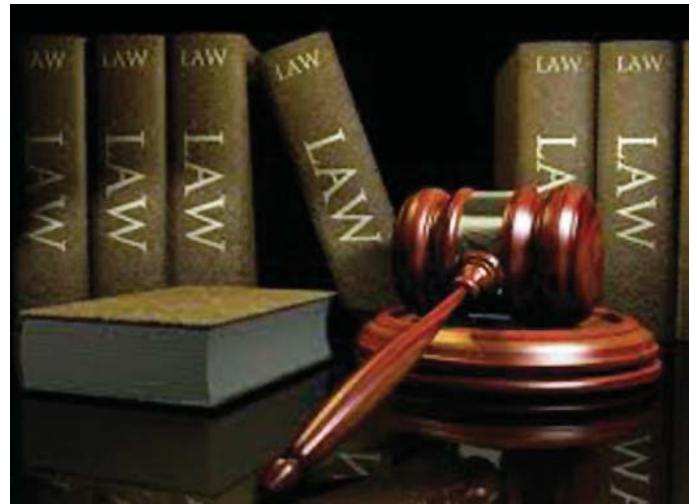


STRETEM ROD BLONG JASTIS
Vanuatu Law and Justice Partnership (VLJP)

VLJP PROGRESS REPORT

December 2012



GRM

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Table of Acronyms

AusAID	Australian Agency for International Development
CLE	Continuing Legal Education
CPWG	Child Protection Working Group
DOA	Deed of Amendment
DWA	Department of Women's Affairs
GoA	Government of Australia
GoV	Government of Vanuatu
FRA	Fiduciary Risk Assessment
GRM	GRM International Pty Ltd
HoAG	Heads of Agency Group
JBE	Jastis Blong Evriwan
KAP	Knowledge, attitudes and practices
LTA	Long Term Adviser
M&E	Monitoring and Evaluation
MES	Monitoring and Evaluation System
MEWG	Monitoring and Evaluation Working Group
MJCS	Ministry of Justice and Community Services
MNCC	Malvatumauri National Council of Chiefs
MOH	Ministry of Health
NZAID	New Zealand Agency for International Development
OCIO	GoV Office of the Chief Information Officer
PAA	Priority Action Agenda
PLAS	Planning Long Acting Short
PMG	Partnership Management Group
PMO	Prime Minister's Office
PPO	Public Prosecutor's Office
PSC	Public Service Commission
PSO	Public Solicitor's Office
SCA	Save the Children Australia
SLO	State Law Office
SPD	State Prosecutions Department
TA	Technical Advisers
TNA	Training needs analysis
TOR	Terms of Reference
UNICEF	United Nations Children's Fund
USP	University of the South Pacific
VAPP	Vanuatu Australia Police Program
VLC	Vanuatu Law Commission
VLJP	Vanuatu Law and Justice Partnership
VLSSP	Vanuatu Legal Sector Strengthening Program
VNSO	Vanuatu National Statistics Office
VPF	Vanuatu Police Force
YEPP	SCA's Child Protection Governance Program (Yumi Evriwan I Protectem ol Pikinini)

Executive Summary

The objectives for Stages 1 and 2¹ remain relevant to the needs of the beneficiaries.² After nine months of implementation of the Partnership, the Program Outcomes, the Stage 1 outcome targets and the key elements of the design continue to provide an appropriate and relevant framework within which to provide support to the sector. The expected outcomes of the Partnership allow sufficient flexibility to respond to changing circumstances whilst remaining focused on core themes.

These core themes are:

- (1) Strengthening consultation mechanisms and administrative collaboration within a very complex sector that spans executive and judicial arms of government, ministries, departments and agencies, many with constitutional and statutory mandates and varying levels of independence;
- (2) Capacity development at agency and sector levels; and
- (3) Developing tools to strengthen decision making (planning and budget preparation) and policy development in the sector.

The table below sets out a summary of progress toward Stage 1 Outcome Targets.

Item	End of 2013 Outcome Targets	Progress to date
Vision A professional, competent and accountable law and judicial system that enables equal rights and access to justice for all.	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"> • Strategic Planning Adviser supported strategic plan development. Initial work focussed on securing Heads of Agency Group's (HoAG's) approval of consultation process. • Key executive branch stakeholders increasingly enthusiastic about participating in the strategic planning process, as evidenced by their participation in HoAG planning meetings and responsiveness to the initiatives of the Ministry of Justice and Community Services (MJCS) that require collaboration.
Mission To support justice agencies to promote justice and provide fair and equitable services to meet the needs of the community, the rule of law and protection of human rights.	Justice Agencies supported to identify improvements in service delivery through synchronised corporate and annual business planning.	<ul style="list-style-type: none"> • Strategic Planning Adviser and Capacity Development Adviser clarifying planning processes and documentation; inconsistency of approaches, quality and standards identified and acknowledged by sector. • Baseline survey, data identification and capacity assessment methodologies in development.
Component 1: Support for Sectoral Coordination including Donor Coordination	<ul style="list-style-type: none"> • Government of Vanuatu (GoV) develops comprehensive framework to support implementation of the sector strategy. • GoV identifies and documents processes for prioritising, planning, costing and reporting on strategy. • Plan prepared for GoV contribution to the sector strategy framework. • Sector and Partnership Monitoring and Evaluation Systems (MESs) generate 	<ul style="list-style-type: none"> • Incremental increases in engagement across the sector as evidenced by: <ul style="list-style-type: none"> ○ Attendance and participation at the HoAG meetings. ○ Positive response in particular to the sector planning adviser whose priority is refinement of the sector strategy. ○ Engagement in discussion on M&E, necessity for alignment with government planning docs, etc. ○ Establishment of task force for two years with the first task being development of the strategy. • Increased discussion and coordination with donors supported by Partnership but driven by

¹ It is noted that in this section these are referred to as outcome targets in preference to objectives.

² End of Stage 1 objectives lifted from the Strettem Rod Blong Jastis Vanuatu Law and Justice Partnership Design Document, Final September 2011 (Annex 19).

	<p>preliminary data.</p> <ul style="list-style-type: none"> • Knowledge, attitudes and practices (KAP) Survey and Capacity Assessment results fed into sector strategy plan development. • Each Justice Agency has commenced drafting a Corporate Plan and an Annual Business Plan reflecting sector strategy priorities and using available baseline data. • Baseline data facilitates Justice Agencies to prepare individual annual reports and Prime Minister's Office (PMO) Annual Development Report. • Agreement reached to develop an inaugural Sector Performance Report. 	<p>the Director-General (UNICEF, Jastis Blong Evriwan (JBE), Save the Children Australia (SCA), NZAID (for example with JBE on the conduct of the KAP survey and the land advisory work; SCA's child protection program is mainstreamed through Stretem Rod Blong Jastis; discussions are ongoing with NZAID on joint funding a number of initiatives).</p> <ul style="list-style-type: none"> • AusAID supported health legislation review conducted through the Vanuatu Law Commission with support from the Partnership demonstrates better coordination between AusAID programs. • Planning for M&E and Strategic Planning is being harmonised with the GoV M&E, with active support of the Prime Minister's Office. This will maximise sustainability and implementation by formal sector agencies. Increased participation in the Sector approach and support for M&E by the Chief Justice. Refinement of appropriate consultation mechanism between judiciary and executive in the Sector is on-going. • Sector stakeholders discussed and were receptive to development of sector performance report.
Component 2: Capacity Development	<ul style="list-style-type: none"> • Justice agencies and sector design and initiate capacity development activities in response to TNA/capacity assessment baseline information. 	<ul style="list-style-type: none"> • Capacity assessment groundwork and draft methodology presented to HoAG. Technical Advisers (TA) will refine assessment tools. • Recruitment of Long Term Advisers (LTAs) for direct support to the Public Solicitor's Office (PSO) and State Prosecutions Department (SPD). • Justice Sector agencies engaging with capacity development TA. Key agencies have agreed to participate in the capacity assessment process. PSO and SPD planning retreats supported, including input by Capacity Building and Strategic Planning TA. Staff of both agencies aware of and willing to participate in capacity assessment and strategic planning processes.
Component 3 Policy Development, Research and Sector Monitoring	<ul style="list-style-type: none"> • Levels of provincial and capital service delivery KAP known. • Baseline data and research provides relevant information to justice agencies and to sector for strengthened 2014 budget submissions. 	<ul style="list-style-type: none"> • Draft KAP Survey methodology and Terms of Reference (TOR) for engagement of the Vanuatu National Statistics Office (VNSO) developed. • Sound relationships supported between Justice Agencies and PMO's M&E Unit, highlighting importance of generating useful information. • Outcomes of support for the Health Legislative Review by the Vanuatu Law Commission (VLC), support for the work of SCA with respect to child protection and support for the consultations of the Department of Women's Affairs (DWA) include: <ul style="list-style-type: none"> • A guiding timeline for consultations for the VLC. • Strengthened capability and confidence of the legal researchers of the VLC. • Provided a pilot in terms of expense, breadth, and timing for a large consultation for VLC. • Development of an assessment, planning and training tools for child protection that is effective, empowering and appropriate.

		<ul style="list-style-type: none"> Confirmation of the appropriate foci for the DWA policy and identification of some structures of support for women that can be built on at provincial and community levels. [The outcomes are dealt with in more detail below]
	<ul style="list-style-type: none"> Justice Agencies forward information requested in MES document to HoAG. 	<ul style="list-style-type: none"> Evidence of sector-wide appreciation of usefulness of improving M&E at agency and sector levels (including Sector Performance Report).

Variation from the Inception Report workplan has primarily been in recruitment to both international and local positions, use of the development fund, progression of the diversion initiative, and the implementation of a joint funded UNICEF pilot for Child Protection in Tafea Province.

The highest level current risk³ was the potential change of the current Director-General as a result of the recent elections. This is a slightly different risk from the one that was envisaged in the Risk Management Matrix that anticipated a possible change of government resulting negatively on the priorities of the Partnership.

Both the sector and the Partnership sought to mitigate the impact of the change of leadership by the establishment of processes for the continued engagement of the sector through the HoAG and the Task Force that was endorsed at the last HoAG meeting to progress the refinement of the sector strategy and to engage on other sectoral priorities identified by the group. Leaders within the sector will assist in maintaining the direction and momentum.

³ Which was envisaged in the Risk Management Matrix (Inception Report May 2012).

1. Introduction

This nine month progress report is submitted instead of the draft design for Stage 2 of the *Stretem Rod Blong Jastis* Partnership (Partnership) required under the head contract between GRM and AusAID. In July, after discussion with AusAID in Port Vila, GRM International Pty Ltd (GRM) drafted a contract variation request that would extend Stage 1 until December 2013 in anticipation of conclusion of the contract amendment that was currently with AusAID for approval. Although this variation request has still not been finalised, AusAID Port Vila agreed in September 2012 that a nine month progress report should be submitted at this stage, instead of the draft Stage 2 design. It is currently envisaged that the Stage 2 draft design will be submitted for consideration at the end of May 2013.

2. Contextual background

Enhancing factors

Partnership with the Ministry of Justice and Community Services (MJCS)

Since the commencement of the *Stretem Rod Blong Jastis* Partnership (Partnership) and the arrival of the Partnership Coordinator, the program has benefited immensely from the proactive leadership of the Director-General, Mr. Mark Bebe. He is a very experienced and engaged public servant. His priorities are to enhance sectoral coordination and cooperation, strengthen the MJCS, and to grow human and institutional capacity while focusing on service delivery, particularly beyond Port Vila. The Director-General has a thorough understanding of the breadth and objectives of the Partnership and provides constant advice and guidance as to the appropriate approach for the implementation of activities intended to support the MJCS and agencies within the sector.

Co-location of the Partnership Coordinator in an office within the MJCS has allowed for the strengthening of this relationship through constant formal and informal interaction and advice between the Partnership and the MJCS. It allows for a consistent understanding of the approach of the Partnership and the priorities of the MJCS as well as mutual support in ways beyond the strictures of the terms of reference (TOR). Sector representatives have also told us this is crucial in making the program accessible to them.

Partnership Management Group

The Partnership Management Group (PMG) first met on 30 May 2012 and has continued to meet regularly each month to discuss concerns, approaches and risks; determine grant facility applications; and plan activities. The PMG includes two AusAID representatives⁴, the Director-General, his Policy Adviser and Executive Officer and the Partnership Coordinator. Secretariat support is provided by the Partnership. The meetings are characterised by frank and robust discussion and engagement with the provision of clear guidance to the Partnership. The counterparts have been very stringent and demanding with respect to the conditions and requirements imposed on beneficiaries and agencies in accessing Partnership funds (apparent in the discussion relating to grant applications). Commonwealth Grant Guidelines are adhered to by the Partnership which is responsible for management of grant funds. Decision making in this forum has not been formal, prescriptive or hierarchical but has allowed for candid discussion that has on occasion resulted in shifting of approach or views and consideration of several options. The Partnership has benefited in ways that are difficult to quantify from the strength of the relationship and engagement that it has with the staff at the MJCS and, in particular, the Director-General. We recognise that these PMG meetings require considerable inputs by busy GoV and Government of Australia (GoA) staff. However, to date the meetings have been invaluable in establishing trust among the members of the PMG and in ensuring VLJP activities are consistent with the priorities of both GoV and GoA. Subject to agreement of all members of the PMG, it may now be appropriate for the PMG to consider some streamlining of inputs or less frequent meetings, although we consider the ongoing work of the PMG to be crucial to the future success of the Partnership.

⁴ David Momcilovic, First Secretary, AusAID and Helen Corrigan, Senior Program Manager, Law and Justice

Heads of Agency Group

Under the leadership of the Director-General, the Heads of Agency Group (HoAG) has been meeting regularly at one to two month intervals to discuss management, administrative and thematic issues relating to the sector as a whole. The group has generally been interested and engaged and the meetings have been participatory. This is in part a reflection of the level of respect for the Director-General and a desire for greater coordination across the sector with an increasing understanding of the possible benefits that could flow from enhanced consultation and coordination. The HoAG's recent endorsement of TOR for a five member Task Force, charged primarily with the development of the sector strategy, advances this process (Annex 1). There appears to be a growing recognition within the Sector that consultation and coordination are required on a number of levels to be able to progress particular concerns that affect a number of justice agencies (case management, information management, budget process). For example, while the sector spans two arms of government (judiciary and executive), sector agencies are linked by their engagement in the justice process that flows from one to another. In an environment of limited resources, there is evidence that justice agencies increasingly appreciate the value of consultation mechanisms that facilitate dialogue and coordination in setting resource and activity priorities that mutually benefit the sector agencies' service delivery effectiveness, particularly at sub-national level. For example, the Advisers engaged to work across the sector on strategic planning and capacity development have been warmly welcomed by individual agencies who understand their sector wide focus.

Sector strategy

The first ever Law and Justice Sector Strategy was launched in Vanuatu in 2009. A review of the document in 2011, led by the MJCS and then Minister, prior to the commencement of the Partnership, found that it did not have a clear monitoring process. The original Strategy largely ignored community based justice and its structure encouraged ongoing institutionalisation, rather than thinking as a sector and working together to achieve mutually beneficial outcomes. The Sector has experienced rapid growth and changed in size and capacity since the strategy was first drafted in 2009. In early 2012, a revised document was developed under the guidance of the Director-General⁵ as a result of extensive consultation at a community level and amongst key sector stakeholders including community leaders, government, civil society and donors.

However, the revised strategy falls short of providing overarching guidance for a sectoral approach to developing priorities for the medium to long term.⁶ There has been inconsistent progress by the agencies in developing revised corporate, business and annual plans which are often not aligned with the current sector strategy, and often do not include data useful to government for reporting against the Priority Action Agenda (PAA) and the Planning Long Acting Short (PLAS) and for inclusion in its Annual Development Report. The Partnership, in consultation with the Director-General decided that additional support⁷ was needed to identify a process for the development of an overarching sectoral strategy that fulfilled the requirements of the MJCS and to facilitate its implementation. The aim is to work with agencies to produce a strategy that is: aligned with the whole of government planning structure and processes (including the PAA and PLAS); provides sufficient guidance for the alignment of planning documents by the agencies within the sector; and meets the planning and reporting requirements (to Parliament) of the Judiciary.

Judiciary

Over the initial nine months of the Partnership, the Chief Justice has requested several meetings with the Partnership Coordinator and sought monitoring and evaluation (M&E) advice from the Partnership. Representatives from the Judiciary have:

- attended and participated in some of the HoAG meetings;
- requested additional information regarding the Partnership;

⁵ With the support of a Corrections Adviser requested by the Director-General to assist, given his interest in doing so.

⁶ Although it does list some concrete recommendations arising from the recent Law and Justice Summit as well as some guiding principles and some priorities.

⁷ As set out in the Inception Report in May 2012

- made a grant application;
- arranged for a meeting of the Partnership Coordinator and the Federal Court of Australia Chief Executive Officer (who was in Vanuatu at its request); and
- shared planning documents and its Memorandum of Understanding with the Federal Court of Australia to ensure consistency, support and alignment.

The increased engagement of the Judiciary with the Partnership is of significant benefit to the MJCS and the Partnership, assisting MJCS efforts to facilitate effective support to the sector including targeted support to the Judiciary itself. The Judiciary has the potential to act as a significant driver of initiatives within the sector. Refining the consultation modalities between the executive agencies (MJCS) and the judicial branch will remain central to the sector's cohesiveness (and results).

Inhibiting factors

Prevailing environment

The Partnership has been operating within a broader context of existing political sensitivity⁸ with respect to Australian support to the law and justice sector, coupled with an additionally politically charged environment as a result of the general election (held on 30 October, 2012). Symptomatic of this politicised environment was the expulsion of the Vanuatu Australia Police Program at the beginning of May⁹; criticism in the media of the motivation for the Australian funded *Mama Graon* (Land) program; as well as the recent suspension of significant numbers of the Vanuatu Police Force (VPF). The Partnership is not aware of any overt or direct impact on counterparts or beneficiaries, but it has remained sensitive to this environment and taken advice from both AusAID and the Director-General, for example, to delay recruitment of particular advisers.¹⁰

Quality and engagement of leadership

In addition, there are a number of key counterparts within the sector who are disengaged, do not participate in collaborative dialogue with the sector, or who provide weak leadership. Some have come under significant public criticism.¹¹ Partnership risk assessment at time of inception recognised the issue of weak leadership within the sector,¹² with moderate consequences for the Partnership. This has proven accurate in the sense that the leadership within specific agencies has had consequences which across the Partnership activities have been moderate. As discussed below, the Partnership has taken mitigating action to try to minimise impact on the overall program.

Partnership representatives have so far not been able to meet with the (recently resigned) Attorney-General. That position is now vacant¹³ pending recruitment of a new candidate. In the absence of an available Attorney-General, the Partnership has a good and open dialogue with the Solicitor-General as representative of the State Law Office. For example, to relieve the administrative staff from having to do a large amount of backlogged data entry, PMG has approved the provision of assistance to support data entry for the proposed transfer of the State Law Office (SLO) database to the GoV Office of the Chief Information Officer (OCIO)..

Similarly, the Public Prosecutor has not attended HoAG meetings convened by the Director-General since the commencement of the Partnership, although she has on most occasions sent a delegate. The Public Prosecutor has been criticised in the media, including allegations of personal misconduct. The Public Prosecutor's Office has sought to initiate a number of activities with the support of the Partnership.¹⁴ However, these requests are on hold pending the Public Prosecutor's Office (PPO) response to requests for further information about the proposed activities. In the meantime, Partnership staff and advisers continue to maintain cordial relations with

⁸ Evidenced by the expulsion of AusAID funded advisers from the law and justice sector under the previous AusAID funded Vanuatu Legal Sector Strengthening Program

⁹ 10 May, 2012

¹⁰ This will be dealt with in greater detail in section 5 below

¹¹ This was a specific risk noted in the Risk Management Matrix of the Inception Report, 'Weak GoV leadership in sector / individual agencies'

¹² Risk Management Matrix of the Inception Report

¹³ The Attorney General's contract was terminated as he was a candidate in parliamentary elections.

¹⁴ Replacement of the roof at the Office of the Public Prosecutor, a multi-year Diversion Program, a retreat for the staff of the Office

the Public Prosecutor and her senior staff and there is some possibility for prosecutors to participate in training conducted by the adviser to the Public Solicitor.

Leadership changes

The Ombudsman, Mr Pasa Tosusu, died in mid-June 2012 and has not yet been replaced. His office also has a large number of vacancies.¹⁵ The MJCS Director-General has very recently been providing significant attention to the recruitment of staff for this office and to its subsequent reinvigoration. Once an Ombudsman is appointed, further support to that office can be discussed.

The recent re-appointment of the Director-General is a very positive development given his strong support for and engagement with Partnership. However, the re-appointment process has highlighted the fluidity of the Partnership's operating context and the crucial role of individuals in facilitating the Partnership. The Partnership planning will take this fluidity into account, attempting to combine flexibility to adapt to changing circumstances with a consistent strategy. The strengthening of the processes that underpin the development of the sector strategy and the support of other champions for reform from within the sector are part of the approach.

3. End of Program outcomes

The GoV's vision for the sector is: *"a professional, competent and accountable law and justice system that enables equal rights and access to justice for all"* and its mission statement is: *"for all justice agencies to 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."*¹⁶

The GoV vision and mission statements provide the high level goal of the GoV and GoA Partnership in this sector.¹⁷ The Stretem Rod Blong Jastis Partnership will make a strategic but relatively modest contribution to their realisation; but is not accountable for their achievement.¹⁸

The objectives for Stages 1 and 2¹⁹ remain relevant to the needs of the beneficiaries.²⁰ The key element contained in the GoV vision and mission statements is a need to improve service delivery by justice agencies. The Partnership's M&E System (MES) describes assumptions about how the Partnership plans to support GoV efforts to improve service delivery. These assumptions are:

- (1) Improved sectoral consultation and coordination (through the MJCS, HoAG²¹, the Task Force and working groups) leads to improvements in service delivery (Component 1);
- (2) Improved institutional (agency-level) and individual capacity leads to improvements in service delivery (Component 2); and
- (3) Development of policy, conduct of research and availability of good quality monitoring data leads to improvements in service delivery (Component 3).

The draft MES contains outcome targets for Stage 1. As discussed above, at the time of writing this report it is AusAID Vanuatu's and GRM's intention to seek an extension for Stage 1 from its initial end date of 31 May, 2013 until the end of 2013.²² Accordingly, Stage 1 outcome targets are considered in this light, i.e. as being the outcome targets for the end of 2013.²³

¹⁵ At the time when the Partnership Coordinator met with the Ombudsman this was at about 6 or 7 vacant positions

¹⁶ This is open to revision as part of the Sector Planning Process.

¹⁷ Stretem Rod Blong Jastis Vanuatu Law and Justice Partnership Design Document, Final September 2011, p26

¹⁸ Stretem Rod Blong Jastis Vanuatu Law and Justice Partnership Design Document, Final September 2011, p26

¹⁹ It is noted that in this section these are referred to as outcome targets in preference to objectives.

²⁰ End of stage 1 objectives lifted from the Stretem Rod Blong Jastis Vanuatu Law and Justice Partnership Design Document, Final September 2011 (Annex 19).

²¹ Assuming that the judiciary is comfortable with this mechanism; if not another will need to be agreed.

²² This was first discussed by the Program and AusAID in July but has been delayed by the processing of a contract amendment that preceded the proposed contract extension amendment.

²³ The justifications for the extension are set out in Annex 2.

The end of Program Outcomes and Stage 1 Outcome Targets are set out below.

Item	End of Program Outcomes	End of 2013 Outcome Targets
<p>Vision A professional, competent and accountable law and judicial system that enables equal rights and access to justice for all.</p>	<ul style="list-style-type: none"> • The quality of service delivery is maximized within an affordable budget. • Increased and more equitable access by ni-Vanuatu women and men to affordable, sustainable and culturally relevant services which promote harmony and justice and human rights. 	<ul style="list-style-type: none"> • Sector supported to commence refining sector strategy to contemplate professionalism, competencies and accountability mechanisms for service delivery to children, women and people with disabilities.
<p>Mission To support justice agencies to promote justice and provide fair and equitable services to meet the needs of the community, the rule of law and protection of human rights.</p>	<ul style="list-style-type: none"> • Increased GoV leadership across the sector. • Sectoral capacity is increased, represented through improved performance and ability of GoV and other stakeholders to achieve shared objectives. • A broader definition of the law and justice sector is established which includes justice agencies, kastom leaders/chiefs and CSOs/NGOs. • Service delivery, including in provincial locations, improves. 	<ul style="list-style-type: none"> • Justice Agencies supported to identify improvements in service delivery through synchronised corporate and annual business planning.
<p>Component 1: Support for Sectoral Coordination including Donor Coordination</p>	<ul style="list-style-type: none"> • GoV develops comprehensive framework to support the implementation of the sector strategy. • GoV identifies and documents processes for prioritising, planning, costing and reporting on strategy. • Plan prepared for GoV contribution to the sector strategy framework. 	<ul style="list-style-type: none"> • Increased coordination across the sector. • More coordinated donor inputs into sector. • Sector and Partnership MESs generate preliminary data. • Sector strategy planning is using baseline data collected through the Knowledge attitudes and practices (KAP) Survey and Capacity Assessment. • Each Justice Agency has completed drafting a Corporate Plan and an annual Business Plan reflecting sector strategy priorities and using available baseline data. • Sector strategy implementation costing commenced. • Baseline data facilitates Justice Agencies to prepare individual annual reports and PMO's Annual Development Report. • Agreement reached to develop an inaugural Sector Performance Report.
<p>Component 2: Capacity Development</p>	<p>Justice services provided to GoV and population at same or improved quality.</p>	<ul style="list-style-type: none"> • Justice agencies and sector design and initiate capacity development activities in response to training needs analysis (TNA)/capacity assessment baseline information. • Increased self-reliance of agencies within the sector

Item	End of Program Outcomes	End of 2013 Outcome Targets
Component 3 Policy Development, Research and Sector Monitoring	Information and assistance the sector receives are relevant and useful to improving service delivery and policy, particularly in relation to, but not limited to: <ul style="list-style-type: none"> •the rights of women; •the rights of children; and •the rights of people with disabilities. 	<ul style="list-style-type: none"> •Levels of provincial and capital service delivery (KAP) known. •Baseline data and research provides relevant information to justice agencies and to sector for strengthened 2014 budget submissions.
	HoAG endorses and is implementing a feasible monitoring system for the sector and for key agencies.	<ul style="list-style-type: none"> •Justice Agencies forward information requested in MES document to HoAG.

After nine months of implementation of the Partnership, the Program Outcomes, the Stage 1 outcome targets and the key elements of the design continue to provide an appropriate and relevant framework within which to provide support to the sector. The expected outcomes of the Partnership allow sufficient flexibility to respond to changing circumstances whilst remaining focused on core themes.

These core themes are:

- (1) Strengthening consultation mechanisms and administrative collaboration within a very complex sector that spans executive and judicial arms of government, ministries, departments and agencies, many with constitutional and statutory mandates and varying levels of independence;
- (2) Capacity development at agency and sector levels; and
- (3) Developing tools to strengthen decision making (planning and budget preparation) and policy development in the sector.

At this point, these themes continue to find resonance amongst justice agencies individually and within the Sector. Earmarking an envelope of grants funds for cross-sector activities might help to maintain stakeholders' engagement in the sector consultation mechanisms and generate practical sector-wide results. At this stage the scale and scope of any grants funds nominally allocated for this purpose needs to be explored through further consultations by the Partnership in preparation for Stage 2.

4. Progress towards sustained outcomes

The table below sets out a summary of progress toward Stage 1 Outcome Targets. More detail is included in the discussion of outputs and deliverables in Section 5 below.

Item	End of 2013 Outcome Targets	Progress to date
Vision A professional, competent and accountable law and judicial system that enables equal rights and access to justice for all.	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"> •Strategic Planning Adviser supported strategic plan development. Initial work focussed on securing HoAG's approval of consultation process. •Key executive branch stakeholders increasingly enthusiastic about participating in the strategic planning process, as evidenced by their participation in HoAG planning meetings and responsiveness to the initiatives of the MJCS that require collaboration.
Mission To support justice agencies to promote justice and provide fair and equitable services to meet the needs of the community, the rule of law and protection of human rights.	Justice Agencies supported to identify improvements in service delivery through synchronised corporate and annual business planning.	<ul style="list-style-type: none"> •Strategic Planning Adviser and Capacity Development Adviser clarifying planning processes and documentation; inconsistency of approaches, quality and standards identified and acknowledged by sector. •Baseline survey and capacity assessment methodologies in development.

<p>Component 1: Support for Sectoral Coordination including Donor Coordination</p>	<ul style="list-style-type: none"> • GoV develops comprehensive framework to support the implementation of the sector strategy. • GoV identifies and documents processes for prioritising, planning, costing and reporting on strategy. • Plan prepared for GoV contribution to the sector strategy framework. • Sector and Partnership MESs generate preliminary data. • KAP Survey and Capacity Assessment results fed into sector strategy plan development. • Each Justice Agency has commenced drafting a Corporate Plan and an Annual Business Plan reflecting sector strategy priorities and using available baseline data. • Baseline data facilitates Justice Agencies to prepare individual annual reports and PMO's Annual Development Report. • Agreement reached to develop an inaugural Sector Performance Report. 	<ul style="list-style-type: none"> • Incremental increases in engagement across the sector as evidenced by: <ul style="list-style-type: none"> ○ Attendance and participation at the HoAG meetings; ○ Positive response in particular to the sector planning adviser for whom one priority = refinement of the sector strategy; ○ Engagement in discussion on M&E, necessity for alignment with government planning docs, etc.; and • Establishment of task forceIncreased discussion and coordination with donors supported by Partnership but driven by the Director-General (UNICEF, JBE, SCA, NZAID (for example with JBE on the conduct of the KAP survey and the land advisory work; SCA's child protection program is mainstreamed through Stretem Rod Blong Jastis; discussions are ongoing with NZAID on joint funding a number of initiatives). • AusAID supported health legislation review conducted through the Vanuatu Law Commission with support from the Partnership demonstrates better coordination between AusAID programs. • Planning for M&E and Strategic Planning is being harmonised with the GoV M&E. with active support of the Prime Minister's Office. This will maximise sustainability and implementation by formal sector agencies. Increased participation in the Sector approach and support for M&E by the Chief Justice. Refinement of appropriate consultation mechanism between judiciary and executive in the Sector is on-going. • Sector stakeholders discussed and were receptive to development of sector performance report.
<p>Component 2: Capacity Development</p>	<ul style="list-style-type: none"> • Justice agencies and sector design and initiate capacity development activities in response to TNA/capacity assessment baseline information. 	<ul style="list-style-type: none"> • Capacity assessment groundwork and draft methodology presented to HoAG. TA will refine assessment tools. • Justice Sector agencies engaging with capacity development TA. Key agencies have agreed to participate in the capacity assessment process. PSO and SPD planning retreats supported, including input by Capacity Building and Strategic Planning TA. Staff of both agencies aware of and willing to participate in capacity assessment and strategic planning processes.
Item	End of 2013 Outcome Targets	Progress to date
<p>Component 3 Policy Development, Research and Sector Monitoring</p>	<ul style="list-style-type: none"> • Levels of provincial and capital service delivery KAP known. • Baseline data and research provides relevant information to justice agencies and to sector for strengthened 2014 budget submissions. 	<ul style="list-style-type: none"> • Draft KAP Survey methodology and TOR for engagement of the VNSO developed. • Sound relationships supported between Justice Agencies and PMO's M&E Unit, highlighting importance of generating useful information. • Outcomes of support for the Health Legislative Review by the VLC, support for the work of SCA with respect to child protection and support for the consultations of the DWA include: <ul style="list-style-type: none"> • A guiding timeline for consultations for the VLC. • Strengthened the capability and confidence of the legal researchers of the VLC. • Provided a pilot in terms of expense, breadth and timing for a large consultation for VLC. • Development of an assessment, planning and training tool for child protection that is effective, empowering and appropriate.

		<ul style="list-style-type: none"> Confirmation of the appropriate foci for the DWA policy and identification of some structures of support for women that can be built on at provincial and community levels. <p>[The outcomes are dealt with in more detail below]</p>
	<ul style="list-style-type: none"> Justice Agencies forward information requested in MES document to HoAG. 	<ul style="list-style-type: none"> Evidence of sector-wide appreciation of usefulness of improving M&E at agency and sector levels (including Sector Performance Report).

5. Key outputs & deliverables

Stage 1 of the Partnership is a design and implement phase with budget for the conduct of program activities intended to support the end of Stage 1 objectives (as outlined in section 3 above), whilst simultaneously developing a plan for GoA's contribution to the sector strategy framework for Stage 2 of the Partnership.²⁴

As a result, the Partnership determined at the time of the Inception Report in May 2012, to invest in significant expertise early in its implementation of the program to develop three key foundational deliverables that are not only of intrinsic value to the counterparts as stand-alone deliverables, but also provide the foundation for the design of Stage 2. This has resulted in substantial technical expertise costs which will diminish as a proportion of overall costs over the life of the Partnership. The reach of these deliverables are at a sector level and for each of the public departments and institutions under the auspices of the MJCS, as well as impacting upon some agencies that are not under the auspices of MJCS (for example, the SLO, the PMO, and the VPF), but that have significant relationship and influence upon the sector. It is hoped that the development of these deliverables will incrementally have an impact on all staff who operate under the general auspices (if not direction) of the MJCS.

These three foundational deliverables are:

- (1) Sector strategy and agency level planning documents. The Director-General identified soon after the commencement of the Partnership that additional support would be required to harness the energy that had been generated during the consultations in 2011 and the Mele Summit in January 2012 to refine the sector strategy. The sector strategy needs to become a document that is sufficiently clear, refined, achievable, measurable and owned by the stakeholders to be of benefit in terms of guiding and measuring the sector's reform agenda. It is a characteristic of this (and most) law and justice sector(s) that the Executive has significantly less direct control over the majority of primary actors within the sector than is the case in other sectors. The sector strategy, if developed through an appropriately participatory and consultative approach, has the capacity to become the 'glue' that binds the collaboration of the large group of independent players; a trigger for the behaviour change that the Director-General has appealed for during a number of HoAG meetings.²⁵
 - Building on the important work achieved to date, the Strategic Planning Adviser is developing a robust process for the refinement of the sector strategy working with a cross sector task force, under the high level guidance of the HoAG, which will encourage collaboration; guide the priorities of the sector; provide a framework for the alignment of agency level planning documents (corporate and annual plans); and which seeks to align itself with the whole of government planning, budgeting and monitoring frameworks and cycles.²⁶
 - While this work will contribute to the identification of key priorities for AusAID support to the sector over Stage 2, the inherent benefits to the sector exist regardless in terms of clarity around its reform agenda, how it should be measured, its budgetary deficits and alignment of planning, monitoring, evaluation and reporting arrangements both to the higher whole of government requirements and consistency at the agency and institution level. The sector strategy can not only clearly identify areas for the Partnerships to support, but can also identify areas that other donors may provide assistance in a

²⁴ Section 6.2, p 27-28 Vanuatu Law and Justice Partnership Design Document, September 2011

²⁵ For example HOAG minutes of 19 October and 20 November, 2012.

²⁶ See Discussion Paper prepared by Barry Apsey, Strategic Planning Adviser, for the November HOAG Meeting at Annex 3.

way that is directed by the sector. The inputs by the Strategic Planning Adviser are timely in that they have the potential to dovetail well with the timing of the review of planning documents by the newly constituted Development Committee Officers and the Council of Ministers as a result of these processes being delayed by the October elections.²⁷ The details of this output are provided under the Component 1, Stage 1, Objective 1 heading below.

(2) Sectoral and Agency Capacity Development Plans. The need for continued support for the development of capacity at numerous levels (individual, institutional, sectoral) is identified in the design document and in almost every discussion with counterparts across the sector. The general approach at the institutional, and indeed sectoral, level to capacity building in the past has been both narrow (in terms of its definition and understanding of capacity) and ad hoc. The Capacity Development Adviser will assess the gaps in capacity and develop 3-5 year capacity development plans at the sector and agency levels that will provide institutions with a holistic approach to capacity development. These plans can guide their appropriate investment in the building of capacity whether that be by the Partnership, the GoV, or other donors, programs or service providers. Those plans will provide appropriate guidance in terms of priority, input, modality, focus, sequencing and strategic capacity development support that is appropriate and increasingly sustainable for the institutions and the sector. This will support appropriate targeting of support in this area by the Partnership in Stage 2.

(3) A monitoring and evaluation framework for the sector. The M&E Adviser is developing an MES which includes an approach for the gathering of baseline data and monitoring of the capacity and service delivery of the sector. This will be tied closely to the Sector Strategy and agency level plans as well as the development of capacity. The Vanuatu Legal Sector Strengthening Program (VLSSP) recognised that it had not had the opportunity to develop a baseline across the law and justice sector and that this significantly hampered its capacity to measure its impact in a robust way, even though it was clear that important improvements had been made.²⁸

Outputs over the initial nine months of the Partnership as they have contributed to the end-of-Stage-1 objectives are set out below:

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)

The Strategic Planning Adviser commenced working in Vanuatu in mid-October and has:

- Met with the majority of counterparts (particularly government counterparts).
- Developed an agreed methodology for completion of his TOR endorsed by the Director-General.
- Developed a draft process for engagement with the sector by the MJCS, taking into account the MJCS's nature, the lack of in-line executive control over the majority of agencies and the sensitivities relating to independence and the appearance of independence in the context of a small jurisdiction.
- Supported the endorsement of the proposed process through the HoAG meeting in November 2012.
- Developed an agreed timeline for the finalisation of the sector strategy which is consistent with the post-election planning, monitoring, evaluation, budgeting and reporting requirements of the GoV.²⁹
- Supported the facilitation of the involvement of the Chief Justice and the Judiciary in the process, given the Chief Justice's clearly articulated concerns regarding the conduct of October HoAG meeting in terms of protocol and undermining of judicial independence.
- Supported strengthened communication and engagement with the Chief Justice as a potential champion for some specific court-user related sectoral priorities.

²⁷ See the timeline on page of the Discussion Paper at Annex 3.

²⁸ The Draft M&E Plan is attached at Annex 4.

²⁹ Discussion paper setting out the process, bodies, potential areas of focus and timeline is attached at Annex 3.

- Supported the endorsement and appointment of a task force established to drive the strategic planning and capacity development work.
- Commenced the identification of some key cross-sectoral priorities that might be considered by the sector as areas of focus, commencing with some immediate priorities that are likely to yield early results, which it is hoped will energise further collaboration.

Accordingly, support for the identification, documentation and approval of an appropriate process for the development of a sector strategy as well as the identification of critical issues to feed into that process are well underway. Given the refined strategy is to be before the Development Officers Committee in February 2013, this will additionally align well with the proposed timing of submission of the draft design of Stage 2 of the Partnership³⁰.

The second objective under Component 1 (Prepare a plan for Australia's contribution to this framework for Stage Two of the Project including in police and justice agencies) has not yet commenced. The plan will be based on the outcomes of the foundational work in Stage 1, being: support for the development of the sector strategy that is aligned with the budget process and whole of government planning and, it is hoped, with consistent agency level planning documents; development of sector and agency level capacity development plans; and completion of a baseline for the sector.

The variation of note from the design is that whilst police will be involved and consulted as part of the sector strategy and M&E, in particular, it is not anticipated that the Stage 2 design will incorporate specific support for the VPF (other than for the SPD). This variation from the stated objectives of the design results from AusAID advice following the expulsion of the Vanuatu-Australia Police Program (VAPP), and in light of the current high-level discussions between GoV and GoA on a possible re-engagement of Australian assistance to the VPF.

The Partnership has approved Grants for:

- PSO planning and capacity development retreat on 15 and 16 November; and
- SPD planning and capacity development retreat on 27-30 November.

No report has been received with respect to the PSO retreat as yet but feedback from both the adviser in the PSO and the Capacity Development Adviser who participated in the retreat is that it was effective, participatory and will result in a new plan for the office that involved all members of the PSO in its development. We have been informed that one output of the retreat was an annual plan for the PSO – its first since 2010.



PHOTO: Staff from the Public Solicitor's Office participating in the VLJP-funded Planning and Capacity Development Retreat (l – r: Rex Elong, Brian Livo)

³⁰ Being the second Stage 1 objective under Component 1 of the Partnership.

The Partnership is in the process of refining TOR for a Case and Data Management Adviser who will provide support for the progress towards a more integrated case and data management system that is hosted by the GoV and builds on the high level consultations already conducted by the Office of the Chief Information Officer. This work will provide the platform for improvement in the information management of the sector, for greater collaboration and to support better M&E. Draft TOR are attached at Annex 5. These are still being reviewed by the Judiciary which wishes to take a lead in this area.

Ensure sustained delivery of current level of legal services to the GoV and population
(Component 2, Stage 1, Objective 1)

Deliverables intended to ensure the sustained delivery of the current level of legal services to the GoV and population have included:

- Provision of a long term adviser placed within the PSO. The Adviser to the PSO commenced work in Port Vila on 10 September 2012 and has been involved in: one-on-one support and mentoring with legal officers in review of cases and preparation for trials and appeals; support for one legal officer newly placed in Tanna; strengthening of the relationship with the Community Legal Centre; in-house capacity development activities to which lawyers from other offices have been invited; and support and participation in the planning and implementation of the PSO's planning and capacity development retreat.
- Provision of a long term adviser to the SPD from 1 December 2012.
- Provision of TA for the development of a multi-year sectoral strategy for capacity development and agency level capacity development plans in line with the approach of the Public Service Commission (PSC) to be used as an effective tool by agencies in guiding future capacity development inputs.³¹ This work has started with the adviser commencing consultations with major sectoral stakeholders, agreeing an approach and a common understanding of the scope of the work with the Director-General and consultations on that approach with the HoAG through its meeting in November. The background resource document to capacity development support for the sector is attached at Annex 6.
- The PMG determined that the Partnership would continue to fund courses for staff within the public sector who had been attending courses at the University of the South Pacific (USP), for the remainder of 2013. This was because AusAID had been paying for the course fees in the interim between the cessation of VLSSP and prior to the commencement of the Partnership. The only requirement to date of those who are having their course fees paid is that they indicate that the head of their relevant agency supports their participation and that they are passing their courses. The Capacity Development Adviser will review the most appropriate approach to the support of further USP courses by the Partnership.
- The Partnership has consulted with public offices across the sector with respect to the placement of students as paralegal officers. The response has been very positive. A discussion paper³² was developed and there were further consultations regarding the details of the approach with heads of agencies, the Head of the Law School at USP, the Head of the Community Legal Clinic at USP and the USP nominated focal point.³³ Terms of reference have been developed for a locally recruited administrative support officer to assist the program, which have been approved by all parties and are currently under recruitment (Terms of Reference are annexed at Annex 9). It is hoped that the first placements would commence in the first semester of 2013 in February.

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)

³¹ Terms of reference for the Capacity Development Adviser are at Annex 7.

³² Paralegal discussion paper is at Annex 8.

³³ Joanne Fleer

Component 1 is primarily concerned with sectoral coordination and collaboration so progress with respect to (a) above is dealt with under Component 1 and (b) above under Component 2 which is primarily focused on capacity development.

c. Provincial Service Delivery

The first HoAG meeting after the commencement of the Partnership included a working group session on how participants felt that the MJCS should best prioritise the delivery of services to the provinces outside of Port Vila given the variety of known constraints. From those consultations a discussion paper was developed for consultation with the Director-General and the MJCS (Annex 10) which identified an approach that the MJCS intends to take in terms of expanding its services outside of Port Vila.

Following consultation on the discussion paper, it was agreed that the Partnership will conduct a questionnaire with key stakeholders within the sector (as outlined in the discussion paper) of the resources that the agencies currently have outside Port Vila (human and infrastructure) to map the current understanding of capacity for expansion outside of Port Vila.

It is proposed that this be conducted at the same time as the questionnaires for gathering of baseline data for components 1 and 3 under the MES so as not to overburden already busy respondents with separate inquiries. Once that information is available the Partnership would be in a position to consult further with the MJCS in terms of priority for the conduct of a provincial infrastructure assessment and needs analysis which would be available for discussion of further support under Stage 2.

Under the Grant Facility the Partnership has agreed to fund the provision of solar panels for the electrification of five Island courts to a ceiling of five million Vatu. The proposal supports the plan of the courts to strengthen access to justice by incrementally staffing provincial centres with judicial officers at the same time as improving the facilities at some specific island courts, which can then also be used during court circuits.

d. Legislation and international conventions

The Partnership's support in this area has been focussed primarily on a significant package of support to the nascent VLC. When the Partnership commenced in March 2012 the VLC was staffed by one permanent staff member, the Secretary, and its commissioners had been dismissed.³⁴ As set out in the Inception Report, the Partnership is providing transitional support to allow the VLC to recruit two of the four research officers and an administrative officer. This support will cover the first year of employment, with the expectation that the VLC will receive GoV funding at the current staff level in the 2013 budget and be able to take over the salary payments for the two current legal research officers and administrative officer. It is intended that the Partnership will continue to pay the salary of two legal research officers during 2013³⁵ so that the VLC would then be in a position to recruit the final two legal research officers and have its current full complement of staff from the beginning of 2013. This package of support is intended to bring forward the capacity of the VLC to recruit its staff, to enable it to commence fulfilling its responsibilities with respect to the review of legislation, to prevent a backlog of references and to avoid loss of faith in the institution. The need for legislative review is enormous as a result of a number of factors including inconsistencies arising from the Condominium, poor drafting, and inappropriate legislation drafted..

In addition, it provides the appropriate vehicle through which all legislative reform amendments should be channelled to ensure that there is sufficient consultation and review to enhance the consistency and appropriateness of Vanuatu's body of legislation. This process will be strengthened where technical assistance often provided to line agencies also work closely to support the work of the legal researchers of the VLC and the legal drafters of the SLO and parliamentary counsel.

³⁵ It is anticipated that the recurrent GoV budget for the two additional research officers will be provided from the commencement of 2014.

In addition, the Partnership provided a significant package of support for the health legislative review which included funding to conduct provincial consultations as well as the provision of a short term adviser to support the consultation work.

Case Study of the First Vanuatu Law Commission Legislative Review (Public Health Act)

In May 2012 the AusAID funded adviser to the Health Program approached the VLC to work in partnership for the conduct of consultations relating to the review of three key pieces of health legislation; the Health Practitioners Act, the Nurses Act and the Public Health Act; and the development of a policy paper to support the drafting instructions of the Ministry of Health (MOH).

After early consultations with the Health Adviser, a decision was made by the Secretary of the VLC to conduct a review on the Public Health Act only, as this was seen as the most pressing.

The Director of Public Health completed a reference for the VLC formally requesting the conduct of the review in the accordance with the prescribed processes of the VLC. The VLC under the Vanuatu Law Commission Act (1980) then had authority to conduct the consultations and develop the policy paper.

The partnership between the Department of Public Health and the VLC had the potential to allow two ni-Vanuatu institutions to collaborate bringing together substantive health expertise with the expertise of the law commission to review and consult on legislation. It also had the potential to bring two AusAID funded programs together to provide mutual benefits to stakeholders (and the community) as a precedent for other aid programs with a legislative reform agenda.

The TOR of the health adviser included drafting of the policy paper (as the development of her TOR preceded the establishment of the VLC) and drafting of the legislation (despite this being the role of the legislative drafters within the State Law Office). However, by the time the consultations were to take place, the VLC was in existence with authority and capacity to take carriage of the consultations and drafting of the policy paper, so that it was appropriate for the health adviser's TOR be amended to reflect the role of the new VLC. The health adviser did not accept the amendment of her TOR and elected not to continue under the new TOR.

With minimal assistance from the Environment Health Office who had been working with the health adviser,³⁶ the VLC team therefore completed: all of the preparatory work for the consultations (both substantively and logistically);³⁷ all of the consultations; and drafting of the policy paper based on the outcomes of the consultations.

*Key outputs achieved by the VLC relating to this very first (health) legislative review consultation:*³⁸

- Detailed analysis of the potential impact of the proposed amendments to the Public Health Act and the Health Services Act.
- Development of an understanding of the relevant organisational structure of the health representatives/stakeholders at Port Vila and in the provinces. Development of a methodology for the consultations within the given constraints of human, time and financial resources that were appropriate, consistent, clear, targeted and in Bislama (prior to the involvement of the VLC, the proposed inquiry was focused on Port Vila and three provincial centres and was not developed in writing (so unlikely to be consistent). It was also intended to be conducted in English and was in a form that was unlikely to elicit useful information. Accordingly there was significant value added to the quality of the consultations through the involvement of the VLC).³⁹
- Implementation of an appropriately broad and multi-faceted consultation process that involved community, experts and health workers. The detailed preparation and testing of the consultation approach by the VLC

³⁶ Ms Nellie Ham.

³⁷ At the time of the commencement of the partnership between the Department of Public Health and the Vanuatu Law Commission which commenced with a briefing, there was no detailed plan of consultations (particularly in the provinces); no organogram of health officer stakeholders in Port Vila or at the provincial or village level; there were no agreed questions; and the questions were multifaceted, leading, in English and unlikely to elicit real information.

³⁸ With the financial support of the Partnership and the technical support of the adviser.

³⁹ A schedule of consultations of the VLC is annexed at Annex 11.

substantially expanded on the depth (quality) and breadth (quantity) of consultations originally proposed by the line agency. Director, Dr. Len Tarivonda, commented that he could *'not imagine a consultation that was more thorough than the one that the VLC did.'* This will provide the VLC with a better basis on which to gauge the appropriate breadth of future consultations.

- Development of an appropriate policy paper to inform drafting instructions for the MOH.
- The first consultations have resulted in the development of a quality process guide for use by the VLC in future consultations that is intended to be a living document to be refined and updated as the experience of the VLC matures.

Outcomes and benefits:

- The methodology adopted throughout the process (including preparation for consultations, conduct of the consultations and development of the policy paper) was collaborative and the output of the VLC was significantly strengthened by a dialogical team approach. Modelling this through the health consultations has demonstrated how it can be done and the benefits of this approach.
- The legal research officers have a clear idea of how a substantial consultation on proposed legislative reform might look and a guiding time-line has been developed (see Annex 11).
- The consultation provided the VLC team with an opportunity to demonstrate and use their strengths in a very broad, multi-dimensional and complex review with numerous issues that required sensitivity, and analysis with a nuanced approach in terms of the recommendations to be put forward to the line Ministry.
- As health service delivery is a significant challenge across Vanuatu, this particular consultation provided an overview of some of the tensions and trends related to decentralisation which will help to inform future reviews, given that it is a goal across government. The team was able to develop a very good understanding of decentralisation and the complexities relating to the vision and the challenges of effective and responsible implementation, as well as developing an understanding of the validity of a complex approach that allows for a mix of full and partial decentralisation.
- The health review provided a platform that required consultation across a broad range of actors, stakeholders, interests and issues and an environment for thinking and learning in a very challenging and productive way which allowed the team to grow in their own understanding of the law in the context of Vanuatu.
- The process has resulted in a strengthening of the relationship between the MOH stakeholders and the VLC, together with recognition of the benefit and value of the VLC input in the process.
- Relevant provincial community members and health stakeholders felt that they were consulted in the implementation of a piece of legislation in which they are integrally involved (as a result of decentralisation by the MOH) for the very first time. When asked about who should make decisions about health in Vanuatu a nurse in a community on Tanna said, *'I don't know. But it is good that you have come, though. It's the first time that I've seen a group like this.'*
- Significant information not anticipated in the discussion papers/briefing of the health adviser were uncovered, particularly with respect to how decentralisation of health services is being implemented in communities.
- The activity has demonstrated the quality and skill of both newly recruited legal research officers. It also strengthened their capacity and confidence to conduct consultations related to legislative review and to do so in the future unassisted by external support. This particular review provided a very grounded perspective of the law in the context of the community in Vanuatu and provided a good overview of the law and governance in the area of health.



PHOTO: Vanuatu Law Commission (l-r: Lessy Tavala, Bertha Pakosongi, Heidi Tyedmers (Technical Adviser to VLC), Beverleigh Kanas, Bill Clarke (Australian Volunteer), Powrie Vire)

Lessons/comments:

- Provision of an adviser to the VLC whose strengths lie in facilitating collaborative and participatory engagement, with a strong commitment to mentoring, high level cross-cultural, interpersonal and communication skills together with a very strong understanding of the context in Vanuatu, was an appropriate addition to a team which has very strong legal and contextual skills.
- Maintenance of the open, consultative, collaborative approach will likely require on-going leadership and/or further external assistance. Without this, there is a danger the VLC would revert to a more familiar lawyerly approach of solo drafting of ideas for group comment. This would not produce the same level of sophistication of analysis and policy recommendations. The work of the VLC may then become shallow and vulnerable to the repetition of legislative difficulties that currently exist.
- The current weakness in capacity in the institution (including external support roles) is in the area of leading and driving a truly collaborative approach, whether that be at the top or middle management.
- The institution also suffers from the lack of higher level governance that would be provided by an engaged commission.
- The public health legislative review consultations and development of a policy paper for the MOH took 18 weeks to complete, which will guide the VLC for future consultations of this type.
- The public health legislative review consultations and development of policy paper cost AUD 27,300 (VUV 2,624,575) which can guide the VLC for the future and could potentially be broken down into a unit cost/target audience member (type) for the VLC's budget planning and monitoring as well as being a factor in the decisions about the size of future consultations and size of sample universe.
- The VLC involvement and support for the consultations improved the quality of the policy paper prepared for MOH.
- The health review provided a platform for:
 - Exploring the tensions between law as the source of authority and of guiding principles for rules in a community and the necessity to be mindful of community input – these tensions required careful exploration and analysis by the team, requiring them to consider:
 - The role of customary approaches in the law - the role of custom in Vanuatu and of custom governance.
 - Technical legal issues (for example, relating to powers in environmental health).

- Multifaceted issues relating to the context of Vanuatu, in that health is an area of regulation that impacts on every individual and yet it does so through the lens of highly diverse cultures and remote populations within a set of unique and complex government and customary structures.

e. Support to victims of crime

The primary focus of the Partnership's support for the victims of crime has been to fund all activities of SCA's Child Protection Governance Program⁴⁰ (YEPP) for the year starting July 2012. SCA has provided a progress report for the first quarter of the funding from 26 July to 31 October (Annex 12).

In summary the primary outputs⁴¹ of the SCA Child Protection annual plan to date have been:

- The design and implementation of a stakeholder baseline to measure changes in community attitudes, knowledge and practice, built into the YEPP tool.
- YEPP community implementation plans have been finalised with Tafea church leaders, provincial government and civil society stakeholders. This will feed into the MJCS Tafea pilot in 2013, to ensure consistency of approach and messaging. Memoranda of Understanding (MOU) have been signed with key stakeholders, including the Vanuatu Council of Churches, the VPF, and the MJCS to ensure accountability and mutual understanding throughout the implementation process.
- SCA in Vanuatu has developed key child protection messages with partners, and key messages, reporting and referral procedures for SCA's staff field handbook. This will ensure that staff and partners are more confident about what to say when they talk to communities and other stakeholders about child protection, and to understand what their roles and responsibilities are.
- Child protection communications and key messages have been developed through a variety of mediums such as, case studies, practical information in leaflet form about where to go for help, and the *Young Life* 'Save the Children' song and music video. The child protection messages are targeted at children, youth and adults.
- Community members, 250 children and youth participated in Children's Day child protection activities held on the 24th to the 30th July, 2012.
- Child participation in the design of the YEPP tool (Refer to Annex 12 - SCA GRM Q1 Report, *Box 3: Dedication to Quality* for details regarding YEPP methodology).
- SCA in Vanuatu developed a TOR and support plan for Provincial Child Protection Focal Points, which clearly sets out the roles and responsibilities of the child protection focal points, including stakeholder mapping for referrals in each province.
- Technical capacity building with key child protection Team staff, including child protection in Emergencies.
- Partner capacity assessment; the development of a training plan; and a schedule with key stakeholders for child protection program training to reinvigorate the child protection working group (CPWG) has been completed. SCA looks forward to working with the reinvigorated CPWG.
- A child protection internal audit was undertaken by SCA to enhance child protection processes within human resources. Additional child protection capacity building of provincial staff, including risk management training, has been scheduled for this quarter to address gaps identified during the audit.

In addition, the report notes incremental steps towards behaviour change in the area of child protection. These will be able to be assessed further following the piloting of their child protection frameworks and the YEPP tool in Tanna and Ambae in November 2012 and February 2013 respectively.

⁴⁰ (Child Protection Governance Program 2012-2016 (YEPP))

⁴¹ Set out at p8 & following of the First Quarter Progress Report.

Report on Yumi Evriwan Protektum Pikini Pilot Tanna – November 2012

- From 22 – 30 November, SCA ran a pilot of the YEPP tool in Tanna. YEPP is a participatory community planning tool drawn and developed from the globally used health tool SARAR⁴², by the SCA Vanuatu Child Protection Team. YEPP emphasises shared community responsibility as well as defined roles and responsibilities, and using picture cards and stories, enables communities to develop their own child safety plans with nominated child protection focal points. A VLJP staff member attended the first four days of the activity to monitor the program, which is being funded through the Partnership.



Photo: SCA Child Protection Team member Annie Benua taking YEPP participants through picture cards

- The pilot was conducted in conjunction with the Tafea Provincial Government. Participants were hand-picked by Tafea's Assistant Secretary-General based on their ability to become future facilitators and child protection advocates, and included: pastors and female representatives from four different churches in Tanna; members of youth groups from various islands in Tafea; chiefs; police; and representatives from the Vanuatu Women's Centre.
- The participants were taken through: the SCA Basic Child Protection Training (two days); "training of trainers" in the YEPP (three days); facilitating the YEPP in communities (one day); and review of outcomes of YEPP in the communities (one day).
- The Basic Child Protection Training was a useful starting point for the pilot, as it allowed participants to gain an understanding of "child protection". Participants outlined that child protection was a new concept for them, as they had previously undertaken training and workshops primarily focussed on child rights. The training received very positive feedback from participants, with one church representative stating that the training provided them with "*a compass to guide them in the future*".
- During the subsequent YEPP sessions, participants built on learning from the child protection workshop and used a range of different YEPP tools to identify issues, gaps and resourcing needs and how this could be fed into area (community level, including churches, local police, women and youth groups, etc.) and provincial plans.

⁴² For more information on SARAR:

<http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTPOVERTY/EXTISPM/0,,contentMDK:20193714~menuPK:415131~pagePK:148956~pIPK:216618~theSitePK:384329,00.html>

- Baseline data was captured during the workshop and is inbuilt into the YEPP tool. This was done through the use of a pocket chart (see photo below) that captures data in relation to the types of abuse experienced by participants (disaggregated into men, women, boys and girls) when they were a child in a simple and clever manner.



Photo: SCA Child Protection Team Assistant Program Manager Elizabeth Emil taking YEPP participants through the pocket chart (baseline tool)

- One of most exciting observations was that it is clear that the pilot and YEPP tool were participant owned and led. The design of YEPP tools enables them to be used and adapted in a manner that is specific to the individual group/community, which will enable the Tafea Provincial Government, with the support of SCA, to collect much more accurate community level data to be fed into higher level policies and strategies.
- It is hoped that the data gathered by those who are trained will empower them to make evidence-based decisions within their respective communities in relation to child protection matters.

Under these headings support will be provided subject to early discussions between GoA and GoV on selected issues such as family law related to progressing the rights of women, children, people with disability, the interface between formal and customary law particularly at community levels; and continuing legal education beyond specific agencies.

(Component 3, Stage 1, Objective 2)

a. Progressing the rights of women, children, people with disability

Following early discussions with AusAID, the Partnership did not provide any support to the DWA with respect to the implementation of the Family Protection Act. This decision was based primarily on advice from AusAID that significant funding had been provided by AusAID after the completion of VLSSP and remained unspent in DWA's GoV Development Fund account. It was felt that there may not, at present, be

sufficient capacity at DWA to absorb additional support until some of the current activities had been completed.⁴³

On 11 October 2012, the DWA informed stakeholders that the funding allocated for the implementation of the Family Protection Act had been spent but unfortunately no 'authorised persons' anticipated by that Act have been nominated for appointment.⁴⁴ All of the current pilots being conducted with respect to the Family Protection Act are taking place in the environs of Port Vila, yet women in remote areas stand to gain most from the implementation of this aspect of the Act.⁴⁵ There are doubtless formidable barriers to remote implementation and the Partnership considers it advisable to ensure DWA's capacity to implement its workplans before providing more funds in this area.

Through the grants facility, however, the Partnership has supported a number of agency-initiated activities (some ongoing) to promote the rights of women and people living with disabilities:

- National Gender Empowerment consultations carried out by the DWA⁴⁶
- Hosting of the Pacific Islands Women Correctional Officer's Conference (to be held in the first week of December 2012)
- VPF Women's Advisory Network Conference (to be held in December 2012)
- Disability awareness program by Disability Desk Officer (being implemented)

The Partnership Coordinator and Contract Manager attended one consultation session on National Gender Empowerment in Shefa Province and observed vigorous discussion around a range of issues affecting women, including presentations from the Director-General MJCS, the MOH and the AusAID Mama Graon program. There was involvement from a range of male and female stakeholders in the community. However, the DWA report on the national consultations did not address all of the objectives that had been agreed when the activity was approved for funding. The Partnership is consulting with the DWA to ascertain whether there is information available for which to report against all of the original objectives. This again suggests that the DWA may not yet have found a way to advance its agenda beyond awareness-raising.



PHOTO: Participants from the DWA's National Gender and Empowerment consultations in Shefa Province

⁴³ This is also taking into account that DWA is currently receives support from RRRT, UNICEF, SCA for different areas of its program.

⁴⁴ See Progressive Report on the Implementation of the Family Protection Act (Report for the period June 2011 – June 2012), produced by the DWA.

⁴⁵ This is the view of the Vanuatu Women's Centre that has been working hard to assist the implementation of the Family Protection Act and of UN Women.

⁴⁶ DWA have provided a report on their consultations in Shefa and Malampa on 27 October 2012

b. Interface between formal and customary law

At the time of the Inception Report it was determined that the Partnership would not provide any direct support during Stage 1 to policy development with respect to the interface between formal and customary law at community levels. This issue received significant focus during the design phase and, in addition, the Law and Justice Summit in January 2012 resolved that the MJCS should sponsor legislation that gives effect to the ascertainment of the relevant rules of custom and for the establishment of island and village courts to administer matters of custom with a defined role for chiefs.⁴⁷ There are a number of programs and activities that are currently working on initiatives that impact directly at the interface between the two systems of law⁴⁸ as well as some that are providing research into areas relating to that interface and customary governance structures⁴⁹ to supplement and clarify the literature that exists on the topic.

The decision not to provide support in this area in the short term has been vindicated by the recognition of the lack of capacity by the Malvatumauri National Council of Chiefs (MNCC) and Customary Land Tribunal Unit to absorb and coordinate more support and the necessity of the donors and programs to streamline their support in this area. The Kastom Governance program ceased in October 2012 and the GoV is now focusing on strategies to strengthen the administrative and managerial capacity of the both the MNCC and the Customary Land Tribunal. The Strategic Planning and Capacity Development advisers have been requested by Mr Alicita Vutikwrinavanua to provide institutional support to the MNCC and the MJCS has proposed an enhanced administrative structure for the two agencies that would support the separate functioning of both the Malvatumauri and the Customary Lands Tribunal, given their overlapping areas of interest and operation.

c. Continuing legal education (CLE) beyond specific agencies

Progress in this area has not extended beyond preliminary discussions pending recommendations by the Capacity Development Adviser after her consultations as to the gaps, opportunities and what is appropriate and sustainable within the context of the relevant offices in Vanuatu. Her recommendations regarding CLE will then also be supported by the long term advisers placed within the PSO, the SPD and possibly, at some time in the future, the PPO.

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)

M&E Outputs

Key M&E Outputs to date include:

- Conduct of an M&E thematic HoAG workshop, including participation of the Chief Justice and heads of executive branch agencies on 31 August, 2012. This workshop supported the DG's efforts to engender both a sense of interest in the usefulness of M&E and reporting, as well as a sense of how sector cohesiveness in M&E could help individual justice agencies to seek increased financial and human resources (through improved quality of evidence-based budget submissions) and to improve the quality of their reporting.

⁴⁷ That is to give effect to Articles 51 and 52 of the Constitution.

⁴⁸ Mama Graon Program, Jastis Blong Evriwan and to some extent Save the Children and UNICEF's work in mapping and community level child protection mechanisms

⁴⁹ Mama Groan Program, Vanuatu Kastom Governance Program, Jastis Blong Evriwan, Vanuatu Cultural Centre

- Development of draft TOR for a baseline survey (KAP Survey), including methodology and draft survey tool. This output included discussions with key stakeholders, including the VNSO which is expected to play a central role in the conducting the survey as well as the USP (for participation in an Ethics Committee). The KAP Survey, together with the capacity assessment and tailored exploration of topics relevant to Component 1 and Component 3 of the Partnership, will provide a rich baseline for the sector and the program. The VNSO has confirmed its availability to conduct the survey in the first quarter of 2013.⁵⁰
- A draft MES for the Sector was initiated, including discussions with stakeholders about indicators. Discussions focussed on a small number of key indicators at two levels – agency and sector – which would help to generate data which would be useful both to individual justice agencies and for a sector perspective. As dialogue with the HoAG (and now the Task Force) is ongoing and vibrant, this remains an emerging area which the Partnership will support. It is expected that further clarity about the MES will emerge once development of the Sector Strategic Plan has advanced to a point where discussing indicators makes sense. The Sector's MES will need to monitor implementation of the Sector Plan/Strategy. Ideally, the Sector MES would, in addition to supporting individual justice agencies' production of annual plans, also support the Sector to produce an annual performance report.⁵¹ Key cross-sector indicators to be explored with the sector include:

- Component 1: Service delivery improvements attributable to sector-wide consultation (e.g. establishment of standardised case throughput/cost measures).
- Component 2: Service delivery improvements attributable to improved levels of knowledge, attitudes and practices as a result of capacity development activities.
- Component 3: Service delivery improvements attributable to improved quality and quantity of evidence used in budget submissions.

Finalisation of the MES will also include a meaningful monitoring plan, which identifies the type of information to be collected, together with responsibility for its collection. It is anticipated that the soon to be recruited Monitoring Officer, who will be based at the MJCS, will play an important role in supporting the work of the Sector's M&E Working Group (MEWG)⁵² activities (information analysis and facilitation of monitoring activities across the sector).

- A preliminary MES for the Partnership has also been compiled, including draft indicators for the Partnership. This is to be further advanced in coming weeks with a view to a small set of meaningful indicators being agreed within the Partnership in the coming weeks. The MES will also monitor significant risks, feeding information to the Partnership.

Inhibiting factors

Key factors inhibiting advancement on M&E include the generally low level of available skills and priority within the sector for collection and analysis of data. Resource levels throughout the sector also impact adversely on justice agencies' ability and willingness to engage in M&E activities. A clear vision of how M&E on a sector-wide basis can assist individual sector agencies to improve service delivery levels is only now emerging with support from the PMO's M&E Unit and the Director-General's active promotion of the concept. Finally, the absence of sound service delivery data (baseline) for the sector inhibits individual justice agencies and the sector from: (i) identifying the gap between the level of service delivery required to meet demand and actual levels of service delivery; (ii) identifying practical solutions/activities to bridge this gap; (iii) costing the practical solutions; (iv) successfully lobbying government through budget submissions to fund improvements in service delivery; and (v) implementing practical solutions/activities to bridge this gap (improvements in service delivery). As mentioned above, the planned KAP survey has the potential to provide a significant contribution to filling some of these information gaps.

⁵⁰ Discussions with the Head of VNSO on 22 November, 2012 confirmed that VNSO has received notification of a delay in the implementation of a large health survey originally scheduled for the first quarter of 2013.

⁵¹ It is suggested that an annual Sector Performance Report could be produced for 2013. Production would take place at the beginning of 2014.

⁵² The MEWG is a process sponsored by the Prime Minister's Office's Monitoring and Evaluation Unit.

The current M&E Adviser has resigned from his position, but the Partnership has identified a replacement which it will propose to AusAID for approval as soon as the current contract amendment has been approved, so that there can be a smooth handover during the end of 2012 / beginning of 2013.

6. Variation from the Inception Report or Design

The workplan has been delivered generally in accordance with the design and plan set out in the Inception Report of May 2012 other than as listed below:

Delay

a. Recruitment

The pace of recruitment of the technical advisers has been slower than anticipated. This is a result of the time taken to conduct tripartite recruitment processes⁵³ at every stage, as well as the occasional involvement of other offices in some recruitment processes where appropriate.⁵⁴ On occasion consultation on TOR with a number of offices has been required to ensure consistency with the broader GoV agenda, which has also significantly extended the process but has yielded important benefits both in the refinement of the TOR and the engagement of appropriate stakeholders.⁵⁵

The delay in the recruitment of the Capacity Development Adviser and the Strategic Planning Adviser had implications for the time by which it was possible to refine the sector strategy and hence design Stage 2 of the Partnership. However, this was only one amongst a number of reasons, including the impact of elections in Vanuatu, why the extension of Stage 1 is being recommended (see Annex 2).

b. Recruitment of specific positions

Adviser to the Public Prosecutor's Officer: Recruitment of the long term adviser for the PPO was delayed twice and ultimately suspended indefinitely on the advice of the Director-General as a result of the concerns regarding the leadership and management of that office and the difficulty that might pose in placing an AusAID-funded legal adviser within the office.

Suspension of the recruitment of this adviser has implications for the ability of the program to provide ongoing in-house capacity development to lawyers of that office (although they are informally invited to training being conducted within the PSO) as well as strategies for strengthening the systems and processes of the office.

Adviser to the State Prosecutions Department: Recruitment has been delayed as a result of the necessity of engaging in a second recruitment round. Once a candidate had been selected there was some additional delay as a result of the suspension of the current head of the SPD. The PMG needed to satisfy itself that it was still appropriate to proceed with the placement of an adviser within that office despite the suspension of the current head of the agency who had been integrally involved in all consultations and the recruitment process to date. It was determined by the PMG that it was still appropriate to proceed with the placement under the current acting Head of the SPD.⁵⁶

The delay in the recruitment of this adviser to the SPD has meant to that the Partnership has not been able to commence some of the institutional specific capacity development envisaged in the TOR for the position and that this work will be delayed until 2013 as the incumbent will be commencing work on 1 December

⁵³ Involving counterparts, AusAID and GRM International Pty Ltd

⁵⁴ For example the PMO, Monitoring and Evaluation Unit were involved in the recruitment processes for the Monitoring Officer

⁵⁵ For example the TOR for the case and data management adviser has been reviewed and amended by MJCS, AusAID, Office of the Chief Information Officer and is currently with the Judiciary

⁵⁶ This was then followed by some contractual considerations as the candidate's time in country would be less than 6 months which caused further delay during consultation with AusAID.

2012. This is unlikely to have a significant impact on the program if Stage 1 is extended, as there will still be the opportunity to complete the work envisaged in the TOR.

Monitoring Officer: The locally recruited monitoring officer position has also been difficult to fill. The Partnership engaged in two unsuccessful open recruitment rounds and is currently receiving curriculum vitae from direct referrals. This position remains unfilled. This has meant that the M&E Adviser has not had a counterpart with whom to work and build capacity in-country. The Partnership is hopeful that it will find someone soon even if without specific M&E skills and experience but with potential capacity to fulfil this role.

c. Donor coordination

Strengthened support for donor coordination is awaiting refinement of the sector strategy, on the basis of the advice of the Director-General that the sector strategy is the current focus and it will be easier for donors and programs to align with the priorities of the sector once the sector strategy work is completed. Until that time, donors and programs are kept informed of the activities of the program and sector on an individual basis as well as being invited to attend HoAG meetings where the Director-General deems it appropriate. It is proposed that greater support be provided in this area post March 2013 when the sector strategy will be sufficiently refined to provide guidance to the donors. The Partnership is interested in investigating further the possibility for a web-based self-reporting system for donors, given the strength and capacity of the GoV, Office of the Chief Information Officer.

Variation from plan

a. Development Fund

In the Inception Report it was proposed that the Partnership use the GoV Development Fund where possible and, in particular, for the grants facility when funding public offices. The reason for this was to use and strengthen GoV systems and allow the MJCS to have more direct oversight of the aid funds being provided to the sector. The Director-General has indicated that he would prefer all funding to government agencies by donors to go through the GoV Development Fund. This remains the ambition of the program. AusAID requires there to be a Fiduciary Risk Assessment (FRA) of the sector before the GoV Development Fund can be used. It has requested that the Partnership manage the contracting and implementation of the FRA for which additional funds will be required. The Partnership will commence preparation for contracting and implementation of the FRA as soon as the extension contract amendment is finalised, with the aim of completing it prior to the commencement of Stage 2. Until that time it will not be possible for the Partnership to use the GoV Development Fund. Instead activities will require ongoing direct funding.

b. Diversion

The Partnership received an application from the PPO for a grant to support diversion of first time and petty offenders from custodial sentences in May 2012. When additional refinement and consultation was suggested with respect to the application, the PPO did not proceed with the proposal. Given the importance, the level of cross-sectoral coordination and the necessity for sustainable outcomes, the Partnership feels it appropriate that this activity be driven by ni-Vanuatu stakeholders (rather than the Partnership). Until recently no further action was taken. In September 2012, the issue of diversion was taken up by the SPD. Again the proposal needs further consultation and refinement, however, the Partnership may fund preparatory activities during Stage 1 with the intention of providing greater support in this area over stage 2. NZAID has indicated an interest in providing funding given the proposed links with the probation network. The recent Detainee Census provided by the Vanuatu Correctional Service (Annex 13) indicates that serious offenders currently in detention were all detained at a slightly younger age than the rest of the prison population and all first came to prison on very minor property or drug offences. In addition to any economic argument, this provides an incentive for diverting young first time offenders from custodial sentences where appropriate.

c. Joint funded UNICEF Tanna pilot for Child Protection

At the time of the commencement of the Partnership in March 2012, a consultant to UNICEF had completed a mapping of the stakeholders that currently existed on the ground in Vanuatu and which might be mobilised to assist in the development of a protective framework for children at the community level.⁵⁷ The work of this consultant led to a recommendation that there be a piloting of this approach at three sites (one in Erromango and two in Tanna) for appropriately one year. UNICEF did not have sufficient available funds to implement the pilots for more than six months and was therefore seeking matched funding to be able to run the pilots for a full year. The Partnership therefore included matched funding of these pilots within its Inception Report workplan budget. The activity was being driven by the Child Protection Officer within the DWA and stakeholders in the province whilst being funded by UNICEF for six months. .

However, the Child Protection Officer position funded by UNICEF and located within DWA came to an end in June 2012 and was not renewed by UNICEF on the basis that the GoV had agreed to absorb that position into its establishment positions but had not done so. The reasons for the post not being approved as an establishment post are unclear. Either it was not approved because the position description and level too closely replicated that of the Child Desk Officer in the view of the PSC, or the Director of DWA did not advocate continuation of the position. In the absence of a Child Protection Officer within the DWA and with significant delay in the availability of UNICEF funding, momentum on the progress of the implementation of the Tanna pilots waned. Simultaneously, the Child Protection Working Group (which was an informal group of GoV, non-government and other participants) which had generated some momentum and support, also stopped meeting, apparently at the request of the DWA Director, on the basis that it needed to be properly constituted and formally appointed.

Under these circumstances, implementation of the proposed pilots in Tanna and Erromango did not progress. UNICEF instead provided funding to SCA to strengthen the activities that SCA were supporting in parallel, namely: to strengthen child protection in Tanna, being the churches partnership pilot; and development and piloting of the YEPP community engagement tool, which are going ahead. These activities, although more strongly driven by local stakeholders in Tanna, will also be piloted in Ambae where it has been driven by strong engagement between the SCA local staff in Ambae and the communities. Accordingly, the proposed joint funding from the Partnership for the piloting originally proposed by UNICEF, is no longer required and is available for reallocation to other priorities within the Inception Report workplan.

7. Planned inputs

Under **Component 1** the remaining planned inputs are to complete the TOR of the Strategic Planning Adviser (which are to be completed by end May 2013), who is to support the development of a Sector Strategy and the iterative process of the development of the agency level planning documents that are aligned with the sector strategy where this is needed.

The Strategic Planning Adviser is working to the following timeline for the development of the sector strategy:

February 2013	• submission to the Development Committee of Officers
March 2013	• submission to the Council of Ministers
	• finalisation of the narrative budget submission
	• related PAA guidelines (longer term and quantitative) and PLAS targets (shorter term and more qualitative) will be adjusted at the same time, ensuring a seamless consistency between planning and budget processes at Ministry, PMO and Finance levels
May 2013	• Prime Minister's Office requires a first draft of the Ministry Corporate Plan

⁵⁷ Mapping Report Informal and Formal Systems to Protect Children in Vanuatu

Support to offices developing their own corporate, business and annual plans will continue during and after the development of the sector strategy with the support of the Strategic Planning Adviser.

The Budget Adviser has been interviewed and selected and is to commence early in 2013 to support the work of the Strategic Planning Adviser in terms of costing the sector strategy and agency plans.

By the end of stage 1 (end 2013), the Partnership is on target to have provided support to the GoV to assist it *'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.'*

In addition, the Partnership is recruiting a Case and Data Management Adviser at the commencement of 2013 whose TOR require the provision of:

- recommendations for an appropriate process for moving the sector incrementally over time towards an integrated case and data management system based on a computerised, cross-agency, streamlined law and justice case management platform by way of a high level business case (suitable for submission to donors).
- TOR for a follow-on detailed requirements analysis project to be undertaken by a specialized firm; and planning/scoping effort and procurement documentation required to fulfil the recommendations proposed for the process towards a computerised, cross-agency, streamlined law and justice case management platform, if the recommendations are accepted both by the MJCS and the Office of the Chief Information Officer (OCIO).

This work will support the collaboration of the sector and strengthen its capacity both in terms of case and information management, but also in the collection of appropriate information and statistics to support monitoring, planning, budgeting and evaluation.

Under **Component 2** the target outcome is to *ensure sustained delivery of current level of legal services to the GoV and population*. The level of services of some institutions has increased since the commencement of the Partnership, whilst others have fallen. The planned inputs of the Partnership focus on the development of the tools to assess current service delivery and then build that service delivery over time. The Capacity Development Adviser will be responsible through implementation of her TOR by end of May 2013, which will support development of a sector capacity development plan and agency specific capacity development plans. The assessment of capacity will also be supported by the KAP survey to be conducted as part of the M&E Plan (Annex 4).

The long term Advisers for the PSO and SPD will be in their positions for a proposed 12 month period with an internal review at that point and will have supported the maintenance and some enhancement of service delivery of those agencies working collaboratively to support the sector priorities, particularly with respect to capacity development consistent with the plans developed by the Capacity Development Adviser.

Design and piloting of a leadership and management program over the second half of 2013 will start to strengthen capacity in this area, which will have small incremental impacts on the delivery of services by the agencies over time.

Implementation of the student paralegal program will strengthen the links between public offices and provide a source of potential recruitment of legal officers for the public offices, as well as providing students with an opportunity for the development of practical legal skills.

Under **Component 3** the partnership target outcome is to *'enhance understanding about key legal issues to inform policy development'* and the Partnership will continue to support provincial service delivery, legislative review (including in specific areas) and child protection, while seeking to increase support around the interface of custom and formal law and diversion from custody for juvenile and first time offenders. In 2013 the partnership will identify the most appropriate support for the Partnership to provide with respect to responding to gender based violence, given the number of other stakeholders in this space, the capacity of potential partners, MJCS priorities and how the Partnership might best provide support.

The program will progress the assessment of current resources and capacity for provincial service delivery with follow-on infrastructure needs assessment based on the sector's agreed priorities for service delivery outside Port Vila.

Legislative review and reform will continue to be supported through Stage 1 by support to the VLC both through the provision of staff on its establishment and through strategic support of consultations referred to it. This may also include the review of the current body of family law.

Children as victims of crime will be supported through Save the Children's program of support in partnership with the MJCS. The Partnership will progress support for diversion from custody for juveniles and first time offenders. This is being initiated through the SPD as well as identifying how best the program might develop its support for clarification of the interface between customary and formal law in Stage 2, with the support of the Capacity Development Adviser and the Strategic Planning Adviser.

Through progressive implementation of the draft M&E plan (Annex 4) by the M&E Adviser and the Monitoring Officer supporting the MJCS and agencies within the sector, the Partnership is on track to achieve the implementation of a '*sector wide monitoring system developed to enable GoV and partners to monitor progress and assess sector-wide achievements.*' The Partnership is planning to conduct four or so case studies which will feed into the design of stage 2, support the monitoring and evaluation framework and provide some analysis of key issues such as women's engagement with the justice system – formal and informal - and young offenders' interaction with the sector.

8. Budget

Annexed to this report are the following tables for VLJP:

- Financial Summary (period 1 March 2012 - 5 June 2013) based on the "Schedule 2 – Basis of Payment" within the current Head Contract (Annex 14); and
- Financial Summary (period 1 March 2012 - 5 June 2013) based on the upcoming Deed of Amendment No. 2 (DOA2) to "Schedule 2 – Basis of Payment" within the current Head Contract (Annex 15).

Deed of Amendment 2 – Budget changes

DOA2 includes significant changes in the Basis of Payment in the VLJP Head Contract. These changes are as follows:

- VLJP has engaged/is planning to engage additional TA in line with the AusAID approved VLJP Inception Report. The cost of the additional TA and their associated adviser support and operational expenses have been drawn from Table 8 – Program Activity Costs.
- An additional AUD 379,336.00 was added to the original program budget (Table 8) in order for VLJP to facilitate the management of the Save the Children Child Protection Pilot Project.
- The GRM Management Fee (which includes payments linked to Program Management Milestones and Contractor Performance Assessments [Schedule 2, Clause 2.3 Head Contract]) has increased due to the inclusion of additional TA and an increase in the total contract value.

Budget Underspend

Table 3: Long Term Adviser Costs

- As outlined in the in the report above, there have been substantial challenges and delays in the recruitment of advisers to the SPD and PPO. This has led to a significant underspend of funds for LTA Costs. DOA2, submitted to AusAID in October 2012, has sought to minimise the underspend by reducing the number of

input months for all LTA positions. This reduction in inputs was based on what VLJP anticipated actual inputs to be at the time of submission of DOA2.

- DOA2 also includes the additional expense of two TAs – Strategic Planning Adviser and Capacity Development Adviser.

Table 4: Short Term Adviser Costs

- There is minimal overspend in Table 4. DOA2 includes an increase in budget due to additional Short Term Adviser personnel.

Table 5: Other Personnel Costs (locally engaged personnel)

- There is substantial underspend in Table 5 in relation to the Monitoring Officer role. The role has proved to be very challenging to recruit. VLJP has undertaken two open recruitment rounds (May and September 2012), and we have not yet been able to find a suitable candidate. VLJP has now adopted a Direct Recruitment Strategy and is currently in the process of assessing a number of promising candidates. DOA2 has again sought to minimise the underspend by reducing the number of input months for the role.

Table 6: Adviser Support Costs

- Linked to the underspend in Table 2 is underspend in Housing Costs in Table 6. This underspend is due to the delays and temporary suspension of recruitment for a number of the LTA roles. DOA2 has again sought to minimise the underspend by reducing the number of input months for the role. The total cost of Adviser Support Costs has risen in DOA2 due to the increase in TA.

Table 7: Operational Costs

- There is minimal overspend on line items in Table 7. DOA2 has increased the total cost under some line items in line with the increase in TA.

Table 8: Program Activity Costs

- In the current Head Contract, there is significant underspend in Component 3. A substantial portion of this underspend has been transferred out of Table 8, into tables relating to additional TA in DOA2. As stated previously, there is an additional AUD 379,336.00 added to Table 8 for the Save the Children project.
- In DOA2 there is also significant underspend in relation to Components 1 and 3. VLJP is currently not funding program activities, including grants, at a rate that will enable us to spend the allocated funds before 5 June, 2013. VLJP anticipates that all current underspend contained within the DOA2 budget will be rolled over into the proposed VLJP contract extension to 31 December, 2013. This additional time will enable VLJP to undertake a range of additional program activities to expend the funds including:
 - Paralegal pilot program – estimated cost AUD8,500
 - Leadership Course – estimated cost AUD12,344
 - Further support to the Vanuatu Law Commission – estimated cost AUD75,000
 - Support to the MNCC – estimated cost AUD20,000
 - Fiduciary Risk Assessment – estimated cost AUD200,000

9. Staffing and Human Resource Management

Since March 2012, the Partnership has successfully recruited individuals for the following roles:

- Technical Adviser to the VLC (Health Legislation Review)
- Adviser to the PSO
- Strategic Planning Adviser

- Capacity Development Adviser
- Adviser to the SPD (beginning 1 December 2012)
- Ongoing recruitment processes include:
 - Budget Adviser (preferred applicant selected, awaiting contracting process)
 - Monitoring Officer (potential candidates identified through targeted recruitment process)
 - Case and Data Management Adviser (TOR being finalised by the Judiciary)
 - Paralegal Support Officer (TOR finalised, recruitment to begin before end of 2012)
- Possible upcoming recruitment from January 2013 if stakeholder plans become sufficiently developed:
 - Service Delivery Adviser
 - Infrastructure Adviser

10. Management & Implementation systems

There are two pending Deeds of Amendment to the Head Contract between GRM International and AusAID. The main purpose of DOA2 was to include all additional personnel (internationally and locally engaged) that were approved as part of the Inception Report, in the appropriate tables within the Basis of Payment. This amendment will ensure that all expenditure in relation to these additional personnel is clear and transparent. The final DOA2 was submitted to AusAID on 22 October, 2012 and at the time of writing this report, DOA2 was with AusAID pending appropriate approvals. The implications of DOA2 not being finalised is that all expenditure against additional TA (salary, support costs etc.) is not able to be reflected in financial information (including invoices) submitted to AusAID. Furthermore, this also creates a level of uncertainty for GRM and the Partnership as the contract extension cannot be progressed and finalised until DOA2 is signed off by both parties. This has in turn led to the Partnership not being able to provide stakeholders and advisers with a clear picture of how Stage 1 will progress.

The second amendment relates to the proposed Head Contract extension to 31 December 2013. This proposed amendment will extend the inputs of core long term personnel (internationally and locally engaged) and the M&E Specialist. The proposed amendment also includes some additional AusAID approved program activities, including a fiduciary risk assessment of the Sector and the KAP survey. Additionally, it has been recognised by the Partnership and AusAID post that the Contract Manager position should be a long-term position. Therefore, this amendment moves the role from short term to long term from 5 June - 31 December 2013. Justifications for the extension are listed in Annex 2.

11. Risk Management

The table and narrative below are intended to build on the Risk Management Matrix (Annex 16) submitted with the Inception report by highlighting risks of particular significance or where changes in the context require comment or renewed assessment of those risks.⁵⁸

Risks	Risk Treatment	Risk Monitoring
Re-enlivening of VAPP	Work with AusAID, VPF and sector stakeholders to ensure that sector planning contemplates VPF priorities and that any donor support is synchronised. Relationships with AFP and NZ Police built to maximise synchronicity and alignment.	Partnership Coordinator and Strategic Planning Adviser advise on degree of synchronicity of VPF priorities with Sector.
Insufficient numbers of	Capacity Development Adviser's work to	Partnership Coordinator and

⁵⁸ In accordance with the ECB Progress Report standard of highlighting 3-4 risks worthy of mention since the last assessment.

skilled ni-Vanuatu lawyers and middle management, leadership within public sector	target recruitment and retention, as well as immediate financial management and HRM management priorities.	Capacity Development Adviser advise on progress in addressing middle management resourcing (recruitment and retention).
Vulnerable persons will not benefit from improved services if not specifically contemplated in Partnership activities	Supporting DWA's development of a gender empowerment policy and an awareness program for DWA's Disability Desk, and funding a regional conference for female corrections officers. Strengthening capacity of DWA to translate policy into action and supporting the strengthening of links between the GoV and its NGO partners, building on the work of the Strategic Planning Adviser and Capacity Development Adviser.	Partnership Coordinator and Capacity Development Adviser.
Significant sections of the population not supported by Partnership due to Port Vila-focus.	Service delivery beyond Port Vila central to Sector priorities and will be included in baseline.	Partnership Coordinator and M&E Adviser advise.

The highest level current risk⁵⁹ was the potential change of the current Director-General as a result of the recent elections. This is a slightly different risk from the one that was envisaged in the Risk Management Matrix that anticipated a possible change of government resulting negatively on the priorities of the Partnership.

Prior to the elections, whilst the GoV may not have been overly receptive to foreign engagement, this had little direct impact on the Partnership in the context of a very supportive Director-General and a sympathetic Minister.⁶⁰ However, prior to the elections legislation was passed⁶¹ that changed the basis for the recruitment and employment of the Directors General. Directors General were required to apply for their positions and will sign contracts for the four year term of government with the Prime Minister.⁶² The Director-General has now been reappointed by the GoV.

Given the nature of the design of the Partnership which requires it to work very closely with a Ministry that has defined its priorities through a sector strategy; supporting its strengthening of collaboration and coordination; supporting its capacity development priorities across the sector; and providing better tools for evidenced based decision making at the sectoral level; a change of Director-General to one less experienced and capable and less engaged will have a very significant impact on the progress of the Partnership.

Both the sector and the Partnership sought to mitigate the impact of the change of leadership by the establishment of processes for the continued engagement of the sector through the HoAG and the Task Force that was endorsed at the last HoAG meeting to progress the refinement of the sector strategy and to engage on other sectoral priorities identified by the group. Leaders within the sector will assist in maintaining the direction and momentum.

⁵⁹ Which was envisaged in the Risk Management Matrix (Inception Report May 2012).

⁶⁰ Hon. Minister Charlot Salwai.

⁶¹ It was passed by parliament in October 2011, then was before the courts until August 2012 for determination of a challenge that was not successful.

⁶² Being the Minister responsible for the Public Service Commission.

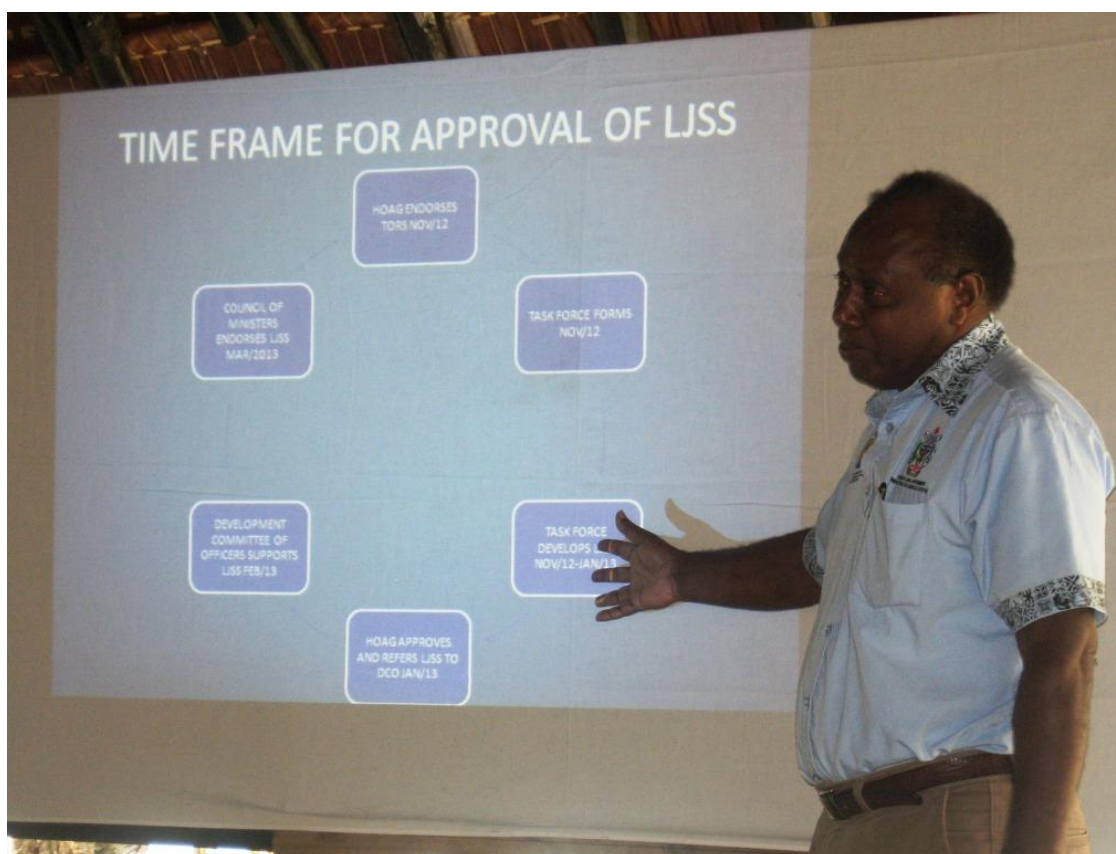


PHOTO: Director-General Mark Bebe giving a presentation on the upcoming Law and Justice Sector Strategy

Inconsistency in approach by the VAPP and the Partnership was a specific risk identified at the time of the Inception Report. Communication with the VAPP commenced well and the Partnership Coordinator was invited and participated in a number of collaborative meetings with VAPP and the VPF⁶³, however in only just over a month of the Partnership Coordinator being in Vanuatu, the VAPP advisers were expelled from the country and the program closed down. This naturally reduces the risk of possible inconsistency but has also closed avenues of communication with respect to support to the VPF. Since the closure of VAPP, the only significant interface with the VPF relates to the SPD and the participation of police representatives at the HoAG meetings. A related element of this risk is that any re-design and re-enlivenment of VAPP needs to synchronise with the emerging sector cohesiveness. While VPF was represented at the HoAG meeting, GoA would need to ensure that Australian Federal Police-AusAID relationship supports synchronicity and cohesiveness within the Sector. Given the timing of re-enlivenment of any future VAPP-style program, it would be important to ensure that its efforts fall into line with the state of advancement of the Sector's planning.

There are three further risks identified in the Risk Management Matrix that are worthy of specific note, in that those risks exist but are also areas that the Partnership is working in and should specifically be targeting support.

Firstly, there are insufficient numbers of skilled ni-Vanuatu lawyers and middle management, leadership within the public sector.⁶⁴ The Partnership has recruited a Capacity Development Adviser who is focusing on development of three to five year capacity development plans for the sector and agencies which will consider skills development in addition to leadership and management within the sector. The Partnership is also supporting the implementation, in partnership with the USP School of Law, of a paralegal student placement program with the public law offices as a way of encouraging recruitment into those offices at completion of law degrees.

⁶³ This related specifically to planning for the Multi Agency Patrols led by the Family Protection Unit within the Vanuatu Police Force.

⁶⁴ Risk Management Matrix Inception Report

Secondly, there is a risk that vulnerable persons will not benefit from improved services if not specifically contemplated in Partnership activities. The Partnership has provided significant support to the DWA for the development of its gender empowerment policy and is supporting an awareness program for the Disability Desk within the DWA. Additionally, the Partnership is funding the hosting of the regional conference for female corrections officers of the region is an effort to improve the working conditions of women working within corrections. The organising committee has determined that it will focus on three particular areas: access of women to promotion; access of women to capacity development opportunities; and sexual harassment in the workplace. These isolated inputs will be developed into more strategic support which involves strengthening the capacity of DWA to translate policy into action and supporting the strengthening of links between the GoV and its NGO partners that builds on the work of the Strategic Planning Adviser and Capacity Development Adviser.

Thirdly, the risk that support of program does not reach beyond Port Vila. The increase of service delivery beyond Port Vila remains a very clearly articulated priority of the MJCS and of the agencies within the sector to which the Partnership intends to provide support.⁶⁵

⁶⁵ Inception report, section 5.3(iv)