

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

VLJP PROGRESS REPORT

SEPTEMBER 2013

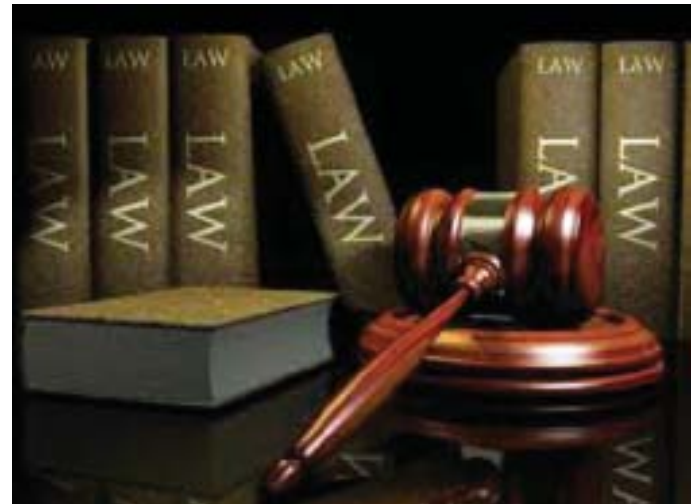


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Table of Acronyms

| | |
|----------------|--|
| 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 |
| FWCC | Fiji Women’s Crisis Centre |
| GRM | GRM International Pty Ltd |
| HOAG | Heads of Agency Group |
| ISP | Implementing Service Provider |
| JCSSS | Justice and Community Services Sector Strategy |
| 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 |
| OGCIO | 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 |
| SRBJ | Stretem Rod Blong Jastis Partnership |
| TA | Technical Advisers |
| 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

Relevance

The Government of Vanuatu (GoV) has amended the vision and mission statements for the sector as articulated in the approved Justice and Community Services Sector Strategy (JCSSS). However, the key element contained in both the vision and mission statements of the GoV is the need to improve service delivery by justice providers. The amended vision and mission statements are reflected in the SRBJ program goal and objective, (which align with the vision and mission of GoV) and reflect the high level outcomes to which the Government of Australia is contributing through the *Stretem Rod Blong Jastis* Partnership (SRBJ).

Despite the high level amendments, the outcome targets for Stage 1 remain relevant to the needs of the beneficiaries up to the end of Stage 1 on 31 December 2013. Thereafter, SRBJ intends to sharpen its thematic focus on improving the responsiveness of the justice and community services sector to the needs of children, women and youth. Refinement of the outcome targets is not necessary at this time given the program: is approaching the completion of stage 1; is likely to complete most target outcomes for stage 1; and the foundational deliverables with respect to planning, capacity development and monitoring and evaluation (set out in section 5 below) remain fundamental to the work of Stage 2 as proposed in the SRBJ Stage 2 Draft Design¹.

Progress, reach and coverage

Below is a table that summarises progress towards sustained outcomes. A more detailed version of this table appears in Section 4 below.

| Item | End of 2013 Outcome Targets | Progress to date (key achievements) ² |
|--|---|---|
| Vision Jastis, sefti, digniti, respek mo gud fasin blong evriwan. | Sector supported to commence drafting sector strategy that contemplates professionalism, competencies and accountability mechanisms for service delivery to children, women and people with disabilities. | <ul style="list-style-type: none">JCSSS has been completed and approved by HOAG and COM in May 2014Action planning and implementation of the JCSSS is to commence in October 2013. Action plans for 2014 are to be completed and shared with donors by December 2013 |
| Mission for all justice services to promote justice and provide fair and equitable services to meet the needs of the | Justice Agencies supported to identify improvements in service delivery through synchronised corporate and annual business planning. | <ul style="list-style-type: none">Agencies were supported in annual and business planning for 2013 and 2014 (including planning process and approach, monitoring, costing and budget narratives)Completion of all agency 2014 Business plans |

¹ Currently with AusAID and GoV stakeholders for consideration and to support design of aligned suite of activities to support the VPF.

² Greater detail is provided in the table set out in Section 4.

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| community, the rule of law and the protection of human rights | | |
| Component 1: Support for Sector Coordination including Donor Coordination | <ul style="list-style-type: none"> •GoV identifies and documents processes for prioritising, planning, costing and reporting on strategy. •Completion of JCSSS •Case and data management work supports provision of some baseline •GoV approves an approach to support the implementation of the sector strategy over 2014-16. •Each Justice Agency has completed 2013 Business and annual plans reflecting sector strategy priorities and using available baseline data. •Indicative costed implementation plans for each of the eight JCSSS strategies for 2014. | <ul style="list-style-type: none"> •Continued engagement across the sector since progress report of November 2012 including: <ul style="list-style-type: none"> ○ Active support for refinement and finalisation of JCSSS; ○ Continued attendance and participation at the HoAG meetings; ○ Active engagement in the cross sector work by the Task Force ○ Receptive to the support of the cross sector advisers being the Strategic Planning Adviser, the M&E Specialist, the Monitoring Officer, the Budget Adviser and the Capacity Development Adviser. •Support for all agency budget narratives for 2013 & 2014 •Completion of a draft Ministry Corporate Plan for approval by the new Director General and Minister. •MEF significantly aligned with GoV processes |
| Component 2: Capacity Development | <ul style="list-style-type: none"> •Capacity assessment and development framework developed and approved. •Capacity assessment framework implemented •Capacity development plan for sector drafted. | <ul style="list-style-type: none"> •Capacity assessment methodology developed and approved by former Director General and HOAG. •Individual capacity assessment completed with samples across the sector. •Institutional capacity assessments completed and validated with agencies across the sector. •Institutional capacity assessment report completed and presented to HOAG. •An initial capacity assessment and plan completed for lawyers across the sector. •Capacity Development plan being drafted for coordination across the sector. |
| 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"> •Further KAP preparation intended for the remainder of 2013. •Review of the Dangerous Drugs legislation by the VLC is almost complete and review of 3 pieces of legislation is intended to be completed before the end of 2013. •Support for SCA has allowed for the piloting of approaches at community and provincial levels that build on existing systems and structures while at the same time seeking to build relationships and capacity at the national level. •Support for the grants facility has resulted in the funding of a variety of activities that are aligned |

| | | |
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| | | with the objectives of the SRBJ and are agency-driven initiatives. |
| | <ul style="list-style-type: none"> •Justice Agencies forward information requested in MEF 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). •Reporting to PMO M&E unit by MJCS and agencies still patchy. •Stage 1 MEF completed and being implemented. •Stage 1 MEF aligned with GoV M&E reporting requirements. |

Overall the progress towards end of program targets is assessed as sufficient to achieve the intended outcomes by 2013 which will provide a solid foundation for the second stage of the program. The only significant area that is currently behind schedule is the preparation for the KAP survey intended to be implemented in Stage 2.

The reach and coverage of key outputs has been predominantly Port Vila focused. This is a result of the fact that a substantial amount of the work has supported the sector’s capacity to collaborate, coordinate, communicate, plan and gather its own evidence base. It is the intent of stage 2, based on the evidence gathered and the planning completed during stage 1, to increasingly support service delivery outside Port Vila whilst supporting strengthened capacity for evidence-based decision making and policy development at the national level.

Current Risks

The nature of the design of SRBJ 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; so a change of Director-General could have a significant impact on the progress of the Partnership.

However, both the sector and SRBJ have sought to mitigate the impact of lack of consistent leadership at the MJCS through the establishment of mechanisms able to continue engagement in cross sector issues under the overall governance of the HOAG.

Inconsistency in the approach by the VAPP and the SRBJ was a specific risk identified at the time of the Inception Report. Regular and effective communication with the VAPP has recommenced following the return of VAPP to Vanuatu. The initiative of AusAID to align the design of VAPP and SRBJ in the next phase of both programs is welcomed and mitigates this identified risk. It is additionally of significant importance given the cross cutting nature of the priority strategies of the sector that police are supported in an coordinated and integrated way with the other support to the sector.

Additional program level risks are set out in a risk management plan in Section 10 below.

1. Introduction

This eighteen month progress report is submitted in accordance with the deliverable set out in the contract extension granted to the *Stretem Rod Blong Jastis* Partnership (SRBJ), managed by GRM International Pty Ltd (GRM), on 30 May 2013 which extended the contract to 31 December 2013. This progress report is intended to build on and not repeat the progress reported on in the Progress Report of November 2012 (Annex 1).

2. Contextual background

Enhancing factors

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

SRBJ continued to benefit from the proactive leadership of the former Director-General, MJCS,³ who had a good understanding of the program and a vision for the progress of the sector that is service orientated and integrated between December 2012 to July 2013. His leadership has been instrumental in the nomination and approval of the Task Force, tasked to develop the Justice and Community Services Sector Strategy (JCSSS) as well as supporting and facilitating its work in refining the JCSSS. SRBJ continued to maintain good relations with the Director-General until his removal from office on 9 August 2013. The program is now building a relationship of trust and understanding with the new Director General in place at MJCS since Thursday 9 August 2013.

Strengthened relations with key leaders within the sector

A period of focussed support for the refinement and completion of the JCSSS provided the opportunity for the building of stronger relations between SRBJ and key leaders across the sector, such as the Task Force members and other Heads of Agency as well as some key non-government stakeholders. SRBJ has been involved in consulting and assessing capacity across the sector at individual, institutional and functional group levels;⁴ supporting development of the JCSSS; support for business and annual plans of the agencies within the sector; support for the budget narratives of the agencies and the MJCS; advice and support for the identification of indicators for the JCSSS and the agency business and annual plans; support for the implementation of agency level initiatives through the grant facility; as well as support for better coordination and collaboration within the sector. This support has been positively and enthusiastically received by the agencies within the sector. Varied and continuing support of this nature to the sector has strengthened relationships of the program with leaders across the sector in addition to the former Director-General within the MJCS.

Collocation of the Partnership advisers

All advisers to the program are collocated with counterparts. With respect to the MJCS, in particular, and as a result of the availability of additional space at the MJCS premises at Nambatu, SRBJ advisers, program-supported staff of the MJCS and MJCS staff work together in an open space as part of an integrated team to support the cross sector work and support for the agencies within the sector. Currently the Capacity Development Adviser and Human Resource Officer; Budget Adviser and Finance officer; Monitoring Officer and Monitoring and Evaluation Specialist; Executive officer and Partnership Coordinator as well as Case and Data Management Adviser are seated in clusters in an open plan area that better encourages and facilitates collaborative work and support. This is in anticipation of the strengthened “hub” of support to be established within the MJCS to increase its capacity to provide

³ The status of the former Director General is still ambiguous and the current situation is dealt with in greater detail in Section 11 below.

⁴ A *Framework for VLJP CD Assessment and Planning* provides the five levels for which capacity is being assessed and planned across the sector.

corporate services to the sector and provide support to cross sector initiatives. It is planned⁵ that there will be further support provided to the MJCS in terms of technical assistance and personnel over stage 2 of the SRBJ (2014-16).



Photo: Program Funded David Bade with colleagues from the State Prosecutions Department.

Partnership Management Group

Since the last progress report submitted at the end of August 2012, the Partnership Management Group (PMG) under the chairmanship of the former Director General has continued to meet on a monthly basis. The PMG currently includes two AusAID representatives⁶, the Director-General, the Executive Officer and the Partnership Coordinator. Secretariat support is provided by the Partnership including preparation of the minutes by the Contracts Manager of SRBJ. The meetings have until recently continued to be characterised by frank and robust discussion and engagement with the provision of clear guidance to the Partnership.

We recognise that these PMG meetings require considerable inputs by busy GoV and Government of Australia (GoA) staff. SRBJ canvassed with the former Director-General since the report in November 2012 as recommended therein, if he would prefer to reduce the number of PMG meetings after the

⁵ Stage 2 Design for Stretem Rod Blong Jastis is currently going through an approval process with AusAID

⁶ The Policy Adviser's contract to the MJCS concluded and the officer was not replaced so since the progress report in August 2013 there is no longer a Policy Adviser from the MJCS participating in the PMG meetings.

conclusion of the last progress report in November 2012. The then Director-General confirmed his desire to maintain convening PMG meetings at regular monthly intervals. The regular meeting of the PMG has supported the responsiveness of the program to the needs of the sector (including through the grant facility) and provided an engaged consistent direction for the day-to-day management of the SRBJ. The nature of future PMG meetings under the chairmanship of the newly transferred Director General is as yet unclear.

Heads of Agency Group

Over the nine months since the progress report of November 2012, the Heads of Agency Group (HOAG) has met five times⁷ when convened by the former Director General at appropriate junctures to provide guidance for cross sectoral initiatives.

The HOAG discusses 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 former 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. For example, the briefing of the Case and Data Management Adviser, focused on the current systems and processes of the various agencies within their sector and the opportunities that arise for strengthening current systems. The discussion of the group was engaged and interested.⁸

Task Force

The Task Force whose members were nominated by the former Director General and approved by the HOAG⁹ met six times in four months to develop the sector strategy that was approved by the Council of Ministers in May in Torba. The Task Force demonstrated energy and commitment beyond what was expected in refining the results of the Mele consultations and the 'open space' consultations; prioritising issues; expressing areas of priority focus as strategies; and considering and identifying high level indicators that would be appropriate for the cross sector work.

The former Director General's vision for sustainable leadership of the sector, given the fluidity of the political agenda and the Director Generals' own positions, was that the Task Force play an increasingly leading role in driving the implementation of the JCSSS and the priorities of the sector so that progress and continuity are more achievable. This group has had its work approved by the Council of Ministers, with its approval of the JCSSS and its appointment was supported by the HOAG giving it the imprimatur to continue its energetic work so far.

Judiciary

The Chief Justice who heads the judiciary and court system is a member of the HOAG and is a key stakeholder within the sector. The judiciary has, since April 2012, participated in a minority of the HOAG meetings. The Chief Registrar did not attend any of the meetings of the Task Force mandated by the HOAG to develop the JCSSS, despite nomination and invitation to participate as a member. The political fluidity of the GoV¹⁰ and arguable vulnerability of the judiciary makes it reticent to be or appear to be in any way influenced by the executive or the MJCS or indeed to be corralled into

⁷ HOAG has met in October 2012, November 2012, February 2013, March 2013 and July 2013.

⁸ HOAG meeting of 29 July 2013

⁹ At the HOAG meeting of 29 July 2013

¹⁰ There have now been five Minister of Justice since the commencement of SRBJ in March 2012.

alignment with the priorities of one donor funded program. Despite this, the Chief Justice has expressly indicated his increased willingness to engage with the sector but the approach that would allow for such engagement whilst responding to the concerns of the Judiciary remains an open question.¹¹ The judiciary has been kept informed of all progress made with respect to the JCSSS and the proposed approach of the MJCS to support the progress of those strategies over the next three years. There are indications that the Judiciary is aligning its strategic priorities where appropriate with those of the sector, which is encouraging.¹²

Since November 2012 it is clear that there was a good but cautious respect between the former Director-General, MJCS and the judiciary. This has been in evidence through express public and private statements by the judiciary.¹³

The Chief Justice has accepted funding support from SRBJ for the Supreme Court of Vanuatu's MOU with the Federal Court of Australia which has provided a foundation for good collaboration between the courts and the SRBJ with respect to the case and data management work which is supported directly by the program (through the provision of an adviser) and by the support for the FCA which provides technical support with respect to developing the appropriate judicial response to strengthened case management information arising from the Case and Data Management Adviser's work in terms of more proactive management of cases.

The Chief Registrar attended and participated at the last HOAG meeting during which a briefing on the Case and Data Management Adviser's work to date was provided. The Chief Registrar has also confirmed his participation in the proposed working groups intended to drive the implementation of the eight sector strategies.

Inhibiting factors

Prevailing environment

The context of Australian support for the law and justice sector remains low cost but high risk. SRBJ has not however been the target of any public criticism to date. SRBJ 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.

Quality and engagement of leadership

The former Director General who has been instrumental in supporting the cross sector work went on leave on 9 August to await the outcome review or arbitration of the executive's decision to move him to another portfolio. In the meantime, a new Director General has been moved to MJCS and it is unclear as yet what impact this will have on driving the cross sector work, engaging with SRBJ. This makes more real the risk of political instability and the need to strengthen sustainable approaches for the progress of the sector's agenda as well as that of the program. The Task Force members appear committed to continue the work with respect to the JCSSS despite the change in Directors General and the new Director General has confirmed his approval of the work that is underway.

¹¹ Chief Justice's Speech at the opening of the Court Calendar in 2013, Chief Justice's comments at the HOAG of June 2012.

¹² The Chief Justice has expressed the desire to take a lead in the development of a sector wide approach for case and data management as well as seeking court to court support with respect to delay and backlog reduction requested since the approval of the JCSSS which includes a strategy related to delay across the sector.

¹³ Chief Justices address at the official opening of the courts in 2013; statement to be conveyed to the Task Force by the Partnership Coordinator at its first meeting;

The comments with respect to leadership otherwise within the sector remain unchanged since the November 2012 Progress Report.

3. End of Program outcomes

New vision and mission from the JCSSS - relevance

The GoV's vision for the sector at the time of the original design based on the Justice Sector Strategy was: *"a professional, competent and accountable law and justice system that enables equal rights and access to justice for all"*. Under the recently approved JCSSS the vision has now been articulated as, *"jastis, sefti, digniti, respek mo gud fasin blong evriwan."* This replaces the previous vision and is incorporated in the stage 2 design of the program as the higher level program goal.

The mission statement under the JCSSS is: *"for all justice services 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"* which amends the previous *"for all justice agencies..."* to *"for all justice services..."* with the intent of broadening the mission statement to encompass institutions beyond the formal agencies of justice. This accurately reflects the breadth of the sector both within government and non-government. The amendment is reflected in the stage 2 design for the program and becomes the programs objective from 2014.

The GoV vision and mission statements provide the high level goal and objective of the GoV and GoA Partnership in this sector.¹⁴ The SRBJ Partnership will make a modest contribution to the realisation of the vision and mission; but is not accountable for their achievement¹⁵ and as such the amendments do not significantly impact on the objectives of the program for Stage 1.

The objectives for Stage 1¹⁶ remain relevant to the needs of the beneficiaries¹⁷ but the design of Stage 2 changes the focus of component 3 of the program to reflect (1) experience in law and justice interventions which demonstrates the need for more closely targeted attention on beneficiaries if improvements for users of the system are desired and (2) more accurately reflect the law and justice needs of the community in Vanuatu (3) the need to strengthen the responsiveness of the sector to the needs of the community outside Port Vila.

The Stage 2 Design draws on global experience of law and justice reform and development endeavours that shows that no amount of capacity building and collaboration of formal actors within the sector necessarily translate into results or improvements in the wellbeing of the beneficiaries, which is the ultimate strategic focus of this design. The unifying idea for the Stage 2 Design in targeting improved outcomes for children, women and youth is to focus on and strengthen the responsiveness of the sector to the needs of the target beneficiaries. This provides the link between the supply of services and the demand for those services by those beneficiaries. The responsiveness of the sector is used here as a subset of access to justice services.

¹⁴ Stretem Rod Blong Jastis Vanuatu Law and Justice Partnership Design Document, Final September 2011, p26

¹⁵ Stretem Rod Blong Jastis Vanuatu Law and Justice Partnership Design Document, Final September 2011, p26

¹⁶ It is noted that in this section these are referred to as outcome targets in preference to objectives.

¹⁷ End of stage 1 objectives lifted from the Stretem Rod Blong Jastis Vanuatu Law and Justice Partnership Design Document, Final September 2011 (Annex 19).

Nevertheless, the key element contained in the GoV vision and mission statements above is a need to improve service delivery by justice providers and therefore remains appropriate for the completion of Stage 1 of SRBJ whilst remaining cognisant of the proposed sharpened focus of component 3 in Stage 2 of the program. Thus the design of the program will be tightened over stage 2 to respond to the real need with respect to women, children and youth who comprise a significant proportion of the people seeking justice or engaging with the justice system in Vanuatu.

After eighteen months of implementation of SRBJ, 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 until the end of Stage 1. The expected outcomes of the SRBJ 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 assessment, planning and development at individual, functional group, agency and sector levels; and
3. Developing tools to strengthen decision making (planning and budget preparation) and policy development in the sector whilst recognising that the program is moving towards a more thematic approach under this component in Stage 2.

Accordingly, the focus of the activities remain the priority for target groups within the formal sector, donors and GoV but could be strengthened with respect to some stakeholders (users) as intended by the proposed approach for Stage 2. The context, whilst there has been a change of government since the commencement of Stage 1 (and just prior to the last Progress Report), the change of government has not significantly changed the context within which SRBJ is operating. The support for the working groups given their thematic (as opposed to institutional) orientation ensures a cross cutting and integrated approach to the development of sector priorities which incorporates civil society as well as other areas of government. The program’s capacity development framework includes consideration of the sector to stakeholder interface and the program has been increasingly considering service delivery and civil society and it moves towards stage 2 of the program.

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 Jastis, sefti, digniti, respek mo gud fasin blong evriwan. | Sector supported to commence drafting sector strategy that contemplates professionalism, competencies and accountability mechanisms for service delivery to children, women and people with disabilities. | <ul style="list-style-type: none"> • JCSSS has been completed (review of the Mele Consultations, open space sector consultation, refinement by Task Force, approval by HOAG, approval by Council of Ministers in May 2013). • Implementation of the JCSSS is planned to commence 1 October. Task Force and Working Group members indicate a willingness to continue driving the process. |

| | | |
|--|--|---|
| <p>Mission for all justice services 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</p> | <p>Justice Agencies supported to identify improvements in service delivery through synchronised corporate and annual business planning.</p> | <ul style="list-style-type: none"> • Significant cross sector support is being provided to strengthen the evidence base for improvement in performance and service delivery, including: <ul style="list-style-type: none"> ○ Support for budget narratives ○ Support for agency planning and monitoring ○ Support to MJCS planning and monitoring ○ Sector wide institutional and individual capacity assessments ○ Sector wide capacity development planning ○ Case and data management assessment (diagnostic and planning across sector) |
| <p>Component 1: Support for Sector Coordination including Donor Coordination</p> | <ul style="list-style-type: none"> • GoV identifies and documents processes for prioritising, planning, costing and reporting on strategy. • Completion of JCSSS • Case and data management work supports provision of some baseline • GoV approves an approach to support the implementation of the sector strategy over 2014-16. • Each Justice Agency has completed 2013 Business and annual plans reflecting sector strategy priorities and using available baseline data. • Indicative costed implementation plans for each of the eight JCSSS strategies for 2014. | <ul style="list-style-type: none"> • Continued engagement across the sector since progress report of November 2012 including: <ul style="list-style-type: none"> ○ Active involvement in refinement and finalisation of JCSSS; ○ Continued attendance and participation at the HoAG meetings; ○ Active involvement in the cross sector work by the Task Force ○ Receptive to the support of the cross sector advisers being the Strategic Planning Adviser, the M&E Specialist, the Monitoring Officer, the Budget Adviser, the Capacity Development Adviser. • Completion and approval of the JCSSS (HOAG & COM) • Completion of all agency 2013 Business plans • Support for all agency budget narratives • Completion of a draft Ministry Corporate Plan for approval by the new Director General and Minister. • MJCS agrees a process for the implementation of the JCSSS which commences 1 October 2013. • Planning for M&E and Strategic Planning is being harmonised with the GoV M&E with active support of the Prime Minister's Office (M&E Unit and Sector Analyst). This will maximise sustainability and implementation by formal sector agencies • MEF significantly aligned with GoV processes • Support to M&E Focal point within MJCS to support PMO M&E requirements. |
| <p>Component 2: Capacity Development</p> | <ul style="list-style-type: none"> • Capacity assessment and development framework developed and approved. • Capacity assessment framework implemented • Capacity development plan for sector drafted. | <ul style="list-style-type: none"> • Capacity Development TA facilitated and supported institutional planning retreats (PSO, PPO, DWA and others) and cross sector work (open space consultation, Task Force meetings) • Capacity assessment approach and methodology drafted. • Assessment tools refined and implemented. |

| | | |
|--|--|--|
| | | <ul style="list-style-type: none"> •Capacity assessment methodology approved by former Director General and HOAG. •Individual capacity assessment completed with samples across the sector. •Institutional capacity assessments completed and validated with agencies across the sector. •Institutional capacity assessment report completed and presented to HOAG. •An initial capacity assessment and plan completed for lawyers across the sector. •Capacity Development plan being drafted for coordination across the sector. |
| 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 TOR for engagement of the VNSO developed but has not been progressed further. Further KAP preparation intended for the remainder of 2013. •Sound relationships supported between Justice Agencies and PMO's M&E Unit, highlighting importance of generating useful information. •No further final legislative review reports have been completed by the VLC since the completion of the Health Legislation however the Director of Primary Health sought no amendments to the recommendations made by the VLC. Review of the Dangerous Drugs legislation is almost complete and review of 3 pieces of legislation is intended to be completed before the end of 2013. •Support for SCA has allowed for the piloting of approaches at community and provincial levels that build on existing systems and structures while at the same time seeking to build relationships and capacity at the national level. •Support for the grants facility has resulted in the funding of a variety of activities that are aligned with the objectives of the SRBJ and are agency-driven initiatives. They have included strategic planning retreats; training outside of Port Vila; solar panels for three Island Courts; awareness and publicity regarding disability; CLE event and core funding for the VLS; data entry for SLO. [The outcomes are dealt with in more detail below] • Desire to continue coordination and collaboration despite instability of leadership of the Ministry has been undeniable. |
| | <ul style="list-style-type: none"> •Justice Agencies forward information requested in MEF 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). •Reporting to PMO M&E unit by MJCS and agencies still patchy. •Stage 1 MEF completed and being implemented. |

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| | | <ul style="list-style-type: none"> • Stage 1 MEF aligned with GoV M&E reporting requirements. |
|--|--|--|

Overall the progress towards end of program targets is assessed as sufficient to achieve the intended outcomes by 2013 which will provide a solid foundation for the second stage of the program. The only significant area that is behind schedule is the preparation of the KAP survey which will become the next area of focus for the M&E Specialist and Monitoring Officer. The progress towards achieving end of program outcomes for stage 1 is verifiable on the basis that the significant majority of end of program outcomes related to the achievement of certain milestones (given it is an evidence gathering and design phase) rather than behaviour change at this stage which is appropriate given that the original duration of Stage 1 was 14 months only. The quality of the of the key foundational outputs (described in more detail below) has been good both in terms of the product but, in some ways more significantly, in terms of process.¹⁸ The reach and coverage of key outputs has been significantly Port Vila focused with the exception of the SRBJ funded Save the Children child protection work. This is justified on the basis that a substantial amount of the work has supported MJCS and sectors capacity to collaborate, coordinate, communicate, plan and gather its own evidence base. It is the intent of stage 2 to increasingly support service delivery outside Port Vila.

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 SRBJ.¹⁹

As a result, the SRBJ 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 with a more significant proportion of personnel costs being spent on in-line ni-Vanuatu positions. 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 details of this output are provided under the Component 1, Stage 1, Objective 1 heading below.

2. Sector and Agency Capacity Development Planning.

¹⁸ Which will be verified by the time of the completion report for stage 1 through interviews with task force members and other means.

¹⁹ Section 6.2, p 27-28 Vanuatu Law and Justice Partnership Design Document, September 2011

The details of this output are provided under the Component 2, Stage 1, Objective 1 heading below.

3. A monitoring and evaluation framework for the sector.

The details of this output are provided under the Component 3, Stage 1, Objective 3 heading below.

Outputs over the initial eighteen months of the SRBJ program 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)**

SRBJ provided significant support to the process of consultation, refinement and development of the JCSSS which was finally approved by the Council of Ministers in Torba in May (Annex 2).

The JCSSS was supported by the Capacity Development Adviser, M&E Specialist and Monitoring Officer as well as the Strategic Planning Adviser so that planning, indicators and capacity were all considered in the process of developing and agreeing the strategy. The sector was very actively engaged and the Task Force showed commitment and engagement beyond what was expected to deliver the final strategy. The Task Force members presented the JCSSS to the HOAG for approval and endorsement after which it was presented by the former Director General to the DCO and then to the COM where it was approved. Feedback on the strategy from PMO M&E Unit was positive and supportive.

The Task Force under the chairmanship of the former Director General agreed that the implementation of each of the eight strategies under the JCSSS should be progressed through the work of relevant working groups noting the success of this approach in other sectors in Vanuatu.²⁰ The Task Force spent two long meetings recommending and agreeing to the membership of working groups under each of the eight strategies. Thereafter the MJCS contacted the proposed members of the working groups and confirmed their willingness to be involved in the implementation of the relevant JCSSS strategy.

The Capacity Development adviser has agreed a process for the implementation of the JCSSS with the former and now the current Director General which is to commence with a two-day high energy workshop intended to support a positive commencement to this significant work of implementing (rather than just planning) of key sector priorities. The approach for the launching of the working groups work under the JCSSS is outlined in a draft document, *Discussion Paper for Launching JCSSS Working Groups* (Annex 3). The launching of the working groups has been delayed as a consequence of the availability of the former Director-General and Task Force members who are required as facilitators of the working groups and later, as a result of the removal of the former Director-General from office by the GoV. New dates for the launching of the working groups have been agreed with the

²⁰ Disaster preparedness work that has been supported by Oxfam in Vanuatu and has progressed through thematic cluster groups.

new Director General (1 and 2 October 2013) and are in the process of being confirmed with all the Task Force members. SRBJ is keen for the dates not to be postponed further so that the refinement of activities for 2014, with indicative costing and high level indicators can be completed by the end of 2013.

The working groups will develop indicative activities at least for 2014 during the initial workshop which will then be consulted on by working group members with relevant stakeholders for a period of one month and thereafter, refined and costed. It is intended that by the end of 2013 there will be costed measurable plans for the implementation of each of the eight strategies at least for 2014.

The JCSSS has been shared with programs and donors with an interest in the sector, many of whom were involved in some of the consultations leading to the development of the JCSSS (for example, the Mele Summit and the 'open space' consultation at VNPF conference room) and will again be shared with programs and donors when 2014 activities have been refined to facilitate coordination of support.

In addition, each government agency within the sector has been assisted to finalise their annual plans for 2014 which are achievable, measurable and costed with the support of key advisers from SRBJ. They are aligned with the JCSSS and PMO M&E requirements. The agencies have also been assisted in completing their budget preparations and narratives.

The second objective under Component 1 (Prepare a plan [SRBJ Stage 2 Design] for Australia's contribution to this framework for Stage Two of the Project including in police and justice agencies) has been completed and was submitted to AusAID on 4 June 2013. The plan is based on the outcomes of the foundational work in Stage 1 and as outlined in the Overview of the VLJP Stage One M&E System (Annex 4).

The variation of note from the above is that whilst the SRBJ Stage 2 Design indicates key areas where there might be additional support provided to VPF in alignment with the SRBJ, it is intended that there will be an additional work by two consultants to develop a suite of policing activities. Those activities will be integrated into an overarching law and justice sector program funded by AusAID from 2014.

The Case and Data Management Adviser (CDMA) has been recruited and commenced work. The CDMA 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 Government Chief Information Officer (OGCIO). This work will provide the platform for improvement in the information and case management of the sector, for greater collaboration and to support better M&E. To date the CMDA has completed a *Preliminary Diagnostic Assessment of case and Data Management* across the sector (Annex 6) with the aim of providing a 'blueprint for future core business systems for each agency and longer term integration'.

The work of the CDMA supports all of the government agencies within the sector (VPF, SPD, PPO, SC, MC, VCS, Ombudsman's Office, PSO, SLO, DWA, VLC MJCS, MNCC, OGCIO) as well as providing an evidence base for one of the eight sector strategy working group being the group working on case management or delay within the system. In the draft Design Stage 2, SRBJ has indicated its intention to fund support for the implementation of the case management or delay working group and the foundational work of the CDMA provides a strong basis from which to be able to do this in Stage 2.

One hoped for outcome of the work of the CDMA has been to facilitate closer links between the program and the judiciary which appears to be progressing through the collaborative work of the CDMA and the TA provided to the SC by the FCA, as well as work with the court staff such as the Chief Registrar in particular.

All component 1 support has been advanced in a way that is aligned where possible with GoV processes and requirements in terms of planning and reporting requirements, budget cycles and requirements, and monitoring and evaluation arrangements.

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:

1. 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; support for the effective preparation of cases; management of case files and hearings; and review of the PSO Practice Manual as well as support for cross sector initiatives and program activities.
2. Provision of a long term adviser to the SPD from 1 December 2012. The Adviser to the SPD has been working with the SPD providing one-on-one support and mentoring with police prosecutors in review of cases and preparation for trials; in-house capacity development activities for police prosecutors including in remote offices; support and participation in the planning and implementation of the SPD's planning and capacity development retreat; and development of an prosecutor's manual for the office.
3. There continues to be no adviser provided to the PPO as described in the Progress Report of November 2012



SPD Training with Police and Police Prosecutors in Santo



4. Provision of TA to support capacity development for the sector.

To date the Capacity Development TA has:

- Developed an approach and methodology for capacity assessment and development for the sector and program (A Framework for Capacity Development Assessment and Planning, Annex 7)
- Received former Director-General and HOAG approval for the proposed methodology

- Developed, refined and implemented capacity assessment tools.
 - Conducted individual capacity assessments across the sector
 - Conducted institutional capacity assessments across the sector
 - Provided institutional capacity assessment reports to relevant agencies and had those reports validated by the agencies
 - Synthesized and presented the results of the institutional capacity assessments to the PMG and HOAG for discussion
 - Conducted a capacity assessment for lawyers within the sector and developed a capacity development plan for lawyers
 - Drafted a capacity development plan for the sector
 - Developed an approach for approval by the PMG for approval for funding of USP studies (in progress).
5. 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 which will be provided to the HOAG for approval.
6. The Partnership has recruited a Law Student Internship Program Administrator who has been responsible for implementing a Law Student Internship Program in partnership with SRBJ, the School of Law, USP; and the Public Legal Officers within the sector. The program has now placed its first 16 students with legal and quasi legal offices. This has involved:
- Establishment of an Advisory Committee
 - Launching of the program at USP
 - Development of an MOU between the School of Law and SRBJ
 - Development of MOUs for the program and the legal host offices
 - Development of codes of conduct for the students
 - Development of an approach for selection of students
 - Introduction and placement of students with host offices
 - Ongoing monitoring of placements
 - Development of an M&E framework.

It is too early to make an assessment of the outcome of the placements but some reporting with lessons will be available at the conclusion of the first semester of placements. An additional aspect of the Administrator's TOR are to make recommendations with respect to the sustainable administration of the program in the future.

SRBJ conducted two case studies over the beginning of 2013; one into the pathways to action for women experiencing gender based violence in Malekula and one into urban youth at risk of conflict with the law in a peri-urban setting in Port Vila.

As an unplanned outcome of the case study into youth, SRBJ received a request from a group of youth (gathered under the auspices of the Wan Smolbag Yut Senta) to support a symposium with formal

justice representatives at which youth could ask their questions and raise their issues and concerns. SRBJ agreed to support the one-week Youth Justice Symposium which was coordinated through an organising committee steered very much by the SRBJ Monitoring Officer (the final report for the Youth Justice Symposium is attached at Annex 10).

The First Youth Justice Symposium July 2013, a snapshot

With participation from more than 300 youths, and resulting in a signed MOA in which the youth of Port Vila undertake to continue to engage in constructive dialogue and work with relevant bodies on youth justice issues, Vanuatu's first Youth Justice Symposium is regarded as a great success.

Between 8 and 12 July 2013, more than 300 youths of Port Vila and peri-urban communities came to Port Vila to discuss, exchange ideas, learn and advocate for change on a number of issues relating to youth justice. The topics discussed ranged widely and included:

- Exploring feelings of the youth relating to the police and military force;
- Understanding the role of police
- Understanding the roles of the different arms of the legal sector
- Exploring issues associated with drugs and youth.

Each session was opened with guest speakers who provided information about a given topic, questions were invited after each presentation. Activities and role plays were then undertaken which encouraged discussion and interaction between participants to reveal issues and concerns to the participants. Many of the topics, particularly policing and discussions relating to drug usage received a high level of interest from participants.

A particularly successful and effective aspect of the symposium was the varied and interactive activities undertaken. These included role-plays and re-enactments of justice scenes, a hip hop battle, song competition, as well as prizes for the participants. These activities, which contributed to the general atmosphere of productivity, positivity and fun, were key to the success of the symposium.

The concept for the symposium originally came from focus group discussions with youth from the Wan Smolbag. During these discussions a repeated theme from the youth was that there is a lack of understanding about the government legal system and the rights of the individual under this system. This comment was supported by reports on a past Juvenile Justice Project under the auspices of the Vanuatu Cultural Center (2003). In response to the evident need to demystify the formal justice system and nurture a constructive dialogue between the government and the youth as key stakeholders of the justice system, the youth symposium was supported by AusAID through the *Stretem Rod Blong Jastis* Program.

The key outcome of the week was the Memorandum of Agreement (MOA), signed by the youth participants, which agreed to:

1. Organise youth into clubs/committees by November 2013
2. Form a Youth Justice Subcommittee by November 2013 to specifically address youth and justice issues

- Addressing these issues will be undertaken through developing opportunities for participation, discussion, ideas exchange and any other relevant activities which the youth can undertake support formal justice agencies.
3. The Youth Justice Subcommittee will consult and report back to the youth of Vanuatu.

A further highlight for the youth was the visit by the Prime Minister Moana Carcasses Kalosil who lent support to the symposium. As yet there are no indications as to whether the government will fund the event next year (as is requested by the MOA), however the momentum and support for the event by the youth is very clear.

In fostering this positive momentum the *Stretem Rod Blong Jastis* Partnership is supporting a youth justice forum pilot project which aims to build on the outcomes of the symposium and provide a structured forum for education, discussion and debate on topical legal issues. It also aims to increase understanding of legal rights and responsibilities and distribute this information to provincial Vanuatu. If the symposium is an indicator of the energy the youth possess to engage with justice issues it is anticipated and hoped that the youth forum will be equally successful.



Photo: The Youth Justice Symposium Team Leaders with Hon. Moana Carcasses Katokai Kalosil – Prime Minister of the Republic of Vanuatu – July 12th 2013.

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)

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.

i) Provincial Service Delivery (c. above)

Program driven provincial service delivery has not progressed since the August 2012 Progress Report on the basis that there are at least two of the eight sector strategies under the JCSSS which are likely to focus significant attention in the area of provincial service delivery. SRBJ will therefore seek to align its support for the strengthening of service delivery beyond Port Vila with the priorities identified by the sector and GoV under those and other strategies which should occur over the remainder of 2013 rather than pre-empting that process.

The following strategies, in particular, are likely to focus attention on service delivery needs beyond Port Vila:

- **Access to justice across all provinces:** Develop and implement appropriate and evidence based collaborative strategies that address barriers to access; and
- **Infrastructure:** Develop and implement a comprehensive infrastructure plan.

The Advisers for the SPD and PSO have continued to provide support for the police prosecutors, lawyers and other outside of Port Vila both by travelling to those offices, remotely and supporting preparation (PSO) for appeal cases in Port Vila. The CDMA has also travelled to Luganville to visit the public offices within the justice and community services sector to obtain a clearer assessment of the systems and business processes as they exist outside of the capital.

Under the grants facility, SRBJ has supported service delivery beyond Port Vila in the following ways:

- The Officer-in-Charge of the SPD to travel to remote offices with the Adviser to conduct training with staff.
- The judiciary providing solar electrification to three remote Island Courts.
- Department of Women's Affairs national gender policy consultations outside of Port Vila.

ii) Legislation and international conventions (d. above)

The SRBJ's support in this area has continued to focus primarily on a significant package of support to the nascent VLC.

As set out in the August 2012 Progress Report, SRBJ provided transitional support to allow the VLC to recruit two of the four research officers and an administrative officer. This support covered the first year of employment, with the expectation that the VLC would receive GoV funding in the 2013 budget

and be able to take over the salary payments for the two current legal research officers and administrative officer. The GoV did take over the funding of those three positions and the SRBJ is continuing to fund two of the legal research officers' salaries allowing for the full complement of staff to be in positions.

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, the VLC provides the appropriate vehicle through which all legislative reform 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 works closely to support the work of the legal researchers of the VLC and the legal drafters of the SLO and parliamentary counsel.

Following the significant support for the Health Legislative Review outlined in the August 2012 Progress Report, the final Review Report was printed and formally handed over to the Ministry of Health, represented by the Director of Public Health. The Review was very positively received and no requests for amendments to the recommendations or report were made by the Ministry of Health.

Since the last report commissioners have been appointed to the VLC and have been meeting more frequently and regularly than required, the VLC has completed its consultations on the Dangerous Drugs Act and is completing the final report whilst commencing consultations on three pieces of legislation simultaneously relating to the Water Supply Act, Water Management Act and aspects of the Penal Code (sexual offences and customary reconciliation with respect to sentencing) which are intended to be completed before the end of 2013.

iii) Support to victims of crime (e. above)

The primary focus of the SRBJ's support for the victims of crime for Stage 1 continues to be to fund all activities of SCA's Child Protection Governance Program²¹ (YEPP). SCA has provided an Interim Progress and Evaluation Report (Annex 9) setting out an evaluation of progress to date.

In summary the primary outputs²² of the SCA Child Protection work since July 2012 have been:

- Child Protection policy training and mentoring for key government agencies, Save the Children staff and key partners including the VCC, VWC and VPF;
- Child protection training and support for targeted Village Health Workers;
- Counselling skills for internal and external stakeholders;
- Training of trainers for facilitators of the YEPP community-planning tool.
- Supporting the MoJCS with the development and implementation of the Tafea community pilots;
- Development and piloting of YEPP community planning tool;
- Planning and participation in multi-agency and police tours.

²¹ (Child Protection Governance Program 2012-1016 (YEPP)

²² Set out at p8 & following of the First Quarter Progress Report.

- External technical support to develop and evaluate the community pilots and support the VCC;
- Increasing internal capacity and technical expertise through a new staff position.
- Development of training modules for Pastors;
- Development of the YEPP Community Participation Toolkit
- Development of the YEPP Monitoring and Data Collection Manual
- Ongoing monitoring and reporting of progress at monthly intervals for internal reporting and quarterly reporting to donors.

In addition, the SRBJ was requested by the former Director-General to provide the short term input from a TA to provide the underpinnings of a coordinated approach for child protection work overseen by the Child Desk Officer at the DWA.

After significant consultation, engagement and a large workshop with stakeholders this TA produced a document setting out the Key Findings of the Child Protection Community Engagement Workshop and a 'recipe' for engaging with communities, mapped against actual and planned activities 2013 – discussed at 25th April workshop (Annexes 13 and 14). While the work was not complete in the view of both the former Director General and the TA, it laid the foundations for coordination, collaboration by organisations and oversight and direction by the Child Desk Officer, located at the DWA.

Facilitation, oversight and direction setting by the GoV in this area has been weak. The areas of future focus need to include encouraging regular meeting of the CPWG, supporting the capacity of the Desk Officer and Department to oversee and coordinate activities and ensuring that the information being captured through the YEPP Community Participation Tool will identify needs, opportunities, resources and gaps which should be fed into policy development at the national level.

**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)**

iv) Progressing the rights of women, children, people with disability

SRBJ provided the funding and facilitation for the DWA Strategic Planning Retreat which took place from 21-25 January 2013 at Gideon's Landing. The purpose of the retreat was to establish priorities and plans for action that reflected the breadth and depth of DWA's mandate and build the ownership and understanding of staff and stakeholders to implement those plans. The retreat was intended to provide a 2013 work plan with clear priorities and a re-draft of DWA's statement of intent (Program for the retreat is attached at Annex 8).

The primary focus of discussions at the retreat were related to the necessity for DWA to play a greater role in directing, coordinating, facilitating and monitoring service delivery (by others) under its mandate (related to programs in support of women, children, people with disability and the aged) *rather* than actively implementing those activities, given its size and spread. The Director and staff acknowledged the need to change the way in which the DWA had been operating to one of facilitation and coordination rather than implementation, except where it was a specific GoV obligation.

Since the August 2012 Progress Report the DWA has completed its national consultations on the gender policy; held a final consultation in Port Vila to shape the National Gender Policy and conducted consultations supported by RRRT (Suva) on the implementation of the Family Protection Act.

Some mapping of work relating to gender in the areas of economic empowerment, political empowerment and gender based violence was conducted by a World Bank funded TA on behalf of the DWA. The results of the mapping are being circulated to stakeholders although they were shared orally and in powerpoint presentations during the gender policy consultations.

The results of the Implementation of the FPA consultation have not yet been shared with participants. The two-day consultations that were facilitated externally and provided participants with pre-determined elements for inclusion in implementation plans not necessarily relevant to the context in Vanuatu. It is hoped that the plan will be refined and contextualised with comments from Stakeholders before being finalised.

Accordingly, despite strategic support and offers of additional support from SRBJ and other donors and programs, the comment made in the August 2012 Progress Report that the DWA may not yet have found a way to advance its agenda beyond awareness-raising and consultations remains true.

SRBJ produced two case studies to support the Stage 2 Design that encompasses more focused work in support of women facing gender based violence and urban youth at risk of conflict with the law. Both case studies provide a more detailed analysis of the circumstances of particular users of the justice system; one in the context of a provincial centre and remote villages in Malekula and one in the context of the peri-urban fringe of Port Vila. One unanticipated consequence of consultations with urban youth in preparation for the case study on youth was the demand for a symposium involving justice actors at which youth could seek information and state their concerns. SRBJ whilst it had not planned for this symposium, agreed to collaborate with Wan Smolbag and others to implement the Youth Justice Symposium which was seen as a positive lead activity into further work with youth planned for 2014 onwards (See description above for greater detail).

SRBJ's work with respect to progressing the rights of children is focused on child protection which is covered under (iii) above.

In Stage 2 SRBJ will increase its focus on improving the responsiveness of the justice and community services system to the needs of women, children and youth. Stage 1 has provided the opportunity to develop stronger links with non-government service providers addressing violence against women and children.²³ Stage 2 will provide increased opportunity to work with both WSB and VWC from AusAID's law and justice portfolio as well as to work coherently to provide support to VPF through a unified program approach.

v) Interface between formal and customary law

Given the decision articulated in the August 2012 Progress Report not to work intensively in this area given the capacity for absorption and administration of the relevant stakeholders, support focussed on strengthening the appropriate interface between formal and customary law has been concentrated on three discrete areas being:

²³ Including VWC, UNWomen, Save the Children, Live and Learn, UNICEF, WSB, VNCW, VCC, ADRA

- Demand driven support for strategic planning of the MNCC provided by the Strategic Planning Adviser and the Capacity Development Adviser
- Development of Capacity Development plans for the MNCC (still in draft and being commented on by the acting CEO and others).
- Consideration of the significant interplay of formal justice and custom as part of the case studies into women experiencing gender based violence and urban youth at risk of conflict with the law.
- Support for the working groups under the JCSSS, one of which will focus on 'customary disputes.'

vi) Continuing legal education (CLE) beyond specific agencies

Support for CLE beyond specific agencies has included:

- Capacity assessment for lawyers as a functional group across the sector and the development of a capacity development plan focussed on the needs of public sector lawyers.
- Development of the Sector Capacity Development Plan which includes specific consideration for the continuing legal educational needs of lawyers as they progress through their career.
- Approval of a grant to support for the Vanuatu Law Society's CLE event and its core funding.
- Funding of the attendance of a prosecutor from the PPO to attend the one month Fiji Women's Crisis Centre (FWCC) domestic violence workshop.
- Consideration of the provision of funding for two additional officers to attend the FWCC training (pending).
- Awareness raising workshop on gender based violence for the PPO, PSO and SPD supported by the VWC.
- Cross sector training delivered by PSO and / or SPD adviser(s).

vii) Small Grants Facility

Since November 2012 the SRBJ Grant Facility the program supported a number of planning retreats which provided the agencies within the sector with the tools and an approach to planning (focussing on 2013 annual plans) that was then tested and successfully applied at a plenary workshop for all agencies to work on the 2014 business plans. SPD, PSO, DWA, PPO and SLO received funding from the Grant Facility for planning retreats some of which were supported and or facilitated by Capacity Development Adviser and Strategic Planning Adviser.

The program supported a Regional Women's Corrections officers Conference hosted by Vanuatu; a VPF Women's Conference preparatory to a regional conference for police women hosted in Vanuatu; and one month's domestic violence training for a PPO lawyer at the Fiji Women's Crisis Centre.

SRBJ supported a VLS CLE conference in addition to its core funding as well as supported provincial travel for the officer-in-charge of the SPD to conduct training with the adviser to police prosecutors outside Port Vila

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)

viii) M&E Outputs

The M&E Specialist has developed a Performance Management Framework (PMF) for stage 1 of the SRBJ Partnership in order to provide performance monitoring, accountability to AusAID and GoV, and to inform the Design of SRBJ Stage Two. This includes an approach for the gathering of baseline data and monitoring of the capacity and service delivery of the sector. There is a need for this PMF to articulate with the system for monitoring the justice sector more broadly (Component 1, Stage 1, Objective 3 above). It is intended that the sector PMF will be appended to the Ministry Corporate Plan 2014-16 for the MJCS once finalised, and will encompass the three kinds of monitoring detailed above. This will include monitoring of the implementation of the JCSSS through the Working Groups mechanism, and reference existing reporting against agency plans. In the meantime these two aspects have been incorporated into the PMF for SRBJ. An overview of the MEF for Stage 1 of SRBJ is set out in Annex 4. The remainder of Stage 1 and full implementation of the MEF will allow to assess the quality of SRBJ's contribution to the sector.²⁴

Key M&E outputs since August 2012 include:

- Facilitation of the development of a planning approach and high level indicators for the JCSSS;
- Advice and support to all of the government agencies within the sector in the development of indicators for their annual and business plans for 2013 and 2014;
- Advice and support to the MJCS with respect to the monitoring of its Corporate Ministry Plan 2014-16;
- Support to the MJCS in strengthening its M&E capacity in responding to the requirements of the PMO's M&E Unit;
- Development of the Stage 1 MEF for SRBJ (a draft of which is attached at Annex 5);
- Mentoring and support of the MJCS Monitoring Officer;
- Coordination with the AusAID Evaluation Capacity Building (ECB) program to learn about and improve the Standards applied to SRBJ Progress Reporting, M&E Frameworks and Design;
- Design of an Adviser Monthly Performance Report;
- Completion of a preliminary assessment of the nature and extent of case backlogs in the Vanuatu legal system which served to inform the work of the Case and Data Management Advisor (CDMA) upon commencement of his contract;
- Ongoing briefing of the CDMA on the implementation of the Integrated Information Management System (IIMS) in Timor-Leste;
- Contribution to the M&E Framework for SRBJ Stage Two Design;
- Support to the Law Students Internship Coordinator in designing an M&E Plan for the Internship Program; and
- Liaison with SCA regarding grant reporting and evaluation requirements.

ix) Inhibiting factors

The M&E Specialist for SRBJ resigned in November 2012 and a replacement specialist commenced in February 2013, leaving a gap of 3 months.

²⁴ Primarily through the tools recommended under the regular monitoring and evaluation column in the M&E Framework Overview (Annex4)

Key factors inhibiting advancement on M&E continue to include the generally low level of available skills and priority within the sector for collection and analysis of data, and only an emergent interest in how M&E on a sector-wide basis can assist individual sector agencies to improve service delivery levels. However, the development of the JCSSS and agency business plans has enabled practical discussions with individual agencies about M&E that is meaningful and practical for their work. An information gap remains on levels of service delivery. However the KAP survey planned for 2014 has the potential to provide a significant contribution to filling some of these information gaps.

Standards of reporting from both international and national grant partners are currently not very high and the Partnership plans to address these shortcomings in the forthcoming reporting period by working more intensively with partners to improve their reporting on activities and outcomes.

Annex 4 gives an overview of the M & E of the performance monitoring and accountability framework.

6. Variation from the Inception Report or 2011 Design

The workplan has been delivered generally in accordance with the design and plan set out in the Inception Report of May 2012 and the 2011 Design 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 processes²⁵ at every stage, as well as the occasional involvement of other offices in some recruitment processes where appropriate.²⁶ 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.²⁷

b. Recruitment of specific positions

Monitoring Officer: The locally recruited monitoring officer position was difficult to fill. The SRBJ engaged in two unsuccessful open recruitment rounds and thereafter sought curriculum vitae from direct referrals. The position remained unfilled until 28 January 2013 which meant that the M&E Specialist did not have a counterpart with whom to work and build capacity in-country for a significant part of Stage 1. SRBJ did find an appropriate candidate through the third recruitment round who has been extremely valuable and insightful addition to the SRBJ team and it is hoped ultimately to the MJCS.

Case and Data Management Adviser: The short term CDMA position involved consultation with the former Director-General of MJCS, the Heads of Agency of the sector, the Judiciary and representatives of the OGCI. The recruitment process was a slow and long one but the candidate selected has been a perfect fit for the TOR that required an elegant mix of ICT skill and understanding in combination

²⁵ Involving counterparts, AusAID and GRM International Pty Ltd

²⁶ For example the PMO, Monitoring and Evaluation Unit were involved in the recruitment processes for the Monitoring Officer

²⁷ 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

with a sophisticated understanding of the business operational requirements of elements of the justice and community services sector. This position was not filled until 25 June 2013.

c. Donor coordination

Strengthened support for donor coordination is awaiting refinement of the sector strategy, on the basis of the advice of the former 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 October 2013 when the eight sector strategies will have identified priority action plans that have some indicative costs. It is proposed that there will be a donor coordination meeting in November 2013 to commence dialogue with respect to the identified activities under each of the eight strategies contained in the JCSSS. The Partnership is intending to investigate 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 and the significant burden placed on key stakeholders by donors and programs.

Variation from plan

a. Funding and supporting implementation of a Youth Justice Symposium

In mid-July, SRBJ funded a Youth Justice Symposium. The idea for the symposium was generated during consultations in preparation for the case study into youth conducted on behalf of the program at which youth demanded access to formal justice actors so that youth could seek information and share its concerns with key stakeholders.

The three overarching objectives of the youth symposium:

- 1 To bridge the knowledge gap of both youth and the formal justice sector with respect to the roles, responsibilities and services provided by agencies in the formal justice sector, and to bridge the knowledge gap of the formal justice sector in terms of needs, risk and resilience factors for youth.
- 2 To forge the commitment of youth and formal justice agencies to work together to strengthen the increased mutual understanding established through the symposium and lay the foundation for youth to participate in policy development for the sector, evidenced by the development of a Memorandum of Agreement (MOA).
- 3 To dispel myths and break the down the barriers between the youth and formal justice agencies through the social interaction of sport.

The YJS resulted in the development of a MOA to work on these issues further and to seek to influence policy development as well as the Youth Justice Forum which will provide the basis for ongoing dialogue between formal justice and youth on justice issues through weekly law classes for the youth facilitators which will be shared with the community through multimedia approaches.

7. Planned inputs

The remaining planned inputs September– December 2013 include:

- Support to the cross sectoral mechanisms driving the development of the 2014 action plans under each of the eight sector strategies of the JCSSS
- Support for donor coordination related to implementation of the JCSSS
- Sending two officers (one from SPD, one from PSO) to attend FWCC Suva for training with respect to gender based violence cases.
- Strengthened collaboration between SRBJ and the PLP program resulting from the Vanuatu based research of the Capacity Development Adviser.
- Finalisation, validation and approval of the Sector Capacity Development Plan
- More detailed planning for the Leadership Development Pathways support for Stage 2.
- Development, finalisation and agreement for the approval process for funding of USP course fees under SRBJ.
- Significant planning for the implementation of both Stage 2 pilot programs (relating to women and youth)
- Completion of the CDMA short term contract and deliverables

8. Budget

Annex 12 to this report is the following tables:

- Financial Summary based on the “Schedule 2 – Basis of Payment” from the current Head Contract and taking into account deed of amendment 3. Supplementary changes approved by AusAID are marked in yellow.

Deed of Amendment 3 – Budget changes

DOA3 was signed on 13 May 2013 and includes significant changes to the Basis of Payment in the VLJP Head Contract. These changes are as follows:

- Extension of the existing Head Contract 61566 from the completion date of 5 June 2013 to 31 December 2013.
- Total increase to the existing contract of A\$969,440.07 to allow for the program to continue to function and dispense grants to the sector at an equivalent expenditure rate of past months.
- Reallocations between personnel, operations and program activity component tables to allow program operations to continue.

Budget tracking

- The annexed budget tracking sheet shows the overall expenditure under the program is tracking well. Taking into account costs which are forecasted for expenditure to the end of the program, it is estimated that 4,037,890.48 will be expensed by 31 December. This figure represents \$251,496.77 less than the contract limit. The Program could therefore increase its spending profile over the next months.
- In particular the Program Activity Costs table is predicted to be approximately 88,970 underspent at the end of December and this funding could be utilised for initiatives within the sector on top of the current projections.²⁸ Tables highlighted in yellow in Annex 12, have received approval for revised limits by the AusAID Senior Program Manager. Limits have been revised however an amendment will be undertaken during the next period to formalise these changes.

²⁸ Current projections assume expenditure will remain at similar levels to the average of all previous months.

- Specific expenditure by Tables is outlined below.

Table 3 - Long Term Adviser Costs

- The table is tracking well and has a predicted underspend at the end of the program of approximately \$16,451. Small reallocations have been made from the Strategic Planning Adviser line and put into the M & E Specialist line item. The Strategic Planning Advisory role has been completed and the savings of A\$10,953 from that line item can be reallocated to another aspect of the program. Apart from this minor savings have been made to different line items.

Table 4 - Short Term Adviser Costs

- It is predicted that the table will be \$9,261 underspent at 31 December. Monitoring and evaluation costs have been increased in Table 4 to account for support to the AFP design. Funds were allocated to this line item from savings made in the Design Specialist line item and the Strategic Planning Adviser line item as mentioned above. Design review was offered by two consultants remotely which cost less than was anticipated previously. All other items are tracking well relative to the contract limit.

Table 5 - Other Personnel Costs

- It is anticipated that Table 5 will approximately A\$9,407 underspent at the end of December. Reallocations from Research Officer 3 were made to increase the Budget Adviser's costs and provide for an additional 10 days to allow budget narratives to be successfully concluded. Current underspends are spread fairly equally across different line items and there is no particular issues associated with the budget tracking of this table.

Table 6 – Adviser Support Costs

- Table 6 has an estimated underspend of approximately A\$84,176 at 31 December. This is one of the most underspent tables. The underspend can be attributed to lower housing costs than previously forecast, with some advisers accommodated at a rate below the maximum ARF limit. Similarly, *per dia* for short term advisory work have been less than expected, however if support were required for the working groups once they are launched then this funding may be utilised. Mobilisation costs have also been less than anticipated.

Table 7 – Operational Costs

- The table is estimated to be A\$43,231 underspent at the end of the program. At present there is a minute before AusAID for the procurement of cars which would utilise all of this underspend. There is a fairly even distribution of the underspend amongst all line items. Accommodation costs for short term advisers is significantly underspend, this reflects the fact that less short term advisory support has been utilised in country than had been originally expected.

Table 8 – Program Activity Costs

- Since the previous progress report there have been a number of different initiatives expensed through the Program Activity Costs tables. There is a significant underspend within this table, spread between the three components. Between all three tables there is an underspend of A\$88,970 anticipated at the end of December.
- The Program has approached the sector, and particularly through the PMG, to emphasise that funding is available and will be approved by the PMG. The Program has taken a number of steps to assist agencies in the application process including sitting down with individual officers, providing all applications in Bislama and helping to provide advice on the sorts of initiatives which are likely to be approved by the PMG.
- Expenditure under Component 1 – Sectoral Coordination
 - Limited expenditure has been undertaken through sectoral coordination during this period. Some recruitment funding was expensed to support the Government of Vanuatu for meetings. Funding was also expensed on recruitment of the Budget Adviser and the Case and Data Management Adviser.
- Expenditure under Component 2 – Capacity Development
 - Key costs under component 2 since November 2012 were:
 - Youth Justice Symposium (\$31,531)
 - USP fees for courses undertaken by personnel from the sector (\$3,193)
 - Paralegal Pilot Program (\$7,457)
- Expenditure under Component 3 – Policy Development Research and Monitoring
 - Key costs under the grants component for the period since November 2012 were:
 - GA5 – Women’s Corrections Conference (\$48,874)
 - GA6 – SLO Data Entry (\$5,631)
 - GA7 – SPD Retreat (\$3,140)
 - GA8 – PSO Retreat (\$3,769)
 - GA9 – VPF Women’s conference (\$8,484)
 - GA10 – DWA Retreat (\$7,163)
 - GA11 – PPO Retreat (\$4,186)
 - GA12 – PPA FWCC Training Program (\$4,705)
 - GA13 – VLS CLE (\$30,399)
 - GA14 – VLS Operational Costs (\$7,706)
 - GA15 – SLO Retreat (\$2,113)
 - GA16 - SPD provincial travel (\$2,831)

9. Management & Implementation systems

During the life of the Program three amendments have been undertaken. The third of these occurred during this reporting period and was finalised in May 2013. This amendment extended ongoing activities for the Program until 31 December 2013. This extension allowed the program to continue the design phase and to finalise its inputs into the design. The Program, in close consultation with the Sector and with AusAID, has completed its development of the design. However, in recognition of the need to have greater involvement of the AFP and consolidate both policing and justice into one Program AusAID has supported bringing the AFP into the existing design. Engagement with the AFP has meant that a partial re-design has been necessary and the timing for the finalisation of the design has now been extended. Similarly the Australian Government caretaker period has slowed the finalisation of this work. The consequence of these delays is that the Program will be extended until late March 2013 before a new contract is developed. While this extension has not been formally

resolved, AusAID and the Program are working together to agree on the contractual aspects of this extension.

The short extension is not expected to impact on the broader workplan for the Program. Grants will continue to be expensed and sector coordination and capacity development efforts will continue.

The program is implemented entirely through program funding and provision of small grants. SRBJ does not currently use any GoV systems for funding but is intending to do so incrementally where possible over Stage 2 based on implementation of AusAID Partner Financial Management Risk Assessment recommendations.

The program also has extensive management systems and processes which are articulated in the program operations manual including a risk management matrix and procedures for administrative and financial management. It should be noted that these systems can be adapted to support the Government of Vanuatu to manage funds and programs if the Financial Management Risk Assessment recommends further use of partner systems. The financial and administrative processes of the program are designed to deliver efficient and effective use of program funds while taking into account program risks.

Stakeholder engagement is not formalised across the sector, however, with the development of the sector working groups it is intended that clearer engagement with and identification of all interested donor stakeholders will occur. This is a specific intention of the follow up working group session approximately one month after the initial launch to be held in October.

SRBJ harmonises its approach and collaborates with the donors and programs that operate within the sector on a regular but ad hoc basis. This includes bilateral assistance (MFAT NZ Aid Program, VAPP, Mama Graon, Save the Children, Live and Learn), regional assistance (UNWomen, UNICEF, PPDVP, PPP, PJDP, PLP, RRRT and OHCHR) and multilateral assistance (Jastis Blong Erriwan). It is intended, once there is greater clarity regarding the directions that the sector would like to take under its JCSSS to strengthen the support to the MJCS to coordinate with donors in a way that facilitates strengthened alignment with GoV priorities and also reduces the burden of coordination for the GoV stakeholders.

The SRBJ team is relatively small (nine long and short term positions) which allows for easy and open communication within the team. Members tend to share pertinent and other information with all or other appropriate members of the team as it comes to hand. More formally the team meets on a monthly basis to coordinate and communicate. The monthly meetings are focused either on a specific issue that requires a team approach (for example design issues, implementation of the JCSSS and an appropriate approach) or have an agenda of current items that are raised by team members. The meetings are frank and open and the expatriate team members benefit significantly from the contextual advice provided by the ni-Vanuatu team members. Issues, concerns, problems and risks are raised at those meetings for discussion and resolution. At team meetings, for example, issues regarding: process for work ahead; an agreed approach to capacity development; theories of change; leadership in Vanuatu and how it is in evidence have been robustly discussed.

All recruitment has been conducted jointly and has on occasion involved a number offices (for example, the CMDA position involved SRBJ, MJCS, AusAID, OGCI and was reviewed by the Judiciary)

and whilst this has been time consuming; the benefits of the ownership and support for the position have made the approach valuable and appropriate.

10. Risk Management

The Risk Management Table below is intended to provide a stand-alone review of the significant risks to the program as a whole (rather than specific risks to specific activities under the program).

At the time of the last SRBJ Progress Report in November 2012, the highest then current risk was the potential change of the current Director-General as a result of the elections. The then Director-General was re-appointed to his position under four-year contract after the elections. Since that time significant work has been done in the cross sector arena (establishment of the Task Force to drive the JCSSS, strategic planning, coordination of budget narratives, MJCS support for agency monitoring and evaluation, development of the JCSSS). In July 2013, the Prime Minister sought to transfer the former Director-General to the Ministry of Lands against his will. The former Director General has sought review of this decision of the Prime Minister (based on the four year contract he has since the last elections with the Prime Minister for his position as Director General for the MJCS). The Supreme Court recently found it did not have jurisdiction to deal with the dispute and that it should be heard by an arbitration tribunal in the first instance. The former Director General has taken leave while the issue is considered and in the meantime the former Director General of Lands has had his suspension revoked and has been transferred at the Prime Minister's request to the MJCS.

While these events have caused some delay in activities related to the progress of the implementation of the JCSSS it has not to date had significant impact on SRBJ while it is early to make an assessment of the impact of the change of Director General on the program.

The nature of the design of SRBJ 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; so a change of Director-General could have a very significant impact on the progress of the Partnership.

However, both the sector and SRBJ have sought to mitigate the impact of the change of leadership at the MJCS through the establishment of mechanisms able to continue engagement in cross sector issues under the overall governance of the HOAG. The former Director General, cognisant of the vulnerability of his position, expressly appealed to the members of the Task Force and the HOAG to continue the progress of the JCSSS regardless of the possible changes at MJCS. The current Director General is supportive of the continuation of the work and has confirmed his willingness to be actively involved in the work of the Task Force. The approval of the JCSSS by HOAG and COM has the requisite high level imprimatur and additionally the independence of many of the institutions represented by the HOAG and Task Force provides some strength from which to continue to drive the identified priorities of the sector. SRBJ Partnership Coordinator and the MJCS executive officer have been meeting with the Task Force members and the Working Group members under each of the eight sector strategies to gauge their willingness to continue the work that has been commenced in developing the JCSSS given the recent changes and has been met with an overwhelming desire to have the Working Groups meet, not to postpone taking the next steps and to continue the work that has commenced. If this momentum can be effectively harnessed and maintained then the resilience and collaboration that this demonstrates in itself

will represent a significant achievement for the sector that has operated in a relatively uncoordinated manner to date.

Inconsistency in the approach by the VAPP and the SRBJ was a specific risk identified at the time of the Inception Report. Regular and effective communication with the VAPP has recommenced following the return of VAPP to Vanuatu. The initiative of AusAID to align the design of VAPP and SRBJ in the next phase of both programs is welcomed and mitigates this identified risk. It is additionally of significant importance given the cross cutting nature of the priority strategies of the sector that police are supported in an coordinated and integrated way with the other support to the sector.

The other risks highlighted in the November 2012 Progress Report included the following:

- *Insufficient numbers of skilled ni-Vanuatu lawyers and middle management, leadership within the public sector.*²⁹ A sector wide capacity development plan is being finalised that will consider these particular issues for focus over the next three years. The law student internship program referred to in November is now underway with the first placements within host public legal offices.
- *Risk that vulnerable persons will not benefit from improved services if not specifically contemplated in Partnership activities.* SRBJ has responded to this risk by strengthened focus on children, women and youth in its design for Stage 2 of the program, cognisant that capacity development and coordination of the formal sector in isolation may be necessary but insufficient to devolve benefits to the users of the justice system. More targeted and integrated support is necessary. In addition, the nature of the cross cutting priorities identified through the eight sector strategies under the JCSSS provide further opportunity for more integrated support around thematic issues (such as victims support or the impacts of crime for example).
- *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 SRBJ intends to provide support.³⁰ SRBJ will significantly increase its focus beyond Port Vila through the work under component 3 of Stage 2 of the Design as well as support for the work under the JCSSS which is yet to identify the sector's priorities for support to the provinces (particularly for example under the strategy relating to access to justice).

²⁹ Risk Management Matrix Inception Report

³⁰ Inception report, section 5.3(iv)

Risk Management Plan – August 2013

The following Risk Management Plan synthesises the *significant* current foreseeable risks to the effective implementation of SRBJ

L = Likelihood (5 = almost certain, 4 = likely, 3 = possible, 2 = unlikely, 1 = rare);

C = Consequences (5 = severe, 4 = major, 3 = moderate, 2 = minor, 1 = negligible);

R = Risk Level (5 = extreme, 4 = very high 3 = high, 2 = medium, 1 = low)

| Identified Risk | Impact on Partnership | L | C | R | Risk Mitigation Strategy | Responsibility |
|--|--|---|---|---|---|----------------|
| Political fluidity and political intervention with bureaucratic leadership/programs | <ul style="list-style-type: none"> Inconsistent levels of engagement with program Inconsistent direction for SRBJ Interruption to progress of initiatives Reluctance of sector to engage with MJCS Counterproductive to collaboration using MJCS as the vehicle | 4 | 4 | 3 | <ul style="list-style-type: none"> Capacity for flexibility within programming Support strengthening of the cross sectoral mechanisms to lead progress across the sector (Task Force, HOAG etc.) Ensuring some aspects of SRBJ do not rely on too heavily on political endorsement, support. activity | SRBJ/MJCS |
| Weak leadership in sector and some agencies | <ul style="list-style-type: none"> Lower level of engagement of some leaders with the program Reduces capacity to drive/sustain motivation for change Inconsistent progress across the sector (can impact on justice outcomes) Inconsistent impact of program inputs across sector | 5 | 3 | 3 | <ul style="list-style-type: none"> Engage with relevant senior staff in addition to leader. Involve relevant agencies in all cross sector initiatives where possible. Provide contextualised and appropriate leadership support to current leaders and upcoming leaders. Ensure benefits available for agencies when there is engagement with the SRBJ (e.g. access to grants facility, access to capacity development opportunities, access to technical assistance) | SRBJ |
| Lack of motivation for planning, implementation and monitoring of cross sector work in environment of declining recurrent revenue and lack of continued momentum if JCSSS strategy action plans are unfunded | <ul style="list-style-type: none"> Static/declining GoV budget reduces motivation to plan/engage over and above 'business as usual' absent SRBJ (i.e. impacts on long term sustainability post SRBJ) | 4 | 3 | 2 | <ul style="list-style-type: none"> Maximise and celebrate inherent benefits of improved planning and management of progress (absent donor funding). Demonstrate the 'no cost' benefits of improved planning Ensure some benefits from improved planning through SRBJ and where possible other donors/programs Publicise service delivery improvements resulting from better planning more broadly | GoV |
| Lack of ability to move from planning to implementation | <ul style="list-style-type: none"> Inability to move plans and policies into action, by leaders and agencies Lack of progress on key areas of implementation that are the responsibility of GoV | 4 | 3 | 3 | <ul style="list-style-type: none"> Closer analysis into the motivating and de-motivational factors for developmental leaders in context. Evidence regarding real barriers to progress | SRBJ/PLP |

| | | | | | | |
|--|---|---|---|---|---|-----------|
| Sustainability of program outcomes | <ul style="list-style-type: none"> Lack of sustained SRBJ outcomes over time Outcomes of program are quickly dissipated over time | 4 | 4 | 3 | <ul style="list-style-type: none"> Pace, extent, intensity of program implementation and engagement is in proportion with the counterparts absorptive and other capacity. Support is not over resources (e.g. support to cross sector mechanisms) Mechanisms for progress are not donor driven Projects under SRBJ are appropriately hosted by or partnered with active stakeholders or efforts are being made to ensure an appropriate host prior to end of SRBJ (e.g. LSIP) | SRBJ. GoV |
| MJCS unable to maintain coordination & collaboration across sector | <ul style="list-style-type: none"> Impacts negatively on aspects of the administration of justice (circuit tours, court efficiency etc.) Impacts on joint budget preparations; monitoring across the sector; communication within the sector; communication with the community | 3 | 3 | 3 | <ul style="list-style-type: none"> Ensure early benefits for most/all participants in the cross sector work Increase PR related to the cross sector work (including demonstrable benefits) | SRBJ/MJCS |
| Inability to retain lawyers within the public offices | <ul style="list-style-type: none"> Weakens capacity of agency with respect to service delivery (vacancies, more junior lawyers) Impacts on capacity to embed improvements for current staff Impacts on institutional corporate memory Impacts on professional mentoring relationships | 4 | 4 | 4 | <ul style="list-style-type: none"> Improvement in public lawyers salary structures across sector (pending) Support development of appropriate career path planning for lawyers Provision of Capacity Development opportunities to public lawyers. Support for mentoring relationships | MJCS |
| Inability to strengthen SPD's financial and operational independence | <ul style="list-style-type: none"> Inability to plan its own budget expenditure (reliance on VPF & PPO) No control over staff so experienced staff can be moved to general duties without notice. Impacts on maintenance of capacity of institution | 5 | 3 | 2 | <ul style="list-style-type: none"> Advocate for MJCS support for separate budget for SPD Advocate for some control/tenure for prosecutorial staff | |
| Fraud with respect to donor funds | <ul style="list-style-type: none"> Threatens continuation of activity or program | 3 | 4 | 3 | <ul style="list-style-type: none"> Strengthened PR regarding the grants facility Strengthen awareness with fund recipients of requirements and expectations Support for strengthened capacity for financial management and budget acquittal | |

| | | | | | | |
|---|--|---|---|---|--|--|
| | | | | | <ul style="list-style-type: none"> Greater oversight though some risk still exists with respect to provincial activities where an allocation of cash to expenses is required. | |
| Inability to ensure significant benefit to beneficiaries outside of Port Vila | <ul style="list-style-type: none"> Constant natural drift to centre, to power, to formal, to government which needs to be recognised and countered. | 3 | 4 | 3 | <ul style="list-style-type: none"> Strengthened focus stage 2 on provincial work (pilots, capacity development, infrastructure, access) Necessity to silo earmarked support for provinces Necessity to ensure broader availability of CD opportunities. | |

11. Sustainability

This section is intended to provide a snapshot of some of the approaches that are being taken to strengthen the sustainability of the interventions of SRBJ.

Under **Component 1:**

1. SRBJ is supporting the capacity of the MJCS to provide corporate services to its sector and a 'hub' of support for the cross sector work; both by building the capacity of current incumbents, but also it is proposed by temporary funding for MJCS staff. Collocation of program staff with MJCS staff supports sharing of ideas, collaboration and capacity development.
2. MJCS coordination with donors is and will continue to be supported by SRBJ in a way that will reduce the burden of the stakeholders (including exploration of program self-reporting arrangements).
3. SRBJ is cognizant of the danger of over-resourcing cross sector coordination beyond the means of counterparts (PNG law and justice sector) and of driving collaboration beyond the capacity or desire of the counterparts.
4. MJCS and SRBJ are jointly supporting approaches that seek to strengthen the cross sector mechanisms' resilience for progress from political instability of the Ministers and senior bureaucrats.³¹
5. Institutional knowledge of SRBJ is currently documented and shared with counterparts as widely as possible. Once the Monitoring Officer (with the proposed support of an Australian volunteer) has developed the MJCS Communications strategy and commenced development of the MJCS database; SRBJ documents can be made available to the MJCS for its database.
6. The planning processes with agencies have been implemented in such a way that the agencies have all the tools to replicate the approach. That is, there was as much attention placed on the process for the development of the plans as the plans themselves to ensure that the process was understood and could be repeated. The consequence of this may be that the final product may not be as polished as is possible but the advantage is that it is more likely to be an owned and understood process.
7. The agency-level and sector wide plans provide the foundation for SRBJ and other support to the sector.

Under **Component 2:**

1. The process for capacity assessment (individual and institutional) has been designed so that it can be replicated by counterparts at an appropriate time in the future. A staff member within the Corrections Service has requested that he replicate the institutional and individual capacity assessments that were conducted with staff in Port Vila in Luganville as well as with two other additional offices (i.e. not Corrections).
2. The sector wide capacity development plan is intended to be used by the sector to guide its approach regardless of the presence of SRBJ as it will be built on the assessments conducted over Stage 1.

³¹ Including the continuation of the Task Force as appointed by the HOAG as a mechanism for continuing the reform agenda of the Sector.

Under **Component 3**:

1. Significant time has been invested in increasing the understanding of the sector of the value of monitoring and evaluation, both at agency and sector level.
2. MJCS is supported by the provision of a Monitoring Officer whose position is intended to continue beyond the life of SRBJ.
3. Support is provided to the MJCS (M&E Focal Point and Monitoring Officer) to strengthen its capacity to comply with the PMO's M&E Units planning and reporting requirements.
4. Support to the VLC is within the GoV's agreed structure and has maintained the institution at a sustainable size.