV's Child Protection Governance Program (Yumi Evriwan i Protektem ol Pikinini)

## Executive Summary

This is the completion report for Stage 1, the 'design and implement' phase of the Stretem Rod Blong Jastis – Vanuatu Law and Justice Partnership with a total executed budget of AUD4,959,731 and approximately 438,296,510 vatu<sup>1</sup> which has been implemented by GRM International Pty Ltd as the Implementing Service Provider.

The high level goal of the program is best portrayed in the Bislama, "*Jasti, sefti, digniti, respek mo gud fasin blong evriwan*" with the purpose that, "all justice services promote justice and provide fair and equitable services to meet the needs of the community, the rule of law and the protection of human rights."

The objectives set out in the 2011 Design<sup>2</sup> for the program were:

- Assist Government of Vanuatu (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 (*Component 1, Stage 1, Objective 1*)
- Ensure sustained delivery of current level of legal services to the GoV and population (*Component 2, Stage 1, Objective 1*)
- Enhanced understanding about key legal issues to inform policy development, particularly those identified by the GoV as priorities in 2011-12 including:
  - a. Better coordination and strengthening of sector plan activities;
  - b. Human resources and capacity;
  - c. Provincial service delivery;
  - d. Legislation and international conventions; and
  - e. Support for victims of crime. (*Component 3, Stage 1, Objective 1*)
- Support for 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 (*Component 3, Stage 1, Objective 2*)
- 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:
  - a. Policy development and the outcomes of policy changes;
  - b. Sector's progress against its strategy objectives; and
  - c. Donors' contributions to achievement of objectives (*Component 3, Stage 1, Objective 3*)

## Achievement of Objectives

The objectives identified above have been achieved with mixed success.

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<sup>1</sup> Exchange rate as at 24 July 2014

<sup>2</sup> AusAID, Stretem Rod Blong Jastis, Vanuatu Law and Justice Partnership Design Document (Final) September 2011.



The sector has developed a comprehensive sector strategy and identified an approach for the planning and implementation of the strategy. However, planning and implementation of the eight strategies under the Justice and Community Services Sector Strategy (JCSSS) are nascent, challenging and ongoing.

Service delivery of the legal offices has decreased in some areas, been maintained in others and improved in some areas over the 27 months of Stage 1.

There is enhanced understanding about key legal issues to inform policy development with respect to better coordination and strengthening of sector plan activities; legislation and international conventions. There has been small responsive support to provincial service delivery but no significantly improved understanding to inform policy development of provincial service delivery, human resources or support for victims of crime (despite significant support in the area of child protection).<sup>3</sup>

Support for selected issues such as family law, related to progressing the rights of women, children, and people with disability has been provided through the responsive Grants Facility and also through assessment, planning and research for targeted support for the next stage of the program. Significant support has also been provided in the area of community engagement around child protection issues which has continued to provide awareness and basic training.

Little support to date has been provided with respect to the interface between formal and customary law, particularly at community levels outside of the support for the JCSSS working groups, given the engagement of other programs and development partners in this space. This has been with the agreement of DFAT. It is anticipated that support will increase as a result of the recent 2013 land reforms and the reduction in support of the World Bank funded Jastis Blong Evriwan program and the Australian Aid funded Vanuatu Land Program.

Continuing legal education beyond specific agencies has been provided and will be continuing based on the Justice and Community Services Sector Capacity Development Strategy in Stage 2.

A sector wide monitoring framework is in the process of being developed to support the GoV to measure the performance of the sector.

### Key achievements for Stage 1:

- **Justice and Community Services Sector Strategy was developed** through a robust consultative process that was driven by good leadership and an engaged sector and was approved by the Council of Ministers.
- **Justice and Community Services Sector finalised** its first collaborative submission as a sector to the GoV's 2013 **Annual Development Report (ADR)** and provides a significant first step on which to build the sector's strength in reporting over time.
- **Greater engagement of the judiciary** is evident in aspects of the cross sector reform agenda, as demonstrated by greater involvement in the JCSSS working groups; increased and more active leadership with respect to the case management agenda; improvements in the efficiency of its internal processes; and quality and transparency of its reporting and monitoring.

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<sup>3</sup> That is, coordination between provincial and community information and evidence arising from child protection work has not been strong in the sense of providing the basis for more informed policy development in the area of child protection at the national level.

- **Significant improvements across the sector in technical systems “readiness”** including data quality improvements; work practice improvements and process improvements, particularly in evidence at the Supreme and Magistrates’ Courts, and State Law Office.
- **Legal capacity improvements at State Prosecutions Department (SPD)** which is demonstrated by the SPD’s greater willingness to go to trial and the lack of need for the vetting of drafting of charges by the Public Prosecutor’s Office (PPO) before being filed in court.
- **Legal capacity improvements at the Public Solicitor’s Office (PSO)** which is demonstrated by the enhanced quality of criminal pleadings and submissions and performance before the Court of Appeal.
- **Strengthening of the Law Student Internship Program (LSIP)** revealed by the increasing numbers of applicants and host offices, together with verbal confirmation from the Head of the School of Law, USP of the University’s ongoing support to host the Program and its intention to incorporate the LSIP into the coursework required for the Community Legal Clinic course once that has been re-established.

## Overall Conclusions

SRBJ has built very strong foundations on which to base the next Stage of the integrated Policing and Justice Support Program (Vanuatu) (PJSPV) which is likely to precipitate longer term changes. These foundations include:

- 1) A strong cross functional team that has had very limited changes of staff and works together collaboratively and effectively. The team now demonstrates a good understanding of the sector and the context which is immensely enhanced by the strength and advice of the ni-Vanuatu members of the team.
- 2) Good relationships with counterparts as demonstrated by some of the responses related to the PSO and SPD Advisers but also in the words of one leader in the sector who has said, *“the program is competently managed and delivered to meet the very minute details of the needs of the beneficiary.”* There is a good level of awareness across the sector of how the program works, who we are and how to access support.
- 3) Detailed planning and assessment of capacity for the sector has resulted in a Justice and Community Services Sector Capacity Development Strategy to guide and frame all capacity development support for the sector. It can be used to guide capacity development interventions by the GoV with respect to any programs and service providers. It also emphasises the strengthening of leadership capacity as a priority, including increasing the voices of women in senior leadership roles.
- 4) Council of Ministers approval of the JCSSS which was supported by the program and identifies the priority areas for the sector provide the foundation for cross sector reform.
- 5) Finalisation of the first collaborative Ministry of Justice and Community Services (MJCS) Annual Report for 2013 (Annex 1) which provides a foundation on which to build improved

reporting and monitoring across the sector and was acknowledged as a very strong first step.<sup>4</sup>

- 6) A draft sector wide Monitoring and Evaluation Framework is in the process of being finalised for review by the M&E Specialist for the PJSPV.
- 7) Functional review of MJCS corporate services, resulting in an organisational structure that is designed to respond to the capacity development and performance improvement needs of sector agencies through a skilled cross-functional 'hub'. The structure has been submitted and is awaiting PSC approval.
- 8) A Case and Data Management Roadmap for Justice and Community Services Sector (Annex 2) has been finalised. It provides an approach for strengthening case and data management and systems, across the sector over the next 30 months. There have been case and data management improvements across almost all justice agencies since the second half of 2013.
- 9) Strengthening of the Law Student Internship Program (LSIP) demonstrated by the increasing numbers of applicants and host offices, together with verbal confirmation from the Head of the School of Law, USP of an intention to incorporate the LSIP as part of the coursework required for the Community Legal Clinic course once that has been re-established.
- 10) A PSO Lawyers Handbook which provides an accessible reference tool for lawyers within that office and a basis for capacity development activities is in its final stages of editing after peer review.
- 11) A SPD Manual which provides an accessible reference tool for police prosecutors and police investigators as well as a tool for capacity development activities, particularly in the provinces, is also in its final stages of editing.
- 12) Strengthening of the sustainability, capacity and GoV ownership of the VLC.
- 13) There have been demonstrable improvements in the efficiency and effectiveness of legal services in PSO, SPD, SLO and VLC.
- 14) The grants have provided significant benefits to the sector to enhance its capacity in ways that it would not have been able to do given current budget constraints and have generally not provided support for recurrent budget items (with limited exceptions).
- 15) Completion of initial research and an outline approach for the implementation of the family based violence pilot in Malekula (to be implemented in Stage 2).
- 16) Evidence of stronger collaboration of judiciary and the VPF both with the sector and the program.
- 17) Increasing the engagement of the youth with the formal justice sector, based on the Memorandum of Agreement between youth and the GoV signed at the Youth Justice Symposium in July 2013. This has increased shared understanding and builds a basis for greater consultation on both sides.

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<sup>4</sup> By a member of the PMO M&E Unit at the launching of the MJCS Annual Report 2013 on 20 June 2014.

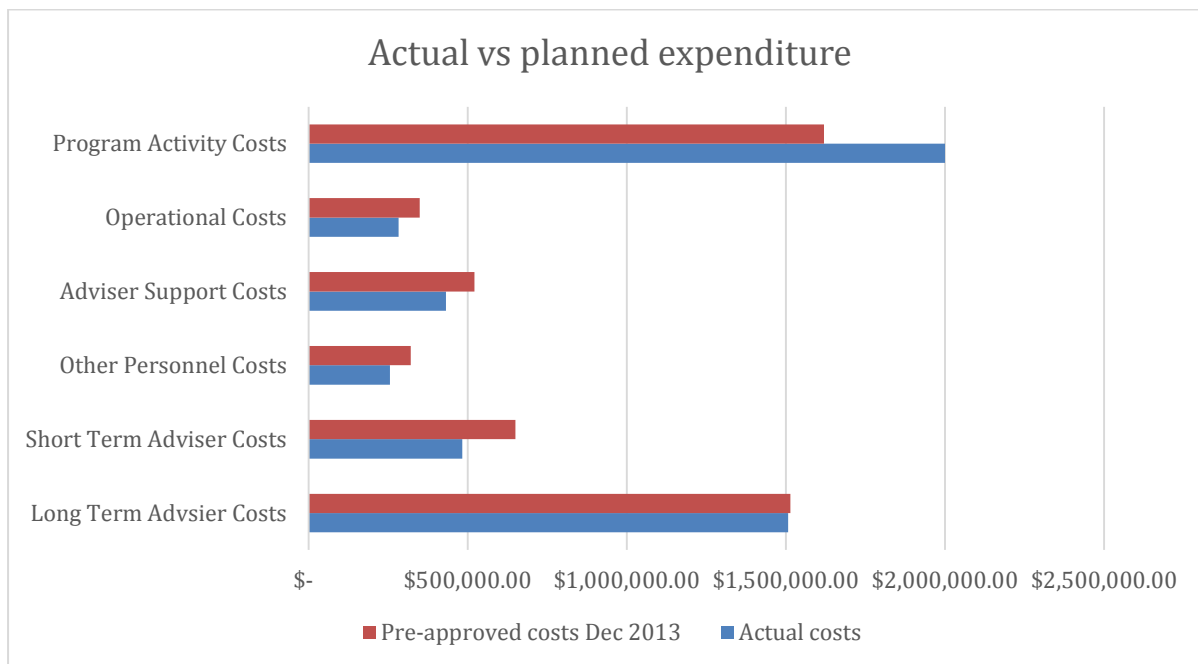


The duration of 27 months is relatively short in program terms to embed long term changes and sustainability of outcomes or impact, particularly when interventions are spread across the sector comprising fourteen or more agencies and organisations. Nevertheless, there are aspects of Stage 1 of the program which, if nurtured, will start to demonstrate a level of traction and sustainability.

These include:

- Small incremental improvements in case and data management which immediately demonstrate their value to those in management and become embedded in the processes of the organisation (as is already the case with Corrections). For example; end of monthly reporting of case management status for the Supreme and Magistrates' Courts; tracking of throughput and workflows within the SLO; and tracking of cases within the SPD have already become part of "business as usual" for those agencies.
- Monitoring of indicators that are not over-burdensome and of utility for informing organisational management decisions are likely to become embedded with some further support. Strengthened support is envisaged in this area during Stage 2 of PJSPV.
- The twinning arrangement between the Solomon Islands Institute of Public Administration and Management (IPAM) and the Vanuatu IPAM (VIPAM) provides a sustainable basis by which to strengthen the mechanisms for public sector capacity development in the areas of management and administration (for example human resource management) into the future.
- Incorporation of the LSIP into the course structure for the USP Community Legal Centre as had been discussed with USP School of Law would increase the potential sustainability of a internship program for students with local legal offices.
- The purposeful application of participatory and collaborative approaches to planning, decision-making, prioritising and managing the implementation of key initiatives, on small and large scale, although resource intensive and at times slow, lays a foundation for greater shared awareness and local commitment to priorities. This is essential in ensuring a focus on a sector-defined development agenda, and also in situating the work to promote local ownership, practical skills development and sustainability.
- Where the Vanuatu Law Commission (VLC) receives referrals from Ministries of the GoV to consult and make recommendations for legislative policy, the VLC has been seeking funding for the cost of those consultations from the referring Ministries as a sustainable basis for funding the costs of policy consultations. Ministries have for the most part been willing to support these costs. The VLC is also hopeful that it will receive additional payroll support from the GoV in 2005. Both these initiatives reduce the VLC's reliance on the program and increase the sustainability of the VLC.

Below is a table of the approved and actual costs of the initiative during Stage 1 being from 1 March 2012 to 30 June 2014:



The above table illustrates savings to the planned budget in operational areas and adviser/adviser support costs. These savings were utilised, with approval from DFAT, on program costs. The use of these funds on projects and activities for the justice and community services sector is a strong achievement of the program (greater detail is provided on program expenditure in section 2d – Efficiency).



*Contract Manager Rob Nicol and Law Student Internship Program Administrator Arthur Faerua congratulate USP Students on the successful completion of their internship Program.*

## Key high level lessons learned over stage 1

- 1) **Leadership** – It is obvious that leadership is incredibly important to maintaining the momentum of a reform agenda. This was known prior to commencement of the program and the risk of its absence was noted and considered together with the identification of proposed mitigation strategies so is not a lesson learned during Stage 1.

Instead the particular lessons learned with respect to leadership in the context of Vanuatu over the last 27 month period can be reflected in the following three key ways.

The first lesson, is that the challenge of being able to implement mitigation strategies that involved the strengthening of other cross sector mechanisms with other leaders was greater than expected. Where there was a demonstrable lack of leadership or consistent high-level leadership, there appeared to be a much higher tendency for other leaders to focus inwardly on their relevant agencies rather than to step into the vacuum, and for other decision-making mechanisms to go into a period of hibernation. On reflection, this is entirely explicable in the context of the political fluidity resulting in a continuous change of politicians and high level bureaucrats. To not show the requisite respect openly, compete or challenge is almost untenable so that it becomes more expedient to respond by looking inwardly and not engaging at that level for the relevant period. In the context of a small community with the multifaceted interconnectedness of families; island groupings; church affiliations and other relationships this would appear to be an effective coping mechanism for higher level engagement with a layer of political elite which in one sense is static (that is, continues to contain the same people) but is constantly changing positions and regrouping. The context of this political fluidity and small tight knit community is of course also overlaid with nuances of custom and local knowledge, often opaque to the outsider.

The second lesson of note is the absolute vulnerability of good leaders in Vanuatu as they rise to the top of the GoV bureaucracy and the concomitant heightened admiration for those who do so guided by the principle of true service to the community. The converse is also true; the relative impunity for leadership that does not serve the interests of the public, as a result of a combination of poor performance and human resource management; a relatively inactive PSC; a constrained Ombudsman; and limited activity of the PPO in this sphere.

The third lesson with respect to leadership and the political fluidity at the top is the ripple effect that it has on other leaders in terms of priorities and alignments which means that it is perhaps even more important for a sector wide program such as SRBJ to be constantly checking in with the leaders across the sector to be aware of any of those changes and to respond appropriately.

As the program moves into Stage 2 it will seek to support leadership at all levels across the sector in a number of ways looking closely at resilience and vigour in leadership, and the presence and voice of women in leadership, given its importance to all aspects of the program both during implementation but also for sustainability of any progress.

- 2) **Increased investment at the initial stages of an initiative** – One lesson that has been learned is the importance of investing significantly in technical and quality scrutiny of interventions at the initial stages of a program or activity particularly where the intervention is highly sensitive or innovative. An assumption was made of a large grantee, SCV, that it had the significant technical expertise it claimed. It was therefore allowed greater freedom from close oversight than was

wise. Where such investment is being made in a complex and sensitive area, SRBJ must ensure greater scrutiny of approaches being used; tools being developed; and messages being delivered to make sure they are in line with best practice; ethically sound and culturally appropriate.

- 3) **Relationship building and the politics of aid** – The politics of aid requires careful navigation of the fine balance between the need to have the approaches and agenda set by Vanuatu and the GoV and the resource challenges faced by Vanuatu that necessitate an openness to development partners. Insensitivity to these issues can stymie beneficial assistance that may be filling a vacuum and responding to an identified need, if it does not feel and appear to be led by the GoV. Not a new lesson, but one that cannot be overemphasized, is the necessity of the program, and all of its team to build, and rebuild and maintain and nurture its relationships of trust with its counterparts and stakeholders. Given the breadth of the program and the intensity of outputs at times, the constant tending of the relationships can seem overwhelming. However, building relationships based on careful and thoughtful support of counterparts in a way that is not disempowering or unresponsive, is the best mitigation strategy for preventing situations where appropriate and beneficial opportunities for Vanuatu are blocked.
- 4) **Appetite for positive incremental tangible change** – Despite the significant investment in time and effort required by the agencies of the sector to support the strengthening of their case and data management; there has been a greater than anticipated appetite across the board for the sector to drive positive change in this area. Whilst there has been no specific evaluation of the contributing factors that support this the following are likely to have contributed: the incremental changes (for example, improving data quality) have seemed achievable; the changes have been supported by Heads of Agency; the benefits of small changes have been tangible and have supported further change; the benefits of changes have generally been spread across many within the organisations so encourages broad ownership and awareness of the work. In 2013 the sector was similarly responsive to the planning and budgeting support that was provided to the agencies and in some cases have replicated plans based on tools that were provided to them.

This completion report is intended to provide a higher level review of the SRBJ program to date and to synthesize the information provided in the previous progress reports so that it can be read as a stand-alone document.

# 1. Activity Summary

## Goal and Purpose

The Stretem Rod Blong Jastis Partnership (SRBJ) shares with the justice and community services sector a common high level goal best portrayed in the Bislama, *“Jasti, sefti, digniti, respek mo gud fasin blong evriwan”* with the purpose that, “all justice services promote justice and provide fair and equitable services to meet the needs of the community, the rule of law and the protection of human rights.”

## Basic Activity Data

SRBJ is located in Vanuatu, and has been predominately focused in Port Vila during this planning, implementation and design phase with some increasing interventions outside of Port Vila. It is proposed that there will be greater focus on the provinces and sub-national levels of government in Stage 2.

SRBJ is a sector wide program, implemented in partnership with the Ministry of Justice and Community Services (MJCS) through a combination of sector wide and agency specific support. The program is delivered by the Australian Managing Contractor, GRM International Pty Ltd (GRM).

There was an initial design for the program in September 2011 which provided a broad framework for SRBJ including its division into two Stages; Stage 1 a “design and implement phase” of 14 months and Stage 2 being an “implementation phase” of two years and nine months.<sup>5</sup>

Subsequently, Stage 1 of SRBJ was extended from the 31 May 2013 to 31 December 2013 (from 14 to 21 months) and again from 31 December 2013 to 30 June 2014 (27 months) to allow time for an integrated policing and justice design for stage 2 to be completed, reviewed, approved and contracted. Stage 2 commenced on 1 July 2014 and will continue for a two and a half year period until the end of 2016, in line with the GoV financial year and planning cycles.<sup>6</sup>

GRM has received four Contractor Performance Assessments, the last two of which have received assessment grades of five or six out of six for each assessed criteria.

GRM provided an Inception Report in May 2012 and Progress Reports for November 2011, August 2012 and February 2014 (as listed in Annex 3) which have all received modest suggested amendment by DFAT.

This report represents the Completion Report for the end of Stage 1 of the Vanuatu Law and Justice Partnership – Stretem Rod Blong Jastis; being the last report for the wholly separate Australian Aid funded support for the justice and community services sector in Vanuatu. From 1 July 2014, the program has expanded to become the Policing and Justice Support Program (Vanuatu).

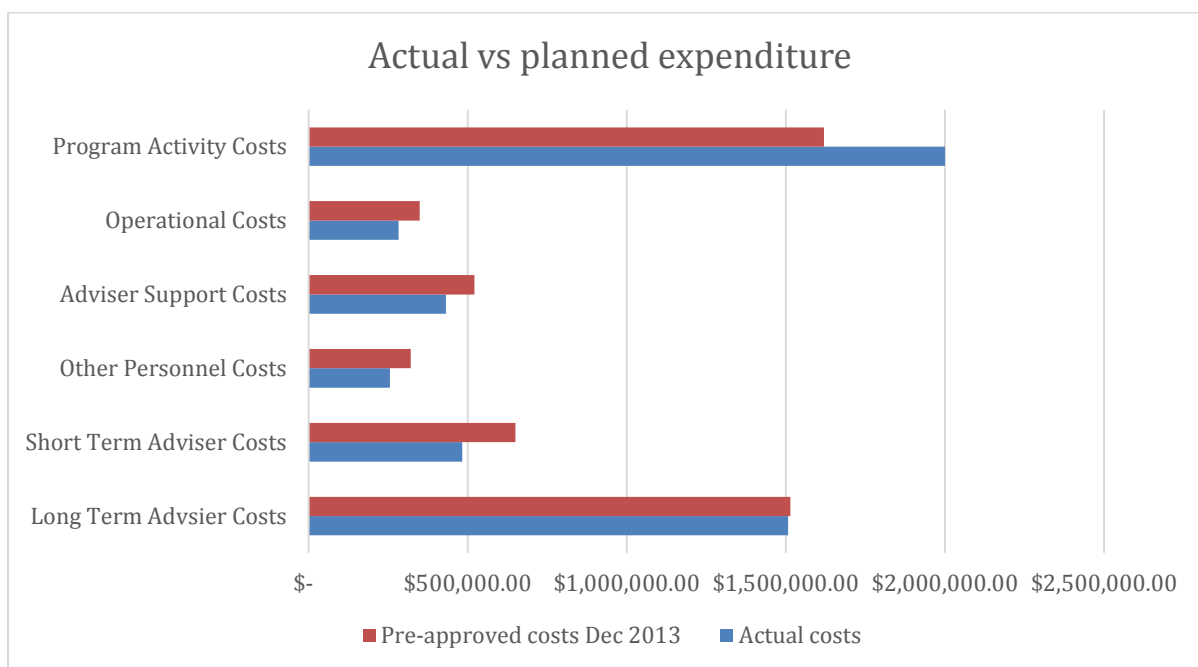
Below is a table of the approved and actual costs of the initiative from 1 March 2012 to 30 June 2014:

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<sup>5</sup> AusAID, Stretem Rod Blong Jastis, Vanuatu Law and Justice Partnership Design Document (Final) September 2011.

<sup>6</sup> The approved JCSSS and the MJCS Corporate Plan cover and will cover (respectively) 2014-16.





The above table illustrates savings to the planned budget in operational areas and adviser/adviser support costs. These savings were utilised, with approval from DFAT, on program costs. The use of these funds on projects and activities for the justice and community services sector is a strong achievement of the program.

SRBJ is managed entirely by an implementing service provider (GRM) with no use of the Government of Vanuatu's (GoV) financial system. However, the Australian Government funded a Partner Financial Management (PFM) Assessment across the sector in June 2013 which will form the basis for support to financial management across the sector during Stage 2. It is intended that the program will incrementally increase its use of the financial systems of the GoV as the recommendations of the PFM assessment are increasingly implemented and embedded (see also section 2b)(vii) – Aid Modality and Delivery Mechanisms).

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### Stage One Program Objectives

The objectives set out in the 2011 design which were intended to contribute to the overall goal and purpose were:

- 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 (*Component 1, Stage 1, Objective 1*)
- Ensure sustained delivery of current level of legal services to the GoV and population (*Component 2, Stage 1, Objective 1*)
- Enhanced understanding about key legal issues to inform policy development, particularly those identified by the GoV as priorities in 2011-12 including:
  - a. Better coordination and strengthening of sector plan activities;
  - b. Human resources and capacity;
  - c. Provincial service delivery;
  - d. Legislation and international conventions; and
  - e. Support for victims of crime. (*Component 3, Stage 1, Objective 1*)



- Support for 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 (*Component 3, Stage 1, Objective 2*)
- 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:
  - d. Policy development and the outcomes of policy changes;
  - e. Sector's progress against its strategy objectives; and
  - f. Donors' contributions to achievement of objectives (*Component 3, Stage 1, Objective 3*)

## a) Expenditure

There has been a total program expenditure over the two years and three months of AUD4,959,731.34 which represents a complete budget execution. Total program expenditure (excluding management cost) by category for the life of phase 1 can be seen in the table below (a detailed breakdown of these costs can also be seen at Annex 4):

Program Area	AUD
Long Term Adviser Costs	1,507,220.93
Short Term Adviser Costs	483,005.63
Other Personnel Costs	255,289.60
Adviser Support Costs	431,652.85
Operational Costs <sup>1</sup>	282,311.87
Program Activity Costs	2,000,250.46
<b>Total</b>	<b>4,959,731.34</b>

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## b) Approach adopted and key outputs

The overall approach used to generate benefits over Stage 1 of the program has been to work in partnership with the MJCS and individual agencies to provide assistance for the identification of sector and agency priorities. Support for the articulation and identification of sector and agency priorities included support for the development of the JCSSS; support for agency budget narratives, planning and monitoring; support for agency and sector reporting; capacity assessment and planning; case and data management planning and assessment; as well as targeted support for service delivery improvements within a number of agencies, most notably SPD and PSO.

This represented significant investment in the development of foundational pieces of work on which to build future interventions (for example; the Justice and Community Services Sector Strategy (JCSSS); the Justice and Community Services Capacity Development Sector Strategy; the Case and Data Roadmap for the Justice and Community Services Sector; and Access to Justice: Pathways to Action for Women Experiencing Family Violence Case Study).

This has allowed for the incremental development of baseline in focal areas and a more strategic approach for targeting support to the priorities of the sector and the agencies.

The overwhelming majority of program interventions to date have followed the traditional project modality. That modality is the provision of support for a set of activities and outputs which are intended to address identified opportunities or challenges in an effort to generate benefits usually in the form of change in behaviour. There have, in addition, been pockets of aid for agencies or institutions in the form of core funding to support partners' own programs (for example, the Vanuatu Law Commission and the Vanuatu Law Society).

### c) Key outcomes for Stage 1

#### Expected outcomes

This table includes the objectives for Stage 1 as set out in the Design<sup>7</sup> (set out above as part of the Basic Activity Data) and then lists only the relevant *outcomes* for Stage 1 (not the end of stage 1 outputs/targets that have been reported against previously in progress reports) with the intention of keeping the Completion Report focused at a higher level.

Component 1: Support for Sector Coordination, Collaboration and Communication		
Expected outcome	Outcome achieved	Evidence
<b>Design objective:</b> 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 ( <i>Component 1, Stage 1, Objective 1</i> )	1) The justice and community services sector developed and finalised its JCSSS to 2017 through an open and highly consultative process. The JCSSS was approved by the COM in April 2013.  2) An approach has been agreed to for the planning, costing and implementation of the JCSSS; namely through a working groups mechanism that is intended to report back to HOAG. This has been slow to progress since its inception in November of 2013. None of the WG plans have been completed.	Finalisation of the approved JCSSS 2014-17.  JCSSS Working Group Status Report June 2014 (Annex 5)
Development of a JCSSS through a participatory process	COM approved JCSSS was achieved through sustained collaborative cross sector engagement	Evidenced by the collaborative effort: 5 HOAG meetings <sup>8</sup> Open space consultation 6 Task Force meetings in 4 months.
Two or more agencies within the sector demonstrate strengthened reporting and monitoring.	Two or more (being the Supreme Court, the Magistrates Court, the State Law Office and the State Prosecutions Department, Public Prosecutor's Office, Customary	All three institutions (SC, MC and SPD) are able to report in real time on the actual situation of cases within the ambit of their institution i.e. at what stage the

<sup>7</sup> September 2011

<sup>8</sup> Between November 2012 and August 2013 to support the finalization of the JCSSS

Component 1: Support for Sector Coordination, Collaboration and Communication		
Expected outcome	Outcome achieved	Evidence
	Land's Tribunal Unit, Department of Corrections) agencies are able to demonstrate strengthened reporting and monitoring, including some very important milestones. <sup>9</sup>	case is at; which lawyer or judge it is before; how long it has been with the institution; how long it is currently taking the institution to handle the matters before it. None of those agencies were able to do that in June 2013.
MJCS is better able to monitor the sector's progress <sup>10</sup>	The MJCS is better able to monitor and report on the sector's progress including: 1) Progress against PAA & PLAS 2) Progress towards the implementation of UN Conventions under the auspices of MJCS 3) Progress against the JCSSS 4) Progress against budget 5) Progress of agencies against their business/annual plans.	The MJCS has produced its first collaborative submission for the sector to the Annual Development Report (ADR) which tracks aspects of the sector's progress. All agencies but for the PSO and the Judiciary <sup>11</sup> contributed to the sector report.
Two or more of the eight JCSS strategies have progressed in their implementation (output)	There is progress within the sector with respect to case and data management but this is likely to have occurred without the attention of the Case Progression WG as a result of the support of the Case & Data Mgt Adviser.  The planning process for the WGs and the momentum for continued engagement in the WGs has been challenging.  There has been no real progress towards implementation by any of the WGs.	JCSS Working Group Status Report June 2014 (Annex 5)
There is greater involvement of the VPF & judiciary in the cross sector work	There is greater meaningful involvement of the judiciary with the sector since 2012.  There is also more engagement with the VPF some evidence of	The judiciary is demonstrating greater involvement in driving change with respect to improved case and data management as shown by the consultative meetings with the legal profession; announcement of commencement

<sup>9</sup> PPO produced an Annual Report after 6 years of no annual reporting. CLMO demonstrated improved reporting on activities and outputs. Department of Corrections for the 1<sup>st</sup> time in 8 years, their Annual report was produced by a ni-Vanuatu manager as opposed to their NZ technical adviser.

<sup>10</sup> 2013 was the first time since its establishment as a Ministry that it received 12 Annual Reports from 14 Agencies. Judiciary was able to provide some statistics that was also captured in the Annual report.

<sup>11</sup> The judiciary was not yet in a position to contribute as it had not finalized its own annual report. It has now done so.

Component 1: Support for Sector Coordination, Collaboration and Communication		
Expected outcome	Outcome achieved	Evidence
	results.	<p>of improvement case management; production of a meaningful annual report providing significant statistical information; targeted reduction of old reserved judgments; and continued engagement with the case progression working group.</p> <p>There has been significant and disproportionate support for the SC. It is hoped that there will be increasing support to the Magistrates Court and possibly the Island Court in Stage 2.</p> <p>Substantial improvements in the CRIMS system for VPF</p>

Component 2: Capacity Development		
Expected outcome	Outcome achieved	Evidence
<b>Design Objective:</b> Ensure sustained delivery of current level of legal services to the GoV and population ( <i>Component 2, Stage 1, Objective 1</i> )	<p>Informed judgment of the legal services of relevant public legal offices are that:</p> <p>1) SLO has improved since the commencement of the program (despite loss of staff)</p> <p>2) PSO services have improved in Port Vila and Santo. Since the commencement of the program there has been strong improvements in</p>	<p>1) SLO are able to track time taken to provide advice and are working to improve internal processes to provide more timely advice. It should be noted that SLO (at its preference) has not received any dedicated advisory support over Stage 1.</p> <p>2) PSO has lost three lawyers since TA has been provided; so has no lawyer in Malekula<sup>12</sup> and Tanna at present (both of which positions were filled in 2012). Santo lawyer numbers</p>

<sup>12</sup> A new lawyer for Malekula has recently been appointed

Component 2: Capacity Development		
Expected outcome	Outcome achieved	Evidence
	<p>criminal legal capacity of the lawyers.</p> <p>3) PPO services have declined since the commencement of the program as a result of poor leadership and staff shortages.</p> <p>4) SPD services have improved since the commencement of the program.</p> <p>LSIP is providing links between law students and public legal office as a source of future recruitment and providing legal students with greater practical experience. LSIP is being well received by law students and host offices.</p>	<p>have increased, from one to two lawyers. The PSO is focusing primarily on criminal matters as a consequence of this temporary reduction in the number of lawyers.</p> <p>3) PPO has three vacancies for lawyers within the office and has received no TA support since the commencement of the program. The office suffered from poor and disengaged leadership and management. The services it currently provides are less than in 2012.</p> <p>4) SPD is reducing the time it takes to draft charges; is streamlining internal processes; is better able to conduct trials; is working more closely with police investigators and is expediting DV and juvenile cases which would indicate an improvement in services.</p> <p>LSIP Evaluation Report (Annex 6) which indicates increased participation of students and host offices each semester that the LSIP has been offered as well as offers of longer term positions being made to students on completion of their LLB at USP.</p>
Measurable enhancements across the sector of case and data management “readiness” to proceed to the next stage.	There are significant measurable enhancements across the sector in case and data management.	<p>Examples of enhancements include (but exceed):</p> <p>1) <b>SPD</b> are recording all cases back to 2006; significant improvements in data quality; now able to track and monitor timeliness of drafting; starting to track warrants and service</p>

Component 2: Capacity Development		
Expected outcome	Outcome achieved	Evidence
		<p>of documents.</p> <p>2) <b>MC</b> has significant improvements in data quality and are now able to track timeliness of cases.</p> <p>3) <b>SC</b> has very high data quality; an “automated” management reporting is in place using excel; has allowed evidence based discussions on time standards.</p> <p>4) <b>SLO</b> has introduced time and work tracking of documents and has replaced excel with an improved document and tracking system.</p> <p>5) <b>PPO</b> is actively working on back-capturing old cases, and established a workable tracking system in line with SPD.</p>
Legal capacity improvements at SPD	The prosecutors are attending court more consistently and are more confident in their work	<p>Interviews with advisers, the Officer-in-Charge, prosecutors and magistrates</p> <p>Less experienced police prosecutors are demonstrating greater confidence in drafting of charges and police prosecutors generally claim far greater confidence in prosecuting a trial</p>
Legal capacity improvements at the PSO	The PSO lawyers are demonstrating good quality written work for court in criminal matters and demonstrate increased confidence in criminal defence as well as good results before the Court of Appeal.	<p>Interviews with Public Solicitor, adviser, lawyers, office manager, magistrates and judges.</p> <p>Judges and magistrates have commented on the improvement in the quality of written submissions in criminal matters. The lawyers claim improved confidence in defending criminal matters.</p>



Component 3: Policy Development. Research & Sector Monitoring		
Expected outcome	Outcome achieved	Evidence
<p><b>Design Objective:</b> Enhanced understanding about key legal issues to inform policy development, particularly those identified by the GoV as priorities in 2011-12 including:</p> <ul style="list-style-type: none"> <li>Provincial service delivery;</li> <li>Legislation and international conventions; and</li> <li>Support for victims of crime.</li> </ul> <p>(Component 3, Stage 1, Objective 1)</p>	<p>Whilst there have been significant grants provided that have supported greater outreach to the provinces (see section 1c Grants Facility) there has been little progress made with respect to policy or implementation of strengthened <b>provincial service delivery</b>.</p> <p>MJCS has a greater understanding of the status of implementation of <b>UN Conventions</b>.</p> <p>The VLC has strengthened capacity for <b>legislative review</b> and the provision of policy advice with respect to legislative reform.</p>	<p>Review of status of UN Convention implementation in the sector's Annual Report submission and participation in the National Human Rights Committee. Submission of the UPR by GoV.</p> <p>Since the commencement of the program the VLC has developed four significant reviews that have been well received by the requesting agencies (the Public Health Act; Dangerous Drugs report; Water Supply &amp; Resource Management and the Penal Code).</p>
<p><b>Design objective:</b> Support for 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 (Component 3, Stage 1, Objective 2)</p>	<p>Continued raising of awareness with respect to child protection issues with community members and various stakeholder groups.</p> <p>The Disability Desk has been supported to develop and implement a pilot survey of people with disability to establish a baseline and test an approach for the development of a centralised disability database.</p> <p>The Youth Justice Committee members have a greater understanding of the justice sector and feel more empowered.</p>	<p>Evaluation Report on the Save the Children YEPP pilots.</p> <p>Monitoring Officer's on the GoV pilots in Tanna.</p> <p>The Youth Justice Committee have a Memorandum of Agreement with the GoV and have greater access to decision making within the sector since the Youth Justice Symposium demonstrated by its inclusion in the WGs; and crime prevention activities, as well as consultations on youth related issues.</p>

Component 3: Policy Development. Research & Sector Monitoring		
Expected outcome	Outcome achieved	Evidence
<p><b>Design objective:</b> 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:</p> <ul style="list-style-type: none"> <li>▪ Policy development and the outcomes of policy changes;</li> <li>▪ Sector's progress against its strategy objectives; and</li> <li>▪ Donors' contributions to achievement of objectives (<i>Component 3, Stage 1, Objective 3</i>)</li> </ul>	The program has developed a draft approach to sector wide M&E which is still a work in progress.	Draft M&E Framework for the Sector.
CP stakeholders are referring greater number of CP cases appropriately.	There is little evidence of stakeholders referring greater numbers of child protection cases	<p>Evaluation Report of the Save the Children YEPP Pilots (Annex 7)</p> <p>Monitoring report on GoV Child Protection Pilots in Tanna (Annex 8)</p> <p>SCV Vanuatu Child Protection Governance Program (CPP) Completion Report (Annex 17)</p>
VLC shows improved capacity for development of policy for appropriate legislation	VLC had not commenced operations in 2012 and has now completed four legislative reviews to the satisfaction of the referring organisation.	Since the commencement of the program the VLC has developed four significant reviews that have been well received by the requesting agencies (the Public Health Act; Dangerous Drugs report; Water Supply & Resource Management and the Penal Code).

#### d) Unexpected outcomes

Four unexpected outcomes of the program since its commencement in March 2012 have been:

- 1) Level of increased engagement of the judiciary with the program and with the sector. The judiciary has continued to engage actively in the JCSSS work since its inception. Similarly, it has been seeking targeted support through the grants facility; working closely with the CDMA and regularly meeting with the Partnership Coordinator, as needed. The level of engagement was not expected given the judiciary's lack of engagement with the predecessor program, VLSSP. It provides good foundations for effective cross sector work that must of necessity include the judiciary so long as that relationship is managed appropriately and with sensitivity to the vulnerability of judicial independence in the context of Vanuatu.
- 2) An increased level of engagement of the PPO after the resignation of the former Public Prosecutor. This was not anticipated, and with the support of the GoV, provides an

opportunity for enhancing the capacity and service delivery of that office that has fallen (as described in section 2c. below) since the commencement of the program.

- 3) The traction of the case and data management work across the sector and the degree to which agencies have taken on additional work to improve case and data management between in-country visits of the adviser have been remarkable and unexpected in some areas given other workload and human capacity. It provides a good base for further work and perhaps some lessons for strengthening progress elsewhere.
- 4) Enthusiastic uptake of the opportunity to pilot an approach to institutional strengthening by the SPD which has resulted in identifiable benefits (targeted response to opportunities as a result of the process mapping; improvements in internal case management; legal capacity improvements) but also benefits in the leadership being demonstrated by the Officer-in-Charge and the elevation of morale within that office.

### **e) Expected long term benefits and sustainability**

It is difficult at this stage to identify long term sustainable benefits as a result of the program that would continue in the absence of the support of the program, although there have been a number of areas of support that do seem to have established a good foundation and gained a good momentum. These will be built on in an effort to establish long term benefits measurable at the end of Stage 2, being end of 2016. The key aspects to this foundation are listed in the Overall Conclusion section in 2g. below.

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## **2. Overall assessment**

### **a) Context and background**

#### **i. Sector**

In the context of both the breadth of the purview<sup>13</sup> of the MJCS and the sector, as it defined itself at the Law and Justice summit held at Mele<sup>14</sup>, the whole-of-system or sector is broad, spans both executive and judicial branches of government, and encompasses, not only the formal institutions of justice (both under MJCS and other ministries), but also of the social aspects of law and justice, such as the Department of Women's Affairs, its thematic Desks (Children, Disability [established] and Aged and Churches [to be established]) as well as civil society and non-government organisations (NGOs) responsible for delivering services on behalf of government as well as their own mandate within the sector.

The formal justice sector in Vanuatu is made up of a complex cluster of agencies, across several ministries, as well as those that are statutorily or constitutionally independent. The Court System

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<sup>13</sup> Given the independence of statutory and constitutional bodies, this is in the form of joint budget submissions and narrative, and MJCS budget support and otherwise is reliant on consensus based collaboration through existing cross sectoral mechanisms based on implicit agreement. These mechanisms are fluid but currently well attended.

<sup>14</sup> National Law and Justice summit held at Mele in January 2012 at the end of a period of national consultations.

and the Judiciary led by the Chief Justice (consisting of the Island Courts, the Magistrates Court, the Supreme Court and the Court of Appeal) is a key part of the sector, as is another major justice institution within the sector, the VPF (under the Ministry of Internal Affairs and the Prime Minister's Office (PMO)). The sector also includes formal bodies such as the Public Prosecutors Office (PPO), the PSO, the SPD, the Vanuatu Law Commission (VLC) and the State Law Office (SLO). Within the oversight of MJCS are the Department of Women's Affairs (DWA), Department of Correctional Services (DCS), the Disability Desk and the Child Desk; and within the ambit of MJCS support is the Malvatumauri National Council of Chiefs (MNCC).

It is important to recognise that the two systems of formal and customary justice (*kastom*) do not function in complete isolation or in parallel from each other but rather as interwoven in many ways that are not always visible, but based more on implicit agreements or practices.<sup>15</sup>

Administration of justice in the Vanuatu context, as elsewhere, is difficult. There is no one lead partner government institution responsible for law and justice (in Vanuatu, the formal sector includes two branches of government (executive and judiciary) and otherwise spans three ministries); and institutional independence and incentives can operate in opposition to smooth coordination (as is true elsewhere).

## ii. Constraints

**Political context:** The political context in Vanuatu is extremely fluid which has resulted in a rapid succession of Ministers<sup>16</sup> holding the Justice and Community Services portfolio. Each comes with a different set of priorities; a different agenda and a differing level of involvement in the progress of the sector. This makes it challenging for the Directors-General and the Heads of the Agencies within the sector to maintain a constant course for any significant period of time. Additionally, changes in Directors-General and in Ministers impact on the level of engagement of the Heads of Agency in cross sector priorities or work, intended to be driven by the MJCS. This requires constant observation of the status quo and adjustment of approach by any program that seeks to provide sector wide assistance and work in partnership with the Ministry.

**Bilateral relationship:** The bilateral relationship between GoV and GoA with respect to development aid has at times been sensitive and those sensitivities have intermittently been focussed at the law and justice sector.<sup>17</sup> During Stage 1 of SRBJ, on 10 May 2012 the Vanuatu Australia Police Program (VAPP) was expelled; there was criticism in the media of the motivation for the Australian funded *Mama Graon* (Land) program; and significant numbers of the VPF were suspended. This sensitivity may currently be less acute. However, a degree of sensitivity has been a characteristic of the bilateral relationship for some time and needs to be factored into any development support within the law and justice sector. Assessed political sensitivity within the bilateral relationship has prevented the provision of an adviser to the PPO to date which may have contributed to the reduction in the level of its service delivery.

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<sup>15</sup>For example, police on occasion implement penalties requested by chiefs; public solicitors and public prosecutors may send victims or parties to the chiefs for mediation, settlement of the dispute.

<sup>16</sup> There have been nine Ministers of Justice and Community Services in the 27 month duration of Stage 1 of Stretem Rod Blong Jastis.

<sup>17</sup> Evidenced by the expulsion of AusAID funded advisers from the law and justice sector under the previous AusAID funded Vanuatu Legal Sector Strengthening Program.

**Politics of aid:** Related to the bilateral relationship between GoA and GoV but in evidence more at the level of actual implementation of support, is the requirement to constantly and carefully traverse the politics of aid particularly when working in partnership with the MJCS to support the sector. The program must ensure that it is not pushing an agenda that the GoV is not leading or even backing potentially. This requires careful recognition of the challenge faced by counterparts of the fine balance between the need to have the approaches and agenda set by Vanuatu and the GoV and the resource challenges faced by Vanuatu that necessitate an openness to development partners. Insensitivity to these issues can stymie beneficial assistance that may indeed be filling a vacuum and responding to an identified need, if it does not feel and appear to be led by the GoV.

**Sector agencies planning, management and monitoring processes are nascent:** The early indications of capacity of government agencies within the justice and community services sector are varied.<sup>18</sup> There also remains an imbalance in service delivery between agencies, for example, the service of the PSO and SPD have been improving over Stage 1 whilst the PPO's service delivery would appear to have declined during this period. Capacity to plan and achieve objectives, despite the existence of agency business plans and a sector strategy at the commencement of Stage 1, was mixed and has responded to support over Stage 1.<sup>19</sup> Few agencies<sup>20</sup> tracked progress along existing business plans during 2012 or used business plans as a planning and management tool. The majority referred to the business plans little once they had been completed and did not have a process for complying with the GoV's ongoing planning requirements.<sup>21</sup> There has been evidence of increased reference to annual plans over 2013-14 and increased capacity to report against them as demonstrated by the MJCS Annual Report 2013. Overall aspects of leadership and management, financial management and strategic human resource management capacity have been identified as needs across the public agencies.<sup>22</sup>

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**Retention of lawyers in public sector:** Retention and attrition of lawyers within the public sector and an absence of human resource planning which specifically caters for this attrition, has meant that it is difficult to consolidate the training that has been provided previously.<sup>23</sup> This has recently been exacerbated by the Law Council imposing a condition on some recently admitted public sector lawyers that they would need to practice in the private sector for a set period of time to be able to practice without restriction. The public sector is already at a disadvantage with respect to retention of lawyers as a result of salary levels and conditions when compared with private practice. The introduction of this condition, however, counteracts attempts to retain lawyers within the public service. In one public office alone, of three lawyers who had this condition imposed, two have left. Once lawyers are lost to the public service it is immensely difficult to attract them to return.

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<sup>18</sup> There was little available data/evidence from VLSSP of the outcome of capacity development. The assessments under Stage 1 of SRBJ are intended to not only guide the capacity development plans for the second half of 2013 but also to provide the basis for the measurement of any impact as a result of capacity development by the Partnership.

<sup>19</sup> Provided by the Strategic Planning Adviser, Capacity Development Adviser, Budget Adviser and Monitoring and Evaluation Specialist and Officer.

<sup>20</sup> Notably the SPD and the PSO.

<sup>21</sup> PMO Monitoring and Evaluation Unit requirements for planning and reporting found in the PAA.

<sup>22</sup> Based on the capacity development's initial indications identified in the Capacity Assessment Data - Whole of Sector document.

<sup>23</sup> Since the commencement of Stage 1 of the Partnership, 4 lawyers have left SLO, one very senior lawyer has left PSO and 2 lawyers have left PPO.

### iii. Opportunity and constraint

**Leadership:** Leadership, as would be expected within such a wide and varied sector is mixed in its capacity to lead positive change and thus represents both an opportunity and a constraint. The sector has some strong and committed leaders. On balance leadership within the sector would best be described as a strength that if nurtured could significantly support the sector's resilience. The potential for this resilience to have some effect is greater in this sector as a result of the independence of several agencies and non-linear hierarchy within the sector.

The impact of leadership on driving initiatives was explicitly demonstrated by the progress of the working group process established as the mechanism to implement the eight justice and community services sector strategies.

Under one Director-General's chairmanship, the Task Force who were tasked with refinement of the JCSSS, demonstrated unexpected commitment and engagement throughout an intensive period of consultations with the sector and several further Task Force meetings to workshop and refine the outcomes of the Mele Summit and the "Open Space" consultation. The result was the articulation of eight strategies (and their relevant high level performance indicators) that encapsulated the priorities of the sector and could be presented to the HOAG for discussion, approval and endorsement.

### iv. Relevant activities by other bodies

SRBJ harmonises its approach and collaborates with development partners and programs that operate within the sector on a regular but ad hoc basis. It is intended, once there is greater clarity regarding the directions that the sector would like to take under its JCSSS, to increase the support to the MJCS to coordinate with development partners in a way that facilitates strengthened alignment with GoV priorities and also reduces the burden of coordination for the GoV stakeholders.

The program is working with an Australian Volunteer who is hosted by the MJCS to develop a website for the MJCS which will then be supported by OGCI and updated by MJCS. Part of that website will include a page for a emergent self-reporting by development partners to MJCS as a means of alleviating some of the burden of development partner coordination for the MJCS given the number of partners and size of the MJCS.

The most relevant other programs working within the justice and community services sector in Vanuatu with which the program has been harmonising its support over the preceding 27 months are set out below. Harmonisation has been effective over Stage 1 of the program and there have been no significant concerns regarding duplication of effort or over engagement of counterparts.

#### ***Bilateral Assistance***

##### **Ministry of Foreign Affairs and Trade (MFAT) NZ Aid Programme**

Government of New Zealand (GoNZ) are in the process of redesigning support to the Department of Correctional Service. Post 2014 NZ has indicated willingness to consider infrastructure refurbishment of current Corrections facilities (including the administrative office) and possibly re-build one facility. GoNZ also provides an in-line judicial officer to the Supreme Court of Vanuatu, which it will be continuing. The existing judge



	was commenced in the first quarter of 2014.
<b>Vanuatu Land Program</b>	<p>Between 2011 and 2013 the <i>Mama Graon</i> Vanuatu Land Program, as it was then known, supported a wide range of activities covering both customary and formal aspects of land administration. Since the beginning of 2013, and based upon the lessons learnt during the first 2 years of the program, activities have been refined towards supporting the Ministry of Lands and Natural Resources with improving core land administration functions namely surveying, land registration and valuation, while at the same time continuing to provide support for selected customary land activities and the work of the Malvatumauri (The National Council of Chiefs). The Program has been renamed the Vanuatu Land Program. The scope of the program has been refined in order to create a key land administration infrastructure that can provide support for:</p> <ul style="list-style-type: none"> <li>▪ major infrastructure projects that are in the pipeline, such as those under the purview of the Major Projects Unit</li> <li>▪ land administration initiatives identified by the Minister of Lands as being strategic in fighting corruption and addressing deficiencies in current land administration practices and procedures</li> <li>▪ areas where the greatest successes have been achieved to date, principally based on the achievement of end-of-program outcomes.</li> </ul>
<b>Save the Children Australia (SCA)</b>	Save the Children Australia were supported by SRBJ for an eighteen-month period to pilot an approach to child protection including through the use of the YEPP tool, in addition to capacity development of key stakeholders and support to national stakeholders. The community engagement work has been evaluated. Some significant flaws have been identified and the program is currently being reviewed and redesigned.
<b>Live and Learn</b>	Live and Learn also has a focus on strengthening the participation of children in development and particularly in the building of peaceful and inclusive societies in their program in Vanuatu. Between late May and mid June 2014 Live and Learn will pilot a four-week Respectful Relationships program with the U17 Vanuatu Cricket side. Two staff from Wan Smol Bag (WSB), with experience in delivering programs on domestic violence and sexual and reproductive health will be facilitating the program at WSB. The program covers topics such as gender inequity, masculinity, VAW and the law, definitions of violence and discussions of being an active bystander, all of which contribute to the idea of a 'good man', as defined by the participants.
<b>Regional Assistance</b>	
<b>United Nations Entity for Gender Equality and the Empowerment of Women (UNWomen)</b>	<p>UNWomen is implementing the regional program: Advancing Gender Justice in the Pacific (and has recruited an in-country manager for the program), which will focus on:</p> <ul style="list-style-type: none"> <li>▪ Women's access to justice through improved human rights monitoring and adoption of gender responsive informal and formal legislative processes in compliance with international human rights norms and standards;</li> <li>▪ Improved quality of governance, through increased women's transformative political participation in informal and formal systems; and</li> <li>▪ Increased efficacy in budgeting and planning by integrating gender responsive principles.</li> </ul>
<b>United Nations Children's Fund (UNICEF)</b>	<p>UNICEF assistance 2014–2017 will include:</p> <p>Support to the child protection legislative policy paper as planned in the 2014 work plan. This involves providing technical support to the MOJCS and VLC to review options for law reform in relation to a children's act or other mechanisms, and develop a policy paper to guide future work in this area. This should be completed by first quarter 2015.</p> <ul style="list-style-type: none"> <li>▪ Continued support to civil registration, particularly strengthening of</li> </ul>

	<p>birth registration to increase coverage to at least 80% for children under 5 and reduce rural–urban disparities between now and end of 2017.</p> <ul style="list-style-type: none"> <li>Conduct with partners a national prevalence study on violence against children, building on the methodology developed globally by UNICEF and CDC. UNICEF and CDC have developed a robust methodology for conducting prevalence studies, including physical, emotional and sexual violence and studies have been carried out in a number of countries (Tanzania and Cambodia are two examples). The study will help inform and guide policy, legal reform and service delivery.</li> </ul>
<b>Pacific Prevention of Domestic Violence Program (PPDVP)</b>	<p>PPDVP is a MFAT NZ funded regional police program, which is a joint initiative of the New Zealand aid programme, NZ Police, and the Pacific Islands Chiefs of Police (PICP) organisation. On 1 July 2012 agreement was reached between these organisations that PPDVP will provide a second phase of delivery to 30 June 2016.<sup>24</sup> As one of PPDVP's five 'tier one' countries Vanuatu has a specific in country programme supported by NZ Police mentors. The three key work areas of the PPDVP for Phase 2 are:</p> <ul style="list-style-type: none"> <li>country specific Knowledge, Attitudes and Practice (KAP) data established and action plans developed, including standard reporting protocols and tools developed and established;</li> <li>domestic violence mentoring and training delivered by skilled police officers; and</li> <li>Pacific Police Service and partner's information exchange protocols agreed, and engagement activities with partners and community developed.</li> </ul>
<b>Partnership for Pacific Policing (3P) Program (NZ3P)</b>	<p>NZ3P is a MFAT NZ funded regional policing program, the focus of which is on support for community policing within the Pacific. The objective of the program is to support and facilitate the strengthening of community policing in-country. Key priorities in the 3P Work Plan and Budget for Vanuatu for 2014 include:</p> <ul style="list-style-type: none"> <li>Data Quality and Analysis Reporting Training</li> <li>Pacific Prosecutor Development Programme</li> <li>Continuation of the Community Policing Programme</li> <li>Train the Trainer course</li> <li>Continuation of the Pacific Islands Senior Leadership Course</li> <li>Ethics and Human Rights training</li> <li>Pacific policing skills course</li> </ul>
<b>Pacific Judicial Development Program (PJDP)</b>	<p>PJDP targets support at the judiciaries of the Pacific Island Forum Secretariat members. It is a regionally-owned judicial leadership network which is well-established and demonstrably resilient over the past 15 years. The current phase, between July 2010–June 2015, is being funded by NZ's MFAT. The Program complements Australia and New Zealand's country-based law and justice programs in the Pacific by providing assistance to numerous smaller islands which otherwise might not be feasible. PJDP is structured around the four thematic pillars used in the earlier phases:</p> <ul style="list-style-type: none"> <li>Access to justice</li> <li>Governance;</li> <li>Registry systems and processes; and</li> <li>Professional development.</li> </ul>
<b>Pacific Leadership Program (PLP)</b>	<p>The Pacific Leadership Program supports established and emerging leaders, organisations and coalitions in Tonga, Samoa, Solomon Islands and Vanuatu as well as Pacific regional organisations. The program is based on the principle that sustainable development and reform in the Pacific is most effective when led by the collective efforts of committed</p>

<sup>24</sup> The Australian Federal Police–Pacific Police Development Program Regional (AFP PPDPR) joined PPDVP from 2013 to provide assistance and support in Micronesia and in some other Pacific countries.

	Pacific islanders. The program is collaborating significantly with Pacific Women Shaping Pacific Development to support women leaders and is also supporting civil society leadership in Vanuatu.
<b>Regional Rights Resource Team (RRRT)</b>	<p>RRRT provides human rights training, technical support, and policy and advocacy services tailored specifically for the Pacific region. Based in Suva, Fiji, RRRT has programmes across the Pacific Islands, with partners including governments, regional and civil society organisations.</p> <p>RRRT is guided by the Pacific Leaders' vision in the Pacific Plan of 2005, to 'seek a Pacific region that is respected for the quality of its governance, the sustainable management of its resources, the full observance of democratic values and for its defence and promotion of human rights'.</p> <p>In Vanuatu there is a RRRT funded officer working within the DWA who provides a variety of support to that office with respect to the implementation of the Family Protection Act and the GoV's human rights obligations (such as drafting of Vanuatu's shadow reports for conventions under the auspices of MJCS including CPRD).</p>
<b>Multilateral Assistance</b>	
<b>Jastis Blong Evriwan (JBE) (World Bank Justice for the Poor (J4P) program)</b>	<p>The JBE program in Vanuatu has focused on equitable development and access to justice through constructive engagement and interaction between formal and customary systems of governance, with a focus on land. Activities involved research into land leasing issues, the facilitation of policy dialogue, and understanding community decision-making and dispute resolution processes to contribute to the better understanding and improvement of justice and service delivery in Vanuatu. The three main areas of work have been on:</p> <ul style="list-style-type: none"> <li>• Land leasing;</li> <li>• Land, justice and infrastructure; and</li> <li>• Urban land governance.</li> </ul> <p>JBE has recently been intensively designing the Fair Land Dealings Program with relevant stakeholder in the Ministries of Land and Justice and Community Services. The program seeks to ensure informed decisions around leasing with custom landowners. The program's funding for implementation was removed following the change of government in Australia. However the World Bank has recently located possible alternative funding from Japan, which would allow this program to move into the implementation phase.</p>

## v. Rationale for Stage One

Australian support within the sector has for the ten years prior to SRBJ, focused on developing the capacities of the individual agencies and institutions within the formal sector, with some incremental shift during its last phase to sector wide initiatives. Under SRBJ, DFAT changed its focus to one that is a whole-of-system approach.

The rationale provided in the 2011 Design for SRBJ was:

"Australia's commitment to support law and justice development in the Pacific combined with Vanuatu's demonstrated interest in the delivery of coordinated and quality legal services, provide a sound rationale and foundation for an effective and collaborative partnership in the sector."

Stage 1 of the program straddled a change of government in Australia and a resultant shift in GoA policy. The program continued during Stage 1 to be aligned with the Comprehensive Aid Policy Framework (the Aid Framework) which based Australia's participation in development on four

criteria. SRBJ met all four of these criteria<sup>25</sup>. The improvement in access to justice both in the capital but more importantly outside of Port Vila, provides the vehicle by which community members can exercise their rights, including those that relate to resources and fair dealing but also as a way of preventing violence and abuse and its debilitating impact on access to development opportunities for those groups most effected. It is in the national interest for Australia to strengthen transparency, accountability and governance within the Pacific region on humanitarian, regional security and regional development grounds. Achieving this relies on a functioning justice sector in Pacific Island Countries. There is an opportunity to chase change, scale up current activities and build on existing momentum within the sector to make a difference over the next two and a half year period. The GoA has demonstrated its capacity to make a difference in the Sector; Stage 1 of SRBJ saw the GoA building a solid foundation for the next Stage, not only by building strong relationships for continuing partnership, but also through responding flexibly and skilfully to expressions of demand within the sector and of Vanuatu ownership in the progress to date. The sector has responded actively to support in its planning, finance and capacity development as well as to support to case and data management almost across the board. The sector has developed its own set of priority strategies; the agencies have almost all completed achievable and measurable business plans for 2014; and the stakeholders within the sector have actively participated in assessment and planning processes for capacity development (at individual, institutional and functional group levels).

The program was clearly aligned with relevant guiding policies in place under the previous Australian Government's aid program for the majority of Stage 1. The program resonated with the Government of Australia's (GoA's) *Framework for Law and Justice Engagement with the Pacific*. The program has coordinated and integrated well with other GoA support to the sector (Vanuatu Australia Police Program and support to Wan Smolbag and the Vanuatu Women's Centre) and harmonises with other regional and multilateral programs within the sector, some of which are also GoA funded.

SRBJ supported the formerly articulated regional and development priorities of the GoA. It supported the GoA's desire to *assist "effective law and justice systems" that "promote regional security, increase international confidence and help attract foreign investment"*<sup>26</sup> which also facilitate regional public goods including crime prevention, victims support and human rights within the country and also reduction in transnational crime, tax evasion and drug trafficking in the region.

The guiding policies for Australian overseas development assistance are now in the process of being re-written under the current Liberal GoA. The program continues to ensure that it is aligned with the high level priorities of the GoA as articulated under the *Australian aid: promoting prosperity, reducing poverty, enhancing stability*.

The program has and continues to be aligned with several of Australia's current ten key strategic targets under the New Aid Paradigm, being promotion of prosperity; reducing poverty; empowering women and girls; focusing on the Indo-Pacific region; ensuring value for money and combating corruption.

In addition to the alarming rates of gender based violence, child abuse and neglect and the anticipated youth bubble of criminality, there are the on-going needs related to delivery of 'justice'

<sup>25</sup> Poverty, National interest; Australia's capacity to make a difference; and current scale and effectiveness of Australia's existing aid program.

<sup>26</sup> Framework for Law and Justice Engagement with the Pacific. Page 1.

outcomes to communities beyond Port Vila in a country with extensive remote communities and resource constraints.

## **b) Relevance**

The key development challenges identified in the justice and community services sector during the original design and throughout the implementation of Stage 1 include:

### *Internal (within Government)*

- Limited and *ad hoc* collaboration between stakeholders within the sector, both government and non-government, which has an impact on service delivery in a resource constrained environment.
- No history of opportunities to target whole-of-system capacity development to support improvement of service.
- Limited use of evidence to inform policy development, management, planning, financial planning and resource allocation within the sector.
- GoV budget allocations to the sector are insufficient to meet needs, reflecting a competitive resource environment, limited GoV base revenue available for allocation to the sector, and position of the sector in GoV development priorities.

### *External (those experienced by the community)*

- Limited access to justice for many citizens and particularly for women, children and youth in remote and urban areas.
- Increasing numbers of youth coming into conflict with the law but being handled in largely inconsistent and unregulated ways as well as the impact of weak diversionary and rehabilitative opportunities.
- Limited community confidence in the effectiveness of the justice institutions and the police.
- Pandemic violence against women and non-responsiveness of the justice system.
- Abuse and neglect of children.

The programs focus continues to be on these clear development challenges and therefore is relevant to the key impediments to justice in Vanuatu.

## **vi. Clarity and realism of objectives**

The objectives of the program as set out in Section 1: Activity Summary, above, are clear and realistic; representing a mixture of outputs and outcomes which was appropriate for the short time period of the original Stage 1. These were supplemented by additional agreed end of program targets as the program progressed. Some of the objectives focussed on the development of foundations for the continuation of support (for example the JCSSS under component 1; and the monitoring and evaluation framework under component 3) whilst some looked at maintaining a status quo of service or increasing knowledge and awareness (components 2 and 3). The objectives for Stage 2 have been tightened to reflect the real challenges for the sector in Vanuatu and program theory regarding where and how interventions can best support change.

Similarly, the objectives have provided the basis for achievable performance indicators which were appropriate given the design implement approach of the first stage of SRBJ. In the next stage of the program it is intended that there will be greater alignment of indicators between the sector and the program as well as a reduction in indicators that are “report based” seeking to move towards an

approach that captures indicators that are known and in use with relevant counterparts wherever possible. Performance measures will also include an increasing number of outcomes in Stage 2.

**vii. Aid modality and delivery mechanism**

Stage 1 of SRBJ has been executed by an Implementing Service Provider (ISP), GRM and funding has been entirely program funded with no use, to date, of Partner Government Systems (PGS) except for one exception.

The delivery mechanism has been appropriate given the strength of the financial systems within the sector. The program was requested by DFAT not to use PGS until a PFM assessment had been conducted and any required preconditions fulfilled. The PFM Assessment indicated that the PGS needed to be strengthened prior to being used by the program. Accordingly, all funding has been delivered through parallel program funding. However, it is the intention of the program in Stage 2 to provide focused capacity development for the financial management; support the PFM Assessment recommendations and thereafter, incrementally increase the use of the PGS over time.

**viii. Management and institutional arrangements**

The governance and management arrangements for SRBJ have been based on a partnership approach to accountability for the success of the program as well as management and recruitment of technical assistance.

The day-to-day management of SRBJ is provided by the Partnership Management Group (PMG) which is made up of the Director-General, MJCS; Senior Program Manager, Law and Justice, DFAT; Partnership Coordinator, SRBJ; and Executive Officer, MJCS with secretariat support from SRBJ.

The PMG met almost monthly over the entire 27 month Stage 1. Plans and reports of SRBJ are reviewed and endorsed by the PMG and then if sufficiently important (as guided by the Director-General) submitted to the Heads of Agency Group (HOAG) for approval. The HOAG is comprised of the heads of agencies within the sector, both government and non-government, and provides the overall oversight for the direction of the collaborative efforts of the sector.

This has provided sufficient clarity for division of responsibilities, whilst ensuring a very collaborative approach to program governance.



### c) Effectiveness

Item	End of Stage 1 Targets	Progress against end of Stage 1 Targets
<b>Goal</b> Jastis, sefti, digniti, respek mo gud fasin blong evriwan.	Sector supported to commence drafting sector strategy that contemplates professionalism, competencies and accountability mechanisms for service delivery to children, women and people with disabilities.	<ul style="list-style-type: none"> <li>▪ The JCSSS is finalised and approved by COM.</li> <li>▪ Working groups have been established with the approval of the HOAG and Minister of Justice &amp; Community Services to plan and implement the eight strategies under the JCSSS.</li> <li>▪ Progress of planning and implementation by the working groups has been slow with little evidence to date of significant GoV momentum.</li> </ul>
<b>Purpose</b> All justice services promote justice and provide fair and equitable services to meet the needs of the community, the rule of law and the protection of human rights	Justice Agencies supported to identify improvements in service delivery through synchronised corporate and annual business planning.	<ul style="list-style-type: none"> <li>▪ Agencies supported for the development of 2013 &amp; 2014 annual plans, including simple tools to allow for future replication.</li> <li>▪ Agencies supported for their improved submissions to the MJCS for the Annual Development Report (including the provision of reporting guidelines).</li> <li>▪ MJCS provides first sector report for 2013.</li> <li>▪ Support provided to date has included: <ul style="list-style-type: none"> <li>▶ Support for budget narratives</li> <li>▶ Support for agency planning and monitoring</li> <li>▶ Support to MJCS planning and monitoring</li> <li>▶ Sector wide institutional and individual capacity assessments</li> <li>▶ Sector wide capacity development planning</li> <li>▶ Case and data management assessment, planning and support</li> <li>▶ Sector wide and institutional specific monitoring support</li> </ul> </li> </ul>
<b>Component 1:</b> Support for Sector Coordination including Donor Coordination	<ul style="list-style-type: none"> <li>▪ GoV identifies and documents processes for prioritising, planning, costing and reporting on strategy.</li> <li>▪ Completion of JCSSS</li> <li>▪ Case and data management work supports provision of some baseline information.</li> <li>▪ GoV approves an approach to support the</li> </ul>	<ul style="list-style-type: none"> <li>▪ GoV was supported to develop JCSSS in a consultative, participatory, documented process. JCSSS has been approved by the COM.</li> <li>▪ Case and data management support has provided baseline of the current position of case and data management across the sector; and in some institutions now provides a reliable baseline of cases within the auspices of that institution (this is now true for Supreme and Magistrates' Court, SPD, SLO)</li> <li>▪ MJCS approved approach to implementation of JCSSS (approval also through</li> </ul>

	<p>implementation of the sector strategy over 2014-16.</p> <ul style="list-style-type: none"> <li>▪ Indicative costed implementation plans for each of the eight JCSSS strategies for 2014.</li> <li>▪ Each Justice Agency has completed 2013 Business and annual plans reflecting sector strategy priorities and using available baseline data.</li> <li>▪ Agencies (2 or more) within the sector demonstrate strengthened reporting and monitoring.</li> <li>▪ MJCS is better able to monitor the sector's progress</li> <li>▪ Two or more of the eight JCSSS's have progressed in their implementation.</li> <li>▪ There is greater involvement of the VPF &amp; judiciary in the cross sector work.</li> </ul>	<p>HOAG &amp; TF). MJCS drove the establishment of the WG as a modality for the implementation of the JCSSS.</p> <ul style="list-style-type: none"> <li>▪ WG implementation of the 8 strategies is nascent but ongoing and supported by the MJCS and HOAG.</li> <li>▪ Progress of planning by working groups for the eight strategies has been challenging and slow. A stocktake and a decision as to whether to change the intended approach is planned for October 2014.</li> <li>▪ Each agency completed 2013 &amp; 2014 business and annual plan reflecting agency priorities and lifting sector priorities to MJCS or JCSSS level.</li> <li>▪ Budget adviser provided support to agencies to cost the annual plans.</li> <li>▪ M&amp;E team provided M&amp;E support on request to agencies (including SLO, PPO, SPD and DWA)</li> <li>▪ Two or more agencies whose reporting and monitoring has been strengthened (for example, SC, MC, SPD, SLO). In 2013 only the following agencies within the sector contributed to the ADR: SLO, DWA, Child Desk, VLC, Crime Prevention-VPF. All agencies could strengthen the analysis of their achievements.</li> <li>▪ MJCS produced the first sector wide contribution to the ADR which was commended by the PMO's M&amp;E Unit<sup>27</sup>. All agencies except the judiciary<sup>28</sup> and PSO contributed to the report. The report tracks progress against COM decisions; UN Convention implementation and agency business plans; as well as tracking the finances of the MJCS. This will be built on in the future.</li> <li>▪ None of the working groups have progressed to implementation of their workplans – all remain in a planning stage. A stocktake of progress and decision whether to continue with the current approach will be taken in October 2014.</li> <li>▪ There has been a significant increase in the judiciary in cross sector work demonstrated through the participation in the Case Progression Working Group; the support for a leading role in case management at the courts; consultation</li> </ul>
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<sup>27</sup> At the launching of the ADR on 20 June

<sup>28</sup> The judiciary contributed data to the 2013 ADR

		<p>with the legal profession to improve case management (FCA MOU); Chairmanship and progression of the Juvenile Justice Working Group (PJDP initiative); preparation for future consultation on the Practice Directives for Youth (UNICEF).</p> <ul style="list-style-type: none"> <li>There has been an increase in the involvement of the VPF in cross sector work demonstrated by the participation and facilitation of some of the JCSSS working groups (5 police members); involvement in strengthening of the of the CRIMS data base as part of the case and data management support across the sector.</li> </ul>
<b>Component 2:</b> Capacity Development	<ul style="list-style-type: none"> <li>Capacity assessment and development framework developed and approved.</li> <li>Capacity assessment framework implemented</li> <li>Justice &amp; Community Services Sector Capacity Development Strategy drafted.</li> <li>Supreme and Magistrates' judges, magistrates and administrative staff are better able to manage their cases.</li> <li>Sector wide CD strategy is approved and preparation for implementation in stage 2 has commenced.</li> <li>Targeted leadership activities are commenced.</li> <li>Commencement of CD activities for agreed technical areas (e.g. lawyers, financial managers, human resource managers)</li> </ul>	<ul style="list-style-type: none"> <li>Capacity assessment and development framework developed by CD Adviser and approved by PMG, MJCS and HOAG.</li> <li>Capacity assessment framework implemented over 2013.</li> <li>Justice &amp; Community Services Sector Capacity Development Strategy drafted (February 2014).</li> <li>SRBJ supports FCA MOU with the Supreme Court (SC) which is intended to build on the information unearthed by the work of the CMDA to tailor appropriate processes and procedures for the court to improve its efficiency, effectiveness and consistency. The judiciary has consulted with the profession and there are a number of practice reforms currently being considered by the SC as well as approaches that would strengthen the legal professions adherence to court procedures. The SC has been working to reduce the long term reserved judgments with at least 10 long term reserved judgments being handed down recently; increase transparency through meaningful statistical reporting; and more actively managing the case loads of judges based on reliable and accurate data.</li> <li>Justice &amp; Community Services Sector Capacity Development Strategy has been approved by PMG and HOAG and implementation of the strategy has commenced with the immediate focus being on Financial Management; Human Resource Management; legal advocacy and drafting skills (Lawyers and Prosecutors); coaching and mentoring, and the piloting of an MJCS/SRBJ cross functional team-based approach to institutional strengthening with SPD.</li> <li>Targeted leadership activities include (1) commencement of executive coaching</li> </ul>

	<ul style="list-style-type: none"> <li>Measurable enhancements across the sector of case and data management “readiness” to proceed to the next stage.</li> </ul>	<p>as part of the institutional strengthening approach and (2) the completion of a Women in Leadership Development Strategy 2014-2016, and the subsequent design of a Women in Leadership Mentoring Program to be launched in October 2014.</p> <ul style="list-style-type: none"> <li>In the SC and MC there is increased confidence in the management information and quality of data; improved use and understanding of the court management system and MS Excel capacity. VPF have an improved understanding of issues surrounding data entry practices at Port Vila and other regional offices. SLO has a greater understanding of the workload practices amongst managing lawyers. The SLO is using a document tracking system. A WoG approach purchase of a Document Management System has progressed and scoping of tailoring of that system for 3 different style requirements across the sector is approved (SC, SLO and Corrections).</li> </ul>
<b>Component 3</b> Policy Development, Research and Sector Monitoring	<ul style="list-style-type: none"> <li>Levels of provincial and capital service delivery KAP known.</li> <li>Baseline data and research provides relevant information to justice agencies and to sector for strengthened 2014 budget submissions.</li> <li>Justice Agencies forward information requested in M&amp;E Framework document to HoAG.</li> <li>CP stakeholders are referring greater number of CP cases appropriately.</li> <li>An approach to the pilot work in Malekula is developed and approved by relevant</li> </ul>	<ul style="list-style-type: none"> <li>Draft KAP Survey methodology and TOR for engagement of the VNSO developed but has not been progressed further. SRBJ is currently re-considering if the KAP survey is the most appropriate tool for the development of a baseline, given both the direction of stage 2 of the program and the needs of the sector.</li> <li>Improvement in some case and data baseline across the sector (in terms of data and case management); commencement of collation of relevant research on behalf of MJCS.</li> <li>MJCS and agencies are being supported to better report to GoV on progress of applicable COM decisions, projects over 10M vatu within the sector and UN Conventions under the auspices of MJCS and against the progress of their business plans reflected in the first collaborative report by the sector for the Annual Development Report. Early draft of a sector wide M&amp;E Framework is currently being developed/</li> <li>There is no evidence that CP stakeholders are referring greater numbers of CP cases appropriately.</li> <li>A draft staged approach to the VAW pilots is completed and ready for refinement and broader consultation.</li> </ul>

	<p>stakeholders.</p> <ul style="list-style-type: none"> <li>▪ Approach/Terms of reference for the assessment and baseline needed for participating communities for the VAW pilot are drafted and approved.</li> <li>▪ Terms of reference for an in-depth research into urban youth risk and resilience for PV and Luganville are completed.</li> <li>▪ Research is commenced for youth risk and resilience.</li> <li>▪ Terms of reference for an appropriate mapping of the pilot site for Blacksands (in preparation for stage 2) is completed and approved.</li> <li>▪ VLC shows improved capacity for development of appropriate legislation</li> </ul>	<ul style="list-style-type: none"> <li>▪ Draft tools and approaches for baseline assessment for the VAW pilot are under consideration.</li> <li>▪ TOR for in-depth research have been put on hold until Stage 2 of the program to ensure sufficient collaboration with VAPP and VPF as well as other stakeholders (Youth Justice Committee, Wan Smolbag, Crime Prevention Unit et al)</li> <li>▪ Youth risk research piece has not commenced.</li> <li>▪ TOR awaiting stage 2 as it forms part of the integrated design of the Policing and Justice Support Program (Vanuatu).</li> <li>▪ VLC has finalised four legislative reviews that have been endorsed by the requesting agencies.</li> </ul>
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Overall the program has achieved most of the end of program targets and implemented activities beyond, and building on, the workplan developed for the Inception Report in May 2012. The workplan for the overall program has not been updated as a whole since its original draft as a result of the incremental extensions of Stage 1 of the Program (as set out in the Section 1 Activity Summary section above). Intended outputs and key performance indicators have instead been reflected in all the advisers terms of reference that have been amended on each occasion when the contract with GRM has been extended. Stage 2 will require a new workplan to reflect the new integrated design.

The majority of the end of program targets for Stage 1 have represented outputs (including key deliverables) intended to be foundational for the future support of the program (for example, the JCSSS; the JCSS Capacity Development Strategy; and Monitoring and Evaluation framework for the sector). They do not therefore represent outcomes in the sense of behaviour change, let alone sustainable behaviour change given the short period of time in development terms (just over two years) of the program so far.

The outputs that have **not** been achieved are:

- 1) **Indicative costed implementation plans for each of the eight JCSSS strategies for 2014.** There has been less engagement and momentum with the working groups than anticipated, in part compounded by a change in leadership of the Director-General who had been active in driving the implementation of the JCSSS together with significant political change within the MJCS which impacted on the sector's ability to consistently prioritise this work.
- 2) **Levels of provincial and capital service delivery KAP known.** This output has only been achieved in part with increasing clarity around service delivery baseline in Port Vila. The proposed KAP survey was not progressed after the resignation of the first M&E Specialist as a result of lack of time of the replacement M&E Specialist who was part time and had a significant amount of her time in 2014 taken up with involvement in the design of the police program and the integration of the SRBJ and VAPP. The M&E Specialist also had reservations about the appropriateness of the proposed national KAP survey based on the significant investment; the nature of the program interventions; the length of the remaining program and the capacity for the national survey to be repeated in the future. It is the intention of the program to explore appropriate methodologies for the establishment of KAP and baseline in the first three months of Stage 2 of the program.
- 3) **CP stakeholders are referring greater number of CP cases appropriately.** The UNICEF funded, GoV implemented child protection pilots in Tanna and Erromango and the Save the Children, Yumi Evriwan i Protektem Pikinini pilots were not as successful as anticipated so that there is not current evidence that an increasing number of stakeholders are appropriately referring greater numbers of CP cases, although there is some anecdotal evidence of increased referrals in Santo as a consequence of Save the Children interventions.
- 4) An approach to the pilot work in Malekula is developed and approved by relevant stakeholders.

- 5) Approach/Terms of reference for the assessment and baseline needed for participating communities for the VAW pilot are drafted and approved.
- 6) Terms of reference for an in-depth research into urban youth risk and resilience for PV and Luganville are completed.
- 7) Research is commenced for youth risk and resilience.
- 8) Terms of reference for an appropriate mapping of the pilot site for Blacksands (in preparation for stage 2) is completed and approved.

**Items 4 to 8** (above) were put on hold pending the integration of the police program and the outcome of the evaluation of the Save the Children Child Protection program to ensure that the future approaches are well coordinated with police under the integrated program and that all lessons learned from the CP pilots are incorporated into future approaches for piloting.

The outcomes that have **not** been achieved:<sup>29</sup>

- 1) **Sustained delivery of current legal services to the GoV and community across the public legal offices.**
- 2) **Enhanced understanding about key legal issues** to inform policy development, particularly those identified by the GoV as priorities in 2011-12 including:
  - Provincial service delivery; and
  - Support for victims of crime.
- 3) **CP stakeholders are referring greater number of CP cases appropriately.**

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### **Sustained delivery of current levels of legal service**

It is not possible to assert that the legal services provided to the community and to GoV across the four legal offices (SLO, PPO, PSO and SPD) has been maintained at the same level since the commencement of the program in March 2012.

The legal services of those offices have demonstrated mixed results with some improvement and some decline in levels of service.

The 2011 Design provided the potential for advisory support to all four offices.

The **SLO**, perhaps in the shadow of the expulsion of its adviser under the previous program (Vanuatu Legal Sector Strengthening Program), did not seek to progress the provision of a long term TA for that office and instead preferred to access more discrete pieces of support including: support for annual planning; data-entry; case and data management advice; and performance improvement, coaching and mentoring advice. It is intended that similar discrete support will be provided to that office during Stage 2 as part of the JCSS Capacity Development Strategy.

Although, the SLO has some funded vacancies for lawyers, it would appear at least anecdotally that it has strengthened its delivery of service to the GoV. Ministries have commented on some

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<sup>29</sup> Or not demonstratively achieved.



improvement in responsiveness to requests for advice; the SLO is now tracking all matters being handled by it (both advice and litigation); has reduced some of the duplication of handling within the office and is increasingly seeking to manage its cases more proactively (for example by managing throughput of lawyers; and more equitable distribution of matters amongst lawyers).

The **PPO's** service delivery levels have declined. No adviser was provided to that office by SRBJ as a result of the risk of political sensitivity of supporting prosecutions in the absence of strong leadership of the organisation. This assessment of risk was supported by the then Director-General.

There was a significant gap in experience between the former Public Prosecutor and other prosecutors within the office which meant that in the absence of her leadership and support to staff, there was little capacity for professional guidance to be provided to lawyers within that office. Since the resignation of the Public Prosecutor there is no prosecutor with sufficient skills and experience to effectively lead that organisation; particularly with respect to the legal aspects of that role. The Public Prosecutor position is currently filled on an acting basis and the British have been approached by the GoV to provide a Public Prosecutor. It is unclear at the moment if this request will be progressed.

Fundamental institutional policies including the appropriate exercise of prosecutorial discretion, have never been finalised and approved, and thus are not used or referred to; case management has been minimal until recently and the office has identified significant planning, reporting, monitoring and financial management needs.

The PPO has lost three lawyers over Stage 1, both permanently and for study leave, and also has a Deputy Public Prosecutor position that is budgeted for but has never been filled. This means that that office is currently operating with six lawyers when it potentially could fill ten positions including the two most senior.<sup>30</sup>

The **PSO** demonstrates definite improvement in legal capacity with respect to its criminal defence work. SRBJ has been providing a long term adviser to that office since the September of 2012 which represents a significant investment for the program. Judges of the Supreme Court confirmed that the PSO's written work in criminal matters is good; the PSO's written submissions are good and there is evidence of the support to that office. Anecdotally, the program was informed that Justice Robertson came over to the adviser after a Court of Appeal session saying he was *keen to see who was supporting that office behind the scenes as it was reflected in the written work* of the PSO.

Internally, within the PSO, the adviser was described in the following way by a group of lawyers and the office manager, .. *"he always has time to help, will answer any questions, no one is shy to go to him. He never says no. We can approach him late or last minute, he never scolds us. He calms us down and makes things manageable. He is very reliable and trustworthy and always responds with very researched answers... [the adviser] is so skilled and fast at advanced research....he is very responsive and very fast. He has an open door policy and everyone in the office feels very comfortable to go to him."*

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<sup>30</sup> However PPO is not yet able to provide fully reliable case management data which would provide an accurate picture of its current work load and therefore human capacity needed within that office; especially in the light of the fact that the PPO does not currently vet the drafting of charges by the SPD and the criminal case load of the SC is now known and is not as great as may have been expected.

With respect to in-house capacity development sessions, the adviser tries to organise them every Wednesday, although lawyers are not always available so the sessions occur at least once a month but often more frequently. Areas of focus are nominated by the lawyers or arise out of advice being sought on case files and are set out in Annex 9 which summarises the in-house training provided to the PSO lawyers to date. Other lawyers within the office participate in the delivery and the sessions were described in the following terms:

*"[The adviser] prepares very good materials and ensures that everyone has copies even if they are not present for the training and also follows up with those who are absent... we really enjoy his style, it is interactive with lots of room for questions and examples. It is much easier to do our work after his training and the training is very easy to follow. [The adviser] is able to make very complicated cases simple and easy to follow."*

Perhaps the most insightful comment with respect to the approach of the adviser was from one of the more experienced lawyers in the PSO:

*"He is a big, big support, but he doesn't take our space... he allows us lots of space to run our cases as we want to. He says, 'You may do this, or you could do this, or these are your options.. but you are the one who will have to stand up in court.' I like his approach."*

In addition, the adviser has been working on a 37 chapter PSO Lawyers' Handbook which is currently being peer reviewed; receiving final edits and will thereafter be published and launched. This will provide a very useful quick reference tool for lawyers (particularly helpful when out of Port Vila); and a capacity development tool. The lawyers referred to what they had seen of the manual as *"very practical and useful...particularly helpful in new areas of law."*

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Since the adviser has commenced working with the PSO, that office has lost three lawyers (being two in Port Vila and one in Malekula). In recruiting new lawyers, there is often a delay of several months waiting for Judicial Services Commission (JSC) approval to appoint new lawyers. One of those lawyers has recently been replaced.

As a consequence, of the shortage of legal staff the PSO must of necessity concentrate on criminal cases, in preference to civil cases which is relevant in the context of judges of the Supreme Court describing the lawyers of the PSO as underprepared and less of an adversary for the private lawyers in civil cases. The PSO is in fact currently not taking instructions in new civil matters as a result of shortage of lawyers.

Office and case management may not have progressed as much as it was hoped within the PSO. That office has a good first stage of a case management system which it is using but which could be significantly enhanced. Enhancement of the existing system did not proceed under a grant as anticipated, as the PSO did not feel comfortable with a condition that the intellectual property be shared with other legal offices within the sector. Without being able to replicate the system, the cost of development was not value-for-money and DFAT requires that the intellectual property be held by the GoV (or beneficiary rather than the developer) or GoA where it has been funded by Australian Aid.

A large number of open files on the system have not been closed so that the exact position of the office with respect to active files cannot be reliably ascertained across the board. This impacts on

current data quality and preparedness for a systems upgrade, and understanding the true workload of the office.

There has also not been significant uptake for the strengthening of office policy regarding particular issues, such as its approach to conflict of interest cases;<sup>31</sup> and clear guidelines for the application of a means and merits test, although some work has commenced in this area. The Public Solicitor has discussed a desire to have an Office Manual developed for the PSO over the next stage of the program.

A collection of vignettes regarding the support that has been provided to the PSO since September 2012 (Annex 10), paint a picture of an office with a strengthened legal capacity that is delivering better quality services to its clients in its priority area of crime despite other continuing challenges. This has been sufficiently recognised by the judiciary to have veracity.

The **SPD** has also been supported by a police prosecutions adviser since December 2012.

The SPD has made significant improvements in its service to the police and the community over the life of the program despite institutional challenges and overwhelming resource constraints.

Institutionally, the SPD is a department of the VPF. Its prosecutors are part of the police force and subject to the police hierarchy. Its recurrent budget falls under police discretion and it receives some operational budget from the PPO. As a consequence, it has very little control over its personnel or budget so that it fall victim to the overall VPF financial capacity. As an example, the SPD was without power for three months towards at the end of last year and without water for some of that time. This caused a backlog of cases which needed to be handled once power was reconnected.<sup>32</sup> The SPD has spent significant amounts of time without a vehicle which affected its ability to serve documents and has struggled with effective IT equipment.

The adviser provides advice on individual cases being handled by the prosecutors which the prosecutors described in the following terms:

*"[The adviser] constantly provides support for actual cases that we are all working on. He has a very open door policy, is very approachable. He helps all the prosecutors and has been asked to help PPO. He recently gave assistance round the guidelines that are in the PP v Tor case which provides guidelines on arrest. [The adviser] always lets us know when he will get back to us – he is reliable – sometimes he has to look things up."*

The adviser also provides in house capacity development for the prosecutors usually twice a month which was described by the prosecutors in the following way:

*"[The Adviser] realises that he needs to go deeper than basic police knowledge with the long experience that he has. For example, this week he did a lot of work on approaches in re-examination. He has greatly increased the confidence of the staff with respect to work in court. Recent work on re-examination and hostile witnesses was very helpful. There are two levels of prosecutors but he manages to cater for both – there is lots for the new prosecutors and there is sufficient new stuff for the old prosecutors. We have been working our way through the trial process chronologically."*

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<sup>31</sup> The adviser has assisted in the preparation of a draft policy for the office in handling conflicts of interest.

<sup>32</sup> With the support of the program.

Annex 11 is a Training Summary for the SPD which provides both a summary of the training conducted by the adviser to date and an in house training evaluation from the beginning of 2014. Whilst there are challenges in the type of evaluation used for the training (including the tendency to indicate an increase in knowledge where the trainer is your colleague in the office) it does appear to indicate an increase in the knowledge of the prosecutors in all the aspects of trial that they have worked through to date. This is confirmed by a comment by one of the more senior prosecutors which may or may not be true but is illustrative of the prosecutors' increased level of confidence in running trials:

*"Bifo [Adviser] hemi kam stap lo ofis wetem mifala; mifala i fraet blong go lo trial, be naoia afta trening blo hem mifala inomo fraet. Last Magistrates' Kot lo Tanna [one quite junior prosecutor] hemi bin ranem wan trial bifo Magistrate Kanas mo hemi bin gat wan conviction. Hemi bin gud bitim solicitor blo PSO."*<sup>33</sup>

The adviser has also been responsible for the development of a SPD Manual. The Manual has now been completed and is ready for printing and distribution. The Manual has nine chapters that include; the SPD Juvenile Justice and Family Violence Polices, Case Management Guidelines, Charge Templates and The Trial Process.

The SPD has previously relied on the *Victoria Police Prosecutors Manual* as a legal reference but in 2008 the Victorian Parliament introduced the *Uniform Evidence Act*, codifying much of the common law previously used in that jurisdiction and limiting the relevance of the *Victoria Police Prosecutors manual* in Vanuatu.

The SPD Manual is a Vanuatu specific resource, which examines the *Criminal Procedure* and *Penal Codes* in detail, providing examples of the how the law works and referring to local case law. There are practical tips on how to prepare and conduct a trial within the Magistrates' Court, conduct legal research and prepare written sentencing submissions. The Manual also includes an Elements Checklist that can be used by operational police when investigating crime and gathering evidence. It provides an effective accessible reference tool as well as a strong basis for further capacity development within the SPD and the VPF.

In addition to the support to SPD provided by the adviser, the Officer-in-Charge agreed to have his agency pilot an approach for multifaceted, cross functional, capacity development for the SPD as a basis for institutional strengthening. This is continuing but has involved coordinated support from the SRBJ advisers guided by the development goals of Officer-in-Charge for the SPD. The support includes coaching and mentoring support of the Officer-in-Charge by the Capacity and Leadership Development Adviser (CDLA); a process mapping session facilitated by the CDLA with all of the staff and other SRBJ advisers to map the current processes and identify opportunities for refinement (see Annex 12); support from the Case and Data Management Adviser to improve data quality and use excel to provide a basis for tracking all matters within the office (as a first step); and monitoring and evaluation support from the Monitoring Officer to develop appropriate service delivery indicators for the SPD.

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<sup>33</sup> Rough Translation: *Before the adviser came to our office we were fearful to go to trial, but now after his training we are not fearful anymore. Last Magistrates' Court in Tanna, [prosecutor X] ran a trial before Magistrate Kanas and he got a conviction. He was better than the PSO Solicitor.*

There are improvements in the time taken to register and handle matters within that office and a significant improvement in morale with strong leadership being shown, including with respect to representations to the public as demonstrated by the vignette below.

### **Vignette - Tanna Gang Rape Case**

In May 2014, a front page article appeared in issue No 531 of *The Vanuatu Independent* newspaper. The story was headlined, “Gang rape case for court – Tanna chiefs say authorities should understand both custom and law.” The story related to the alleged gang rape of a young girl in Tanna. After the alleged victim reported the rape to police, six offenders were charged and are still awaiting trial in the Supreme Court. The charges were drafted by police from the State Prosecutors Department, who also prosecuted the bail applications and Preliminary Inquiry.

The story went on to detail how a custom reconciliation took place between the victim and the offenders, after which the victim and colleagues of the offenders travelled from Tanna to the State Prosecutions Department in Port Vila and requested the charges against the offenders be dropped. Anecdotal evidence suggests this is becoming more common.

The article then detailed how the officer in charge of the State Prosecutions Department, stated that charges against the six alleged gang rapists would not be dropped and customary settlement can only reduce the length of sentence, should the offenders be found guilty of the charge. Inspector Vuke was quoted as saying, “It’s one of these issues that has been brought up over recent years, that’s why we have that section in the Criminal Procedure Act that states clearly that customary settlements will be taken into consideration only, but not to make a decision that the case will be dropped, no.”

During his time at the SPD, the Technical Adviser has conducted extensive training on the Public Prosecutor’s Guidelines and the role of Custom law and what affect a custom reconciliation should have on the decision to prosecute offenders. This training has been conducted with staff from the SPD and police investigators in Port Vila, Malakula, Ambae, Santo and Tanna.

It is unclear how the Tanna gang rape case might have been handled prior to capacity development with respect to these issues by the Adviser, however the remarks made by the Officer-in-Charge and the fact that Tanna police investigated and recommended the charging of the six alleged rapists, is consistent with the training conducted by the Adviser and advice outlined in Chapters 2 and 8 of the State Prosecutors Manual (the newspaper articles are attached at Annex 13) which would have had the result of reinforcing the legal position.

In addition to the placement of advisers within the offices of the PSO and SPD, there has been a raft of other capacity development initiatives during Stage 1, despite the primary focus being on assessment and planning. All the capacity development initiatives are provided in more detail in the Capacity Development Summary (Annex 14). However, they have included:

- Significant support through many participatory events for business and annual planning, and planning related to the JCSSS.
- Ongoing and continuing support for monitoring and reporting to the MJCS and the agencies.
- Continuing targeted support for strengthening the understanding of and the tools for case and data management.
- Cross sector stakeholder engagements (e.g. WG events, Women in Leadership Dialogue, Planning Retreats) that not only address needs for planning and prioritising improvement, but also provide instructive technical support in a range of areas such as project management, stakeholder engagement, monitoring and evaluation, change management, and use of participatory approaches to planning and change (e.g. appreciative inquiry and open space methodologies).
- Support to SCV to strengthen awareness and understanding of child protection.
- Ongoing and continued support to the MJCS in the capacity of the Ministry to respond to the development and support needs of the sector, as well as their own administrative and management needs.

**Enhanced understanding about key legal issues** in particular relating to **provincial service delivery** and **victims of crime** have not received targeted attention during Stage 1. Both support for victims of crime and provincial service delivery feature in significant ways in the articulation of the eight sector strategies under the JCSSS.

Victims of crime is a topic of one of the strategies in its own right and provincial service delivery is a feature of a number of strategies (for example, infrastructure and access to justice). It was the intention of the program to determine if there were key priorities that were identified in the plans under one or more of the strategies, that could be supported by SRBJ knowing that it had the endorsement of the HOAG. However, progress of developing and finalising the plans has taken significantly longer than anticipated.

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Regardless of the progress of the strategies the program will be strengthening its support for issues related to children and women as victims of crime and strengthening support for improvements in service delivery beyond Port Vila.

There is some emergent increased understanding of child protection issues as a result of the SCV work with communities but this has not as yet been provided in a synthesized form for use by GoV decision makers as yet.

**CP stakeholders are referring greater number of CP cases appropriately.** There have been challenges and weaknesses faced by both sets of community based pilots (those conducted by Save the Children and those conducted with UNICEF funding by GoV) which means that there is no evidence to assert that there is greater appropriate referral of child protection matters at the community level. Save the Children have also worked with a number of other key stakeholders (Churches, Chiefs, Provincial officers, teachers) raising awareness with respect to child protection issues and providing both basic child protection training and training using its YEPP tool. Save the Children found that there was “learning and room for improvement both in the design of the [community engagement] tool and its implementation. Anecdotal evidence suggests that the community engagement enabled by the tool led to the strengthening of



community structures to respond to CP issues in some sites.”<sup>34</sup> However there is at this point no strong evidence to confirm this. The full completion report for the Stage 1 support to Save the Children to progress the child protection agenda in line with the approach of the GoV is in Annex 17 with the detailed evaluation of the community engagement tool (YEPP tool) in Annex 7.

## Grants facility

### Key achievements of the grants

Perhaps the greatest achievement of the Program in terms of grants is the volume of support with small resources. Work has been managed primarily by the Contract Manager, under the guidance of the Partnership Coordinator and with the support of the Finance and Administration Officer. Overall 38 short term grants have been finalised by the program under the approval of the Partnership Management Group (PMG). On top of this 4 ongoing grants have provided long term support to the following partner agencies/organisations: Save the Children, Vanuatu Law Commission, Vanuatu Law Society and Federal Court of Australia. There have also been 5 grant style support agreements for workshops, a youth justice symposium and forum and training or university courses.

- Grants numbers April 2012 – June 2014:

The Table below lists the short term, one off grants throughout phase 1 of the program:

One-off Grants
GA001 - Department of Women's Affairs support for national consultations
GA002 - DWA disability support
GA003 - Law Society - Vanuatu Law Week
GA004 - Court Solar Panels
GA005 - Women's Corrections Officers Regional Conference
GA006 - SLO data entry
GA007 - SPD planning retreat
GA008 - PSO planning retreat
GA009 - VPF Women's Conference
GA010 – DWA planning retreat
GA011- PPO planning retreat
GA012 - PPO Fiji Women's Crisis Centre Training Program
GA013 - VLS Continuing Legal Education
GA014 - VLS Operational Costs
GA015 - SLO planning retreat
GA016 - SPD provincial travel and capacity development
GA017 – Courts maintenance and renovation
GA018 – Justice sector salary review (not implemented)
GA019 – CPRD Shadow reports

<sup>34</sup> Vanuatu Child protection Governance Program (CPP) Completion Report July 2014, p1

GA020 - VPF Women's Advisory Network Conference
GA021 - Judiciary computers
GA022 - Disability Prevalence and Needs Survey & Disability Day Awareness
GA023 - SLO Interns payroll support
GA024 - CRIMS Police computers
GA025 - VLC summer interns payroll support
GA026 - SPD Power reconnection
GA027 - Police Training and ICT Provincial Setup (CRIMS)
GA028 - PPO Computer procurement
GA029 - PPO temporary office space
GA030 - DWA Rural Women (Economic Empowerment) Capacity Development
GA031 - PPO renovation
GA032 - Ombudsman's office renovation and 25 <sup>th</sup> Anniversary Celebrations
GA033 - Ministry Hub Furniture
GA034 - SC temporary office space
GA035 - SC renovation
GA036 - RRRT Human Rights Monitoring
GA037 - SLO mail and document tracking database
GA038 - Courts Case and Data Management System

The Table below lists the ongoing core support grants managed by the program

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Core support grants
Grant to Save the Children – Child Protection Program
Grant to the Vanuatu Law Commission for core HR and operational support
Grant to the Vanuatu Law Society for core HR and operational support
Grant to the Federal Court of Australia for MOU with SC

Other key grants for the program include:

Additional grants aligned with core components of program
Grant for attendance of Justice sector personnel to attend the Fiji Women's Centre Regional Training Course.
Grant for the Youth Justice Symposium
Grant for the Youth Justice Forum
Grant for attendance of ni Vanuatu Lawyers at the South Pacific Lawyers Conference
University of South Pacific approved continuing courses

The effectiveness of the Grants Facility has been considered throughout the different reporting periods however some of the key lessons learned given the opportunity to now reflect on a significant number of grants are summarised below:

- Grants have been most effective when they have been driven by partners as opposed to being an area of specific interest for the Program.

An example of this may be one Officer's attendance at the Fiji Regional Training Course relating to gender based violence. The program sought interest from the sector as opposed to the sector expressing its interest in the first instance. It was anecdotally reported that the officer sent by the Program was not as engaged in the course as was expected and missed sessions during the time there.

It must be noted that the substantial majority of grants have been driven by partners requesting funds and this has been the key contributor to the success of the Facility.

- Sustainability remains a difficult issue under the Grants Facility. On one hand it can be argued that any grants facility is inherently unsustainable as it provides access to funds which would not otherwise be available to the sector and will not be in the foreseeable future. On the other hand a tailored grants facility can have the ability to enhance sustainability by elevating the capacity of the sector to advocate for budget and more effectively manage its own budget or strengthen its resilience and sustainability in some other way. It is this capacity development approach which the SRBJ Grants Facility has at its core in addition, to the provision of an opportunity to those who actively seek to strengthen service delivery through their own initiative.
  - In accordance with the above principals SRBJ has sought to avoid paying for core operational costs. The program takes the approach that operational costs should be managed by the Ministry/Agencies and the Program has supported higher level strategic planning, training and other capacity development activities for staff across the sector.
  - As an exception to the above principal the program has had to pay for some core costs where there would be an undue and widespread impact on service provision if the program did not provide support. This was the case for the SPD's power cut where GoV was not able to find sufficient funds to pay for reconnection and the office could not operate for nearly 3 months. In view of the detrimental impact this was having on the agency and the sector the program intervened to pay the power bill.



*Partnership Coordinator Natalie David and Chief Justice Lunabek sign a grant agreement for the commencement of renovation works to the Supreme Court. Chief Registrar Alilee (centre) has been instrumental in the effective management of temporary office accommodation and oversight of contractors for the works.*

- The program has had to accept a high level of risk relating to the financial literacy of some partners. Where the risk is high the program has attempted to provide a higher level of support, both in terms of management and technical support. Such technical support has included Bislama translation, or receipt book training and templates exchange, and training in all forms of financial management and acquittals.

An example of this support was the attendance of the SRBJ Finance and Administrative Officer at Disability Day celebrations in Tanna during December 2013. After the DWA had some irregularity with acquittal of funds during a previous grant, the Program assisted with dispensing funds, logistical organisation and cross checking on financial management. The partnership approach for the disability day celebrations was well received by DWA and the Disability Desk as it ensured strong financial management and also provided direct support during a very busy time.

### **Reporting and Monitoring of Grants**

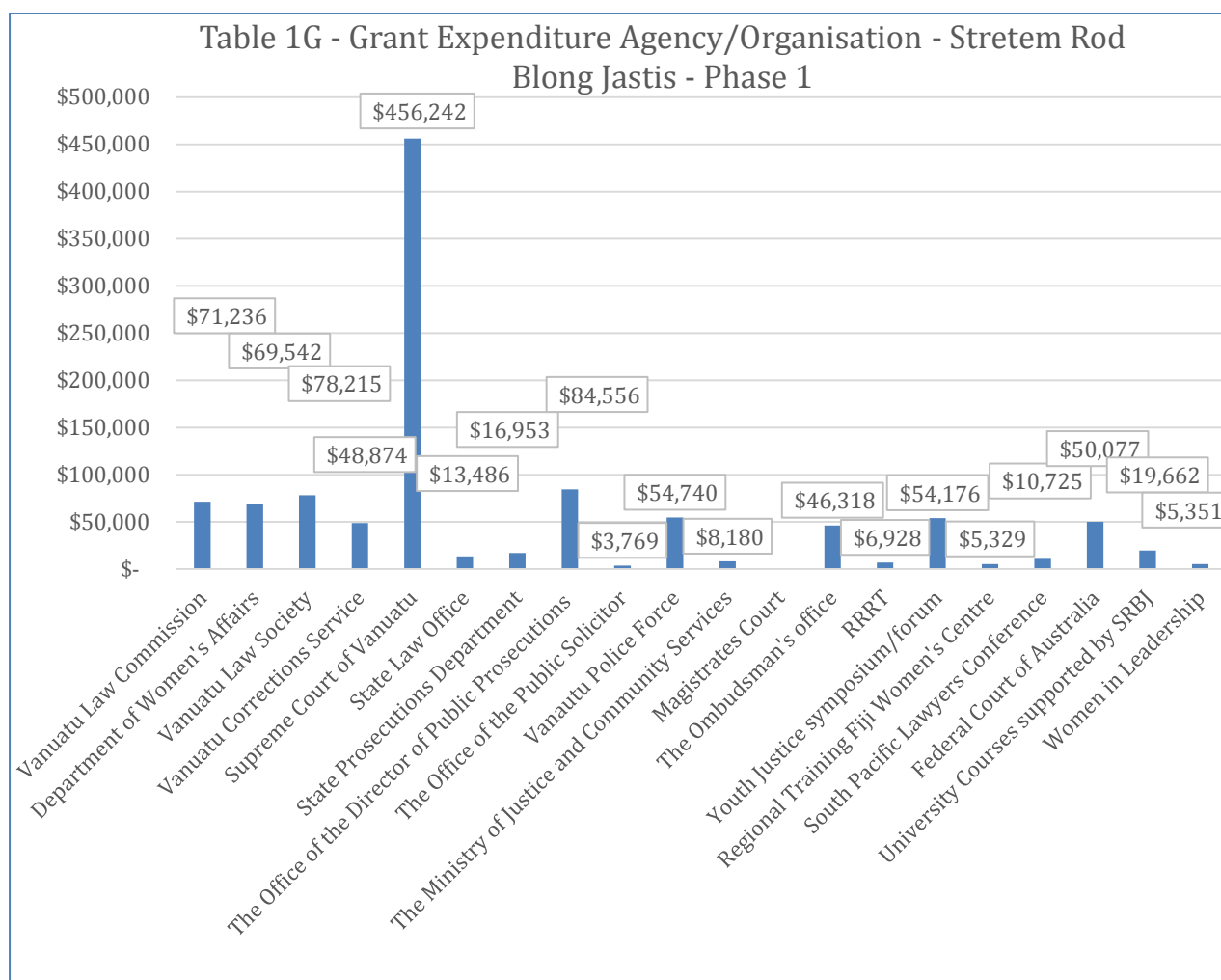
The program noted diverse capacity across the sector with respect to the effectiveness of both financial and substantive reporting. It is difficult to draw any conclusions about the quality of reporting as it varied so much. The Contract Manager attempted to work closely with partners to ensure the quality of reporting however this was not always easy. Continuing to provide clear

guidance and strong support as well as additional structured capacity development opportunities is the best way to ensure reporting strengthened.

- The program will continue to ensure that reporting is completed prior to any grant being finalised. Similarly the program will attempt to work closely with partners to draw out lessons learned during the reporting.
- Similarly greater focus on M & E indicators for each grant would give insight into the effectiveness of the grants facility. The Contract Manager and grants officer will work with the M & E Adviser/Officer to establish indicators of the effectiveness of grants and how they link to sectoral output.

### **Distribution of Funding**

- The distribution of funding for the Grants Facility is shown at table 1G. Lessons learned regarding grant distribution support changes proposed for the next stage of the program's Grants Facility. Important points to note in relation to the distribution of grants include:
  - The Supreme Court has captured significant funding from the program. Key grants for the Court have been:
    - Solar panels for the island courts of Epi, Ambrym and Tongoa.
    - Courts temporary office space
    - Renovation to the Supreme Court Building
    - Case and Data Management System for the Courts.
  - The Courts Case Management System cost approximately A\$350,000. This is the single largest expenditure for the sector during the life of the Program. The process for procurement will utilise the GoV Financial System and will occur early in the second phase. It is the outcome of strong partnership between SRBJ, MJCS and OGCI and the Courts' Case Management System will benefit the rest of the sector and the community.
  - The renovation of the Supreme Court has also captured significant program funds and is expected to be completed in September 2014. Whilst significant for the program, it represents a cost-effective pragmatic solution for the Supreme Court's accommodation needs since the destruction of its court house and the failure of the GoV to attract funding for the proposed new build.



**\*\* A note on reading Table 1G – The Table does not include any funding Save the Children. In addition the Magistrates Court has no funding associated with it in the grant facility however it has benefited from work of the Case and Data Management Adviser and will receive the case and data management system which currently appears as a cost for the Supreme Court in the above table.**

- Expenditure has been modest to the following Agencies:
  - *State Law Office* - Grants to the SLO have been for a mail tracking system, data entry (to enter backlog of information about cases) and for two interns from the Law Student Internship Program to work over the summer period at the end of their internships.

The Program continues to engage with the SLO for other areas of support and is likely to fund a case management and document tracking system in the SLO into the future.

  - *Ministry of Justice and Community Services* - the Program's support to MJCS has been significant in terms of advisory and ongoing mentoring support (with the Partnership Coordinator, Monitoring Officer, Strategic Planning Adviser and Capacity Development and Leadership Adviser all located at the Ministry) however grant support has been less expansive. The program has funded furniture to the Ministry which is designed to support the functioning of the working groups.



Into the next phase the Ministry remains a key focus for the program. There will be significant personnel and capacity development support for the MJCS and it remains the program's key counterpart and central to support to the sector.

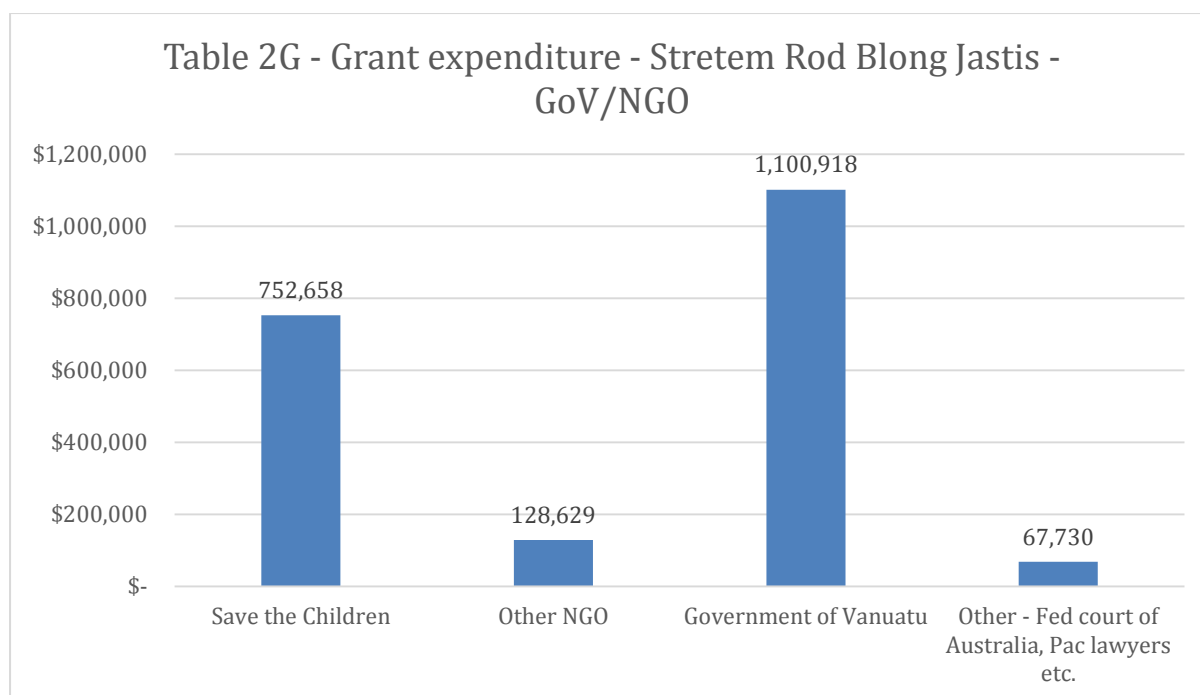
- *Magistrates' Court* – after ongoing discussions with the Supreme Court the preference for the GoV remains to focus on constraints to service provision in the Supreme Court in the first instance. The program remains eager to support the Magistrates' Court which currently handles 75% of the criminal workload but has received minimal support. This needs to be approached sensitively and collaboratively with the judiciary. The Case and Data Management Adviser continues to support the Magistrates' Court, however, apart from the court-wide case and data management system no grants have been provided to the Magistrates' Court.
- *Public Solicitor's Office* - The program has supported the PSO with an office planning retreat however support through the grants facility has been relatively modest. The Adviser to the PSO will continue to watch for opportunities to further support the PSO through the grants facility in ways that might enhance service delivery. It is noted however, that the PSO has been able to maintain its budget levels for 2015 despite almost unilateral budget cuts across other agencies of the sector.



*Members of the Office of the Director of Public Prosecutions, Public Works Department and Manuake Construction Company attend a site inspection for renovation works at the PPO.*

- Table 2G below shows the volume of grant expenditure as between Government and Non-Government Organisations. The program continues, in line with the design, to focus on GoV as its core partner for granted funds. The table below reflects the prominence funding of the Child Protection Program with Save the Children.





### Grants Facility – Key Risks

- The primary risk relating to grants remains fraud. There has been one fraud within the Facility which has resulted in a minor loss of funds to the program. The Contract Manager and the Finance and Administration Officer are both extremely vigilant about this risk. Funds are paid directly to suppliers and financial systems within the agencies and MJCS remain too susceptible to misuse to provide an option for dispensation of program funds.
- Other risks relate to the effective process management, for example running effective procurement processes within the grants. The Contract Manager seeks to ensure appropriate gathering of quotes and procurement evaluations by partners however at times this is extremely difficult to ensure (depending on the partner) and requires constant guidance from the Program.

An example of the above risk is illustrated by the procurement of items for the VPF Provincial install of ICT equipment. A list of items was developed for procurement by the OGCI. However some items could only be purchased in one store, and when quotes were received it was hard to understand how to best ensure value for money. The Contract Manager balances the capacity of the grantee with obtaining value for money and an effective procurement, however this is often time consuming and difficult.

### Way forward for Grants

- Several reforms will be undertaken within the Grants Facility in Stage 2 in an effort to respond to the lessons learned during Stage 1 and, as always intended, to refine the Facility into a more effective capacity development mechanism.
  - *Approval of grants:* The Grants Facility will be approved quarterly (rather than monthly). This will enable the program to look at a range of proposals and develop a

hierarchy of proposals relative to its budget. This will help ensure that the strongest proposals are funded.

- *Criteria for approval:* More effective criteria will be developed. At present the program assesses the effectiveness of proposals based on the design and canvassing views from Australian and Vanuatu Government Partners. Criteria are being developed which take into account the aims of the PJSPV design and the DAC criteria.
- *Greater engagement with the VPF/VAPP:* Senior representatives of both VPF and VAPP will be invited to every second PMG, similarly the Partnership Coordinator will attend the police PMG. This will allow greater understanding of programs across the breadth of Australian aid to the justice sector it will also allow different approaches to be discussed between the different parts of the program as well as harmonising approvals and funding.



*Finance Officers Joanna Garae from Stretem Rod Blong Jastis, and Mary Kalmet from the Vanuatu Australia Police Project begin working together in preparation for the new phase of the program.*

### **Utility of the Grants Facility**

The Grants Facility has become a key part of the program's engagement with the sector. The Facility enables opportunities for capacity development of personnel while also allowing the sector to progress its intended development outcomes despite the GoV's fiscal constraints. Counterparts continue to be extremely positive about both the existence of the Facility and its implementation. Under the new approach of the Australian Aid Program and the new PJSPV design grants will

continue to be a central part of development assistance to the justice sector, they will however be more strictly governed through the PMG and this will be a positive evolution to continue to promote effectiveness.

#### **i. Effectiveness of Management**

The Implementing Service Provider, GRM International Pty Ltd (GRM) has delivered good support to the program over Stage 1, including the provision of additional staff in-country at times of peak contracting and financial activity (end of 2013 and June 2014) and when a staff member in-country needed to take unplanned extended personal leave. Additionally, GRM facilitated seamless replacement of the Contract Manager with requisite handover. The in-Australia support by GRM has been responsive and timely for contracting, financing and recruitment needs; whilst the level of outputs of the program would not have been possible without an in-country Contracts Manager.

In-country management has endeavoured to be flexible and responsive whilst maintaining a focus on the intended objectives of the program.

The Partnership Coordinator and cross sector advisers (Strategic Planning, Budget Adviser, Capacity Development Adviser, Monitoring Officer) have all been colocated with the MJCS.<sup>35</sup> This has the obvious advantages of: building relationships with the Director-General and the Ministry staff; giving the program easy visibility; making technical advice easy to access on a day-to-day basis both by Ministry staff but also by agency staff who regularly come to the MJCS; allowing easier harmonisation with partner government activities and agenda; allowing easy and constant awareness of shifts in the context; and providing a better understanding of the challenges of the operating environment.

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Communication with DFAT is regular and open, at least weekly, in addition to monthly PMG meetings with the MJCS. The program is proactive in communicating concerns or issues with DFAT and generally seeks to respond to any such issues proactively through a problem solving approach that is consultative and appropriate.

The in-country team is cohesive and collaborative which provides an environment that is supportive, with the intention that the whole of the team when working well together is greater than the sum of its parts. This is very much in evidence in the work currently underway to support the institutional strengthening of the SPD, but also in the day-to-day interchange of information, materials and advice. Team meetings are held every one to three months, and again because communication between the team is good, meetings do not focus on update briefing but generally focus on particular issues of planning, approach or problem solving. The meetings are frank and open and the expatriate team members benefit significantly from the contextual advice provided by the ni-Vanuatu team members. Issues, concerns, problems and risks are raised at those meetings for discussion and resolution.

The relatively small in-country team that comprises four full time expatriate personnel; three part time expatriate personnel; two full time locally recruited staff and one part time locally recruited staff member (that is, six full time staff and four part time staff) has managed to deliver a significant

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<sup>35</sup> The Case and Data Management Adviser spends almost all his time between justice and community services agencies and OGCI.

amount of activities across its core three components in addition to the implementation of 47 grants that have ranged from very small procurement grants to two full scale infrastructure renovations.

Recruitment of all adviser positions has been done jointly with GoV, DFAT and SRBJ. Whilst this has been time consuming; the benefits of the ownership and support for the position, as well as ensuring the right fit for the position in terms of the more 'soft' skills of the positions have made the approach valuable and appropriate.

In May 2013, SRBJ developed the draft design for stage 2 for SRBJ. The design was primarily written by the Partnership Coordinator with significant contribution from all program TA.<sup>36</sup> This represented a substantial amount of work in addition to the day-to-day management and administration of the program. The draft SRBJ design provided the basis and structure for the integrated PJSPV design finalised in May 2014. The draft design was peer reviewed externally to ensure the coherence of the design logic and strength of the overall approach; and subsequently reviewed by the DFAT ECB advisers. The advantage of this approach was that it allowed the team to bring a very grounded and contextualised approach to the design.

## **Risk Management**

The most recent version of the Risk Management Table (Annex 15) is intended to provide a stand-alone high level summary of the significant risks to the program as a whole (rather than the specific risks to individual activities under the program). The high level risks likely to have the most significant impact on the program have remained relatively constant throughout Stage 1 of the program whilst the level of risk assessed for the identified risks has fluctuated from time to time.

The high level program related risks in the Table are reviewed six monthly. This has been reflected by amendments to the Table in each progress report together with particular comments in the narrative of the report highlighting the changes together with more concentrated attention on risk mitigation strategies, as needed.

Lower level activity related risks are considered every two months by the advisers responsible for the support of the relevant outputs and included in the advisers two monthly reports. Emergent risks are also often raised and discussed by the team at SRBJ team meetings.

A recent change to the leadership within the Ministry<sup>37</sup> is likely to mean that the risk of further weakening the corporate capacity of the MJCS is less and there is likely to be a return to greater consistent leadership of the cross sector initiatives. This is reflected in the Risk Management Table.

SRBJ has been monitoring and managing the performance of technical assistance<sup>38</sup> as well as monitoring the performance of grantees<sup>39</sup> which has been time-consuming but will ultimately strengthen the outcomes of the program. SRBJ has been proactively managing the quality of the

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<sup>36</sup> Including comment on and drafting of capacity development sections; case studies into youth in conflict with the law and violence against women; and support from the M&E adviser.

<sup>37</sup> Since the last Progress report of March 2014.

<sup>38</sup> For example through, quality assurance of deliverables; tracking of outputs and TORs against delivery; encouraging appropriate collaboration on relevant issues; and providing constant feedback.

<sup>39</sup> Particularly the larger grants; (including the PPO and SCV infrastructure grants; the SCV Child Protection Program Grant; the Youth Justice Forum grant) but also the smaller grants, such as Vanuatu Law Society where there seems to be negligible output.

deliverables of Save the Children and ensuring robust evaluation of its work to date to ensure that lessons are learned and quality of performance and outputs is increased.

The program is rigorous in the application of GoA procurement guidelines with respect to goods and services and has sought DFAT approval for any small deviation from those guidelines.

### **Monitoring and Evaluation**

Annex 16 represents diagrammatically the approach taken to monitoring and evaluating the progress of the program during Stage 1 as developed in August 2013 which was intended both to measure performance and inform the design of Stage 2.

Monitoring and evaluation of the program has been implemented for the most part in accordance with the MEF and has allowed the program to make informed management decisions and track outputs, risks and opportunities.

The MEF consisted of five methods of monitoring and evaluation which are fed into the six monthly and completion reporting of the program. The program has been able to implement almost all of the framework although relatively output heavy. In summary, the implementation of the MEF is set out below:

- 1) **Self-reporting:** comprising of advisers reports (completed every two months instead of monthly which was too onerous); Grant reporting by Grantees at completion of their grants; and agency reporting against business plans have been ongoing including the reporting by agencies against their business plans for submission to the sectors 2013 Annual Report.
- 2) **Regular Monitoring and Evaluation:** under the MEF consisted of monitoring of grants activities, interviews with advisers and counterparts for support to SPD and PSO; evaluation of the Taskforce Mechanism by survey; Evaluation of the LSIP; Evaluation of the SCV Child Protection Program.

Grant activities of SCV and the Youth Justice Forum were independently monitored and reported on by the program but not all grant activities were monitored. The large infrastructure grants for PPO and SC are also closely monitored for outputs, progress, quality and funding. In addition, the program provides a six monthly analysis across all the grants (see section 2c. above).

Interviews with select counterparts have been conducted with respect to support for SPD and PSO; LSIP was evaluated on towards end of 2013 and reported on to the PMG at the beginning of 2014 and substantial independent evaluation has been carried out with respect to the SCV Child Protection Program to inform future programming.

No evaluation of the Taskforce Mechanism was completed although there has been a stocktake of the progress of the working groups under the JCSSS was undertaken in June 2014.

- 3) **Management** monitoring by the program has been undertaken with respect to the minutes for PMG meetings; SRBJ provides monthly financial reporting to DFAT and record of supervision meetings with PSO and SPD are maintained. Where the program has attended



HOAG meetings (one was called by a Minister for briefing by Heads of Agency and one was called prior to the launching of the ADR for which it was not appropriate for the program to attend) records of all presentations by the program at HOAG have been kept but no minutes have been routinely kept of HOAG.

- 4) **Research** supporting the monitoring and evaluation of the program has included baseline of current case management across the sector as a result of the work of the Case and Data Management Adviser; institutional and individual capacity assessment across the sector by the Capacity Development Adviser; and Case studies in support of the proposed family based violence and youth in conflict with the law interventions.

KAP survey preparation did not proceed and no youth perceptions baseline was developed during Stage 1 as had been envisaged.

- 5) **Design** work and the consultations relating to that both for the SRBJ Stage 2 design and the Suite of Policing Activities provided valuable information regarding future directions.

The MEF has been appropriate for the monitoring of Stage 1 of the program given that it has been outputs based and focused on the development of good foundations for future support. The MEF has provided sufficient information to monitor performance and delivery as well as to inform management decisions.

In Stage 2 it is intended that there be stronger alignment with the MEF for the sector (currently in draft); strengthening of baseline; greater use of shared indicators; a reduction on the heavy reliance on reporting; greater outcomes focus and more iterative approaches considered with the use of outcome mapping and lead indicators in some areas (such as the piloting).

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### **Draft Monitoring and Evaluation Framework for the Sector<sup>40</sup>**

The approach of the draft Sector MEF is that it builds on the JCSSS as one unifying theme or lens through which to view the intended goals and reform agenda of the sector even under circumstances where the plans for the planning and implementation of those eight strategies are nascent together with the service delivery indicators of individual agencies.

The overriding intention for the implementation of the sector wide MEF is that it has as “light touch” as possible for those responsible for capturing the indicators for the framework. The draft sector MEF seeks to harness those indicators that the agencies are currently or need to be capturing for the purpose of managing their own business;<sup>41</sup> or those which they are required to capture for the GoV in any event (for example, to be able to report to the PMO against the PAA, PLAS, UN Conventions, development partner programs over \$10 million vatu).

The justice and community sector is the broadest sector of the GoV, and as a snapshot; the Justice Sector encompasses the Judiciary (Supreme, Magistrates’, Island Courts), the Tribunals (Nakamal,

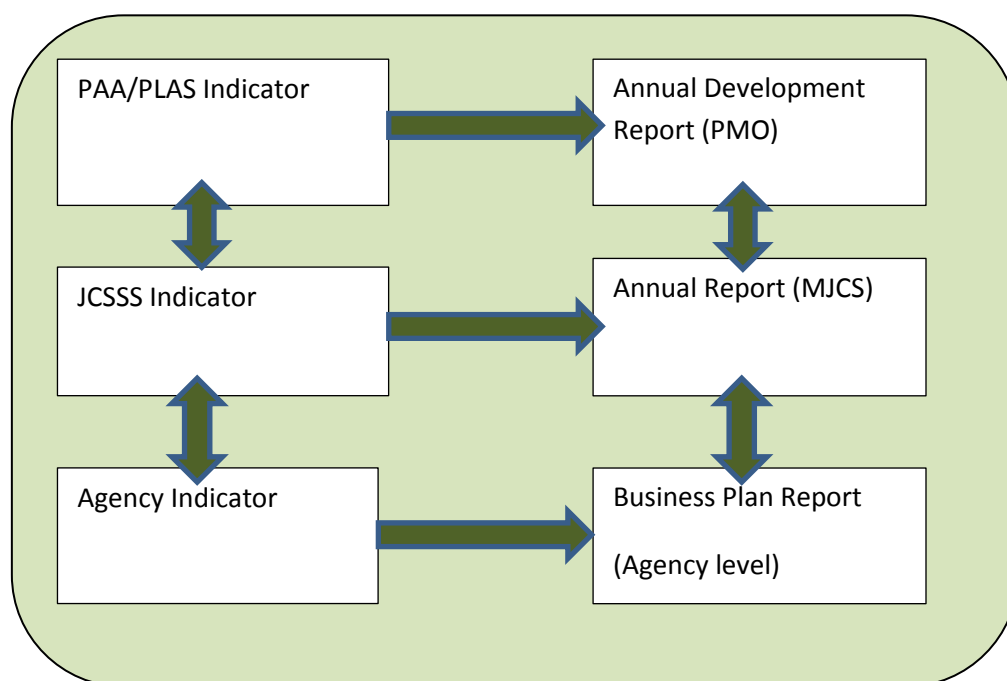
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<sup>40</sup> This section on the Sector MEF is taken entirely from the draft Sector MEF which is a work in progress and will be reviewed and finalized after the PJSPV MEF in Stage 2.

<sup>41</sup> Many of those required to measure efficiency and effectiveness of the management of case load internally for justice related agencies are being increasingly revealed through the case and data management support being provided by the program together with process mapping that is part of focused institutional capacity building and has already taken place with SPD and to a lesser extent with SLO.

Area, Island Land Tribunals), the Correction Centres and services, Public Solicitor's Office and Public Prosecutor's Office, the State Prosecution's Department. As well it extends significant interest into the drafting of legislation, the enforcement of legislation and the review of legislation (even where the relevant agencies may fall under the auspices of other Ministries). The community component of the sector encompasses support to the community as provided through the chiefs as well as the services intended to support the empowerment of women, the protection of children and the advocacy of people with disability. MJCS also has oversight for the promotion of human rights through implementation of the relevant United Nations conventions ratified by the government. These human rights conventions are intended to be implemented through a National Conventions implementation framework<sup>42</sup> which will allow for an improved mechanism for reporting of performance against these Conventions.

Whilst it is intended that the JCSSS Working Groups be the primary drivers for the implementation of the JCSSS, the MEF approach also recognises that the performance of the agencies within the sector that contribute to the vision of the JCSSS and aspects of the performance of the eight strategies as well as their own service delivery. A number of agencies have 'core functions' that are closely related to the strategies and have already developed indicators that are relevant to measuring performance of the strategies. The JCSSS is therefore used as the unifying theme but it does not supplant the agency level indicators that contribute to the overall measurement of increases in efficiency and effectiveness of service delivery under their individual mandates. The agency indicators are measured annually against their performance and reported on their business plans.



The draft Sector MEF draws upon a number of information sources which include:

<sup>42</sup> The National Human Rights Committee will be assisted by a Human Rights Coordinator to develop this framework in consultation with stakeholders.



- Indicators and outputs outlined under the Priority Action Agenda and the Planning long Acting Short Indicators.<sup>43</sup>
- Reporting against the JCSSS
- Indicators outlined by individual agencies, particularly indicators that are linked to the indicators of the strategy.
- Semi-structured interviews undertaken with Heads of Agencies centred primarily on their perspectives of “core function indicators” of success for the programs in their agencies.
- Findings of case management work done<sup>44</sup> in collaboration with sector and the SRBJ.
- Existing statistical data on the Vanuatu National Survey on Women’s Lives and Family Relationships (2011), and existing data collected through the Vanuatu National Statistics Office (VNSO) the Gender Monograph (2009), Youth Monograph(2009) and Vanuatu Hardship and Poverty Report (2010), UNICEF Baseline Report 2008. This data could be used to form a baseline for some of the JCSSS strategies including Victim Support, Juvenile Justice and Human Rights.

The design of the draft Sector MEF is a tiered approach, that is meant to achieve a number of things:

- Provide a linkage between agency level business planning, the sector strategy and the PLAS and the PAA.
- Harmonise the data collection mechanisms with the reporting timelines of the national government.
- Link Agencies who are already collecting data to feed into the M&E Framework

### **Joint program management**

The Partnership Management Group (PMG) which represents MJCS, DFAT and SRBJ has been primarily responsible for the management decisions of the program. The group has met almost monthly and never more than six weeks apart for the entire duration of Stage 1 of the program. It has provided a forum for frank and open discussion of the management issues of the program in a way that has provided enormous support for the progress of the program. Where the relevant Director-General has not been able to attend the meetings have been effectively chaired and progressed by the Executive Officer so that pending decisions were not unduly delayed.

The PMG has demonstrated real ownership of the program by the MJCS representatives and demonstrated genuine interest in sustainability and value for money issues as they have arisen. The program consulted with the members of the PMG as to whether they wanted a reduction in the frequency of the meetings but this was declined on two occasions which is encouraging.

The HOAG is comprised of the heads of agencies within the sector; both government and non-government. During Stage 1 the Directors-General convened HOAG meetings sometimes every two months but at least quarterly over Stage 1. The HOAG is responsible for the high level governance and oversight of the program and endorsement for cross sector initiatives, such as the JCSSS.

Engagement by the Heads of Agency in the HOAG meetings has fluctuated seemingly responding to the desire to engage with MJCS; the agenda or objective provided for the meetings; as well as, of

<sup>43</sup> The indicators provided in this document is aligned with Millennium Development Goals (MDGs)

<sup>44</sup> Through the work of the SRBJ Case and Data Management Adviser.

course, as other commitments. Overall attendance where there is sufficient notice has been generally good.

### **Shared responsibility**

GoV and non-government partner recipients or beneficiaries of the program are significantly involved in the design and direction of all of the activities and have across the program and have demonstrated substantial ownership and commitment (except perhaps with respect to the commitment to the working group mechanism under the JCSSS).

There were no clear formal or informal commitments outlining shared partner government responsibilities for Stage 1.

Discussions have now commenced with the MJCS regarding the appropriate articulation of GoV intentions with respect to shared responsibilities in preparation for particular aspects of the implementation of Stage 2, particularly those related to the program's proposed support of in-line positions within GoV structures.

### **d) Efficiency**

Efficiency should be considered a major success of the program for several reasons. Generally adviser numbers have been relatively low considering the number of outputs of the program; grants and funding contributions to the GoV have almost always been managed by partners and acquitted appropriately which has meant that the numbers of management staff have been extremely low within *Stretem Rod Blong Jastis*; and the volume of funds expended directly on activities within the sector has been high relative to the overall program costs.

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Throughout the life of the Program two advisers have been placed within Agencies (PSO and SPD), Other Advisers perform roles which are cross sector. This has allowed the majority of advisers to prioritise and attend to the areas of the sector with the greatest need. Use of locally engaged LSIP Administrator, Monitoring Officer, Short Term Budget Adviser, Short Term Adviser to the VLC; Research Officer and Independent Evaluator have also recognised the skills of local personnel while providing efficiency in the costs associated with advisers. For the majority of the program there have been four or five long term international advisers and a similar number of International Short Term Advisers.

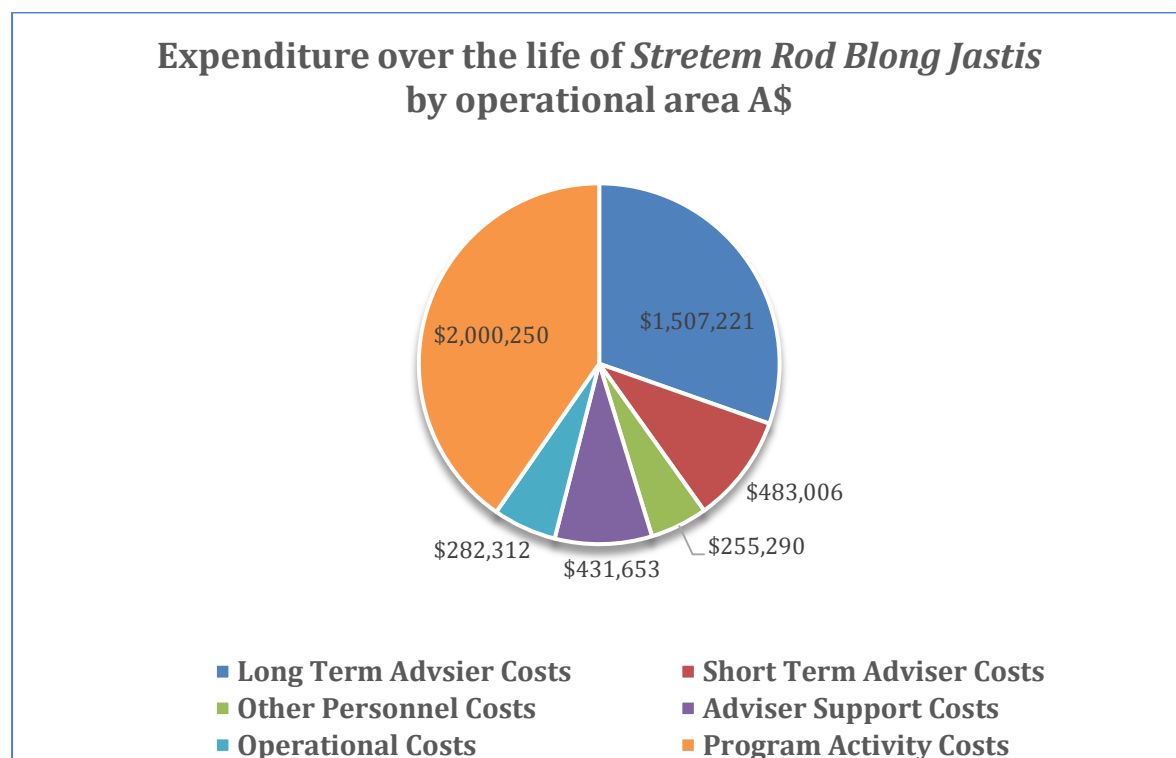
Pertaining to the overall efficiency of the program has been the effective budget management. Savings to the operational, international technical assistance and adviser support costs tables of the contract allowed the program to allocate funds from these operational areas to expense greater amounts than formally allocated on programming for the sector Figure 2 below displays that over 40% of the entire program budget was expended on program activities for the sector including grants. This was seen as a major achievement for the program. Overall the program executed its annual budget effectively and was 100% expended at the end of the first phase.

Operational efficiency was a significant factor in the overall efficiency of the program. Maintaining a very small hub office with two management and administrative staff (the Contract Manager and the Finance Officer) is extremely efficient. Throughout the life of the program 37 small grants were managed including several larger ongoing grants to Save the Children, Vanuatu Law Society and

Vanuatu Law Commission. In addition there were numerous disbursements made on sector wide coordination, small workshops, regional training, small value procurements and other low cost matters which were administratively burdensome but did not attract increased levels of program staff whilst significantly contributing to the agenda of the sector.

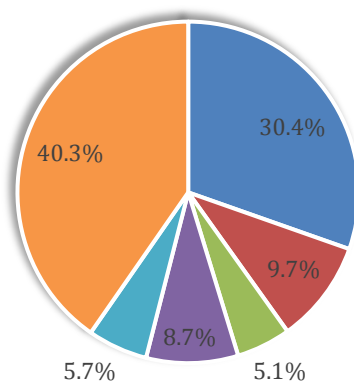
The program's Grant Facility undertook open procurements supporting the use of GoV systems for a court management system. This was a significant procurement under the program but is viewed as a major success as it involves the use of partner systems and demonstrated the strength of the partnership between SRBJ, MJCS and OGCIO. Other major, non-advisory, procurements were the two contract awards for renovations of the Supreme Court and the PPO. Again these were awarded through a procurement process and therefore sought value for money and efficiency by weighing the technical and price aspects of the programs.

**Figure 1**



**Figure 2**

**Expenditure over the life of *Stretem Rod Blong Jastis*  
by operational area %**



■ Long Term Adviser Costs

■ Other Personnel Costs

■ Operational Costs

■ Short Term Adviser Costs

■ Adviser Support Costs

■ Program Activity Costs

## e) Impact and sustainability

The duration of 27 months is relatively short in program terms to embed long term changes and sustainability of outcomes or impact particularly when interventions are spread across the sector. Nevertheless there are aspects of Stage 1 of the program which if nurtured will start to demonstrate a level of traction and sustainability. These include:

- Small incremental improvements in case and data management which immediately demonstrate their value to those in management and become embedded in the processes of the organisation (as is already the case with Corrections). For example; end of monthly reporting of case management status for the Supreme and Magistrates' Courts; tracking of throughput and workflows within the SLO; tracking of cases within the SPD have already become part of "business as usual" for those agencies.
- Monitoring of indicators that are not over-burdensome and of utility for informing organisational management decisions are likely to become embedded with some further support. Strengthened support is envisaged in this area during Stage 2 of PJSPV.
- The twinning arrangement between the Solomon Islands Institute of Public Administration and Management (IPAM) and the Vanuatu IPAM (VIPAM) provides a sustainable basis by which to strengthen the mechanisms for public sector capacity development in the areas of management and administration (for example human resource management) into the future.
- Incorporation of the LSIP into the course structure for the USP Community Legal Centre as had been discussed with USP School of Law would increase the potential sustainability of a internship program for students with local legal offices.
- The purposeful application of participatory and collaborative approaches to planning, decision-making, prioritising and managing the implementation of key initiatives, on small and large scale, although resource intensive and at times slow, lays a foundation for greater shared awareness and local commitment to priorities. This is essential in ensuring a focus on a sector-defined development agenda, and also in situating the work to promote local ownership, practical skills development and sustainability.

Otherwise evidence of long term change is scant at this stage.

The program is not aware of any negative unplanned impacts.

## f) Lessons learned

The key higher level lessons learned over Stage 1 have been as follows:

- 5) **Leadership** – It is obvious that leadership is incredibly important to maintaining the momentum of a reform agenda. This was known prior to commencement of the program and the risk of its absence was noted and considered together with the identification of proposed mitigation strategies.

Instead the particular lessons learned with respect to leadership in the context of Vanuatu over the last 27 month period can be reflected in the following three key ways.

The first lesson, the challenge of being able to implement mitigation strategies that involved the strengthening of other cross sector mechanisms with other leaders was greater than expected. Where there was a demonstrable lack of leadership or consistent leadership, there appeared to be a much higher tendency for other leaders to focus inwardly on their relevant individual agencies rather than to step into the vacuum, and for other mechanisms to go into a period of hibernation. On reflection, this is entirely explicable in the context of the political fluidity resulting in a continuous revolving parade of politicians and high level bureaucrats. To openly not show the requisite respect, compete or challenge is almost untenable so that it becomes more expedient to respond by looking inwardly and not engaging at that level for the relevant period. In the context of a small community with the multifaceted interconnectedness of families; island groupings; church affiliations and other relationships this would appear to be an effective coping mechanism for higher level engagement with a layer of political elite which in one sense is static (that is, continues to contain the same people) but is constantly changing positions and regrouping. The context of this political fluidity and small tight knit community is of course also overlaid with nuances of custom and local knowledge, often opaque to the outsider.

The second lesson of note is the absolute vulnerability of good leaders in Vanuatu as they rise to the top of the GoV bureaucracy and the concomitant heightened admiration for those who do so guided by the principle of true service to the community. The converse is also true; the relative impunity of bad leaders as a result of a combination of poor performance and human resource management; a weak PSC; a constrained Ombudsman; and a fairly ineffective PPO.

The third lesson with respect to leadership and the political fluidity at the top is the ripple effect that it has on other leaders in terms of priorities and alignments which means that it is perhaps even more important for a sector wide program such as SRBJ to be constantly checking in with the leaders across the sector to be aware of any of those changes and to respond appropriately.

As the program moves into Stage 2 it will seek to support leadership at all levels across the sector in a number of ways looking closely at resilience and vigour in leadership, and the presence and voice of women in leadership, given its importance to all aspects of the program both during implementation but also for sustainability of any progress.

- 6) Increased investment at the initial stages of an initiative** – One lesson that has been learned is the importance of investing significantly in technical and quality scrutiny of interventions at the initial stages of a program or activity particularly where the intervention is highly sensitive or innovative. An assumption was made of a large grantee, SCV, that it had the significant technical expertise it claimed. It was therefore allowed greater freedom from close oversight than was wise. Where such investment is being made in a complex and sensitive area, SRBJ must ensure greater scrutiny of approaches being used; tools being developed; and messages being delivered to make sure they are in line with best practice; ethically sound and culturally appropriate. It was learned by SRBJ later than was optimal that

a design for a discrete, careful piloting of an approach for the strengthening of community-level child protection mechanisms in a very small number of communities (approximately five) had in implementation become a large awareness raising exercise across some 60-plus communities with materials that were inappropriate both culturally and for child protection purposes and using a tool and methodology not fit-for-purpose or best practice.

- 7) **Relationship building and the politics of aid** – The politics of aid requires careful navigation of the fine balance between the need to have the approaches and agenda set by Vanuatu and the GoV and the resource challenges faced by Vanuatu that necessitate an openness to development partners. Insensitivity to these issues can stymie beneficial assistance that may be filling a vacuum and responding to an identified need, if it does not feel and appear to be led by the GoV. Not a new lesson, but one that cannot be overemphasized, is the necessity of the program, and all of its team to build, and rebuild and maintain and nurture its relationships of trust with its counterparts and stakeholders. Given the breadth of the program and the intensity of outputs at times, the constant tending of the relationships can seem overwhelming. However, building relationships based on careful and thoughtful support of counterparts in a way that is not disempowering or unresponsive, is the best mitigation strategy for preventing situations where appropriate and beneficial opportunities for Vanuatu are blocked.
- 8) **Appetite for positive incremental tangible change** – Despite the significant investment in time and effort required by the agencies of the sector to support the strengthening of their case and data management; there has been a greater than anticipated appetite across the board for the sector to drive positive change in this area. Whilst there has been no specific evaluation of the contributing factors that support this the following are likely to have contributed: the incremental changes (for example, improving data quality) have seemed achievable; the changes have been supported by Heads of Agency; the benefits of small changes have been tangible and have supported further change; the benefits of changes have generally been spread across many within the organisations so encourages broad ownership and awareness of the work. In 2013 the sector was similarly responsive to the planning and budgeting support that was provided to the agencies and in some cases have replicated plans based on tools that were provided to them.

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## **g) Overall conclusion**

Overall the program has in 27 months produced limited long term changes that could be sustained in the absence of a continued program. However, it has built very strong foundations on which to base the next Stage of the integrated PJSPV. These foundations include:

- 1) A strong cross functional team that has had very limited changes of staff and works together collaboratively and effectively. The team now demonstrates a good understanding of the sector and the context which is immensely enhanced by the strength and advice of the ni-Vanuatu members of the team.



- 2) Good relationships with counterparts as demonstrated by some of the responses related to the PSO and SPD Advisers but also in the words of one leader in the sector who has said, *“the program is competently managed and delivered to meet the very minute details of the needs of the beneficiary.”* There is a good level of awareness across the sector of how the program works, who we are and how to access support.
- 3) Detailed planning and assessment of capacity for the sector has resulted in a Justice and Community Services Sector Capacity Development Strategy to guide and frame all capacity development support for the sector. It can be used to guide capacity development interventions by the GoV with respect to any programs and service providers. It also emphasises the strengthening of leadership capacity as a priority, including increasing the voices of women in senior leadership roles.
- 4) Council of Ministers approval of the JCSSS which was supported by the program and identifies the priority areas for the sector to provides the foundation for cross sector reform.
- 5) Finalisation of the first collaborative Ministry of Justice and Community Services (MJCS) Annual Report for 2013 (Annex 1) which provides the foundation on which to build improved reporting and monitoring across the sector but was acknowledged as a very strong first step.<sup>45</sup>
- 6) A draft sector wide Monitoring and Evaluation Framework is in the process of being finalised for review by the M&E Specialist for the PJSPV.
- 7) Functional review of MJCS corporate services, resulting in an organisational structure that is designed to respond to the capacity development and performance improvement needs of sector Agencies through a skilled cross-functional ‘hub’. The structure has been submitted and is awaiting PSC approval.
- 8) A Case and Data Management Roadmap for Justice and Community Services Sector (Annex 2) has been finalised. It provides an approach for strengthening case and data management and systems, across the sector over the next 30 months. There have been case and data management improvements across almost all justice agencies since the second half of 2013.
- 9) Strengthening of the Law Student Internship Program (LSIP) demonstrated by the increasing numbers of applicants and host offices, together with verbal confirmation from the Head of the School of Law, USP of an intention to incorporate the LSIP as part of the coursework required for the Community Legal Clinic course once that has been re-established.
- 10) A PSO Lawyers Handbook which provides an accessible reference tool for lawyers within that office and a basis for capacity development activities is in its final stages of editing after peer review.
- 11) A SPD Manual which provides an accessible reference tool for police prosecutors and police investigators as well as a tool for capacity development activities, particularly in the provinces, in also in its final stages of editing.

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<sup>45</sup> By a member of the PMO M&E Unit at the launching of the MJCS Annual Report 2013 on 20 June 2014.

- 12) There has been demonstrable steps taken by the GoV to sustain the VLC. During Stage 1, the VLC completed four reports with recommendations for legislative amendment that would not have been possible without the payroll and operational support of the program. This support has allowed VLC the opportunity to demonstrate its worth and over this period the VLC has secured GoV support for the payroll of two of its legal staff as well as implementation of an arrangement with Ministries of the GoV that they fund consultations where they have lodged a reference with the VLC. Both are significant steps towards enhancing the sustainability of the VLC over the relevant period. It is hoped that the GoV will absorb the payroll of the remaining two officers being paid for by the program over the life of Stage 2 of the program.
- 13) There have been demonstrable improvements in the efficiency and effectiveness of legal services in PSO, SPD, SLO and VLC.
- 14) The grants have provided significant benefits to the sector to enhance its capacity in ways that it would not have been able to do given current budget constraints and have generally not provided support for recurrent budget items (with limited exceptions).
- 15) Completion of initial research and an outline approach for the implementation of the family based violence pilot in Malekula.
- 16) Evidence of stronger collaboration of the judiciary and the VPF both with the sector and the program.
- 17) Increasing the engagement of the youth with the formal justice sector, based on the Memorandum of Agreement between youth and the Government of Vanuatu signed at the Youth Justice Symposium in July 2013. This has increased shared understanding and builds a basis for greater consultation on both sides.

The program has been effectively and efficiently managed in a way that has been value for money for Australian Aid.