

Evaluation Report for Pacific Judicial Development Programme

Subtitle

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Abstract

This evaluation focuses on the achievement of outputs and short-term results, and progress towards longer-term results of the Pacific Judicial Development Programme 2010- 2012. It did not consider impact as it is too soon to assess programme impacts. It will be used by MFAT to determine effectiveness of support to date, and whether a further phase of NZ Aid Programme support is necessary, and if so, scope, focus, and scale of support.

The evaluation finds that the PJDP is relevant to the needs and priorities of the Pacific Judiciaries. Short-term changes in processes and systems, knowledge and behaviour, at individual and institutional levels are evident. The programme has made positive contributions to developing the capacity of the Pacific judiciaries to take greater control and ownership over improving court processes, and to increasingly identify and manage their own judicial development programmes. Progress towards the intended medium-long term outcomes can be supported through on-going implementation and consolidation of existing and planned initiatives.

The management structure and processes of the programme are performing well, although there is room for improvement in some areas, including forward planning, to enhance effectiveness and increase efficiency. The governance structure of the PJDP is generally appropriate to the intention and purpose of the PJDP, and provides guidance to the programme implementers.

Some of the constraints to sustainability of judicial development and training in the Pacific are outside the programme's sphere of influence. The programme is following a pro-active approach to building capacity in implementing training and other activities, and through devolving and localising responsibility in several ways.

Glossary of Acronyms

AusAID	Australian Government Aid Programme	CDR	Customary Dispute Resolution
CFS	Contract for Services	CJ	Chief Justice
CO	Court Officer	CoJC	Code of Judicial Conduct
DAC	Development Assistance Committee of the OECD	FCA	Federal Courts of Australia
FVYJ	Family Violence Youth Justice	IDG	International Development Group (MFAT)
IPJPD	Institutionalising the Pacific Judicial Development Programme	JAD	Judicial Administration Diagnostic
JDMT	Judicial Decision Making Training	JM&E	Judicial Monitoring & Evaluation
JO	Judicial Officer	LOV	Letter of Variation
M&E	Monitoring & Evaluation	MEF	Monitoring & Evaluation Framework
MFAT	Ministry of Foreign Affairs (NZ)	MSC	Management Service Contractor
NC	National Co-ordinators	MTA	Monitoring Technical Advisor
NJDJ	National Judicial Development Committee	OCO	Oceania Customs Organisation
PIC	Pacific Island Country	PEC	Programme Executive Committee
PJC	Pacific Judicial Conference	PJDP	Pacific Judicial Development Programme
PM&E	Performance Monitoring & Evaluation	RRRT	Regional Rights Resource Team
RTT	Regional Training Team	TA	Technical Officer
TOR	Terms of Reference	ToT	Training of Trainers

Executive Summary

Background and context of the Activity

The PJDP is a multi-country regional programme of assistance with a shared vision and agreed goals for strengthening the judicial system as a central pillar of good governance and the rule of law. The Programme operates in the Pacific Islands Forum countries of the Cook Islands, Fiji excluded, Federated States of Micronesia, Kiribati, Marshall Islands, Nauru, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu and Vanuatu. The Programme's focus includes both meeting the educational and professional development needs of judicial officers and court officers; and providing support for process and system improvement¹.

The PJDP was preceded by the Pacific Judicial Education Programme which had two short phases, followed by a hiatus period before PJDP began. There was a further hiatus period between PJDP phase 1 and PJDP phase 2 (the programme being evaluated). Originally the PJDP was envisaged as a 5-year programme, but Phase 1 ended prematurely after 18 months. A review of the contracting and implementation model was undertaken in 2008, and the current programme (referred to as PJDP phase 2) commenced in July 2010 (for a period of 3 years structured as 2 years plus one²). The current phase is being extended by two years to June 2015. NZ Aid Programme funding for PJDP for 3-year period (2010-2013) is approximately NZ\$7.8m.

Purpose and objectives of the evaluation

The evaluation will be used by MFAT to determine effectiveness of support to date, and whether a further phase of NZ Aid Programme support is necessary, and if so, scope, focus, and scale of support.

The Objectives of the evaluation are: *to assess relevance, effectiveness, efficiency (including value for money), and sustainability of the PJDP; to make recommendations on priority areas for further assistance (if any) and to provide a concept note for future phase of support (if any).*

Methodology

The Evaluator used an evidence-based approach to all stages of the evaluation. The main methods used in the evaluation were review and analysis of relevant documentation and secondary data; and qualitative methods such as semi-structured interviews with individuals or small groups of key informants. These interviews were mainly face-to-face or by telephone; a few respondents were contacted by email and asked to respond to a few targeted questions. The evaluation included a visit to Honiara to coincide with Pacific Judicial Conference and short field visits to four participating countries: Cook Islands, Tonga, Vanuatu and Samoa.

Key groups identified for interview were Chief Justices, National Coordinators, members of the Regional Training Team, Court Officers and Judicial Officers, women and men, lay and law-trained Officers, representatives of the MSC and MFAT. A small sample of secondary stakeholders, such as Pacific justice ministries, lawyers and police were also interviewed in each country. A total of 105 people were consulted.

Information was cross-checked and assessed to see the extent to which the information from the various sources coincided or differed. Where it seemed necessary the evaluator checked back with relevant MFAT and/or PJDP stakeholders to clarify issues or discuss the evaluator's

¹ The PJDP was approved by the Pacific Judicial Conference (PJC) which includes many member countries.

² Subject to Parliamentary appropriations and satisfactory delivery of the services by the MSC ...

understandings and findings, and verify the correctness of assumptions or judgements made during the analysis phase.

MFAT's five-point rating scale was used to assess the PJDP against each of the DAC criteria (Relevance, Effectiveness, Efficiency, and Sustainability). Rating Description: 5 Excellent; 4 Very good; 3 Good; 2 Not adequate; 1 Poor; No rating

Key findings and conclusions

Relevance:

The PJDP and the outcomes it is trying to achieve are relevant to and aligned well with the mandate, policies and priorities of the New Zealand Aid Programme. It is also consistent with New Zealand's interests in the Pacific.

The PJDP goal, purpose, outcomes and outputs are clearly focused on Partner needs and priorities both at a national level and within the participating countries, and at regional level. Using a capacity-development approach to delivery is relevant to the needs in judiciaries.

The PJDP's regional approach is relevant to the context. The programme is unique among regional law and justice programmes within the Pacific, and complements other regional initiatives.

Assessment against DAC Evaluation Criteria

Rating: 4 (Very Good). Needs and policy linkages appropriately identified, and mostly of high priority; and the design is in most respects right to meet them.

Effectiveness:

The programme has made steady progress on delivery of outputs after a slow start, and indications are that progress is being made towards outcomes. It is too early yet to expect to see medium-longer terms change embedded, but programme has achieved a number of small steps/identifiable changes at individual and institutional levels. Short-term changes in processes and systems, knowledge and behaviour are evident, but more results would have been evident if programme delivery had occurred at a faster pace. Greater effort to deliver more outputs is essential over the next two year period, and better forward planning will be needed to achieve this. The programme needs to be increasingly focused on key priorities, what can be achieved, how that can be supported within the country/region; and on sustainability of outcomes.

The Responsive Fund is meeting its intended purpose to enable participating judiciaries to undertake reform priorities not otherwise assisted by the PJDP or within their own budgets. It is increasingly being accessed by PIC judiciaries, but developing in-country capacity to meet application and reporting requirements has been resource intensive for Pacific jurisdictions and the PJDP staff.

The PJDP has actively implemented its Strategies on gender and human rights within its activities and its reporting. There is greater acceptance of the inclusion of gender and human rights issues into the content of workshops, and willingness to discuss these issues, than was apparent in PJDP 1 phase. However there is still a need to increase awareness of how these issues apply to the work of the courts and judiciary, including how to address gender/human rights challenges when these are identified within their structures or court processes.

Assessment against DAC Evaluation Criteria

Rating: 3 (Good) All outputs have been / are being delivered as planned. Most planned outcomes are expected to be advanced.

Efficiency:

The MSC model has required significantly less input of MFAT time, than PJDP phase 1. Overall the MSC has efficient processes in place for the management of the programme and has met its quality indicators. During the implementation of the programme, improvements have been made in the effectiveness and efficiency of planning, monitoring, analysis, and reporting functions. In terms of delivery there are still some areas of weakness to be addressed, particularly in regard to identification and reallocation of under-spends, and the pace of delivery of practical outputs. More focus also needs to be given to embedding new processes and systems in-country, and supporting judiciaries to monitor their implementation of these.

The PJDP has generally been efficient in the use of its resources, contracting TAs to provide specific technical expertise, and using pro bono support from the Australian and New Zealand judiciary as resource people. Significant management and administration inputs have been utilised to support the development of medium-longer term capacity and sustainability. There are areas which could be improved in future, for example reducing the amount of TA time spent on 'research' and diagnosis, to focus on delivery of practical outputs and supporting implementation in-country; better coordination across components; and taking time and travel costs into account when selecting host country and venue for regional events.

Value-for-money in the implementation of the PJDP could be improved. The level of under-spending on Technical components, and the pace of delivering the practical outputs desired by stakeholders need to be addressed urgently to get a better balance between technical/practical outputs and the costs for management/administration. Steps also need to be taken to identify economies in delivery of regional activities. The Pacific context, and the need for considerable capacity development in order to improve the effectiveness and medium-long term sustainability of programme outcomes, must also be taken into account when assessing value-for-money.

The MTA mechanism performed a useful role for PJDP2 during the 2010-2013 period, in line with the TOR for the role. There is no longer the need for the level of support contracted through the MTA mechanism, but the programme should continue to provide the PEC with access to limited independent expert advice (tightly managed to ensure it does not create dependency) in future when/if required, using an alternative and less costly mechanism. The governance structure is generally appropriate to the intention and purpose of the PJDP. While the structure appears clear, in practice there are inefficiencies which need to be addressed, in a way which acknowledges and respects the role and responsibilities of the CJs in relation to the PJDP. The structure would benefit from some clarifications of the roles of various stakeholders (CJs, PEC, and NCs) in relation to the governance of the PJDP, and streamlining of the processes of decision-making on programme direction and implementation.

Assessment against DAC Evaluation Criteria

Rating: 3 (Good) Generally good practice procurement, timeliness, etc; some scope for improvement in delivery of practical outputs, and in value for money. Minor variations could be made to management/overheads.

Sustainability

The programme has built on what was in place prior to 2010. It has a strong focus on working with the PIC judiciaries to identify, develop and implement systems and processes which will enable the judiciaries to sustain the outcomes of PJDP training and workshops, and enhance the capacity of the Pacific Judiciaries to deliver better access to justice. The focus on institutionalising processes and capacity to design and manage their judicial development programmes within the Pacific jurisdictions needs, not a regional institution, seems appropriate.

Progress has been made in enhancing knowledge and practices; and establishing procedures and systems within the PIC judiciaries including the courts, which will lead to consistently higher standards over time. There has also been progress with enhancing knowledge and practices at individual and organisational level, and establishing procedures and systems within the PIC judiciaries including the courts. The programme has built a solid foundation but this is still fragile.

Some constraints on sustainability are beyond the PJDP's sphere of influence, and it is unlikely that the gains can be sustained long-term at this level, or move forward, without further support to strengthen the Pacific judiciaries' capacity to sustain the intended outcomes.

Assessment against DAC Evaluation Criteria

2-3 (Satisfactory/Good.) Most positive benefits may be sustained in the short-term, but additional inputs are required if positive benefits are to be sustained for the medium-longer term.

Summary of lessons learned and recommendations

A needs assessment was undertaken before this phase of PJDP began (after a hiatus following the end of PJDP phase 1) to ensure that the outcomes and outputs were still relevant to the context, needs and priorities of stakeholders. An internal mid-term review reviewed its on-going relevance. It is important for a multi-year programme to schedule such reviews of relevance, along with monitoring progress towards outcomes.

Relationships have been a key factor in the effective implementation of the PJDP. Strengthened relationships between judiciaries across the Pacific, and between the Pacific judiciaries and the judiciaries of Australia/New Zealand, have supported the Pacific CJs to identify, discuss and address concerns within their own judiciary and across the Pacific in an environment which respects judicial independence and integrity. Once these personal relationships have been built it is possible for remote support to be increasingly utilised, and the PJDP is making more use of this within its technical components.

Research-type activities are useful tools to gather information, diagnose problems and identify potential solutions, provide a basis for developing practical activities and outputs, and establish baseline data for measuring change. These activities need to be explicitly linked to practical outputs and the intended outputs of the research must be delivered in a timely manner. It would be useful for the programme to undertake concurrent pilots and trials to speed up the roll-out of outputs from the research/diagnosis stage.

The PJDP has endeavoured, as a regional programme, to balance regional-based and national based activities, and the allocation of activities and money across sub-regions and countries. The value stakeholders place on moving regional meetings and other activities around the region, and perceptions of fairness, have been important considerations in balancing the spread of activities. Decisions on where to hold meetings, and host-countries for pilot activities, also need to take into account the time and travel costs.

Short-term changes in processes and systems, knowledge and behaviour, at individual and institutional levels are evident. Greater results could have been expected if programme delivery had occurred at a faster pace, and greater effort to deliver more outputs is essential over the next two year period.

The Responsive Fund provides a mechanism for judiciaries to address in-country priorities not otherwise assisted by the PJDP or within their own budgets, and it is being increasingly accessed by the judiciaries. There is no clear desire at present for a change in the level of funding available through the Responsive Fund.

There has been consistent under-expenditure on technical components, particularly in relation to delivery of practical outputs. This under-expenditure could have been addressed more effectively through better forward planning, including identification of potential under-spends in a timely manner which would have enabled reallocation of funds for the delivery of outputs. This would improve the balance between technical and management costs.

The PJDP Monitoring and Evaluation Framework, developed with assistance from MFAT, is being used to report regularly on progress; more analytical and evaluative comment in this reporting would be useful for PJDP stakeholders. Pacific judiciaries are increasingly monitoring their performance, using tools and processes developed through the PJDP; it would be useful for them to play an increasing part in monitoring the delivery and the outcomes of the PJDP.

The governance structure of the PJDP is generally appropriate to the intention and purpose of the PJDP, and is able to provide guidance to the programme implementers. The Terms of Reference for the PEC set out roles and responsibilities but there is some lack of clarity about what this means in practice, and also some uncertainty about the role of the NCs in PJDP structure and processes. The current process for discussing and making decisions on PJDP issues is widely seen as duplicative and in need of streamlining. Clarifications should be decided at the CJ/PEC level, and notified back to the MSC and other stakeholders. The CJs Leadership Forum is an opportunity for the CJs to look at other relevant leadership issues, in addition to discussions about PJDP. It would be useful for the Meeting Agendas to include specific sessions for this. The MTA role has been useful in providing the PEC with an independent external perspective on the delivery and outcomes of the PJDP, and a level of quality assurance. There is a decreasing need for this level of advice, although some provision for independent external advice if/when required would be appropriate.

The PJDP initiatives are assisting jurisdictions to take greater control and ownership over improving court processes, and to increasingly identify and manage their own judicial development programmes. It is important that the PJDP gives careful consideration when developing and assisting jurisdictions to implement processes and systems that these are on a scale which jurisdictions may be able to maintain within their own resources. Feedback indicates little interest or enthusiasm within the Pacific judiciaries for creating a regional structure or institution; institutionalising processes and capacity within jurisdictions needs to be a clear focus for the programme.

Some constraints to sustainability are outside the programme's sphere of influence and donors need to be realistic about whether and at what pace individual jurisdictions can be expected to sustain their own judicial development programmes³

Recommendation 1:

While acknowledging that workplan preparations for the last two years of the current phase have been undertaken during November 2012 to February 2013, which may limit the capacity of the MSC to respond, the evaluation also recommends in the coming two years, programme implementation pays particular attention to four key areas in order to improve the relevance, efficiency and effectiveness of programme delivery and to provide better value-for-money, as much as possible. These areas are: consolidation of progress to date, increased pace of delivery of practical outputs, greater focus on efficiency and value for money, and measuring progress towards intended outcomes.

³ More details on the lessons learned, and on each recommendation are available on pp26-31 of the Evaluation Report

Recommendation 2:

Going forward, for the period starting 1 July 2013, some revisions are made to the governance structures of the PJDP, done in a manner which acknowledges and respects the role and responsibilities of the CJs in relation to the PJDP, and that the PJDP implementation model be streamlined to ensure greater efficiency and value for money (including the self-sufficiency of the PEC). The recommended areas for revisions are:

- Streamlining the current processes for the governance and management of the implementation of PJDP
- amendments be made to the Terms of Reference for the PJDP PEC to address issues identified during the evaluation
- the current MTA role be discontinued, but some provision is made for the PEC to access technical advice (tightly managed to ensure that this does not create dependency) if/when required
- The current MSC TOR be retained for the future, but with references to the MTA removed and clarifying that responsibility for reviewing the scope/composition of the PEC is out of scope for the MSC.

See Annex 10 “Proposed Amendments to PJDP Governance Structure”

Proposed Changes to the PEC TOR have been provided separately to MFAT.

New TOR for technical advisory has been provided separately to MFAT.

Proposed Changes to the MSC TOR have been provided separately to MFAT.

Recommendation 3:

Commit to a further period of stable, strategic, focused and practical support for Pacific judicial development, across all PIF countries, using a regional approach supplemented by national activities. This would include:

- support for a period of 5 years (which would give ten years of continuous support, a total of 14 years of intermittent support for judicial development in the Pacific) with an independent evaluation at end of third year
- a similar level of financial support to the current PJDP
- a Management Service Contractor model, following a tender process which would include developing the new design document.
- the current MTA role be discontinued, but some provision is made for the PEC to access technical advice (tightly managed to ensure that this does not create dependency) if/when required
- The current MSC TOR be retained for the future, but with references to the MTA removed and clarifying that responsibility for reviewing the scope/composition of the PEC is out of scope for the MSC.

See separate paper “Concept Note for proposed further support”

Background and context of the Activity

The PJDP is a multi-country regional programme of assistance with a shared vision and agreed goals for strengthening the judicial system as a central pillar of good governance and the rule of law. The Programme operates in the Pacific Islands Forum countries of the Cook Islands, Fiji excluded, Federated States of Micronesia, Kiribati, Marshall Islands, Nauru, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu and Vanuatu. The Programme's focus includes both meeting the educational and professional development needs of judicial officers and court officers; and providing support for process and system improvement.

The judiciary is one of the three arms of the state and is critical for the maintenance of the rule of law. Judges have a key role as guardians of human rights, good governance, accountability and transparency. Developing a culture of judicial education and professional development will strengthen the ability of the Pacific judiciaries to play their role in the region's system of government and contribute to promoting a culture of good governance and prompt access to justice.

The PJDP was preceded by the Pacific Judicial Education Programme which had two short phases, followed by a hiatus period before PJDP began. There was a further hiatus period between PJDP phase 1 and PJDP phase 2 (the programme being evaluated). The programme's focus extends beyond meeting the educational needs of judicial officers and court officers to include support for their professional development needs as well as process and system improvement. This is a change from the previous Pacific Judicial Education Programme (PJEP) and this is reflected in the new title.

Originally, the PJDP was envisioned as a five-year programme. Due to complicated contractual arrangements (ie: Programme Director and Service Provider model), an earlier arrangement (now referred to as PJDP phase 1) ended prematurely after 18-months of delivery in June 2008. A review of the PJDP contracting model and implementation arrangements was undertaken in 2008. A new contracting and implementation model (ie: MSC and MTA) was endorsed by the PJDP Programme Executive Committee (PEC) based on 2008 Review outcomes. The current programme (now referred to as PJDP phase 2 and based on the new model) commenced in July 2010 (for a period of three years structured as two years plus one) till July 2013 following an open tender process.

Purpose, scope and objectives of the evaluation

Purpose of the evaluation

The evaluation will be used by MFAT to determine effectiveness of support to date, and whether a further phase of NZ Aid Programme support is necessary, and if so, scope, focus, and scale of support.

The findings of the evaluation will be reported to the PEC including AusAID. The findings may also be reported to the participating countries and the Pacific Judicial Conference in due course.

Exclusions: The evaluation will not consider impact as it is too soon to assess programme impacts. The focus of the evaluation will be on achievement of outputs and its short-term results, and progress towards longer-term results (refer to the PJDP Results Framework). Due to reasons of cost-effectiveness the evaluation will not include field visits to all countries, and will only be able to reach a sample of each target group.

Scope of the evaluation

The time period covered is July 2010 to present. The Evaluator will take into account to the extent possible any development outcomes from the earlier short phase of implementation.

The geographic focus is the Forum Island Countries Cook Islands, Fiji excluded, Federated States of Micronesia, Kiribati, Marshall Islands, Nauru, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu and Vanuatu.

The target groups are Pacific Judiciaries, PEC, Pacific Chief Justices, and NCs, PIC Members of Regional Training Teams, PIC Judicial and Court officers who have been trained by PJDP, Management Services Contractor (MSC), The federal Court of Australia (FCA), the NZ Judiciary, MTA, MFAT, AusAID, other regional law and justice projects; service users and service providers such as Pacific lawyers and police may also be relevant.

Objectives of the evaluation

Objective (1): Assess relevance, effectiveness, efficiency (including value for money), and sustainability of the PJDP.

Relevance:

1. Is the PJDP and the outcomes it is trying to achieve relevant and aligned well with the mandate, policies and priorities of the New Zealand Aid Programme?
2. Is the PJDP goal, purpose and outcomes clearly focused on Partner needs and priorities both at a national level within the participating countries, and at a regional level?
3. Assess the relevance of the regional approach of the PJDP taking into account how it may complement other law and judicial initiatives in the Pacific.

Effectiveness:

1. Assess the extent to which the programme has achieved its outputs and made progress towards achieving intended outcomes (taking into consideration the PJDP Monitoring and Evaluation Framework). What are the key results?
2. Assess the extent to which the programme has become effective in addressing cross-cutting issues such as gender and human rights (conflict prevention to a lesser extent).

Efficiency and value for money of the PJDP:

1. Assess whether the programme has been efficient in the use of resources.
2. Have the operations of the PJDP been effective and efficient in ensuring its planning, delivery (intended outputs and outcomes) monitoring, analysis and reporting functions are completed on time to quality standards and budget?
3. Assess whether programme implementation has provided value for money. Take into account how PJDP delivery at regional, sub-regional and national level could be improved to provide better value for money.
4. Assess whether the MTA mechanism for the implementation model has been cost effective and advise whether alternative(s) could provide better value for money for both the extension period for any potential new phase.
5. Is the PJDP Project governance structure appropriate?

Sustainability:

1. What strategies have been implemented by PJDP to assist recipient countries to address sustainability of training outcomes? To what extent have they become effective?

2. Assess the extent to which outcomes (including skill development in local shareholders) would be sustainable at the end of the project, and what (if any) further support may be necessary to achieve sustainability.

Objective (2): Make recommendations on priority areas for further assistance (if any). Provide a concept note for future phase of support (if any).

1. How could current PJDP delivery at regional, sub-regional and national level be improved to enhance relevance, effectiveness and to provide better value for money?
2. Make recommendations to reinforce or revise the project governance structure.
3. Make recommendations to revise or reinforce programme design, scope, scale, outputs/focal areas, countries, resourcing, duration and programme implementation including MTA mechanisms, (taking into account DAC criteria, cost effectiveness and value for money) for any future phase of support.

Methodology

As set out in the Evaluation Plan, the Evaluator used an evidence-based approach to all stages of the evaluation, using standard evaluation and social science techniques. The main methods used in the evaluation were review and analysis of existing project documentation and other relevant documents, and internet searches for secondary data; and qualitative methods such as semi-structured interviews with individuals or small groups of key informants. These interviews were mainly face-to-face with some undertaken by telephone; a few respondents were contacted by email and asked to respond to a few targeted questions. The evaluation included a visit to Honiara to coincide with Pacific Judicial Conference and short field visits to four participating countries: Cook Islands, Tonga, Vanuatu and Samoa. The visit to Vanuatu was timed to coincide with a PJDP Orientation Workshop which enabled the evaluator to undertake face-to-face interviews (cost-effectively) with stakeholders from a wider range of judiciaries. There were also meetings in Sydney, Canberra and Wellington.

Key respondents to be included in the sample for interviews were identified in consultation with MFAT's programme manager and MSC. In-country respondents were identified by National Coordinators and Chief Justices, and interviews arranged by the National Coordinators or a person selected by them. Key groups identified for the sample included: Chief Justices, National Coordinators, members of the Regional Training Team, Court Officers and Judicial Officers, women and men, lay and law-trained Officers. A small sample of secondary stakeholders, such as Pacific justice ministries, lawyers and police were also interviewed in each country. Other regional law and justice projects were considered through internet searches or electronic communication. A total of 105 people were consulted. (See Annexes 1 & 2 for a list of people consulted, and a breakdown of stakeholder groups.) The Evaluation Plan included provision for an email survey/questionnaire if necessary to ensure an adequate number and range of stakeholders; it was not considered necessary to use this method.

A semi-structured interview approach was used for gathering information to enable many of the responses to be grouped and analysed but still make allowance for a range of responses. Interviews and small group discussions were preferred to electronic questionnaires as they enabled the evaluator to interact with the respondent and probe for more in-depth responses. Email was used to obtain information from people selected as key informants but more difficult to reach for interview by telephone; some of these email responses were followed up by telephone interviews.

The semi-structured, face-to-face or phone, interviews used a set of key questions (included in the Evaluation Plan annexed to this Evaluation Report) to guide the interview. Questions were selected from the key questions to be relevant to the specific interview. The electronic requests for information also used questions selected from the set of key questions. Each interview

began with an explanation of the purpose of interview and how the information will be used, the purpose of the evaluation, and the topics to be discussed. The interviewee was assured that the information they provided would be synthesised with other feedback to maintain confidentiality, and that permission would be sought before using any information which might be identifiable to a country or an individual. In each case, the interviewee was asked if they are willing to have their name included in the list of participants annexed to the Evaluation Report. Not all respondents wished to have their names listed.

Information gathered from the various sources was cross-checked and assessed to see the extent to which the information from the various sources coincided or differed. Where it seemed necessary the evaluator checked back with relevant MFAT and/or PJDP stakeholders to clarify issues or discuss the evaluator's understandings and findings, and verify the correctness of assumptions or judgements made during the analysis phase.

Interview notes and electronic responses were collated against eight key themes to enable some quantification of data gathered through qualitative methods (see Annex Three). Information from the document reviews was compared across a sample of documents from various sources and triangulated against the information provided by evaluation participants.

The evaluation did not include consultation with New Zealand taxpayers (who fund the New Zealand Aid Programme).

MFAT's five-point rating scale was used to assess the PJDP against each of the DAC criteria, Rating Description: 5 Excellent; 4 Very good; 3 Good; 2 Not adequate; 1 Poor; No rating

Limitations of the evaluation (and the effect of these on the evaluation)

During two of the field visits it was not possible to complete the full range of interviews hoped for. In Vanuatu some key informants were unavailable due to urgent workloads in the Supreme Court during the field visit. In Samoa a cyclone caused the cancellation of interviews for the latter part of the field visit. Three Chief Justices were not interviewed, although there was some email communication with them. While it was regrettable that these key informants were unavailable for interview, the evaluator does not consider it had any substantive effect on the findings of the evaluation.

There was brief conversation with one or two people in MFAT's Pacific Division but no substantive interviews. The evaluator considers that telephone or face-to-face interviews with Post staff (including some High Commissioners and Deputy High Commissioners during field visits) provided sufficient information to triangulate with material identified during the documentation review.

Findings and conclusions:

Relevance

Feedback from MFAT Posts and IDG staff, and a review of current policy and strategy documents, indicates that the PJDP is consistent with and relevant to the mandate, policies, priorities and strategies of the New Zealand Aid Programme. The programme is also aligned with New Zealand's interests in the Pacific. In a speech to the 2012 Democracy in the Pacific Conference, Foreign Affairs Minister McCully commented "... the maintenance of democracy, the rule of law and human rights in the Pacific matter very much to New Zealand. ..." inseparable from the operation of democracy is the upholding of the professionalism and independence of both the judiciary and the police. In respect of both these institutions, New Zealand has made a significant investment within the region."

In 2009 the New Zealand Government directed that the Pacific remain the core geographic focus of the New Zealand Aid Programme. MFAT's *International Development Policy Statement: Supporting Sustainable Development* identifies Building Safe and Secure Communities as one of the priority themes. Under this theme it notes that "Criminal justice systems face issues such as delays in the judicial processing of cases, inadequate police investigation, inappropriate sentencing, and inadequate justice systems for juveniles and prison overcrowding. ... Support can be provided for legal systems (including traditional systems and adherence to international law) and legislative frameworks to ensure they protect the rights of people and property and are effective in resolving conflict. To strengthen the rule of law, assistance can also be provided to ensure that our partners have effective law enforcement agencies, access to effective legal representation, and an independent and professionally competent judiciary." (International Development Policy Statement, page 9). In the International Development Group's Strategic Plan 2012-2015, the thematic area "Improved governance, security and conditions for peace" includes the following Outcomes & Indicators: Improved access to justice and improved judicial systems; and Police, justice, court and legal officers trained (number, male/female). The PJDP is aligned with and contributing to the intended outcomes of this thematic area.

IDG staff noted that while the PJDP's purpose (to support PICs to enhance the professional competence of judicial officers and court officers, and the processes and systems that they use) is not a priority in the bilateral programmes, the PJDP is not incompatible with the focus of these programmes implemented. Some bilateral programmes support the provision of expatriate judges; and some staff also noted that it is possible on occasions for the bilateral programme to provide small additional support for in-country activities related to the PJDP's purpose. Feedback from MFAT Post and IDG staff, and review of documentation, indicates that PJDP complements New Zealand's bilateral and regional law and justice, policing and domestic violence programmes, and support for Pacific Islands Law Officers Network (PILON). It is consistent with, and complementary to, Activities currently receiving support, or under consideration, from the New Zealand Aid Programme's Partnership for Pacific Policing Programme and the NZ Partnerships for Development Fund.

The report from the Busan Partnership for Effective Development Cooperation (2011) stated in paragraph 12c that the shared principles will guide action to: "Broaden support for South-South and triangular co-operation, helping to tailor these horizontal partnerships to a greater diversity of country contexts and needs." Paragraph 31c states: "We will strengthen the sharing of knowledge and mutual learning by: encouraging the development of networks for knowledge exchange, peer-learning and coordination among South-South cooperation actors as a means of facilitating access to important knowledge pools, by developing countries." The PJDP's approach fits well with these statements, and therefore with the New Zealand Aid Programme's commitments to the Busan Partnership, the Accra Agenda for Action, and the Paris Declaration on Aid Effectiveness.

The New Zealand Aid Programme provides funding for Pacific Plan activities, implemented within and across the Forum Island Countries. The PJDP implemented across and within the Forum Island countries, is consistent with the New Zealand Aid Programme's regional spread. It is also consistent with and contributes to New Zealand's interests in the Pacific, including New Zealand's membership of and support for the Pacific Islands Forum.

Conclusion:

The PJDP and the outcomes it is trying to achieve are relevant to and aligned well with the mandate, policies and priorities of the New Zealand Aid Programme. It is also consistent with New Zealand's strategic interests in the Pacific.

The original design for the PJDP identified the relevance of the PJDP to the Pacific context and stated that “The judiciary is one of the three arms of the state and are critical for the maintenance of the rule of law. Judges have a key role as guardians of human rights, good governance, accountability and transparency. Most of the constitutions of Pacific countries provide a role for the courts as being primarily responsible for the protection of citizens from oppression, commercial exploitation and abuses of fundamental human rights, such as the protection of women and children from domestic and sexual violence⁴.”

The programme logic/Theory of Change for the PJDP shows that the 5 Components are relevant to the intended outcomes of the 18 Month Implementation Plan (2011-2012) and the 12 Month Extension Plan (2012-13); and that the Component Outcomes will contribute to the desired Programme Outcomes. (See Annex 4, Results Diagram and Framework.) The Chief Justices recently indicated that they perceive all of the components of the PJDP programme relevant and essential⁵. The intended outcomes under each of the Components in the PJDP’s design will contribute to achieving the programme’s purpose; and each of the outputs will/does contribute to the relevant component outcome. It is not always clear, however, how each output relates to the others or whether sequencing of these outputs might lead to more effective and efficient progress towards the Component outcomes. Clearer cross-linkages and sequencing may highlight the relevance of individual outputs to the broader outcome. Some outputs, taken in isolation, will achieve only a narrow segment of the relevant Component Outcome, but in conjunction with other outputs will contribute to achieving the purpose of the PJDP.

A needs analysis in 2010, undertaken through a series of sub-regional workshops, was used as the basis for identifying regional judicial priorities, and developing the PJDP2 Implementation Plan and its outputs. During the implementation period, regional workshops, scoping studies and piloting of activities have been used to develop and ensure outputs are relevant to the Pacific context and capacity. For example, judicial performance monitoring indicators were developed at a workshop with CJs and NCs to ensure that they are relevant; however feedback suggests there is a need to better explain the reasons for PME and the indicators selected within jurisdictions so that people understand and accept their relevance. The delivery of outputs (such as workshop topics, pilot programmes and ‘toolkits’) is seen by stakeholders as relevant and contributing, in varying degrees, towards meeting their identified needs. Judiciaries are able to select which of the offered activities they will participate in, or offer to host an activity, which ensures that each judiciary participates only in activities which it deems relevant to its own needs. It may, however, be useful if the MSC provides contextual guidance to assist the CJs/NCs make decisions on the location of regional workshops and meetings and suitable locations to pilot a particular activity (eg FVYJ workshop) .

Posts report that CJs have commented to them on the usefulness and relevance of the programme, and feedback from evaluation participants and through MSC reports indicates that programme outputs have been relevant to individuals as well as to the jurisdictions.

Finding the appropriate balance between regional and national/local activities is challenging. Regional delivery provides opportunities to share experiences and learnings across jurisdictions, and delivers economies of scale, especially when using expensive outside expertise. In-country activities enable more participants from that jurisdiction to participate, and using the vernacular widens the range of people able to fully participate. In general evaluation participants consider there has been a reasonable balance.

All jurisdictions have participated in regional activities, and 13 have accessed funding through the Responsive Fund. Some countries have chosen to self-fund additional participants to

⁴ PJDP Programme Design Document, 2005. Page 11

⁵ Draft PEC Minutes, Honiara, November 2012

workshops & training courses, an indication that the topics covered in workshops are seen as relevant. Some activities of the programme are not relevant to certain jurisdictions (eg Palau) because of the differences in the court systems and statutes but respondents noted that because they can select when to participate, they do not choose activities which are not relevant to them.

As yet, not all jurisdictions have developed a national plan for judicial and court development but those who have done so (for example, the Vanuatu judiciary) have linked this plan with the opportunities available through the PJDP. Discussions with officials in other government agencies in the law and justice sector indicate that they see the PJDP as relevant to the judiciary in-country and also to their country's law and justice sector. The PJDP is, for example, consistent with three of the five Strategic Areas under Priority Area 2/Key Outcome 8 of the Strategy for the Development of Samoa 2012-2016. The Samoa Law and Justice Sector Plan 2015 – 2018 which was due to be launched in early-mid December 2012 includes a fifth goal on capacity building, and the activities of the PJDP are relevant to this goal.

The PJDP has developed criteria for the selection of course participants and provided this to jurisdictions to ensure that the course content and approach is relevant for the participants that they nominate for the course. It seems that some jurisdictions are not yet selecting participants according to these criteria which creates challenges for the presenters at workshops and means that in some cases the course is not relevant to individual participants. The evaluator suggest that the MSC assess each nominated participant against the criteria and then discuss with the nominating judiciary any suggested participants who do not meet the criteria.

Most respondents agree that all the tangible outputs (such as training, Codes of Judicial Conduct, Diagnostic and Performance Monitoring) are making a relevant and identifiable contribution to improving the work of Pacific judiciaries. There is greater divergence in people's views on the more 'research-focused' activities such as CDR and Institutionalisation. Some people said that these have been useful in raising discussion on issues which are relevant to PIC judiciaries which they might not otherwise have identified or considered; others said that these were of less relevance and priority than delivering practical/tangible outputs to assist PICs with solutions to challenges.

Each of the research activities was on an area prioritised during the 2010 Needs Analysis, and most was intended to gather information, diagnose problems and identify potential solutions as a basis for developing practical activities and outputs such as pilot activities and toolkits, and establishing baseline data for measuring change. However, interviews during the evaluation process showed some concerns about whether there have been sufficient practical outputs resulting from the research, and therefore how relevant the research had been to the intended outputs and outcomes.

Because of the isolation within the Pacific, the small size of judiciaries, and the need to preserve judicial independence, many senior judges have limited opportunities to discuss issues and concerns. The regional Chief Justices' meetings provide opportunities for initiating discussion on issues and principles such as judicial independence, ethics, performance management, and sharing concerns and experiences with peers. Some respondents commented that there is little specific leadership training at these meetings, which they see as a lost opportunity. These regional meetings are also seen as opportunities to introduce 'new' concepts and encourage jurisdictions to identify/take-up new challenges and solutions.

It is the evaluator's opinion, that the capacity development approach used by the PJDP is relevant to the current capacity and identified needs of the Pacific judiciary at regional and national level. While the PJDP is not a capacity development programme, per se, capacity development has been seen throughout the programme as the means to an end: to achieving

the PJDP goal of “Strengthened governance and rule of law in PICs through enhanced access to justice and professional judicial officers who act independently according to legal principles”.

Conclusion:

The PJDP goal, purpose, outcomes and outputs are clearly focused on Partner needs and priorities both at a national level and within the participating countries, and at regional level. Using a capacity-development approach to delivery is relevant to the needs in judiciaries.

The Pacific Plan 2005 had three tests for regional approaches: is the market [other providers] providing a service well? Can national [institution] provide the service well? Does the proposed regional initiative maintain effective [ownership] held by the national [institution]; shift only the management of services to the regional body; enable countries to retain policy making and priority setting roles? The PJDP’s regional approach is relevant to the Pacific when assessed against these three questions.

Pacific Leaders recognised, through the April 2004 Auckland Declaration, the pooling of regional resources and the aligning of policies to strengthen national capacities hold much potential for assisting the Pacific to face current development and governance challenges in the region. The PJDP is aligned with and contributing to the Governance thematic objectives of the Pacific Plan 2007, with Pacific Leaders Communiqués, and with the work of the Forum Regional Security Committee. “Independent and sufficiently qualified and resourced judiciaries are fundamental to Members’ ability to ensure respect for the rule of law and deliver justice to their communities.”⁶ The PJDP was announced by the Forum Leaders in 2005, and the PJDP is a Forum-announceable. The PJDP is a regional programme implemented across 14 Pacific Islands Forum countries, as are a number of other donor-supported regional programmes such as PICP, Ombudsman Programme, OCO, and PILON.

The PJDP complements other law and justice, and governance, initiatives in the Pacific. Feedback from a range of informants, and from secondary research, identifies the PJDP as unique among regional programmes in the Pacific in its focus on judiciary including court staff, and fills a specific niche not addressed by other regional programmes. The PJDP’s Family Violence and Youth Justice output is complementary to other regional initiatives such as the South Pacific Council of Youth and Children’s Courts, the Pacific Prevention of Domestic Violence Programme, and the PILON Litigation Skills Training Programme. The programme is also complementary to programmes supported or implemented by AusAID, RRR, UNDP and UNICEF.

In 2011 the Pacific Islands Forum Secretariat commenced a scoping study into possible regional approaches to supporting judiciaries and legislative drafting services in Forum Island Countries. Discussion during the evaluation clarified that the focus of this scoping study is at Appellate Court level, not at the levels of judiciary being addressed by PJDP.

There is a perception among a substantial number of stakeholders that PJDP has had limited dialogue with other regional/bilateral law & justice initiatives, although recent MSC reporting identifies the dialogue which has taken in place in the reporting period. Dialogue with other initiatives will assist PJDP to remain relevant in the regional context, helping to identify potential duplication as well as potential efficiencies through shared resources, information and/or delivery. However the amount of time spent on this dialogue should be undertaken as efficiently as possible so that it does not take up unnecessary amounts of management/administration resources.

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⁶ Pacific Plan, 2011 Review of Progress

For many jurisdictions the PJDP is the only source of support for specifically judiciary-focused programmes. In countries where there is a Law & Justice Sector Programme, or bilateral donor support for law & justice and/or governance programmes, the PJDP is complementary to these programmes but greater dialogue/communication between them would be useful to access existing or potential funding opportunities (for example, support for in-country training costs). In Solomon Islands, PNG, Vanuatu and Samoa, bilateral funding for the law and justice sector does not duplicate PJDP activities but it is important for donors and PJDP to remain aware of this possibility. Feedback suggests that as a regional programme the PJDP is less likely than bilateral programmes to be perceived as having influence/impact on judicial independence, so judiciaries are more willing to seek support from PJDP to address areas of concern within the jurisdiction.

External stakeholders commented that it would be useful for the Ministry of Justice/Law and Justice Sector programme (or equivalent) to be kept informed about PJDP's regional & in-country activities as they have an interest in the performance of the court system.

Members of the New Zealand judiciary indicated that they see the PJDP as relevant to issues and concerns they hear from their Pacific colleagues. They also expressed satisfaction with their increased engagement in PJDP2, compared with PJDP1, with an appropriately tailored process for engagement of NZ judiciary put in place by the MSC, and a NZ judge as contact person between NZ judiciary and the PJDP.

Conclusion:

The PJDP's regional approach is relevant to the context. The programme is unique among regional law and justice programmes within the Pacific, and complements other regional and bilateral initiatives.

Assessment against DAC Evaluation Criteria

Relevance	4 Very Good	Needs and policy linkages appropriately identified, and mostly of high priority; and the design is in most respects right to meet them
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Effectiveness

.Progress against 2010 baseline, in Progress and other Reports, and the MSC's internal Mid-Term Review, indicate slow but significant progress against the programme's objectives. This has been confirmed by responses gathered during the current evaluation.

The PJDP Monitoring and Evaluation Framework, developed with support from MFAT, is used as the basis for MSC's regular appraisal of progress and for reporting on progress. The Framework mainly specifies output-focused indicators, which will contribute to the anticipated outcomes.

The MSC's Reports include an update on activities carried out during the period. (See Annex 5, Summary of achievement of outputs.) End-of-activity reports by the Technical Advisors provide evidence of the achievement of outputs and indicate progress towards the objectives of the Programme. Some of these TA reports [eg the Judicial Monitoring and Evaluation Report: Interim Baseline Report, February 2012] also provide baseline data which can be used for measuring progress in the future. (See Annex 6) New activities have been developed within the components, in response to stakeholder feedback and to needs progressively identified over the course of implementation.

The evaluation indicates that while 'demand' for judicial development is deeply felt and opportunities are willingly taken up, there is some perception that initiating strategic discussions or new activities is still MSC rather than CJ driven.

Feedback from various jurisdictions is that it has been useful to have external-eyes (such as TAs) look at the existing practices; one Pacific respondent said "If not for this PJDP activity we would not have seen these areas as needing changes and would not have taken steps to implementing changes". Several jurisdictions have used the TA-led activities as a catalyst. For example: following the JAD assessment, Vanuatu has developed a Court Improvement Plan with 7 priority areas and have begun to implement some of these eg following a workshop for magistrates and court officers, a concentrated effort saw 15 backlog cases disposed of in a 4 month period compared to usual 3-4 per year. Following the JAD assessment, Tonga has separated the General Registry from Courts, to enable both to focus more clearly on their key functions. It is not sufficient for the programme to simply assist judiciaries to identify their needs and short-comings; it is essential that the programme provides appropriate support for jurisdictions to implement the changes and improvements they wish to make.

Tangible outputs (such as toolkits, country specific Codes of Judicial Conduct, Principles for Performance Monitoring) are effective mechanisms to enable jurisdictions to adopt new processes and systems. Although outputs such as pilots and training have taken place, some of the planned resource kits for trainers and toolkits for use in other countries are not yet fully developed and being implemented. This should be completed in the 2013-15 period. Respondents to the evaluation noted that the development of 'toolkits' and resources will not, in itself, effect change. There needs to be further support and training on how to adapt and apply the tool to the individual jurisdiction, and on-going support and monitoring of its implementation in-country.

Some feedback suggested that at times outputs may be pitched at too high a level, not taking the limited capacity of smaller jurisdictions sufficiently into account. A small number of respondents commented that some regional activities are 'over-sophisticated' and that expectations may not be relevant to the real capacity and needs of smaller jurisdictions. More needs to be done by the PJDP to identify and understand specific contexts, and to assist jurisdictions to localise the material from regional activities to the in-country context. Some questions on the relevance of particular workshops may be due to the selection of inappropriate participants; this could be addresses by more clearly defining the target groups for each workshop, and placing more emphasis on the criteria for selection of participants.

Some external respondents said judges have commented to them about improvements in court staff since PJDP training. Many respondents to the evaluation commented that they can see marked changes in their own and other individuals' behaviour, attitudes and work performance. They noted that when people return from workshops or training, in-country or regional, they display greater motivation to identify and take forward improvements. One example given was that since their in-country training session, the magistrates have agreed that to keep each other updated on decisions to build up consistency across the judiciary. Another example is that during in-country training, a group of Court Interpreters developed a mini-dictionary of "socially acceptable" words to use for body parts when translating in sexual abuse cases.

During the evaluation each jurisdiction stated that they now have staff, trained under the PJDP, who can train others in-country or be available to assist with training in other PICs. Trainers say they have increased skill and confidence, although most still lack experience, and are building up resource kits from each of their TOT courses which they can use for future training. They also stated that the courses taught them to do training needs analysis, project planning and budgeting, as well as helping them develop their skills as trainers. Some said that they can now see areas in their own jurisdictions where training is needed and feel able to run the

training, but workloads make it impossible to do so. Others have already initiated and run training. Support and mentoring of Regional Training Team members is still needed, with assistance to plan and design courses as well as to present them. This is an on-going activity, some of which might be done remotely (eg by electronic communication) as trust and personal relationships are already established. The quality of training delivered by the RTT members regionally and in-country also needs to be monitored.

Chief Justices Leadership Forum meetings, a PJDP output, have taken place as scheduled with good levels of attendance and participation; and are seen as complementary to the Pacific Judicial Conference. Relationships across the Pacific are developing steadily (eg CJs, NCs, RTT members, and peer-to-peer) with people having built enough trust and confidence to discuss concerns such as judicial independence and court ethics, share experiences and challenges they are facing in their own jurisdiction, and make suggestions for solutions to others' difficulties. There have been suggestions that there could be greater focus on other pertinent leadership-related issues at these meetings, as well as PJDP related matters. The regional meetings of National Coordinators are seen as a valuable opportunity for NCs to develop their project management and planning skills while building up a network of colleagues, and feedback indicates that this is the only such forum in the Pacific.

Respondents identified the difficulties of taking training out to key groups of the people who need it, or bringing them to the training eg Outer Islands/remote areas. So far, in most jurisdictions the focus has been on the "centre" but most jurisdictions speak of their plans/hopes of reaching out to those further from the centre. Some commented that it is sometimes difficult for older/more experienced people to adapt to change, so achieving intended outcomes may be a long (generational) process. Some people expressed concern about whether the PJDP themes and activities are able to change sufficiently to meet changing needs in Pacific, others were concerned that programme of activities was "too flexible" and not planned sufficiently far ahead of time to enable effective in-country planning.

Conclusion:

The programme has made steady progress on delivery of outputs after a slow start, and indications are that progress is being made towards outcomes. It is too early yet to expect to see medium-longer terms change embedded, but programme has achieved a number of small steps/identifiable changes at individual and institutional levels. Short-term changes in processes and systems, knowledge and behaviour are evident, but more results would have been evident if programme delivery had occurred at a faster pace. Greater effort to deliver more outputs is essential over the next two year period, and better forward planning will be needed to achieve this. The programme needs to be increasingly focused on what are the key priorities, what can be achieved and how that can be supported within the country/region; and on sustainability of outcomes not structures

Examples of the projects funded under the Responsive Fund (see Annex 7) indicate that it is being used to supplement or complement regional activities. Applications to the Responsive Fund are identified and initiated in-country, so are relevant to the national context, and are seen as an important way to deliver PJDP outputs in-country, adapt regional activities to their own context, and address their own priorities. There were suggestions from some respondents that judiciaries need to be more focused and strategic in their requests to the Responsive Fund. Views on the size of the Responsive Fund vary, with some suggestions that it should be increased and able to fund equipment and staffing. Some expressed concerns that if the Responsive Fund is increased at this time, jurisdictions may become overly focussed on accessing funds for short-term needs, rather than working together for their individual and joint benefit through, for example, regional opportunities currently available through the PJDP. Others suggested that the Fund should remain small and focused so that applications for

funding have to be based on real needs and priorities, as judiciaries will then use the resources wisely and not become too dependent on them.

Providing support to build in-country capacity for planning and management of the Responsive Fund, and for meeting the application and reporting requirements, has been resource intensive for the MSC but has been necessary to ensure quality applications and delivery and to develop longer-term capacity to seek funding from other sources/donors where this may be necessary. Although the PJDP has simplified the forms through discussion with NCs, the processes are still resource intensive and sometimes difficult for PIC judiciaries. NCs/trainers in-country told the evaluator that they are aware of need to ensure the budgets they submit are “tight” and of the importance of keeping within budget. They also know the importance of adequate and timely reporting (financial and narrative) but find this can be difficult to achieve alongside their own work commitments. Some respondents commented that reading about other people’s Fund applications in the PJDP newsletter, distributed electronically and on the PJDP website, gives them ideas about what they could do in-country

Conclusion:

The Responsive Fund is meeting its intended purpose to enable participating judiciaries to undertake reform priorities not otherwise assisted by the PJDP or within their own budgets. It is increasingly being accessed by PIC judiciaries, but developing in-country capacity to meet application and reporting requirements has been resource intensive for Pacific jurisdictions and the PJDP staff.

PJDP Strategy papers have been developed for six cross-cutting issues, which are aligned with the NZ Aid Programme’s Cross-Cutting Issues Strategy and the Environmental and Social Impacts Operational Policy. This evaluation was asked to look specifically at how gender and human rights were addressed within the PJDP as cross-cutting issues.

PJDP’s programme design, approach and delivery have been consistent with the strategy papers. In addition to mainstreaming gender and human rights issues in TOT and other trainings (eg through selection of case studies), specific questions are asked about how these issues will be addressed in TA-led activities and gender-disaggregated data is requested in TA reporting. Responsive Fund applications ask for information on how gender and human rights issues will be addressed in activity but the MSC reports that, even with support from the PJDP team, this aspect of the applications is still weak. The Family Violence and Youth Justice pilot programme is an example of a specific way in which cross-cutting issues are being addressed within the PJDP. As yet little disaggregated data is available within court reporting in most jurisdictions, and the PJDP needs to continue to encourage greater disaggregation of data in court reporting.

MSC reporting and TA activity reports, include information on how gender and human rights issues, and sustainability, are being addressed and gender disaggregated data is provided in some reports. People involved for several years (with PJDP2 and the earlier PJEP and PJDP1) speak of changes in attitudes to, and greater acceptance of, the inclusion of gender and human rights into activities and materials. Several respondents commented that through raising these issues within the judiciary, PJDP is contributing in a specific way to changes in attitude and practice occurring in wider Pacific Islands’ society.

The Responsive Fund application form asks specifically how gender and human rights will be addressed. MSC reports that no Responsive Fund applications adequately addressed cross-cutting issues, even with support to define and respond to relevant issues. The MSC considers this an indication of limited awareness in PICs on how relevant human rights and gender legislation, regulations and policy apply to the work of the courts, compared to the apparent increase in general awareness of these issues evident during workshops.

Conflict prevention, another of the NZ aid programmes cross-cutting issues, although not a cross-cutting issue within the PJDP (Pacific Judicial Development Programme), is being addressed alongside human rights through work on family violence.

Conclusion:

The PJDP has actively implemented its Strategies on gender and human rights within its activities and its reporting. It is not clear to what extent gender issues are taken into account by the CJs Forum when selecting new members to the PEC. There is greater acceptance of the inclusion of gender and human rights issues into the content of workshops, and willingness to discuss these issues, than was apparent in PJDP 1 phase. While this is not attributable to the PJDP, raising these issues within the judiciary has contributed to the change in attitudes. However there is still a need to increase awareness of how these issues apply to the work of the courts and judiciary, including how to address gender/human rights challenges when these are identified within their structures or court processes.

Assessment against DAC Evaluation Criteria

Effectiveness	3 Good	All outputs have been / are being delivered as planned. Most planned outcomes are expected to be advanced
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Efficiency and Value for Money

Operating in a regional framework can reduce the costs of providing a service if the number of people benefiting from the service is increased but can also increase costs, for example by requiring the movement of goods, services and people over long distances

The MSC identified and allocated resources (staff, contractors, and resource persons) in the way they considered necessary for implementing the programme. Some staff positions are part-time, others full-time. Nine advisors and several judicial officers with specific technical expertise have been contracted to the programme, with specific deliverables and timeframes including monitoring of their activities over time. This combination of staff and TAs enabled PJDP to provide relevant expertise across a range of components and outcomes, and the evaluator was told that it would not have been possible to employ staff with the wide range of skills and expertise within the available budget. The MSC stated that the use of members of the judiciary on a pro bono basis or with minimum cost to the programme, has extended the amount of services which the programme been able to provide within the budget. While it is difficult to quantify this significant amount of additional support from the judiciary in terms of total monetary value, the MSC provided evidence of 50 incidences of pro bono support from September 2011 to December 2012. Several New Zealand judges have been used as facilitators or presenters during the PJDP2. Improved forward planning for workshops and training would make it easier for NZ judiciary to schedule their workloads to be available and facilitate their ability for greater participation in providing technical assistance to PICs. Some small budgetary provision should be retained within the MSC budget to cover associated costs relating to the engagement of the NZ Judiciary and the NZ Institute of Judicial Studies in the PJDP (eg for NZ judicial representation or opening remarks at PJDP workshops, for NZ judicial liaison) separate from direct delivery/output costs. This would enhance visibility of the NZ judiciary and strengthen relationships between NZ and Pacific judiciary.

Respondents indicated their satisfaction with the service they received from staff, TAs and resource persons and consider the PJDP has had appropriate skills levels to manage and deliver programme outputs, and has largely been efficient in the use of its limited resources. Some feedback indicated that programme could have made better use of TAs, with a more coordinated and less silo-ed approach, for example TAs sometimes visited countries without knowing another had recently been there. With better coordination the TAs could have built on

or supported each other's work, referenced it within their own activity, or provided an informal monitoring function. The MSC does have mechanisms to share information with TAs across the different components, but better coordination would mean a more manageable workload for judicial and court staff, since many are involved with more than one area of the PJDP programme; it would also increase the efficiency of the TA visits and enhance the outputs delivered.

Respondents to the evaluation noted that the selection of people with Pacific experience and cultural awareness and sensitivity was highly valued and generally preferred, but bringing in external expertise was also recognised as important for raising new issues and encouraging new thinking. While feedback indicated that in general facilitators/trainers used active learning approaches suited to the PIC context, respondents emphasised the need for the PJDP to identify and increase the use of PIC resource people/experts⁷. Many considered this would have been less costly than using international experts. However, bringing in external expertise was also recognised as important for raising new issues and encouraging new thinking within the Pacific judiciaries. It may be possible to find more cost-effective ways to access international expertise.

Feedback strongly indicates a desire for increased delivery of practical outputs during the 2012/13 financial year and in each of the 2013/14 and 2014/15 years. The size of the PJDP budget requires managing expectations, setting realistic plans/objectives and avoiding mandate creep. In general the MSC has done this well, but needs to avoid the temptation to add new components and outputs or to broaden the programme's focus through the 2013/15 phase. An increase in the delivery of practical outcomes would improve the ratio between tangible outputs (eg workshops, toolkits, faster roll-out of pilot activities) and management/administration costs.

On a number of occasions, MFAT has raised concerns about under-spends against budget and/or under-allocation of budget, and lack of reporting on projected under-spends in a timely manner which would enable PEC to make decisions on reallocation of funds and for MFAT/MSK to reach agreement on these. Minutes and recommendations from the PEC, NCs and CJs meetings show their concern about under-spends. In response to a request from the PEC, the MSC is now including information on under-spends in its Quarterly Reports (see Annex 8). People in-country told the evaluator that they were disappointed to learn of the under-spends and said if they had known earlier they could have planned more in-country activities to utilise additional funds. The late request to consider utilising additional Responsive Funding, did not give them sufficient time to discuss in-country, reach agreement, and find space in court's work programme and/or the already agreed training plan.

The MSC explained that the PJDP needs to budget conservatively as it may not know at budget time who will host each activity; and costs can change between budget and delivery (eg number of participants in workshops, how many travel from where, how much support from in-country hosts), and may end up with significant under-spend. Examples of support from PJDP partner courts include the release of court staff to facilitate PJDP activities as RTT members, supporting networking functions in-country, and providing court staff to support the PJDP team/workshop activities while in-country. The PNG courts co-funded the Orientation Workshop in Port Moresby and negotiated an accommodation deal for the workshop in Alotau. MFAT and the MSC have worked together, to simplify and streamline processes for approving changes in budget lines to expedite the use of under-spends and MFAT has suggested that additional, contingency activities be fully-costed in the annual budget to enhance the efficient expenditure of funds.

⁷ In identifying advisors the MSC used an open tender process, and an international selection process was undertaken including solicitation within the Pacific.

There are some valid reasons for apparent over-budgeting against some outputs in the budget but more rigorous forward planning for outputs (such as training, workshops and in-country delivery by TAs) would enable tighter budgeting, earlier identification of under-spends, and more timely opportunities for discussion and approval of reallocations. Better forward planning, monitoring of expenditure against outputs, and detailed contingency planning in budgets, would assist in more efficient utilisation of budget⁸.

The Management Services Contractor model used for PJDP 2 has worked well. There has been significantly less need for MFAT to engage or intervene during PJDP2 than during PJDP1. MFAT did, however, provide additional emphasis on and advice to the MSC in developing and refining the Monitoring and Evaluation Framework to improve quality, and has worked closely with the MSC to improve the financial monitoring and reporting processes.

On-going support and capacity development of Pacific counterparts will continue to be an important part of management and delivery through the Responsive Fund. While this will continue to make the Responsive Fund mechanism, in particular, seem inefficient in the short term, in the medium-longer term it will have considerable beneficial flow-on effects across the PJDP components and for the PIC judiciaries (eg project management, seeking funds from other sources, delivery of in-country outputs). As capacity within PIC judiciaries to plan, manage, and implement professional development activities rises it is anticipated that less resourcing will be needed within PJDP.

The Court-to-Court approach has been seen by some respondents as one of the keys to the CJ's acceptance of advice and support from the PJDP. Strong relationships have been built up between the PJDP team and the CJs, and between the PJDP team and the NCs.

Conclusion:

The MSC model has required significantly less input of MFAT time, than PJDP phase 1. The PJDP has generally been efficient in the use of its resources, contracting TAs to provide specific technical expertise, and using pro bono support from the Australian and New Zealand judiciary as resource people. There are areas which could be improved in future, for example reducing the amount of TA time spent on 'research' and diagnosis, to focus on delivery of practical outputs and supporting implementation in-country; better coordination across components; and taking time and travel costs into account when selecting host country and venue for regional events. Significant management and administration inputs have been utilised to support the development of medium-longer term capacity and sustainability.

The PJDP was originally conceived as a single phase of 5 years, but the unanticipated early termination of the original contract led to a break in delivery. However, PJDP2 has also been implemented in three 'stages' (18 months implementation period, 12 months extension, and another extension of 24 months for 2013-15) which created uncertainties for planning and implementation. While this short-term approach to addressing longer-term problems may have constrained the PJDP's ability to plan activities in a more sequenced way, more delivery could have taken place within the period if budgeting & planning had been more far-sighted.

The MSC has substantially met the contractual quality indicators on appropriately skilled staff and adequate resources; administration systems and processes; project management systems and processes; recruiting, contracting, deploying and managing procurement of goods and services, including technical assistance; stakeholder engagement; MSC sub-contractor management. The MSC has streamlined its management processes and this, linked with on-

⁸ It is acknowledged that there are difficulties in advance budgeting in an environment where final participant numbers, travel costs over the course of the year (high, mid and low season), and location of activities and participants are widely divergent. The budgetary effects of this can, however, be reduced through rigorous forward planning and financial monitoring.

going monitoring, is expected to lead to more timely monitoring and reporting on financial expenditure risks and underspends. They have made on-going adjustments to the financial management system and processes in order to meet contract reporting requirements while continuing to meet the FCA's own Commonwealth obligations and it seems that this quality indicator is now substantially being met. Monitoring and reporting systems and processes are now in place and being implemented. There have been some questions about the analytical and evaluative nature of the reporting but these concerns are being addressed.

'Action research' to identify problems and develop appropriate solutions was an appropriate process in the early part of PJDP2, but there was a need for more and quicker 'action' to deliver solutions. The delivery of practical outputs compared to advisor-led consultations and research was not generally seen as efficient or as giving optimum value for money. Although the research was recognised as a necessary basis for action, greater delivery of practical outputs would have been perceived as giving a better balance between research and action and a more efficient outcome for the programme's implementation. As noted already in this Report, in-country processes for identifying, agreeing and scheduling activities take time so good forward planning of delivery, including contingency outputs, is essential.

Several respondents questioned the efficiency of the current process of making decisions, and whether it may be possible to make the meetings more efficient. It was also suggested that CJ and NC meetings be held only once per year rather than twice, to reduce time out of country and its effects on workloads. There were also questions about the frequency and location of these meetings, but all respondents spoke of the value of these. Reporting indicates that workshop/meeting participants value their time there, and attendance and engagement within sessions does not appear to be a concern. Some comments were made about the necessity of so many TAs attending CJ and PEC meetings. While the evaluator can see value in having a TA attend if there is a substantive presentation to be made regarding his/her area of work, general reporting on these components could be done by the PJDP staff/MSC. This would be a more cost-efficient use of TA time and meeting expenses.

Use of the Responsive Fund for in-country activities is effective way of delivering outputs to the national level. However, the opportunity-cost has been high with considerable staff time in-country and within the PJDP team taken up by the application and reporting process. Discussions were held at a regional workshop for NCs and application and reporting forms revised; the Responsive Fund is now being accessed more frequently and easily by PIC judiciaries. On-going support and capacity development of Pacific counterparts will continue to be an important part of management and delivery through the Responsive Fund. While this will continue to make the Responsive Fund mechanism seem inefficient in the short term, in the medium-longer term it will have considerable beneficial flow-on effects across the PJDP components and for the PIC judiciaries (eg project management, seeking funds from other sources, delivery of in-country outputs).

PJDP newsletters: and other programme documents are placed on the PJDP website to assist in communication with stakeholders. Electronic communications and telephone calls are regularly used to ensure efficient communications with stakeholders. The MSC was conscious of need to balance in-country/face-to-face support and remote support by TAs. Remote support is less expensive, but not necessarily appropriate in all contexts and PJDP needed to take into account things such as culturally driven preference for face-to-face dealings, need to build effective relationships, diversity of capacity for localisation, and reliable availability of technology to enable remote support. Many relationships are now established and the MSC should look again at the possibility of using increased remote support.

Conclusion:

During the course of the PJDP2, improvements have been made in the effectiveness and efficiency of its planning, monitoring, analysis, and reporting functions. MFAT and the MSC

have worked together to simplify and improve processes. Overall the MSC has efficient processes in place for the management of the programme and has met its quality indicators. In terms of delivery there are still some areas of weakness to be addressed, particularly in regard to identification and reallocation of under-spends, and the pace of delivery of practical outputs. More focus also needs to be given to embedding new processes and systems in-country, and supporting judiciaries to monitor their implementation of these.

While the structure is perceived by some stakeholders to be heavily tilted towards management and administration rather than delivery, this is not uncommon in a programme which combines capacity development for sustainability, with the delivery of outputs. MFAT noted, in its feedback on the MSC's Draft Extension Plan for 2012/13 that the "approach of developing the capacity of Pacific stakeholders to become competent in development approaches and project management skills ..." is a value-added focus/output. Considerable managerial and administration resources have been dedicated to strengthening the capacity of PIC judiciaries in the short-medium term, in order to facilitate the achievement of outcomes and the longer-term sustainability of the benefits of PJDP. Sometimes projects/programmes may require trade-offs of efficiency for effectiveness; the real cost (failure of value-for-money) may be the failure to get the outcomes sought⁹.

In MFAT's procurement processes, the PJDP2 was assessed as providing value for money. However the level of under-spending on Technical components indicates that the value-for-money of the programme's delivery may have been less than anticipated. Indications are that the delivery of technical outputs sped up in the later part of financial year 2011/12 and was further increased in planning for 2012/13. (See Annex 8). A sustained increase in the delivery of practical outcomes will improve the ratio between tangible outputs (eg workshops, toolkits, faster adoption of pilot activities) and management/administration costs (See Annex 9). The MSC procures goods and services in line with Australian Commonwealth Government Procurement Guidelines, which require FCA to consider costs and ensure competitive pricing. However, some questions were raised with the evaluator about whether standard of accommodation used for workshops is appropriate and value for money: perceptions may not match reality, but perceptions are very important.

There have been economies of scale through using a piloting approach to demonstrate what can be done and to enable other jurisdictions to see whether it might be useful to them, either to adopt it, adapt it or use it as stimulus to develop something for themselves. Some respondents questioned whether it was necessary to develop other jurisdiction-specific material (eg CoJC) when it could have been more cost effective to adapt from another jurisdiction; and whether some of this money could have been used on other activities. Some respondents commented that they are not convinced that the 'research' type of activities have led to sufficient tangible outputs to justify the time and money spent on these in the first part of PJDP2.

The programme makes considerable effort to balance [perceived] fairness with cost-efficiency in delivery of regional activities. Holding meetings in various countries gives judiciaries exposure to other jurisdictions, with opportunities to observe and learn from other court operations. Feedback indicates that stakeholders are conscious that rotating regional events across the region needs to be balanced against financial and personnel costs (travel time, airfares, etc). MSC developed criteria "endorsed by stakeholders" for selection, prioritising and locating of activities – to ensure fairness in coverage and that smaller states didn't feel dwarfed by larger states. It may be useful to include criteria on time and travel costs.

The Chief Justices Leadership Forum has two aspects: its role in relation to the PJDP; and providing opportunities for leadership dialogue on judicial development and other strategic

⁹ Presentation by New Zealand Office of the Auditor General, Good Practice in Action Conference November 2005

leadership issues. During PJDP2 the focus of the meetings has been on the PJDP; it is time for a greater focus on other strategic leadership and governance issues. This would lead to better progress towards the overall goal of the programme, and deliver better value for money.

There have been a high number of MSC and TA attendees at CJ Leadership Forum and PEC meetings. While this has been useful for familiarising the CJs with the TAs and raising awareness on their work in the various Components of the programme, a significant reduction in the number of TAs attending would reduce costs and improve value for money.

Some respondents suggested that all CJ/NC/PEC meetings take place in a “central” hub, or that CJ/PEC/NC meetings should only be held in Micronesia when that is also the venue for the Pacific Judicial Conference Meeting. These suggestions are worth considering but there are political and other factors which should be taken into account.

Having a variety of presenters/Faculty members for workshops provides wider range of expertise, but some respondents commented that this has to be balanced against costs of bringing people for only one/two days of a week-long course. Other respondents noted that where faculty/presenter has considerable technical expertise but limited Pacific experience, an additional presenter (for example an RTT member) would enhance the effectiveness of the workshop. It has been suggested that using more Pacific resource persons and increased use of RTT members, would reduce cost, and recognise and build on expertise within Pacific. It was also suggested that where expatriate judges seconded to the Pacific have the relevant expertise, they might be used more often as trainers/presenters. It may be useful for the MSC to also consider other possible ways to reduce costs, for example use of video presentations from international experts as input to workshops led by Pacific/NZ/Australian facilitator to reduce costs of bringing these experts to the Pacific; and holding only sub-regional meetings in Micronesia.

Conclusion:

The MSC has complied with Australian Government Procurement Guidelines, for example requirements related to competitive pricing for goods and services, which provides some assurance on value-for-money. The Pacific context, and the need for considerable capacity development in order to improve the effectiveness and medium-long term sustainability of programme outcomes, must be taken into account when assessing value-for-money. Value-for-money in the implementation of the PJDP could be improved; however the level of under-spending on Technical components, and the pace of delivering the practical outputs desired by stakeholders need to be addressed urgently to get a better balance between technical/practical outputs and management/administration costs. Steps also need to be taken to identify economies in delivery of regional activities.

The MTA's role was created in response to a PEC desire for provision of independent advice on monitoring and implementation of the PJDP. The responsibilities included providing independent technical advice, monitoring, assessment and support to PEC to assist it in making effective decisions. PEC members indicated that the MTA role has been useful and informed their decision-making during the PJDP2 and the MTA was able to bring a focus to the PEC discussion on MSC papers. While it is difficult to quantify the extent to which the MTA's advice had significant influence on the PEC decisions there is still value to the PEC in having continued access to external technical advice when, and if, required. It is important, however, that this support does not create dependency on external support but builds the self-sufficiency of the CJs/PEC.

The MTA role has also provided quality assurance to MFAT on MSC plans and reports during PJDP2. The MSC has been building up its own M&E systems and processes, and its capacity to gather visible evidence of the achievement of outputs and outcomes. They are therefore

better placed to provide the PEC and CJs with analytical and evaluative reporting over the coming two years of the PJDP2.

In general the quality of the MTA reports and appraisal-type comments has been good. According to file search and feedback during evaluation, there have been some issues with the timeliness of MTA reports (eg comments on MSC Reports). This created some tensions and difficulties for MSC in making changes before submitting papers to PEC, or in reviewing whether to make changes before meeting their reporting or implementation deadlines.

The working relationship between the MTA and MSC was generally seen as good, although there had been some tensions about the MTA monitoring activities led by the TAs whose contractual relationship and line management was with the MSC. This element of the MTA's role created a potential risk of issues (such as confusion around lines of accountability) which occurred in the PJDP1.

The cost of the MTA role is in addition to the budget agreed with the MSC, and may be perceived as adding to the relatively high cost of the management/administration component of the programme. It is not, however, uncommon for a governing body to have access to independent external technical advice where this can add value to the decision-making. In future, some limited external support (tightly managed to ensure it does not create dependency) could be provided through MFAT, using one of its own panel/advisory mechanisms when if required (maybe up to 10 days per year). It may be useful to develop a guideline or checklist for the PEC and/or CJs to use (if they feel the need) to assess MSC reports, plans and discussion papers.

Conclusion:

The MTA mechanism performed a useful role for PJDP2 during the 2010-2013 period, in line with the TOR for the role. There is no longer the need for the level of support contracted through the MTA mechanism, and continuing with the current model (after 30 June 2013) would not provide value for money in future. The programme should continue to provide the PEC with access to expert technical advice in future when/if required, using an alternative and less costly mechanism. (A separate TOR for technical advisory has been provided to MFAT).

The current model of CJs forum & a PEC has been part of the PJDP since 2006. The CJs have ownership of the PJDP, and responsibility for setting its policy and direction, and deciding who should be delegated to make decisions about the programme on their behalf. Decisions on composition of the PEC and selection of its members were and are made by the CJs. The role of the PEC and its position as a representative of the CJs is clear. What is not so clear in practice is whether the sub-regional members of the PEC are expected to represent the views of other CJs in their sub-region. It would be useful for this to be clarified. There is a clear concern, expressed through feedback, that there is not sufficient communication between PEC members and other CJs in their sub-regions between PEC meetings. There is also some question over whether the non-CJ members are 'representative' of their peers and, if so, how they might be resourced to better communicate with their peers (the 2010 TOR state "Each lower level PIC judicial/court staff appointee represents lower levels of the PIC judiciaries including magistrates, justices of the peace and court support staff"). It would be useful for this to be clarified.

Feedback indicates that stakeholder's value having judicial officer/court officer on the PEC, in part to address a concern raised by a few respondents that the PEC concentrates on judiciary and doesn't take enough account of court needs. There has been some debate about the role of the NCs in the governance structure of the PJDP, and their role in the regional processes. Some feedback indicates a concern that the PEC is not representative and members bring

unilateral views whereas others consider the PEC brings some regional focus to PJDP discussions, and enables building of expertise within the Pacific judiciaries.

The composition of the PEC as stated in 2006 includes donor representative/s. In line with the 2010 TOR (based on the 2008 review), the Lead Donor has a dual function (i.e. represents the Lead Donor Government and provides technical appraisal and advice and activity management/monitoring oversight). For most of the PJDP period PEC meetings have involved the Deputy-Director as the PEC member representing the Lead Donor Government (NZ), supported by the Activity Manager (providing technical appraisal advice and activity management/monitoring oversight). However following the IDG restructuring, due to time/budget constraints, the Deputy-Director level was unable to attend during the 2012 year. Several respondents commented that Deputy-Director level representation from the Lead Donor is important to recognise the role of the PEC as a governance body and to acknowledge the relationship between the PEC members and the CJs, and because the donor member of the PEC is representing the (NZ) Government. Given the PEC provides a forum for making decisions on key programmatic issues with the participation of all key stakeholders (i.e. Pacific and donor representatives) in an *efficient manner* the Deputy Director level attendance (along with the Activity Manager) at the PEC meetings by the Lead Donor must be prioritised for the future.

It is also important that where a Deputy Director level representative changes, a handover process is put in place between Deputy Directors to ensure that consistency in programme direction is maintained.

The current process for discussing and making decisions on PJDP issues is seen by many respondents as duplicative and inefficient. There is a considerable level of concern that the decision-making process is duplicative and inefficient, and desire for this to be streamlined. There were concerns expressed by a number of people that the PEC/CJ forum structure is not working effectively as a decision-making body. Some people want the CJ Forum to be the decision-making body, rather than the PEC; others consider this Forum would be too large a decision-making body. At their meeting in Vanuatu in Oct 2011, the CJs noted that “the role of the Chief Justices’ Meeting was to offer policy-level recommendations to the PEC for the PEC’s policy decision. It was further noted by respondents that there was real value in the Chief Justices’ involvement in their meeting as this developed leadership and ownership of PJDP activities in each PIC.” Evaluation feedback also indicates that the CJ forum gives all CJs a chance to have input into decision making process. The evaluator agrees that the process would benefit from being streamlined. The process does enable several levels of stakeholder to participate in the decision making process and have buy-in to the direction and implementation of the programme. Any revision of the process would need to consider this aspect. While the MSC has a role in identifying areas which may impact on programme implementation, decisions on composition and structure of the governance body are the role of the CJs and PEC and the MSC should not be directly involved.

It would be useful to clarify the role and responsibilities of the NCs within the decision-making and implementation of the PJDP. Currently the NCs meet at a regional forum to share experiences, discuss challenges, learn from each other, and participate in decision-making on the implementation of the PJDP. In Vanuatu the NC is a full-time role; in most countries the NC responsibilities are in addition to the individual’s role as a judicial or a court officer. This sometimes makes it difficult for them to take an effective leadership role (to the extent delegated to them by the CJ) in identifying, planning, and managing judicial education and training within the jurisdiction, and participation at the regional NCs’ Forum. There are some concerns about whether direct contact between the PJDP & the NC for in-country programme-related issues, and encouraging the engagement of NCs with the CJs and PEC, may be

perceived as side-lining the CJs. The move to strengthen or to re-enliven NJDCs may be one way of addressing this concern. It is important for each jurisdiction to ensure good communication channels between the CJ & NC.

In the current governance/decision-making process PJDP issues are discussed by the National Coordinators workshop which makes recommendations to the CJs. While some respondents feel this enables the different groups of stakeholders to engage in a meaningful way, some perceive this as undermining the role of the CJs. A few respondents considered that the discussions between NCs and CJs should take place in-country prior to the PJDP leadership meeting so that the CJs came to their meeting already informed on NC views. Others suggested joint session for PJDP discussions; then the CJs would meet alone to come up with recommendations on the PJDP.

Conclusion:

The governance structure is generally appropriate to the intention and purpose of the PJDP. While the structure appears clear, in practice there are inefficiencies which need to be addressed, in a way which acknowledges and respects the role and responsibilities of the CJs in relation to the PJDP. The structure would benefit from some clarifications of the roles of various stakeholders (CJs, PJC, and NCs) in relation to the governance of the PJDP, and streamlining of the processes of decision-making on programme direction and implementation.

Assessment against DAC Evaluation Criteria

Efficiency	3 Good	Generally good practice procurement, timeliness, etc; some scope for improvement in delivery of practical outputs, and in value for money. Minor variations could be made to management/overheads.
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Sustainability

The PJDP has a sustainability strategy which is taken into account during programme planning, in implementing training and other activities, and through devolving and localising responsibility in several ways. These include building up the Regional Training Team (34), and other National Trainers (20), establishment of the National Coordinators Working Group (NCWG), and supporting a range of local activities under the Responsive Fund. PJDP has encouraged a network of in-country “counterparts” (the National Coordinators) appointed by the respective CJ as contact people and liaison between the programme and the jurisdiction. Collectively, these initiatives are intended to create opportunities for local counterparts to progress judicial development both locally and regionally. Feedback from respondents indicated that they see these mechanisms as valuable and important steps to enabling the programme’s benefits to be sustained. The MSC’s progress reports comment on how sustainability, as a cross-cutting issue, is being addressed in its activities.

Judicial development in-country is largely owned and driven by the CJ. Through the regular Chief Justices’ Leadership Forums, and encouraging CJs to engage with workshops as participants or co-facilitators, the PJDP has provided opportunities for the CJs to learn or update themselves about key issues and discuss challenges and solutions. The programme has also provided them with both external and peer support to address concerns and implement new systems and processes. The programme is aware of the risks of being dependent on one or two people to drive, implement and sustain change. To minimise the risks of losing momentum when/if a CJ moves on, the programme is encouraging the reinvigoration of existing, and establishment of new, National Judicial Development Committees. These provide a stronger base in-country which can identify, plan and implement actions to address local priorities, reduce dependency on the CJ alone, and provide an in-country support network

to sustain progress. NJDCs or a similar group, exist either formally or informally in several countries including Cook Islands, Tonga, Vanuatu, Samoa.

The PJDP places considerable emphasis on in-country processes such as Judicial Diagnostic Appraisals and in-country identification of Responsive Fund applications; on each judiciary selecting which PJDP activities to participate in and nominating their own participants; and on supporting the decision-making functions of the PEC and the CJ/NC leadership workshops. This is enabling PIC judiciaries to take greater control and ownership over improving court processes and strengthening capacity, than would occur under an externally directed and managed programme model.

The programme delivery approach has provided a model for NJDCs and the RTT to follow in future. Working closely with in-country partners eg when planning & holding regional and national workshops has led to increased interest and engagement locally and an increased sense of capacity and ownership. It has also led to some levels of in-kind support from the host jurisdiction (eg provision of administrative support, hosting some activities in court facilities) during regional workshops. Several respondents to this evaluation noted that they do not wish to be dependent on donors forever, and are increasingly looking for ways their jurisdiction can contribute towards their own judicial training and development.

Training approaches, and the participation of RTT members as co-/facilitators in regional workshops such as Orientation and Decision-Making, are designed to enhance sustainability. Strengthening the capacity of NCs/RTT to plan and manage in-country and regional professional development activities in future is being addressed, for example, through sessions on Project Management for NCs and incorporating project planning and management in Training of Trainer workshops. Respondents to the evaluation noted how useful this had been to them on returning to their own country.

New procedures and systems have been developed through consultation with stakeholders or through diagnostic analysis, case studies, research, and pilot programmes. When developing and rolling out these systems and processes, careful consideration is given to whether judiciaries will have the capacity (eg human and financial resources, and skills) to support the tool or mechanism being introduced when/if external funding ceases. As these new systems and procedures are rolled out it is essential to also consider whether costs associated with these new systems and processes (eg collection of data and the production of an annual court report) are so high that Pacific courts would be unable to undertake this function annually within their local budgets and resourcing.

Technical assistance has been focused on helping to identify needs in access to justice area, and yet to see direct benefits for the judiciaries, and the MSC has endeavoured throughout the programme to ensure that advisors are seen as supporting the Pacific judiciaries not as the 'drivers' of activities. The MSC commented (in their Lessons Learned Report, Oct 2012) that stakeholders still tend to respond to rather than drive the MSC's work. The TA responsibilities currently include monitoring in-country and regional progress with activities initiated under their area of work/component area. It is important that steps are put in place to enable this monitoring function to be gradually handed over to the judiciaries themselves.

The PJDP's current 12-month plan includes a greater focus than the earlier 18-month plan, on the delivery of practical outcomes. Feedback during the evaluation indicates that more needs to be done to deliver the practical outputs and materials which will provide Pacific judiciaries with the resources to support greater sustainability. There were suggestions that PJDP might target its activities more tightly, and that while this may mean some current areas miss out on support, those that are funded may be more sustainable.

There has been some discussion, initiated by the MSC, about options for future structures for managing the PJDP, for example the February 2012 paper “Institutionalisation of PJDP and related themes: A second cut on the issues” which was discussed in April 2012 by the CJs, PEC and National Coordinators Working Group. One option suggested in the paper was that the PJDP should be based in Pacific in future. Feedback from respondents to this evaluation did not indicate a desire among the Pacific judiciaries to establish a regional structure, and indicated that the focus of the PJDP should be on institutionalising new skills and capacity, systems and processes within judiciaries. Papua New Guinea has recently established a Centre for Judicial Excellence, and this is being watched with interest by a number of PJDP stakeholders.

Conclusion:

The programme has built on what was in place prior to 2010. It has a strong focus on working with the PIC judiciaries to identify, develop and implement systems and processes which will enable the judiciaries to sustain the outcomes of PJDP training and workshops, and enhance the capacity of the Pacific Judiciaries to deliver better access to justice. Capacity building is a long-term process, but is required for longer-term sustainability of the programme’s benefits. Progress has been made in enhancing knowledge and practices; and establishing procedures and systems within the PIC judiciaries including the courts, which will lead to consistently higher standards over time. The programme needs to increasingly focus on institutionalising processes and capacity within the Pacific jurisdictions to design and manage their judicial development programmes, not on institutionalising a regional programme or structure.

A sustainable judicial development programme in all 14 of the Pacific Islands Forum Countries may not be achievable even over a 15-20 year timeframe, although some countries will be able to progress towards sustainability at a faster rate than others. The capacity to manage judicial training, and to sustain this over time, varies considerably by country but feedback indicates that it may also vary by sub-region.

Outcomes likely to continue after the current funding ends (2015) are the existence of a cadre of trainers delivering training in-country and to some extent on a regional basis; a foundational level of skills in monitoring and reporting on judicial performance; and more efficient administration and management of the judicial and court systems. PJDP’s small level of funding, slow pace and incremental steps, and maintaining PIC ownership while increasing capacity, means a greater likelihood of embedding change. Experience from PJEP and PJDP1, suggests that motivation and momentum for change and the skills and capacity to sustain the changes will not be strong enough to continue without some levels of external support, encouragement and reinforcement. Comments from some respondents indicate that some of the changes and benefits of the earlier PJEP and PJDP1 are still evident, mainly at an individual level. Change needs to be embedded at an institutional level if the benefits are to be effective and sustained. At the CJs workshop in Honiara in November 2012, the Chief Justices indicated that insufficient national judicial planning is taking place in many jurisdictions.

Investment of PJDP managerial and administrative support into the Responsive Fund, has increased PIC judiciaries’ skills in application, implementation, management and reporting processes, which will enhance their opportunities of applying for and accessing funding (for example for training) through in-country budgetary processes and through alternative sources of funding. While MSC and in-country respondents report progress in building confidence and skills, both acknowledge that more needs to be done and further support will be needed.

Judiciaries are aware of the need for improvements in court performance, and steps are underway to standardise the quality and consistency of systems and procedures across the Pacific, although not using a one-size-fits-all approach. Feedback from respondents indicates a clear desire to work towards this; however improved systems and procedures established

through the PJDP are still quite new within the individual jurisdictions and across the region. Further support is required to assist judiciaries to implement and monitor improvements made in response to PJDP activities (such as Diagnostic Analysis and Performance Monitoring and Evaluation) to ensure they are effectively institutionalised. A number of respondents noted that where technology is unreliable or the jurisdiction lacks the budget to purchase or maintain equipment and technology, then efforts to modernise processes and improve performance may be hampered.

Most Pacific judiciaries do not currently have sufficient capacity to independently address problems and implement solutions to the range of needs for improving their performance. Skills and capacity to manage judicial development have increased at national level across all jurisdictions, but levels of sustainability of the benefits and learnings from the PJDP vary across the different jurisdictions (due to factors such as size and resourcing). Human Resource Development is an issue across all sectors in smaller, less well-resourced countries. A small pool of staff, staff turnover, rotations, etc mean there is an on-going need for training, for monitoring the quality of the systems and processes being used, and to build on what is in already in place. Regular opportunities for refresher training which would also pick up new people, commonly undertaken in other jurisdictions, will be important for sustainability and PICs are unlikely to be able to support this in the short-medium term.

The capacity of PIC judiciaries to take control over improving the service they provide to Court users is perceived as increasing. This is more advanced in some jurisdictions, and these jurisdictions will be better placed than others to take increasing amounts of ownership and management of judicial development activities over the next few years. Increasing levels of activity management in-country is a step towards greater longer-term ownership/management of judicial development, but does not necessarily equate to self-sufficiency. Some jurisdictions reported that they are prioritising training for courts and judiciary in their plans, but are not yet able to make budgetary provision. In some countries limited funding may be available under bilateral law & justice programmes, or within the country's law and justice budget. However, Government budgets are limited, and several respondents commented that it is very difficult to push for judicial development activities to be given priority.

Trainers are developing their training/facilitation skills, but there is a need for on-going mentoring and support and for monitoring of the standards of delivery. While some RTT members may be able to adequately deliver on content if they have appropriate resources available, there will still be a need to call on external expertise and inputs on specific (technical) issues. (This is common in many jurisdictions around the world.) PJDP should increasingly call on Pacific & Aus/NZ expertise where possible, and perhaps look at using video-recording or video-links as a more cost-efficient and sustainable way of accessing international expertise.

Training isn't a one-off thing – changing attitudes and behaviours, or institutional processes and systems, needs on-going reinforcement. Training key individuals isn't enough – the learnings and changes have to become part of the organisation if to be sustainable, and to have succession-planning in place.

Local ownership and confidence is developing, with NCs and RTT members showing considerable interest in implementing training activities, and in accessing the Responsive Fund to do this in-country. Feedback during the evaluation indicates that they are increasingly looking at how they can include training in their jurisdiction's planning cycle and how to access some (even partial) in-country funding for this. Experience gained through RF applications and reporting, and planning and implementing activities with RF funding, will stand PIC judiciaries in good stead when seeking funding from other sources whether external or through the court's budget-setting process. Reports from the MSC, and feedback from participants in this

evaluation, indicate that further support is needed to improve the quality of applications and reporting.

Some respondents commented that their jurisdiction could provide in-kind, not financial, support to other smaller jurisdictions and that the regional networks provide an opportunity to initiate such discussions. Personal and professional relationships across jurisdictions, enhanced or developed through the PJDP's regional workshops and meetings, provide a good basis for on-going informal or formal networks. Respondents commented that outside the PJDP there is currently no mechanism or resourcing to create or maintain such networks.

Donor expectations at the commencement of PJDP, and particularly at the commencement of PJDP2, may have underestimated the time and level of support needed to establish sustainable outcomes. Some members of the NZ and Australian judiciary commented to the evaluator that in these judiciaries it took more than 15 years to effect change in attitudes to issues and establish behavioural change, and that it is unrealistic to expect faster rate of sustainable change in the Pacific. It has not been possible to achieve high levels of sustainability with barely ten years of actual programme implementation¹⁰, particularly when this support was delivered in non-continuous phases which meant impetus was lost and gains were not maintained. The short-term nature of donor commitments to the support and funding of the PJDP2 has exacerbated the challenges of effecting and embedding changes in attitude and practice.

Conclusion:

Progress has been made in enhancing knowledge and practices at individual and organisational level, and establishing procedures and systems within the PIC judiciaries including the courts. The programme is taking a pro-active and measured approach to addressing sustainability issues which has built a solid foundation but it is still fragile. It is unlikely that the gains can be sustained long-term at this level, or move forward, without further support to strengthen the Pacific judiciaries' capacity to sustain the intended outcomes.

Some constraints on sustainability are beyond the PJDP's sphere of influence but consistent, strategic, focused and targeted, medium-longer term support will build a strong and sustainable base for on-going judicial development self-managed by Pacific judiciaries. Practical commitments by national jurisdictions (eg a formal commitment to in-country training and freeing up staff and trainers for this, or partial funding for participation in courses) would be a good indication of steps towards sustainability. .

To leave a tangible and sustainable legacy from the PJDP (for example minimum standards in courts across the Pacific, and collegiality and consistency in standards of delivery of justice across the Pacific) further support will be needed.

Assessment against DAC Evaluation Criteria

Sustainability	2-3	Most positive benefits may be sustained in the short-term, but additional inputs are required if positive benefits are to be sustained for the medium-longer term.
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Lessons learned

The PJDP Phase 2 design and implementation was based on the Project Design Document developed before the start of PJDP 1. Following a hiatus period in the provision of support, it

¹⁰ The periods of donor-approved funding between 1999 and 2013 include three design/re-design phases. There were also gaps between the two implementation phases of PJEP; between PJEP and PJDP phase 1; and between PJDP 1 & 2. When investigated during this evaluation, it became clear that the actual implementation periods were PJEP: 4 years; PJDP1: 1.5 years; PJDP2: 1.5 years & 1 year with a further 2 years to 2015 agreed. This totals almost 10 years of (non-continuous) implementation.

was important to undertake a needs assessment to ensure that the outcomes and outputs were still relevant to the context, needs and priorities of stakeholders before developing the 18-month implementation plan. The MSC's internal mid-term review/survey and development of the second (12-month) Implementation Plan provided further opportunities to confirm the on-going relevance of the programme. It is important for a multi-year programme to schedule such needs assessments to review relevance, along with monitoring progress towards outcomes.

Relationships have been a key factor in the effective implementation of the PJDP. Following the hiatus after PJDP1 it took some time to build relationships between the MSC and Pacific judiciaries and to rebuild Pacific confidence in the programme; face to face and consistent personal contact has been important in this process. Strengthened relationships between judiciaries across the Pacific, and between the Pacific judiciaries and the judiciaries of Australia/New Zealand, have supported CJs to identify, discuss and address concerns within their own judiciary and across the Pacific in an environment which respects judicial independence and integrity. The development of informal networks across jurisdictions, through regional workshops and training, is providing opportunities for sharing experience, learning from each other, identifying common issues and problems, and offering suggestions for solutions. These are essential elements for sustainability. The selection of resource people and TAs with Pacific experience or with appropriate cultural sensitivity in addition to their specific technical skills is much valued by the Pacific stakeholders and enabled the development of trust, confidence and good working relationships. Once these personal relationships have been built it is possible for remote support to be increasingly utilised, and the PJDP is moving towards more use of this within its technical components.

Research-type activities are useful tools to gather information, diagnose problems and identify potential solutions, provide a basis for developing practical activities and outputs, and establish baseline data for measuring change. It also enables systems and processes to be adapted or designed to meet the needs and capacities of Pacific jurisdictions. These activities need to be explicitly linked to practical outputs identified during the design/needs assessment and confirmed as a priority by the programme's governing body. The intended outputs of the research must be delivered in a timely manner to ensure the outputs are relevant to the programme's outputs, will assist progress towards outcomes, and can be seen by stakeholders as relevant to meeting their practical needs. The emphasis on research and diagnosis was an important step in the early part of PJDP2, but there has been justifiable concern at the balance between these activities and the delivery of practical outputs. It would be useful for the programme to undertake concurrent pilots and trials to speed up the roll-out of outputs from the research/diagnosis stage. Increasing use of remote support for on-going activities trials and pilots may free up TA time to expand activities into further jurisdictions.

PJDP2 has built on what had been achieved under PJEP and PJDP1, but because momentum had been lost there was a need to repeat some elements of the earlier programmes. Short-term changes in processes and systems, knowledge and behaviour, at individual and institutional levels are evident. Greater results could have been expected if programme delivery had occurred at a faster pace, and greater effort to deliver more outputs is essential over the next two year period. There needs to be further support and training on how to adapt and apply "tool-kits" to the individual jurisdiction, and on-going support and monitoring of its implementation in-country. It is not sufficient for the programme to simply assist judiciaries to identify their needs and short-comings (example, through JAD assessments); it is essential that the programme also provides appropriate support for jurisdictions to implement and embed the changes and improvements they wish to make. It may be necessary for PJDP to put increased emphasis on this aspect of its programme over the next two years. This may require the programme to keep a tight focus on key priorities, intended outcomes and outputs, and possibly to reduce the range of activities in the coming two years.

The programme has a Monitoring and Evaluation Framework, developed with assistance from MFAT, and is reporting regularly on progress against this. TAs are involved with monitoring and refining their activities over time and their reports feed into the MSC's reports. The Summary of Progress sections of the Milestone Reports tend to set out what has been done (inputs & outputs) with little analytical or evaluative comment. More analysis and evaluative comment would be useful for PJDP stakeholders. Pacific judiciaries are increasingly monitoring their performance, using tools and processes developed through the PJDP; it would be useful for them to play an increasing part in monitoring the delivery and the outcomes of the PJDP. The MTA role has been useful over the initial 2010-2013 period in providing the PEC with an independent external perspective on the delivery and outcomes of the PJDP, and a level of quality assurance. There is a decreasing need for this level of advice, although some limited provision for independent technical advice (tightly managed to ensure it does not create dependency) if/when required would be appropriate.

The PJDP has, for the most part, made efficient use of its resources through, for example, the use of pro bono support. However, there has been consistent under-expenditure on technical components, particularly in relation to delivery of practical outputs. This under-expenditure could have been addressed more effectively through better forward planning, including identification of potential under-spends in a timely manner which would have enabled reallocation of funds for the delivery of outputs. This could be done by identifying potential under-spends in the regular reports to the PEC, and including in the approved budget fully-costed and prioritised proposals to utilise any under-spends. There is also potential to improve the efficiency of delivery and potentially enhance value-for-money, through better coordination, sequencing and collaboration of in-country outputs, and Technical Advisor activities between components/sub-components. Opportunities for this might be more readily identified if the programme was more explicit about linkages and interdependency between programme Components.

The Responsive Fund provides a mechanism for judiciaries to address in-country priorities not otherwise assisted by the PJDP or within their own budgets, and it is being increasingly accessed by the judiciaries. The Fund enables judiciaries to implement PJDP outputs in-country, adapt regional activities to their own context, and address their own priorities. There is no clear desire at present for a change in the level of funding available through the Responsive Fund. Developing in-country capacity to meet application and reporting requirements has been resource intensive for Pacific jurisdictions and the PJDP staff, but is creating longer-term capacity to seek funding from other sources/donors where this may be necessary.

The PJDP has endeavoured, as a regional programme, to balance regional-based and national based activities, and the allocation of activities and money across sub-regions and countries. The Responsive Fund is one of the methods used to help balance regional and national support. Recognising the value that stakeholders place on moving regional meetings and other activities around the region, and on their perception of fairness, have been important considerations in balancing the spread of activities. There needs to be a transparent rationale and process for deciding where to hold meetings, and also for a transparent selection process for deciding where to hold pilot activities if more than one country is interested. It would be useful for the criteria used for these decisions to include the consideration of time and travel costs.

The governance structure of the PJDP is generally appropriate to the intention and purpose of the PJDP, and is able to provide guidance to the programme implementers. The Terms of Reference for the PEC set out roles and responsibilities but there is some lack of clarity about what this means in practice, and also some uncertainty about the role of the NCs in PJDP structure and processes. The current process for discussing and making decisions on PJDP issues is widely seen as duplicative and in need of streamlining. The process does enable

several levels of stakeholder to participate in the decision making process and have buy-in to the direction and implementation of the programme; any revision of the process would need to consider this aspect. The MSC has a role in identifying areas which may impact on programme implementation and raising these with the PEC, but decisions on composition and structure of the governance body are the role of the CJs and PEC and the MSC should not be directly involved.

One element of the PJDP's Governance Component is strengthening aspects of judicial leadership through the other components of the programme. The CJs Leadership Forum is also an opportunity for the CJs to look at other relevant leadership issues such as judicial independence and integrity; it may be useful for the Meeting Agendas to include sessions for this. The CJs could be asked to put forward suggestions for topics, which might require external input or may be led by one of the CJs.

The PJDP has a sustainability strategy which it reports on regularly as one of the programme's cross-cutting issues, and implements through a number of initiatives intended to create opportunities for local counterparts to progress judicial development both locally and regionally. These initiatives are assisting jurisdictions to take greater control and ownership over improving court processes, and to increasingly identify and manage their own judicial development programmes. An Options paper was produced, which initiated discussion on possible for future structures for managing the PJDP. Feedback indicates little interest or enthusiasm within the Pacific judiciaries for creating a regional structure or institution, but a clear preference for institutionalising new skills and capacity, systems and processes within judiciaries. Institutionalising processes and capacity within jurisdictions is essential to ensure longer-term sustainability of the programme's intended outcomes, and needs to be a clear focus for the programme.

Some constraints to sustainability are outside the programme's sphere of influence. Law and justice agencies, including the courts, across the Pacific suffer to varying degrees from combinations of limited resources and institutional capacity. The state of national budgets in most countries means that judicial development is unlikely to be sustainable across the region in the medium-term. PJDP is helping build the foundations for addressing on-going judicial development needs, but donors need to be realistic about whether and at what pace individual jurisdictions can be expected to sustain their own judicial development programmes. It is important that the PJDP gives careful consideration when developing and assisting jurisdictions to implement processes and systems that these are on a scale which jurisdictions may be able to maintain within their own resources. Sustainability is a long-term outcome which requires stable, consistent, longer-term, strategic, focused and practical support. There is, however, opportunity and need for greater, practical commitment from most national partners (eg a formal commitment to in-country training and freeing up staff and trainers for this, or partial funding for participation in courses). These commitments do not necessarily need to be significant in size but do indicate ownership and commitment.

For any regional programme delivered across a number of countries, dialogue between the programme and external stakeholders and with other regional and bilateral law & justice and governance initiatives is necessary. Such dialogue increases external stakeholders' awareness of the programme and helps ensure the programme is relevant to the national or regional context, and complementary to other law and justice initiatives in-country or within the region. The level and amount of such dialogue should not require a lot of management time, nor distract from the programme's focus on the delivery of outputs to achieve its intended outcomes.

Recommendations

Recommendation 1:

While acknowledging that workplan preparations for the last two years of the current phase have been undertaken during November 2012 to February 2013, which may limit the capacity of the MSC to respond, the evaluation also recommends in the coming two years, programme implementation pays particular attention to four key areas in order to improve the relevance, efficiency and effectiveness of programme delivery and to provide better value-for-money, as much as possible. These areas are: consolidation of progress to date, increased pace of delivery of practical outputs, greater focus on efficiency and value for money, and measuring progress towards intended outcomes.

(a) Consolidation of progress to date:

- clear focus on institutionalising processes and capacity within jurisdictions
- focus on consolidating outputs to date (including on-going support for implementation of actions already underway), and the roll-out of toolkits and pilots across the participating judiciaries
- completion and roll out of agreed deliverables (such as the NJDC toolkit)
- provide appropriate support (for example, access to funding and/or to TA support, remote support, advice and mentoring) for jurisdictions to implement and embed the changes and improvements they wish to make
- provide support for implementation of plans and in-country activities identified as a result of PJDP (such as activities to address issues identified through diagnostic or performance monitoring outputs) even if this means possibly reducing the range of activities undertaken in the coming two years
- careful consideration, when developing systems and processes or assisting jurisdictions to implement processes and systems, that these are on a scale which jurisdictions may be able to maintain within their own resources
- incorporate opportunities at CJ Leadership Forums for discussions beyond the PJDP itself, by including on the agenda relevant judicial and leadership issues identified by CJs
- encourage judiciaries to develop and implement 3-5 year judicial development plans

(b) Increased pace of delivery of practical outputs:

- undertake concurrent pilots and trials to speed up the roll-out of outputs from the research/diagnosis stage
- better forward planning (including identification of potential under-spends in a timely manner and the inclusion of fully-costed additional activities in the approved budget) to enable speedier reallocation of funds
- increased use of remote support mechanisms, especially where this may free up advisor/staff time to undertake further activities

(c) Greater focus on efficiency and value for money:

- increased focus on forward planning and monitoring of expenditure against budget to enable timely identification and reallocation of under-spends
- better coordination, sequencing and collaboration between components/sub-components, in the timing of in-country outputs and the use of Technical Advisors,
- focus on deliverables
- keep a tight focus on key priorities, intended outcomes and outputs
- make increased use of remote (eg electronic, video) support and inputs
- increase delivery of practical outputs to improve the ratio of technical outputs to management/administration costs
- explore delivering outputs to PIC sub-groupings based on need
- include consideration of time and travel costs in the criteria used for selection of host countries and/or venues for regional or sub-regional activities

- significant reduction in the number of TAs (and possibly MSC) attending CJ and PEC meetings and other regional workshops
- attach short focused summaries to reports sent to the CJs, highlighting key points in the report and identifying actions or decisions to be considered

(d) Measuring progress towards intended outcomes:

- Continue to improve the level of analytical and evaluative content in MSC reporting on achievement against outcomes and outputs
- Include a schedule of on-going monitoring, for example TAs monitoring-over-time in their component areas.
- Encourage and support Pacific judiciaries to play an increasing part in monitoring the delivery and the outcomes of the PJDP through, for example developing a checklist/tool which each jurisdiction (the NC or NJDC) could fill out each year, assessing how well the programme has delivered what it set out to deliver in their jurisdiction

Recommendation 2:

Going forward, for the period starting 1 July 2013, some revisions are made to the governance structures of the PJDP, done in a manner which acknowledges and respects the role and responsibilities of the CJs in relation to the PJDP, and that the PJDP implementation model be streamlined to ensure greater efficiency and value for money (including the self-sufficiency of the PEC).

The recommended areas for revisions are:

- Streamlining the current processes for the governance and management of the implementation of PJDP
- amendments be made to the Terms of Reference for the PJDP PEC to address issues identified during the evaluation
- current MTA role be discontinued, but some provision is made for the PEC to access technical advice (tightly managed to ensure that this does not create dependency) if/when required
- The current MSC TOR be retained for the future, but with references to the MTA removed and clarifying that responsibility for reviewing the scope/composition of the PEC is out of scope for the MSC.

See Annex 10 "Proposed Amendments to PJDP Governance Structure"

Proposed Changes to the PEC TOR have been provided separately to MFAT.

New TOR for technical advice has been provided separately to MFAT.

Proposed Changes to the MSC TOR have been provided separately to MFAT.

Recommendation 3:

Commit to a further period of stable, strategic, focused and practical support for Pacific judicial development, across all PIF countries, using a regional approach supplemented by national activities.

This would include:

- support for a period of 5 years (which would give ten years of continuous support, a total of 14 years of intermittent support for judicial development in the Pacific) with an independent evaluation at the end of three years
- a similar level of financial support to the current PJDP
- a Management Service Contractor model, following a tender process which would include developing the new design document
- the current MTA role be discontinued, but some provision is made for the PEC to access technical advice (tightly managed to ensure that this does not create dependency) if/when required
- the current MSC TOR be retained for the future, but with reference to the MTA removed and clarifying that responsibility for reviewing the scope/composition of the PEC is out of scope for the MSC.

It is proposed that the focus for the future programme would be on assisting Pacific judiciaries to:

- lead and direct their own progress towards delivery of better services to court users
- strengthen and maintain the integrity and stability of judicial and court systems to deliver, monitor, and report on, good quality service and consistent standards of justice within their own jurisdiction
- increase professional competence, technical skill, and consistency of standards and quality of delivery
- establish and manage a national plan and process for on-going professional development and/or training

Outputs would primarily focus on practical capacity development (not a research-focus) and would include:

- Chief Justices Leadership Forum (CJLF) meetings
- a Responsive Fund
- areas such as decision-making skills, judgement writing skills, and orientation skills that support the development of core professional competency in Pacific judicial and court officers
- strengthening the efficiency and effectiveness of the processes and systems used by the judicial and court systems; including the management, monitoring, reporting on, and maintenance of these processes and systems (this should include gathering gender-disaggregated data)
- training to Pacific judicial and court officers on addressing family violence and youth justice issues (to address this relevant and priority need)
- support for Pacific judiciaries to engage with informal (customary and traditional) justice systems
- taking steps to identify and address the ways in which attitudes, behaviours and decisions of the judiciary, including the courts, impact on gender equality and equity
- increasing awareness of how human rights issues apply to the work of the courts and judiciary, and how to address human rights challenges when these are identified within their structures or court processes

A separate paper "Concept Note for proposed further support" has been provided to MFAT

Annex One List of People Consulted

Direct Stakeholders (Pacific Judiciaries):

CHIEF JUSTICES

Chief Justice Dame Sian Elias, New Zealand & Tokelau
Chief Justice Sir John Muria, Kiribati
Chief Justice Sir Albert Palmer, Solomon Islands
Chief Justice Sir Salamo Injia, Papua New Guinea
Chief Justice Sapolu, Samoa
Chief Justice Ngiraklsong, Palau
Chief Justice Ingram, Republic of the Marshall Islands
Chief Justice Yinug, Federated States of Micronesia
Chief Justice Geoffrey Eames, Nauru
Chief Justice Michael Scott, Tonga
Chief Justice Ward, Tuvalu

JUDICIAL OFFICERS (covers Justices/Judges/Magistrates/JPs etc)

Mr John Kenning, Chairman, NJDC; Senior Justice of the Peace, Cook Islands; and
Mrs Tangi Taoro, National Coordinator, Regional Training Team, Justice of the Peace, Cook Islands
Ms Carmel Temata, Justice of the Peace, Cook Islands
Mr John Whitta, Justice of the Peace, Cook Islands
Ms Georgina Keenan-Williams, Justice of the Peace, Cook Islands
Mr Salesi Mafi, Acting Chief Magistrate, National Training Coordinator, Tonga
Mr Similoni Tuakalau, Magistrate, Tonga
Mr Fonoivasa Lolesio Ah Ching, Deputy President of the Land & Titles Court, Samoa
Justice Lesatele Rapi Vaai, Justice of the Supreme Court of Samoa
Nickontro Johnny, Associate Justice, Pohnpei Supreme Court, FSM
Su'a Tagaloa Magele Nua Su'a, Judge of Lands and Titles Court, Samoa
Judge Vaepule Vaemoa Vaai, Senior District Court Judge, Samoa
Associate Magistrate Midasy Aisek, Chuuk State Court, FSM
Associate Magistrate Mayceleen Anson, Pohnpei State Court, FSM
Deputy Chief Justice Gibbs Salika, PNG

COURT OFFICERS (covers Chief Registrars, Registrars, Court Translators, Bailiffs etc)

Ms Claudine Henry-Anguna, Registrar, Ministry of Justice, Cook Islands
Mr Makea Tinirau Tupa, Senior Criminal Court Registrar, Cook Islands
Ms Therese Tutai, Land Clerk, Ministry of Justice, Cook Islands
Ms Salote Koloamatangi, Assistant Court Interpreter, Supreme Court of Tonga. RTT member
Mrs Manakovi Pahulu, Chief Registrar, Supreme Court of Tonga, RTT, former member of PEC
Mr Aisea Manumua, Bailiff Officer, Tonga
Mr Mosese Ve'a Manufekai, Bailiff Officer, Tonga
Ms Lomoloma Piei, Case Management System Officer, Tonga
Ms Nehusita Tu'uholoaki, PA to Lord Chief Justice, Tonga
Mr Sateki Afa, Registrar, Magistrates Court, Tonga
Ms Elenoa Takataka, Assistant Court Interpreter, Supreme Court of Tonga
Mr Feleti Tuita, Registrar, Supreme Court of Tonga
Mr Edwin Ambuse Macreaveth, Training Coordinator, Supreme Court, Vanuatu
Mr John Alillee, Chief Registrar, Supreme Court, Vanuatu

Ms Florina Ephraim, Secretary/Clerk to the Magistrates Court of Port Vila, Vanuatu
Mr Joel Jacob, Clerk for the Island Court of Malekula, Vanuatu
Mr Masinalupe Tusipa Masinalupe, CEO/Registrar of the Court, MJCA, Samoa
Mr Lio Heinrich Siemsen, ACEO/Assistant Registrar, Criminal & Civil Division, MJCA, Samoa
Ms Sarah Skelton-Sokimi, ACEO Corporate Services Division, MJCA, Samoa
Ms Faagutu Samuela-Vaalotu, Principal Probation Officer, Acting ACEO Correction, Enforcement & Maintenance Division, MJCA, Samoa
Mr Michael Boki, Court Administrator, Magistrates Court, Solomon Islands
Jelga Emiwo, Deputy Clerk, Palau Supreme Court/National Coordinator, Palau

Informal discussions with participants (Judicial and Court Officers) and Faculty at the PJDP Orientation Workshop in Port Vila (from Cook Islands, FSM, Kiribati, Nauru, Niue, RMI, Tonga, Samoa, Solomon Islands, Vanuatu, Australia, PNG)

Indirect Stakeholders:

Ms Lenore Hamilton, Director, Pacific Islands Legal Information Institute (PACLII), Vanuatu
Ms Mareva Betham-Annandale, Vice-President, Samoa Law Society
To'oto'ooleaava Dr Fanaafi Aiono-Le Tagaloa, Sector Coordinator, Samoa Law and Justice Sector Secretariat.
Mr Tuatagaloa Aumua Ming Leung Wai, Attorney-General, Samoa
Ms Dana Stephenson, Secretary, Tonga Law Society
Ms Catherine Evans, President, Cook Islands Law Society, Cook Islands
Ms Kim Saunders, Solicitor-General, Cook Islands
Ms Susana Faletau, Secretary of Justice, Tonga
Mr Tingika Elikana, Secretary of Justice, Cook Islands
Ms Lorraine Kershaw, International Legal Advisor, Pacific Islands Forum Secretariat
Mr Kieron McCarron, Office of the Chief Justice of New Zealand
Hon Justice Randerson, Court of Appeal, New Zealand
Ms Sandra Bernklau, Programme Manager, Pacific Regional Rights Resource Team (RRRT)

NZ MFAT

Ms Joanna Kempkers, Deputy High Commissioner, NZHC, Cook Islands
Mr Jonathan Rowe, First Secretary, NZHC, Cook Islands
Mr Nick Hurley, New Zealand High Commissioner, Samoa
Mr Mark Ramsden, New Zealand High Commissioner, Solomon Islands
Mr Peter Zwart, Manager – New Zealand Aid Programme, Samoa
Ms Anna Pasikale, Team Leader, Human Development Programme, MFAT-International Development Group
Ms Ranmali Fernando, Development Manager, Governance Programme, MFAT-IDG
Mr Wayne Applegate, Strategic Procurement Manager, MFAT-IDG
Ms Katherine McBride, Finance Manager, MFAT-IDG
Mr Craig Hawke, Director, Partnerships Division, MFAT-IDG
Ms Mikaela Nyman, Development Counsellor, Vanuatu, MFAT-IDG
Mr Peter Shackleton, First Secretary, Nukualofa, MFAT-IDG
Mr Tauasa Taafaki, Development Manager, MFAT-IDG
Mr Ryan Brown, Development Officer, MFAT-IDG
Ms Karen Soanes, Development Officer, MFAT-IDG
Ms Alicia Kotsapas, Development Officer, MFAT-IDG
Ms Maria Reynon-Clayton, Development Officer, MFAT-IDG

AusAID

Ms Helen Corrigan, Senior Programme Officer - Law and Justice, AusAID, Vanuatu
Ms Natalie David, Partnership Coordinator, Vanuatu Law & Justice Partnership, AusAID, Vanuatu
Ms Jodie Macalister, Director, Governance & Growth Section, Pacific Division, AusAID
Ms Sarah Toh, Program Officer, Governance and Growth Section [Pacific Regional], AusAID
Ms Melinia Nawadra, Senior Program Manager - Regional: Governance, Social Inclusion, and UN Partnerships
Ms Joanna O'Shea, Senior Development Specialist, RAMSI Law and Justice Programme, Honiara, Solomon Islands

Managing Service Contractor (MSC)/ PJDP team

Dr Livingstone Armytage, Team Leader, Pacific Judicial Development Programme
Mr Lorenz Metzner, International Programmes Manager, Pacific Judicial Development Programme
Mr Warwick Sowden, Chief Executive Officer and Registrar, Federal Court of Australia (FCA)
The Hon Justice Annabelle Bennett, Judge, Federal Court of Australia
Mr Peter Bowen, Chief Finance Officer, FCA
Ms Norma Diaz, Finance Officer, FCA
Ms Helen Burrows, Contract Manager - PJDP,
Ms Hannah Clua-Saunders, Coordinator, Regional Programmes, FCA
Ms Krystle Praestiin, Project Support Officer, International Programmes, FCA
Ms Nicole Cherry, Project Support Officer, International Programmes, FCA

Technical Advisors

Mr James McGovern, Monitoring and Technical Advisor
Mr Enoka Puni, Consultant and Law Practitioner
Judge Peter Boshier, NZ District Court & NZ Law Commission
Ms Jennifer Ehmman,
Ms Catherine Sumner,
Ms Linn Hammergren,
Mr Matthew Zurstrassen,
Ms Margaret Barron

Annex Two Range of Stakeholders consulted, by category

Note: All people consulted fit in more than one category (eg a Judicial Officer who has participated in PJDP training and is law-trained/lay) and some people did not want their names included in the annexed list. This list of numbers by category therefore does not equal the number of individuals consulted.

Direct Stakeholders (Pacific Judiciaries)

Chief Justices: 11

Judges & Judicial Officers: 23

Court Officers: 20

Law-trained: 29

Lay: 27 (this includes people with Law Diplomas)

PEC Members: 4

RTT members: 10

Participated in PJDP training/s: 32

Will be in PJDP training in next 2-3 weeks: 7

Indirect Stakeholders

Government Agencies, Law Practitioners, Regional Organisations: 13

MSC/PJDP team: 11

Technical Advisors: 9

MFAT: 17

AusAID: 7

GenderFemale 48Male 53

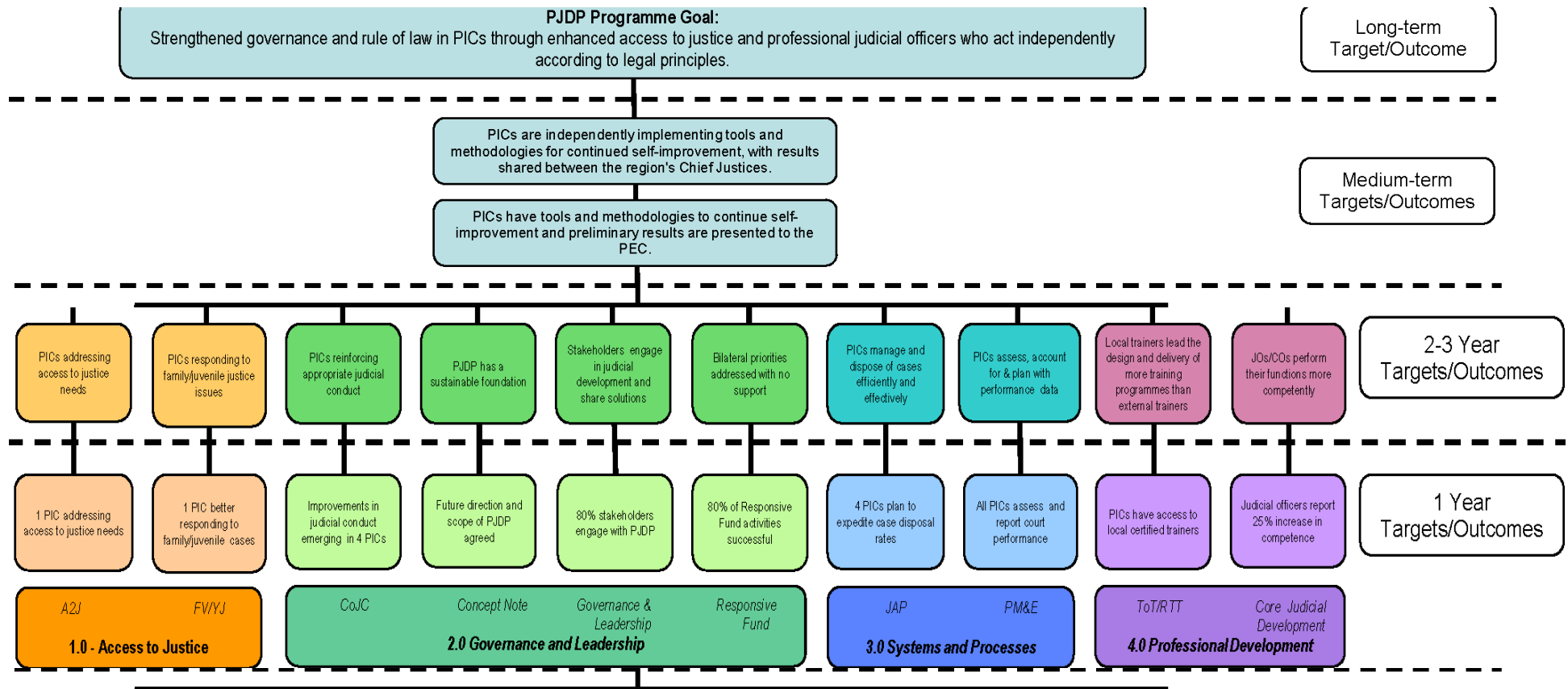
Annex Three Table of Responses:

	Yes	No	Somewhat	DNK
Relevance				
Primary Stakeholders – Pacific	42	0	11	0
Primary Stakeholders – Non-Pac	7	0	2	0
Secondary Stakeholders	6	0	4	1
Total	55 (76%)	0 (0%)	17 (23%)	1 (1%)
Effectiveness				
Primary Stakeholders – Pacific	19	3	24	6
Primary Stakeholders – Non-Pac	2	0	7	0
Secondary Stakeholders	4	0	6	1
Total	25 (33%)	3 (4%)	38 (53%)	7 (10%)
Efficiency				
Primary Stakeholders – Pacific	10	3	18	20
Primary Stakeholders – Non-Pac	11	1	6	0
Secondary Stakeholders	1	1	4	3
Total	22 (28%)	5 (7%)	28 (36%)	23 (28%)
Value of Regional Activities				
Primary Stakeholders – Pacific	35	0	8	5
Primary Stakeholders – Non-Pac	8	0	1	0
Secondary Stakeholders	7	0	1	3
Total	50 (74%)	0 (0%)	10 (15%)	8 (11%)
Regional/National Balance				
Primary Stakeholders – Pacific	7	5	15	14
Primary Stakeholders – Non-Pac	2	2	5	0
Secondary Stakeholders	1	0	4	5
Total	10 (16%)	9 (15%)	24 (38%)	19 (31%)
Research/Delivery Balance				
Primary Stakeholders – Pacific	9	7	24	11
Primary Stakeholders – Non-Pac	2	2	5	0
Secondary Stakeholders	0	0	3	4
Total	11 (17%)	9 (13%)	32 (48%)	15 (22%)
Sustainability				
Primary Stakeholders – Pacific	6	4	27	10
Primary Stakeholders – Non-Pac	0	7	2	0
Secondary Stakeholders	0	3	8	1
Total	6 (9%)	14 (21%)	37 (54%)	11 (16%)
Responsive Fund - Efficient				
Primary Stakeholders – Pacific	24	0	20	8
Primary Stakeholders – Non-Pac	2	0	6	2
Secondary Stakeholders	1	0	4	6
Total	27 (37%)	0 (0%)	30 (41%)	16 (22%)

Note 1: These figures are extrapolated from the qualitative responses from interviewees. Semi-structured interviews were conducted with questions selected appropriate to the interviewee so the number of responses may not be the same across each sub-heading, nor equal to the total number of interviewees.

Note 2: MFAT interviews are not included in these figures.

Annex Four RESULTS DIAGRAM AND FRAMEWORK



Annex Five Achievement of Outputs

Output	Intended	Achieved
Output 1.1 Customary Dispute Resolution (CDR) - Regional Research Project/Access to Justice Project	<ul style="list-style-type: none"> -Establishment of a research-based local development methodology and practice, as evidenced by research being conducted in three PICs. -Quality of CDR research paper developed -CDR / ADR regional strategy submitted to PEC for its decision -Access to Justice Plan developed and results from pilot to develop it assessed -Regional toolkit developed and disseminated to other PICs -Recommendations for future home for Access to Justice Project - 	<ul style="list-style-type: none"> -The Regional strategy to integrate in/formal justice systems based on research conducted in three PICs was submitted to and approved by the PEC
Output 1.2 Family Violence and Juvenile Justice Project	<ul style="list-style-type: none"> - Improvements in awareness, knowledge, skills and attitudes relating to relevant issues, law, contemporary practice and procedure 	<ul style="list-style-type: none"> - One FVJJ workshop held in Palau
Output 2.1: Codes of Judicial Conduct (CoJC) Project	<ul style="list-style-type: none"> -Support provided to develop and formalise up to 3 CoJCs. -Degree of regional harmonisation of CoJCs -Regional toolkit developed -Approved CoJC in one PIC -Regional toolkit piloted, results assessed and disseminated to other PIC's with the toolkit -PIC report on improvements in understanding, use and adherence to CoJC 	<ul style="list-style-type: none"> -CoJC have been completed, approved, promulgated and are being used in three PICs -Development of a Regional toolkit enabling PICs to draft/revise CoJC
Output 2.2: Scoping for the Institutionalisation PJDP (IPJDP) Project/Analytical Appraisal of Regional Judicial Development	<ul style="list-style-type: none"> -Options paper developed. -Analytical Appraisals of Regional Judicial Development drafted -Submission on and briefing on the Analytical Appraisal to the final PEC and Leadership meetings. 	<ul style="list-style-type: none"> -The PEC and the Region's key stakeholders approved pursuing the option of continued Regional programming with some capacity to address specific local needs
Output 2.3: Governance Leadership	<ul style="list-style-type: none"> -3 workshops for Chief Justices -Key stakeholders are engaged with, and provide input and strategic 	<ul style="list-style-type: none"> -Five Chief Justices and five National Coordinator's workshops were held

Workshops	direction to PJDP Projects and share solutions to common challenges.	
Output 2.4: Responsive Fund	-All eligible PICs apply for and deliver successful projects addressing national priorities	-12 PICs made 23 applications to the Responsive Fund -19 applications were approved, 3 were withdrawn, 1 was declined and 22 activities were conducted. -The majority of the activities achieved their objectives.
Output 3.1: Judicial Administration Diagnostic Project	-Diagnostic assessment undertaken -Registry systems and processes plans collaboratively developed and accepted in the 3 PIC's selected to participate in the scoping pilot projects -Support provided as specified by each PIC to commence implementation of the registry systems and process plans -Regional toolkit developed -Regional toolkit piloted, results assessed and disseminated to other PICs with the toolkit -Progress in three PICs implementing plans approved during Phase 2	-A Regional strategy to diagnose judicial and court administration problems was formulated and approved by the PEG -Plans to implement the strategy in three PICs have been finalised
Output 3.2: Judicial Monitoring and Evaluation Project	-Scoping on judicial performance monitoring systems in three sample PIC's undertaken -Available judicial performance data in the three selected PICs collected -A Regional judicial performance framework/model developed, designed and submitted to PEC -Court reporting toolkit developed -Regional toolkits piloted, results assessed and disseminated to other PICs with the toolkit -Year 2 Court performance trend data reported by PICs	-Baseline court data for all 14 PICs utilising a common set of indicators -Regional JME framework was developed and approved by PEC

<p>Output 4.1: Regional Training Team Project/Consolidation of Regional training Capacity</p>	<ul style="list-style-type: none"> -Three ToT workshops conducted -Devolution of service delivery to qualified and experienced local actors -Up to 14 people trained and 20% certified as National/Regional trainers -Capacity of up to 10 members of the RRT assess needs, design, deliver and evaluate programmes is strengthened -A toolkit of training materials and resources will be available to the Region. 	<ul style="list-style-type: none"> -34 people considered competent to deliver training Regionally -An additional 19 people considered competent to deliver training locally -Four ToT programmes were conducted for 54 people in addition to two refresher workshops for the RTT -12 members of the RTT were mobilised to co-facilitate three workshops -8 of 9 capacity building RF activities were facilitated by members of the RTT -One PIC independently conducted a capacity building activity facilitated by a member of the RTT
<p>Output 4.2: Judicial Development – Core Programme Development Project</p>	<ul style="list-style-type: none"> -Orientation programme (curriculum and materials) for law-trained judicial officers and registrars exercising para-judicial duties, developed and piloted -Orientation programme (curriculum and materials) for lay magistrates and court officers, developed and piloted -A toolkit of training resources and materials will be available to the Region -Capacity of up to 14 Lay judicial/Court officers to reach/render decisions will be strengthened 	<ul style="list-style-type: none"> -31 judicial/court officers attended orientation training -33 officers attended decision making training -11 members of the RTT were mobilised to co-facilitate these workshops
<p>Output 4.3: Benchbook Publishing Project</p>	<ul style="list-style-type: none"> -One Benchbook revised and 14 judicial and/or court officers trained on its content and use 	<ul style="list-style-type: none"> -The Cook Island Benchbook was revised and a new chapter on decision making written -15 Justices of the Peace received training -Niue developed a Benchbook for its Land Court -Vanuatu developed a handbook for Island Court Magistrates

Annex Six Baseline Summary of Court Performance Reporting

Indicator of Court Performance	2011 Baseline	Work Undertaken by Judiciaries at a National Level
Able to report on the 15 PJDP court performance indicators	The majority of PJDP Courts are unable to report on the 15 Court performance indicators. There is only one indicator (publication of judgements) that 13 of the 14 Courts can report on	Chief Justice, judges and Court staff to work collaboratively on the collection, analysis and reporting on Court performance data
PJDP Courts produce or contribute to an Annual Report that is publically available in the following year	1 of 14 PJDP countries produces or contributes to an Annual Report that is publically available in the following year	Court submits to Parliament an Annual Report for the previous year
PJDP Court presents their Court Performance Standards and data on whether these have been achieved in their Annual Report	0 of 14 PJDP countries present the Court performance standards and data on whether these have been achieved their Annual Report	Chief Justice, Judges and Court staff to work collaboratively to set realistic and appropriate Court performance standards based on the Court performance data collected against the 15 PJDP indicators
Courts regularly analyse the justice needs within their country to better understand what matters to actual and potential Court users in the delivery of quality Court services through the use of client and Court stakeholder surveys and dialogs	2 of the 14 PJDP countries (14%) undertook Court user surveys	Periodically undertake Court user and potential Court user surveys and dialogues and summarise their findings for publication on the Court's website and/or in the Court's Annual Report

From: Pacific Judicial Development Programme: 2011 Court Baseline Report. Research Coordinator and Author: Cate Summer, Judicial Monitoring and Evaluation Advisor

Annex Seven Pacific Judicial Development Programme: Responsive Fund: Jan 2011 – Jan 2013

Cook Islands	Mentoring Justices of the Peace (x2); Provision of legal resources; Benchbook Chapter on Decision Making;
Nauru	Training for legal practitioners; Advocacy training (x2); Improving Court management and administrative procedures;
Tonga	Sentencing training; Bailiff training; Computer training; Court Interpreters training; Land Court Assessors training; Court Officers training;
Vanuatu	Judicial training; Secretaries and Clerks training; Sheriff training; Consultation forum towards finalising an Island Court Manual ; Land Case Management workshop;
Federated States of Micronesia / Republic of the Marshall Islands	Sentencing training
Tokelau	Capacity Building Workshops for Law Commissioners; Capacity Building Workshops for Court Officers and Police Officers
Kiribati	Training on Code of Judicial Conduct
Marshall Islands	Financial Management Process Development / Training; Training for Court Bailiffs; Court recording equipment training;
Papua New Guinea	Court Interpreters training
Tuvalu	Code of judicial Conduct & Decision Making training;
Niue	Case File Management training; Land Court Benchbook;
Solomon Islands	Decision Making workshop;
Federated States of Micronesia	Training on the use of Court recording equipment;

Responsive Fund Jan 2011 – Jan 2013: Breakdown of Funded Activities by ‘target’ group

Countries	Judicial Officer training/resources	Court Officer training/resources	Both CO / JO	Systems training	Lawyers (Prosecution or defence)
13	14	9	2	6	3

Annex Eight Percentage of Under-spend by Component

Component / Output	Unspent as at 31 Dec 2011	Unspent as at 31 Mar 2012	Unspent as at 31 May 2012	Unspent as at 30 Sept 2012
	Financial Period Jan 2011 to June 2012			July 2012/June13
1.0 Component One – Access to Justice				
1.1 Customary Dispute Resolution (CDR): Regional Research Project (Access to Justice)	37%	36%	26%	100%
1.2 Family Violence and Youth Justice				
Total Component One	37%	36%	26%	69% 89%
2.0 Component Two – Governance				
2.1 Codes of Judicial Conduct (CoJC)	22%	21%	22%	100%
2.2 Institutionalisation of the PJDP (IPJDP) / Appraisal of Regional Judicial Dev	39%	37%	22%	100%
2.3 Governance Leadership Workshops	50%	38%	25%	
2.4 Responsive Fund Mechanism	43%	36%	23%	92%
Total Component Two				98% 95%
3.0 Component Three – Systems and Processes				
3.1 Judicial Administration Diagnostic Project	83%	66%	48%	94%
3.2 Judicial Monitoring and Evaluation Project	73%	45%	44%	
Total Component Three	78%	56%	46%	99% 97%
4.0 Component Four – Professional Development				
4.1 Regional Training Team Project	66%	48%	34%	30%
4.2 Judicial Development	47%	10%	10%	0.5%
4.3 Benchbook Publishing Project				
Total Component Four	99%	93%	60%	n/a
	59%	38%	27%	83%
5.0 Component Five – Programme Management				
5.1 General Programme Operations	46%	24%	13%	
5.2 Management Meetings – Programme Executive Committee	65%	54%	48%	
5.3 Responsive Fund	95%	89%	70%	
5.4 Resources to Support Engagement with NZ Judiciary	97%	97%	97%	
Total Component Five	58%	40%	28%	68%
Project Total Under-spend	57%	41%	30%	81%

Annex Nine Percentages of Budget - by Component; by Programme/Technical compared to Management & Admin

	18 Month Implement ation Plan Budget	18 Month final budget (according to LOV8)	12 Month Implement ation Plan Budget (2012/13)	2012/13 Contract budget¹¹ (LOV9)	Expenditur e June 2010 – June 2012
Access to Justice ¹²	\$309, 109 (13%)	\$253,454 (11%)	\$88,135 (7%)	\$76,998 (6%)	\$270,540 (9%)
Governance & Leadership	\$603,029 (25%)	\$657,922 (28%)	\$432,464 (35%)	\$414,522 (34%)	\$992,047 (32%)
Systems & Processes	\$414,112 (18%)	\$468,670 (20%)	\$178,941 (15%)	\$142,840 (12%)	\$496,333 (16%)
Professional Development	\$1,045,101 (44%)	\$945,497 (41%)	\$526,950 (43%)	\$572,599 (47%)	\$1,325,535 (43%)
<i>Sub-total: Technical Components¹³</i>	\$2,371,351 (67.7%)	\$2,325,543 (64.4%)	\$1,226,490 (64.5%)	\$1,206,959 (63.5%)	\$3,084,455 (64%)
Management/Ad min ¹⁴	\$1,131,265 (32.3%)	\$1,284,144 (35.6%)	\$673,510 (35.5%)	\$693,041 (36.5%)	\$1,748,725 (36%)
Total Budget	\$3,502,528	\$3,627,689	\$1,900,000	\$1,900,000	\$4,833,180
<i>Ratios as stated in Implementation Plan Document</i>					
Management : Technical ¹⁵	28:72		31:65 ¹⁶		
Local : Regional	53:47		32:68		

¹¹ These figures rounded to nearest dollar

¹² Percentages for these four components against Technical Component budget

¹³ Technical components as percentage of total budget

¹⁴ This figure appears to include Responsive Fund

¹⁵ This figure excludes Responsive Fund. When Responsive Fund added becomes 32:68

¹⁶ There is 4% unallocated funding. 31% appears to include Responsive Fund

Annex Ten: Amendments to Governance Structure of PJDP

Rationale for revision of structure:

The governance structure is generally appropriate to the intention and purpose of the PJDP. While the structure appears clear, in practice there are inefficiencies which need to be addressed, in a way which acknowledges and respects the role and responsibilities of the Chief Justice's (CJ) in relation to the PJDP.

The structure would benefit from some clarifications of the roles of various stakeholders (CJs, PAC, and NCs) in relation to the governance of the PJDP, and streamlining of the processes of consultation and decision-making on programme direction and implementation.

During the recent evaluation of the PJDP, a number of respondents commented that the CJ Forum should be the key governance, leadership and decision-making body for the PJDP. This would provide for greater engagement and ownership of the PJDP by the CJs. However, experience from other regional programmes indicates that a large decision-making body can be cumbersome and inefficient, and that there can be value in having a smaller 'executive'-type body to take governance/oversight decisions.

Ownership of the PJDP rests with the CJs of the participating jurisdictions. In line with a unanimous decision taken by the 14 Chief Justices in 2006, oversight and decision-making on the PJDP on behalf of the 14 Chief Justices rests with and is exercised through a Chief Justices-appointed Programme Executive Committee (PEC).

The 14 Chief Justices provide *input* in to identification of national needs and priorities and development of PJDP plans during the planning process. This occurs at both individual country-level input and at the collective-level during the meeting of the CJ Leadership Forum.

There are also regional workshops for the National Coordinators; over time this forum has become increasingly involved in deliberation on PJDP activities. In 2011, the PEC appointed a National Coordinators Working Group to help the PJDP team with drafting the 2012/13 PJDP Extension Plan. This mechanism was set up for a specific task and having completed this task there is no longer a need for the NC Working Group.

The current process for discussion and decision-making for PJDP matters involves the NC workshop, the CJ Leadership Forum, and the PEC meetings all taking place consecutively with discussions on PJDP matters taking place in each. Recommendations from NCs go to the CJs, and are copied to the PEC along with the CJs recommendations. This is seen as duplicative by many respondents to the recent PJDP evaluation, but the process does enable a number of stakeholders to participate and have some degree of influence over decision-making and direction-setting for the PJDP.

The sequencing of the meetings has given rise to questions and concerns about who has the 'lead role' in setting directions and priorities for the programme, and a desire to clarify this. There are also questions about what is meant, in practice, by the PEC's 'representation' responsibilities.

Some people are involved in two of these three meetings and because these are held consecutively some people are out-of-country for a considerable period, particularly if participating in the NC meeting and the PEC meeting. Consideration should be given to whether there are ways to reduce the length of time people are out-of-country.

(a) Streamline current processes for governance, decision-making and management of the implementation of PJDP:

The initial step is to clarify the roles and relationships of the CJ's Leadership Forum, the PEC and the NCs in relation to input, consultation, leadership, governance and implementation of the programme. This will then clarify the processes and the sequencing of discussions on PJDP issues.

The PEC TOR (in the 2010 PJDP contract document) states that it is 'A high level stakeholder forum for governance of PJDP, and provides leadership and strategic direction for the PJDP'. The 2008 paper "Review of Structure and Contracting Model" stated that the "Programme Executive Committee (PEC) is the overarching governing body [and] provides overall guidance to the programme implementers." At the PEC Meeting in April 2012, the role of the PEC and linkages between the PEC and the CJs meeting were discussed. This discussion clarified that the PEC was established by the Pacific Judicial Conference (PJC) as: a decision making body on activities or advice presented to it by the Programme's Advisers; and a forum for donors to become involved in the Programme at the policy level. - The role of the CJs Meeting is to provide input in to identification of national needs and priorities in to the development of PJDP plans. There is perceived to be real value in the CJs involvement in discussions on PJDP, as this develops -ownership of PJDP activities in each PIC and also regionally. The 14 Chief Justices provide *input* in to identification of national needs and priorities and development of PJDP plans during the planning process. This occurs at both individual country-level input and collective input during the meeting of the CJ Leadership Forum.

- (i) In line with current and past understandings of the CJ and PEC roles, this paper proposes that roles within the structure be understood as:
- Chief Justices Leadership Forum (CJLF) provides input in to Programme plans including on the relevance of potential outputs to their national jurisdictions to ensure the Programme plan is based on valid priority needs of the participating countries ,
 - PEC: is the oversight governance body for the PJDP project and provides leadership and strategic direction on the implementation of the programme, and has the decision-making function in line with its TOR (taking in to account feedback/input received from PJDP stakeholders) , and
 - NCs (or NJDC members) provide comment/advice to the CJs/PEC from the perspective of implementation in-country .
- (ii) Discussion on PJDP matters would then be sequenced in following way:
- Chief Justices Leadership Forum:
 - Day 1 and first half of day 2, provide input on PJDP issues and make recommendations to PEC (copied to NC/NJDC member workshop)
 - Second half day 2 & day 3, the CJLF agenda should focus on other strategic leadership issues (eg promoting judicial independence)
 - PEC:
 - Meets on three days following the Chief Justice's meeting (the first day focussing on discussion between Pacific members of the PEC and discussion between Pacific PEC members and MFAT)
 - NC/NJDC members:
 - Meet concurrently with CJs meeting.
 - Days 1 & 2: workshop sessions specific to NC/NJDC (for example, project planning and management and how to do a needs assessment, to assist them in their in-country role)
 - Day 3 (possibly only requires half-day), discuss PJDP related matters i.e. CJ recommendations, and provide comment to PEC from perspective of in-country implementers

The dates for meetings and the selection of meeting venues should take time and travel costs into account. It is recommended that in the year when the PJC meets, the PJDP meetings (CJLF and PEC) should be held consecutively with this meeting to reduce costs. While recognising that holding regional meetings across the different sub-regions and countries has value, it is recommended that PJDP PEC and CJLF meetings are held in Micronesia only when they coincide with the PJC meetings.

(iii) There are a large number of PJDP papers to be discussed at CJLFs and PEC meetings which can lead to a perception that the agenda and discussions are directed by the PJDP team. Agenda items and discussions at the Forums **should be directed and led** by the CJs, with broader strategic judicial leadership issues on the agenda in addition to PJDP matters. Responsibility for identifying strategic judicial leadership (non-PJDP) topics for the CJLF agenda should be assigned to a specific Chief Justice or a few (say up to three) Chief Justices. Responsibility should be rotated to ensure equitable contribution and lead. Secondly, Pacific Chief Justices should be identified and assigned responsibility for making presentations (eg from a national/country perspective) on relevant topics. It is noteworthy to acknowledge the example set by the Pacific Judicial Conference, which primarily draws on the vast and significant expertise and knowledge of the participating judicial officers themselves who take responsibility as presenters on various topics. This approach helps to further enhance the relevance of the content of the presentation and discussion and experiences/lessons being shared to the Pacific audience. Accordingly, to build sustainability and leadership and presentation skills, and to reduce the cost of regional meetings and improve value for money with regards to such regional forums, the use of external MSC TAs as presenters for these sessions/topics should be avoided, although it can be anticipated that A/NZ judges may be identified from time to time to present on topics where deemed appropriate.

(iv) The Pacific Island Countries take turns in leading on organising the biennial Pacific Judicial Conference. They have demonstrated that they possess the capacity for organising regional meetings. Going forward (during the new phase as well as in the remaining two years of the current phase), the 'host' Pacific Island Country should take the lead responsibility for organising the PJDP Chief Justices Leadership Forums. The MSC should step back from 'directly' leading on the organisation of these meetings and devolve responsibility to the host country concerned. This shift in approach and responsibility would help to continue the development of knowledge, skills and capacity within the participating Pacific Island jurisdictions in administering judicial training and development activities and promote sustainability over time. It would also strengthen 'ownership' and build greater self-sufficiency of the regional judicial dialogue processes among the Pacific Island Countries (enhancing capacity and potential for carrying on the regional judicial dialogue forums independent of donor assistance beyond the lifespan of external projects like the PJDP).

(v) Going forward, it is recommended that the participating jurisdictions should make some contribution to their own travel costs (eg airfares) in relation to attendance at *one* of the two Chief Justices Leadership Forums per year (with the PJDP bearing the other costs such as accommodation, per diems, etc). While this may be lesser than the contribution they make towards their attendance costs at the PJC¹⁷, it would help to reduce the costs of the regional PJDP meetings and improve value for money and Pacific ownership.

(vi) Advocacy by the Pacific Chief Justices at the national level regarding the importance of participation in regional judicial dialogue forums is important to raise awareness and gain buy-in within the national/court budgetary processes to support participation for sustainability reasons.

(vii) While there has been some advocacy to the Programme on the value of including a regional CJLF meeting as an output within the external donor-funded PJDP, the Pacific Chief Justices need to commence advocacy at the **national level** regarding the importance of participation in regional judicial dialogue forums to

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¹⁷ Presently, the Chief Justices generally self-fund their attendance costs (i.e. airfares, accommodation, per diems, etc) at the biennial PJC.

raise awareness and gain buy-in within the national/court budgetary processes to support such participation on an ongoing basis for sustainability reasons.

(viii) Agenda items for PEC meetings should be directed by the Chair. The programme for regional meeting of NCs/NJDC members should continue to be identified in the current way.

(ix) Short 'summary' papers (of a style appropriate to a Board) should be prepared by the MSC for each of the papers submitted on PJDP related matters by the MSC to the CJ meetings. These summary papers could reduce the workload for CJs and enable their greater participation, through bringing greater focus and clarity to discussions during the meeting.

(x) Papers submitted to the meetings should be presented, and spoken to, by the PJDP Team Leader or Programme Manager, whether the papers were authored by the PJDP or a Technical Advisor. In exceptional circumstances the CJs/PEC may request that the author of the paper (eg the Technical Advisor) attend the meeting to speak to the paper. The MSC TAs or authors of papers in general should not attend the NC/CJLF/PEC meetings. This also helps to reduce the cost of regional workshops and improve value for money.

Chief Justices' Leadership Forum (CJLF):

In addition to the PJDP related discussions, each meeting should include closed sessions on strategic issues such as promoting and protecting judicial independence and the rule of law, sharing experiences and lessons learned, etc. These took place in PJDP phase 1, but do not appear to have taken place in PJDP phase 2.

The CJs should continue to meet twice a year, unless the CJs decide to meet less frequently, with one meeting held in conjunction with the biennial meeting of the Pacific Judicial Conference. Twice yearly meetings will provide time for strategic leadership issues to be discussed at each CJLF meeting, in addition to programmatic consultation on PJDP.

Programme Executive Committee (PEC):

The PEC was established by the Pacific Judicial Conference. Its members are appointed by the CJLF as representative of Pacific judiciaries. There are various understandings among the PJDP stakeholders on what is meant by the word "representative". One understanding is that each PEC member serves as a sample or example of his/her stakeholder group (ie Chief Justices, judicial officer, or court officer). Another understanding is that each PEC member is a delegate for others in his/her stakeholder group. To act as a delegate the PEC member would need to have a mechanism for gathering views from around the region or sub-region, of the people he/she is representing. It is suggested that the CJ members of the PEC meet with their sub-regional counterparts at a specific session during the CLJF meeting and consult by email at least once in between the face-to-face PEC meetings using a standardised check-list or set of questions. If, as proposed below, at least one of the non-CJ members of PEC is a NC/NJDC member, he/she would bring the views of the other NC/NJDC members to the PEC following the NC/NJDC members meeting, and should consult by email at least once in between the face-to-face PEC meetings. This could be done using a standardised check-list or set of questions to help facilitate this. It would be unrealistic for the PEC member who is a court/judicial officer, to contact all the other court/ judicial officers across the Pacific judiciaries, and this PEC member would therefore serve on PEC as an example/sample of this group rather than represent the views of their peers (though he/she could consult with counterparts by email at least once prior to PEC meetings. The representative should also take steps where opportunities present themselves to consult with other court support staff face-to-face, for instance, when visiting another Pacific Island Country to attend PJDP training workshops). It is also expected that the NC/NJDC

members would provide feedback gained from many court support staff and judicial officers in their own countries during their internal consultation processes.

There have been concerns expressed about the level of communication between the PEC and other stakeholders, which is important for maintaining interest and engagement. There is a need to re-activate/establish processes of communication between PEC and stakeholders between meetings (for example, letter to all CJs from Chair). This is particularly necessary following PEC meetings not held in conjunction with CJLF meetings or NC Forum meetings (for example, quarterly formal teleconference meetings).

In the 2005 PJDP Design Document it was proposed that the composition of the PEC include National Coordinators who are not judges (eg a magistrate, a senior court registrar and a senior lay magistrate); and that the PEC should have regional representation and an appropriate gender balance. The composition of the PEC currently includes 3 Chief Justices, one from each sub-region, and two non-judges appointed by the CJs. Both of these non-judge appointees were NCs at the time of their appointment to the PEC, and had continued to remain on the PEC even after the individuals no longer retained the NC position with their countries. There has been some discussion recently about the inclusion of NCs on the PEC, or NC attendance as observers at PEC meetings to allow their views to be represented (due to the absence of a NC among the non-judge appointees of the PEC).

There was considerable support, during the evaluation, for maintaining a balance of support for judicial and court officers within the programme, and a perception that having a court officer on the PEC ensured that court needs were kept in mind during discussions.

The PEC also includes representative from the (Lead) donor. Concerns have been expressed at the frequent changes in the person representing the donor¹⁸; and positive comments made about the value of high-level donor input at PEC meetings.

This paper proposes that:

- the representative role of the PEC be clarified, as suggested above
- one appointee to the non-judge positions should be a judicial officer and one a court officer
- one (or both) of the two appointees to the non-judge positions should be a NC or member of a NJDC
- gender balance be taken into account when making appointments to the PEC
- regular communication from the PEC to other stakeholders be re-activated
- Deputy Director level attendance at the PEC meetings (in addition to the activity manager) for the (Lead) donor, and consistency of representation, should be prioritised for the future

National Coordinators/National Judicial Development Committees

The 2005 PJDP Programme Design Document envisaged National Judicial Education Committees (PJEC) as having a key role, particularly at national level, and a NC appointed by the CJ to convene, direct and motivate the NJEC. In a number of countries the NJEC/NJDC has not been active during 2010-2012. In practice, the NCs also provided an additional contact point in-country for the PJDP. The (draft) Minutes of the PEC's November 2012 meeting indicate the CJs consider it may be time to re-consider the role of the NCs in light of the re-enlivenment of the NJDCs.

This paper supports this suggestion.

In relation to the governance and implementation structures of the PJDP, this paper proposes:

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¹⁸ To maintain consistency of direction and build the person-to-person relationships which are important in the Pacific. A handover process should be in place between Deputy Directors to ensure consistency in programme direction is maintained where a Deputy Director level representative changes.

- Current six-monthly regional NC workshops are replaced by an annual regional workshop (for either the NC or a NDJC member from each jurisdiction)
- This meeting to take place in conjunction with the planning stage of the PJDP annual cycle, and be held concurrently with CJLF
- In addition to workshop sessions relevant to in-country roles of NC/NJDC, the workshop:
 - discusses CJ recommendations, from the perspective of implementation in-country (it would be appropriate for each NC/NJDC member attending the workshop, to have in-country discussion with CJ and NJDC prior to the meeting);
 - provides comments/advice to the PEC.

Management Services Contractor (MSC):

The role of the PJDP MSC is to report to, and be accountable for implementation of the PJDP, to the PEC (PEC). The MSC also has a role in relation to the CJLF and the NCs regional workshops in terms of supporting the development of leadership skills, for example, through sessions on leadership in the programme or agenda for these workshops/forum meetings .

Over the period of implementation of the PJDP phase 2, the MSC has directed a significant amount of resourcing to looking at the role and composition of the PEC, including whether it should be dis-established¹⁹. This was part of providing advice to the Chief Justices on the institutionalisation of judicial and court development in the Pacific. The MSC has supported the strengthening of the NCs to better fulfil their role in-country. As noted above, the CJs have recently indicated that it may be time to reconsider the role of NCs. More recently the MSC has started to look at how it can support the national judiciaries to strengthen their own in-country governance and management structures for on-going judicial development (NJDCs or equivalent).

The MSC should re-direct its resources/effort to support the participating countries to strengthen their NJDCs or equivalents on request (rather than focussing on reviewing the governance arrangements of the PJDP i.e. external project to which it is accountable and reports to). This approach (i.e. supporting the NJDCs to function more effectively at the national level) will contribute better towards achieving more sustainable development outcomes at the national level for participating countries.

The MSC's role must not extend to review of the role/composition of the PEC (the PJDP project governance group). Where required a review of the role/composition of the PEC should be undertaken by MFAT.

It is the role of the national judiciary and the CJ to define and agree the role/s of the NC, and the role and composition of the NJDC or equivalent. The PJDP MSC may be able to provide some support and templates to assist the national judiciaries in this process. The MSC could also provide support to the national jurisdiction, on request, to strengthen the NJDCs or equivalents to lead to better and more sustainable outcomes in relation to on-going in-country judicial development programmes.

The focus of the MSC for the coming two years should be on ensuring the programme is implemented efficiently and effectively to maximise its contribution to intended outcomes, including the consolidation and sustainability of the programme's benefits within national judiciaries.

The MSC could also assist through continuing to include sessions on leadership issues during the NC/NJDC workshops. On request, the MSC could also assist with arranging (closed) leadership sessions at the CJLF meetings (for example, identifying and arranging the participation of appropriate speakers/facilitators for topics identified by the CJs).

¹⁹ When these options in the paper on institutionalisation were not accepted, the MSC did not continue to direct resources to this aspect of the PJDP's governance.

Terms of Reference for the Evaluation of Pacific Judicial Development Programme (PJDP)

Background information

The Pacific Judicial Development Programme (**PJDP**) is a multi-country regional programme of assistance with a shared vision and agreed goals for strengthening the judicial system as a central pillar of good governance and the rule of law.

The judiciary is one of the three arms of the state and is critical for the maintenance of the rule of law. Judges have a key role as guardians of human rights, good governance, accountability and transparency. Developing a culture of judicial education and professional development will strengthen the ability of Pacific judiciaries to play their role in the region's system of government and contribute to promoting a culture of good governance and prompt access to justice.

The Programme's focus extends beyond meeting the educational needs of judicial officers and court officers to include support for process and system improvement. This is a change from the previous Pacific Judicial Education Programme (**PJEP**) and this is reflected in the new title.

The Programme operates in the Cook Islands, Fiji (excluded), Federated States of Micronesia, Kiribati, Marshall Islands, Nauru, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu and Vanuatu.

A multi-country regional programme, with delivery at national and regional levels, is an effective way of:

- sharing resources;
- adopting and/or adapting best and appropriate judicial practice;
- providing technical advisory services and skills;
- sharing experiences and lessons;
- maximising financial and intellectual resources;
- sharing experiences and lessons based on customary justice systems;
- reducing administrative burdens; and
- enhancing consistency

to support all Forum Island Countries (**FICs**) across the region to strengthen their judicial systems.

Originally, the PJDP was envisioned as a five-year programme. Due to complicated contractual arrangements (i.e. Programme Director and Service Provider model), an earlier arrangement (now referred to as PJDP phase 1³) ended prematurely after 18-months of delivery in June 2008. A review of the PJDP contracting model and implementation arrangements was undertaken in 2008. A new contracting and implementation model (i.e. MSC and MTA) was endorsed by the PJDP Programme Executive Committee (**PEC**) based on the Review outcomes. The current programme (now referred to as PJDP phase 2 and based on the new model) commenced in July 2010 (for a period of three years structured as two years plus one) till July 2013 following an open tender process.

Presently, the current phase is being extended by two years to bring its total length to five years of continuous service delivery till July 2015.

New Zealand Aid Programme funding for PJDP is approximately NZ\$2.6m per FY (i.e. AUD2m per FY). Total funding over the three-year period FY 2010/11 to present is approximately NZ\$7.8m.

PJDP Goal: The overall goal of the PJDP is *'strengthened governance and rule of law in Pacific Island Countries through enhanced access to justice and professional judicial officers who act independently according to legal principles'*.

PJDP Purpose: The purpose of the Programme is *"to support Pacific Island Countries to enhance the professional competence of judicial officers and court officers, and the processes and systems they use"*.

The vision of PJDP phase 2 is *"to consolidate and extend the delivery of the highest quality practical judicial training and court development services, while significantly enhancing the institutionalisation, localisation and sustainability of those services for stakeholders across the region"*.

The Programme has five components: Access to Justice, Governance, Systems and Processes, Professional Development, and Project Management⁴.

PJDP Governance structure: The PJDP governing body known as the Programme Executive Committee (**PEC**) is a high level stakeholder forum that provides overall guidance and strategic direction to the programme implementers. The PEC comprises three Chief Justices, one representing each sub-region i.e. Chief Justice Sapolu, Samoa (Chairman and Polynesian rep); Chief Justice Lunabek, Vanuatu (Melanesian rep); and Chief Justice Ngiraklong, Palau (Micronesian rep); two representatives of other levels of the judiciaries including magistrates, justices of the peace and court support staff (i.e. Mr John Kenning, Senior Justice of the Peace, Cook Islands; and Mrs Manakovi Pahulu, Senior Court Registrar and Magistrate, Tonga); and MFAT donor representative⁵.

³ Phase 1 was jointly funded by NZ MFAT and AusAID.

⁴ Please refer the PJDP Monitoring and Evaluation Framework (MEF).

⁵ During phase 1, AusAID was initially a donor representative on the PEC; however, AusAID has not participated since its co-funding ended within the first six months of phase 2 (i.e. 31 December 2010). All PJDP workplans and reports have been provided to AusAID (via AusAID Suva) as part of the PJDP's regular reporting to the PEC.

PJDP Implementation structure: The Management Services Contractor (**MSC**), Federal Court of Australia (**FCA**) is responsible for implementing the PJDP in line with the PEC's strategic direction. A National Coordinator (**NC**) Working Group comprising three NC representatives is also involved in project planning and implementation processes with support from the MSC. An independently contracted PJDP Monitoring and Technical Adviser (**MTA**) provides monitoring and appraisal advice to the PEC.

Purpose of the evaluation

The evaluation will be used by MFAT to determine effectiveness of support to date, and whether a further phase of NZ Aid Programme support is necessary, and if so, scope, focus, and scale of support.

The findings of the evaluation will be reported to the PEC including AusAID. The findings may also be reported to participating countries and the Pacific Judicial Conference in due course.

Scope of the evaluation

The time period covered is July 2010 to present. The Evaluator will take into account to the extent possible any development outcomes from the earlier short phase of implementation.

The geographic focus is Cook Islands, Federated States of Micronesia, Kiribati, Marshall Islands, Nauru, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu and Vanuatu.

The target groups⁶ are Pacific judiciaries, PEC, Pacific Chief Justices and NCs, PIC members of Regional Training Teams, PIC judicial and court officers who have been trained by PJDP, implementing agency (**FCA**), the NZ judiciary, MTA, MFAT, AusAID, other regional law and justice projects⁷; service users and service providers such as Pacific lawyers and police may also be relevant.

Evaluation criteria and objectives

Criteria being assessed

The DAC criteria that will be assessed in this evaluation are relevance, effectiveness, efficiency (and value for money), and sustainability.

Objectives and evaluation questions⁸

The objectives of the evaluation are to:

Objective (1): Assess relevance, effectiveness, efficiency (including value for money), sustainability of the PJDP.

Relevance:

⁶ (not exhaustive)

⁷ For example, bilateral judicial initiatives, Justice for the Poor Programme, Pacific Prevention of Domestic Violence Programme (PPDVP), PILON Litigation Skills Training Programme.

⁸ **The questions below are not exhaustive, and are indicative only.**

1. Is the PJDP and the outcomes it is trying to achieve relevant and aligned well with the mandate, policies, and priorities of the New Zealand Aid Programme?
2. Is the PJDP goal, purpose, outcomes and outputs clearly focussed on partner needs, and priorities both at a national level within the participating countries, and at a regional level?
3. Assess the relevance of the regional approach of the PJDP taking into account how it may complement other law and judicial initiatives in the Pacific.

Effectiveness:

1. Assess the extent to which the Programme has achieved its outputs and made progress towards achieving intended outcomes (take into consideration the PJDP Monitoring and Evaluation Framework). What are the key results?
2. Assess the extent to which the programme has been effective in addressing cross-cutting issues such as gender and human rights.

Efficiency and value for money of the PJDP:

1. Assess whether the Programme has been efficient in the use of resources.
2. Have the operations of the PJDP been effective and efficient in ensuring its planning, delivery (intended outputs and outcomes), monitoring, analysis, and reporting functions are completed on time, to quality standards and budget?
3. Assess whether programme implementation has provided value for money. Take into account how PJDP delivery at the regional, sub-regional, and national-level could be improved to provide better value for money?
4. Assess whether the MTA mechanism of the implementation model has been cost-effective and advise whether alternative(s) could provide better value for money for both the extension period and for any potential new phase.
5. Is the PJDP Project governance structure⁹ appropriate?

Sustainability of PJDP outcomes

1. What strategies have been implemented by PJDP to assist recipient countries to address sustainability of training outcomes? To what extent have they been effective?
2. Assess the extent to which outcomes (including skills development in local stakeholders) would be sustainable at the end of the project, and what (if any) further support may be necessary to achieve sustainability.

Objective (2): Make recommendations on priority areas for further assistance (if any). Provide a concept note for future phase of support (if any).

⁹ Please note the national judiciary's internal NJDCs are separate from the purpose of the Project's governance structure (PEC).

1. How could current PJDP delivery at the regional, sub-regional, and national-level be improved to enhance relevance, effectiveness and provide better value for money?
2. Make recommendations to reinforce or revise the project governance structure.
3. Make recommendations to revise or reinforce programme design, scope, scale, outputs/focal areas, countries, resourcing, duration and programme implementation including MTA mechanism (taking into account DAC criteria, cost-effectiveness and value for money) for any future phase of support.

Methodology for the evaluation

Principles/approach

The Evaluator must undertake an **evidence-based** approach to all stages of the evaluation and data, analysis, and findings, conclusions and recommendations must be demonstrably evidence-based (both quantitative and qualitative) and triangulated and presented in a clear and transparent manner. The evaluation will involve a desk review of documentation relevant to the assignment, face-to-face interviews with Wellington-based stakeholders, face-to-face interviews with relevant stakeholders at the regional judicial meeting in Honiara in November, and field visits to Vanuatu, Samoa, Cook Islands, and Tonga. Due to reasons of cost-effectiveness, the evaluation will involve telephone interviews with other (non-field visit) Pacific countries and other key stakeholders.

Evaluation Plan

The Evaluator will develop an evaluation plan (using the Evaluation Plan Template to be provided by MFAT) before undertaking the evaluation¹⁰. The evaluation plan will be approved by Deputy Director Human Development.

The plan may need to be redrafted if it does not meet the required standard or is unclear. The evaluation plan **must** be approved prior to the commencement of any field work or other substantive work.

The evaluation methodology and approach should be set out in detail in the evaluation plan.

The evaluation plan will draw on the activity's results framework including the Results Diagram and the intended results of the activity (i.e. the goal, outcomes and outputs).

Any constraints and/or risks to the successful completion of the evaluation to the contracted quality standards, on time, within budget, and appropriate mitigation strategies should be considered in the design and described in the evaluation plan.

Consideration should be given to the New Zealand Aid Programme's mainstreamed and cross-cutting issues, including human rights, gender equality, and conflict prevention and peace building. The evaluation will use a consultative approach and must be conducted in a professional and ethical manner and comply with the Development Assistance Committee (DAC) Evaluation Quality Standards.

¹⁰ Some examples of questions that the Evaluator(s) should answer in their evaluation plan are set out in Annex 1.

The evaluation plan, questionnaires (if any), checklists of questions and a summary of any survey results should be appended to the evaluation report.

Team composition

The evaluation will be undertaken by a Supplier who will demonstrate the following attributes (knowledge, skills, experience):

- Strong evaluation skills in Pacific law and justice projects
- Good knowledge and understanding of Pacific law and justice/governance sector
- Excellent report writing skills
- Good knowledge and experience in cross-cutting issues
- Experience working in the Pacific.

Governance and management

The evaluation is commissioned by MFAT and the Evaluator will be accountable to MFAT.

The PJDP Programme Executive Committee will provide feedback on the draft Evaluation TOR, draft report (coordinated by MFAT activity manager) and provide endorsement of the final report. The final report will be approved by MFAT management.

The Activity Manager is responsible for day-to-day management and administration of the evaluation. Their responsibilities include contracting; briefing the evaluation team; managing feedback from stakeholders including AusAID on the draft report; and liaising with the evaluation team throughout to ensure the evaluation is being undertaken as agreed. Post(s) would assist in arranging liaison contact and setting up in-country meetings for the Evaluator as requested.

Reporting requirements

Copies of the report are to be delivered by email to the activity manager.

The written evaluation report is expected to be around 25 pages long and be guided by the New Zealand Aid Programme Evaluation Report template.

The report must contain an abstract suitable for publishing on the New Zealand Aid Programme website. Instructions for the abstract can be found in the Evaluation Report template.

The draft evaluation report must meet contracted quality standards (i.e. meet quality standards as described in New Zealand Aid Programme Activity Evaluation Operational Policy¹¹, meet the requirements of the terms of reference/contract, be evidence-based and factually correct, be presented in a clear and transparent manner, and not contain reputational risks for parties).

It will be 'peer reviewed' by MFAT staff to ensure it meets contract requirements.¹² Milestone payment will become due upon acceptance by MFAT of the draft report as meeting contract quality standards.

¹¹ These quality standards are based on 2010 DAC Quality Standards for Development Evaluation and New Zealand Aid Programme Activity evaluation operational policy, guideline and templates.

¹² Further work or revisions of the report may be requested if it is considered that the report does not meet the contracted standards.

Once the draft report is approved by MFAT as meeting the contract requirements, feedback would be sought by MFAT from relevant external stakeholders. MFAT will coordinate feedback from external stakeholders on the draft report and provide consolidated feedback to the Evaluator.

Further work or revisions of the report may be required if it is considered that the report does not meet the requirements of this TOR, if there are factual errors, if the report is incomplete, or if it is not of an acceptable standard.

PEC endorsement of the final report will be sought by MFAT. The final evaluation report will also be appraised by MFAT and formally approved by MFAT management.

It is MFAT policy to make evaluation reports publicly available (on the New Zealand Aid Programme website) unless there is prior agreement not to do so. Any information that could prevent the release of an evaluation report under the Official Information or Privacy Acts, or would breach evaluation ethical standards should not be included in the report. Where it is possible to identify individuals, this should be with the individuals' written consent and noted in the report or removed from the report. The final report will be approved for public release by MFAT Deputy Director.

Relevant reports and documents

Relevant documents will be provided to the evaluation team prior to the evaluation. These key documents include:

- PJDP Design Document
- MFAT/MSC CFS/LOVs to present
- MFAT/MTA CFS/LOVs to present
- PJDP Needs Assessment Report 2010
- PJDP Implementation Plans and updates
- PJDP Monitoring and Evaluation Framework and updates
- Activity Completion Reports for PJDP outputs
- MSC surveys (pre/post training surveys and results; other MSC surveys related to PJDP).
- Minutes and resolutions from meetings of PEC, Chief Justices forums, and NC forums
- Activity level reports submitted to the MSC by the MSC's technical advisers as appropriate.
- PJDP six-monthly and annual reports to PEC and to the PJC from July 2010 to present
- Baseline publications.
- MTA appraisal reports to the PEC
- MTA monitoring assessment reports following field visits
- MFAT policies and strategies: NZ International Development Policy Statement, Draft IDG 3-year Strategic Framework, Draft Governance Sector Strategy, HR Policy, Gender Equality and Women's Empowerment (and others accessible via MFAT website).
- Key PJDP documents are also available on PaCLII website.
- PJDP phase 1 progress reports and work plans.
- * Note a CD-ROM with key MSC and MTA documents will be made available for the Evaluator to refer to as needed.

Annex 1: *Some examples of questions that the Evaluator(s) should answer in their evaluation plan are set out below.*

- Who are the stakeholders in the evaluation, what is their interest or stake in the evaluation, what type of stakeholder are they (primary – directly benefit from the activity being evaluated or reviewed, secondary – indirectly involved with the activity etc), what issues or constraints are there in their involvement in the evaluation (e.g. power issues, access, confidentiality)?
- What information will be needed to answer each of the evaluation questions?
- What are the most appropriate methods for data/information collection to address each of the evaluation questions? e.g. Will qualitative or quantitative methods be used and why? How will evaluation participants be selected? What specific methods will be used – surveys, interviews (face-to-face or phone), email questionnaire, workshops, focus groups etc? For quantitative surveys how will the appropriate sample size be decided, and what statistical analysis will be used to allow judgment on the reliability of results?
- From whom will information be collected to answer each of the evaluation questions, and how will the evaluation team ensure that the opinions of all appropriate stakeholders (e.g. women and men, young and old, powerful and less powerful) are included?
- What questions will be asked in questionnaires or interviews?
- How will information gathered be cross checked?
- What procedures will be used for data analysis – how will qualitative data such as interview notes be analysed, how will survey results be analysed?
- How will the way that crosscutting and mainstreamed issues (gender, environment and human rights, and if appropriate HIV/AIDS and conflict) have been addressed in the activity being evaluated or reviewed be assessed, and how will the evaluation/review be conducted in a way that takes crosscutting issues into account? [Refer: New Zealand Aid Programme Screening Guide for Mainstreamed and Other Cross Cutting Issues].
- How will the findings be fed back and discussed with appropriate stakeholders during the evaluation process, and how will this be incorporated into the report?
- What risks, limitations or constraints are there likely to be to the evaluation and how can these be mitigated?
- How will ethical issues be addressed? For example how will participants of the evaluation be informed of the purpose and use of information they will provide? How will sensitivity to gender and culture be ensured during the evaluation? Is informed consent required from evaluation participants, if so how will this be obtained? How will confidentiality of participants be ensured and how will confidential material be stored? What potential harm to participants is there and how will potential harm be minimised?

Evaluation Plan for the Pacific Judicial Development Programme (PJDP)

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About this evaluation plan	
Prepared by	Beverley Turnbull, Independent Contractor, Turnbull Consulting
Status	Draft, 27/10/2012
Approved by	[Name], [Role]
Approval date	[dd mmm yyyy]

Introduction

Background and context to the Activity

The PJDP is a multi-country regional programme of assistance with a shared vision and agreed goals for strengthening the judicial system as a central pillar of good governance and the rule of law. The Programme operates in the Pacific Islands Forum countries of the Cook Islands, Fiji excluded, Federated States of Micronesia, Kiribati, Marshall Islands, Nauru, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu and Vanuatu. The Programme's focus includes both meeting the educational needs of judicial officers and court officers; and providing support for process and system improvement. Originally the PJDP was envisaged as a 5-year programme, but Phase 1 ended prematurely after 18 months. A review of the contracting and implementation model was undertaken in 2008, and the current programme (referred to as PJDP phase 2) commenced in July 2010. The current phase is being extended by two years to July 2015. NZ Aid Programme funding for PJDP for 3-year period (2010-present) is approximately NZ\$7.8m.

Scope of the evaluation

The time period covered is July 2010 to present. The Evaluator will take into account to the extent possible any development outcomes from the earlier short phase of implementation.

The geographic focus is Cook Islands, Federated States of Micronesia, Kiribati, Marshall Islands, Nauru, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu and Vanuatu.

The target groups⁶ are Pacific judiciaries, PEC, Pacific Chief Justices and NCs, PIC members of Regional Training Teams, PIC judicial and court officers who have been trained by PJDP, implementing agency (**FCA**), the NZ judiciary, MTA, MFAT, AusAID, other regional law and justice projects⁷; service users and service providers such as Pacific lawyers and police may also be relevant.

Exclusions: The evaluation will not consider impact as it is too soon to assess programme impacts. The focus of the evaluation will be on achievement of outputs and its short-term results, and progress towards longer-term results (refer to the PJDP Results Framework). Due to reasons of cost-effectiveness the evaluation will not include field visits to all countries, and will only be able to reach a sample of each target group.

Purpose of the evaluation

The evaluation will be used by MFAT to determine effectiveness of support to date and whether a further phase of NZ Aid Programme support is necessary, and if so, scope, focus, and scale of support.

The findings of the evaluation will be reported to the PEC including AusAID. The findings may also be reported to participating countries and the Pacific Judicial Conference in due course.

New Zealand Aid Programme evaluation principles underpinning this evaluation

The evaluation criteria being assessed in this evaluation are relevance, effectiveness, efficiency (and value for money), and sustainability.

This is an independent evaluation and the evaluator's approach will be evidence-based (both qualitative and quantitative) to all stages of the evaluation, including data, analysis, and findings; conclusions and recommendations must be demonstrably evidence-based (both qualitative and quantitative) and triangulated, and presented in a clear and transparent manner. The evaluator's approach will be consultative. The evaluation process will include a desk review of relevant documentation; face-to-face interviews with Wellington-based stakeholders and with relevant stakeholders at the regional judicial meeting in Honiara in November; and field visits to four Pacific Island countries and to Sydney & Canberra. Due to reasons of cost-effectiveness the evaluation will also include telephone interviews (or other electronic communication) with non-field-visit Pacific countries and a sample of other key stakeholders.

Objectives and Evaluation Questions

The evaluation objectives and questions are as stated in the Terms of Reference for the evaluation.

Stakeholder Analysis

The table below shows the stakeholder groups and outlines their interest (direct/indirect) in the evaluation, any issues or constraints and how these would be managed or mitigated, and their expected involvement. This programme has a large number of primary stakeholders who have been directly involved with, or benefitted from, the implementation of the project. These include Judicial and Court Service Officers in 14 Pacific Island Countries; the Programme's governance bodies; the donor (MFAT); the Management Services Contractor and Technical Advisors to the Programme (Implementer) and PJDP Monitoring and Technical Adviser (MTA).

The programme also has a large number of secondary stakeholders at national and regional level who have been involved or benefitted, less directly. These include users of Judicial and Court services, and police services and legal profession in-country. In addition, there is a group of interested observers such as regional agencies, other regional and bilateral law & justice sector programmes, and other donors.

Stakeholder	Interest/stake	Issues/constraints	Involvement/participation
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Stakeholder	Interest/stake	Issues/constraints	Involvement/participation
<p>Pacific Island Judiciaries and Courts [eg Chief Justices National Coordinators, National Judicial Committee Judicial Officers & Court Officers]</p>	<p>Direct/primary beneficiaries eg through participation in training; improved skills and capability; and improved systems & processes</p>	<p>Possible power and/or hierarchical issues.</p> <p>Availability to participate in evaluation.</p> <p>Only a sample of the large number of stakeholders can be reached within the scope, cost and time period of the evaluation.</p> <p>Participants may not represent full range of primary beneficiaries</p> <p>Selection of participants & respondents will endeavour to include a sample from each subgroup of primary/direct beneficiaries.</p> <p>Efforts will be made to ensure small groups are structured to minimise hierarchical or power issues</p> <p>Take opportunities (eg Pacific Judicial Conference meeting) to undertake face-to-face interviews for those from non-field visit countries and use telephone interviews with others as appropriate.</p>	<p>Face to face and telephone interviews</p> <p>Electronic survey/questionnaire</p> <p>Small group meetings</p>
<p>NZ Judiciary</p>	<p>They are a key stakeholder for PJDP. They have been involved in providing technical advice, guidance, mentoring support for the PIC judiciaries.</p>	<p>Availability to participate</p>	<p>Efforts will be made to meet with one or two Judges, particularly those who have been active as Technical Advisors/trainers</p>

Stakeholder	Interest/stake	Issues/constraints	Involvement/participation
Pacific Island lawyers, Pacific Island police services, in-country organisations working with people accessing judicial and court services	Secondary/indirect beneficiaries [eg as providers of services related to the court system but not direct beneficiaries of the PJDP, and/or supporters of users of judicial and court services].	<p>Availability and willingness to participate</p> <p>Limited awareness of PJDP</p> <p>Privacy, confidentiality and security concerns</p> <p>Evaluator will endeavour to target, and obtain responses from, sample of key people identified by in-country National Coordinators</p> <p>Access existing data (eg from PJDP Training Needs Assessment report 2010, baseline data publications, PIC Courts case management summary data such as backlog, status, etc if the PIC National Coordinators are able to provide a summary snapshot of these for the evaluation, in-country surveys etc) to inform evaluation</p>	<p>Small sample of face to face interviews, or small group meetings, in-country</p> <p>Limited number of invitations to participate in telephone interviews</p> <p>Limited number of invitations to participate in electronic survey/questionnaire</p>
Federal Court of Australia, Management Service Contractor, Technical Advisors, Monitoring and Technical Adviser (MTA), PJDP PEC	Implementers/governance bodies	<p>Availability of TAs to participate in evaluation</p> <p>Desire to show PJDP in best possible light</p> <p>Use telephone and electronic means to reach as many of these people as possible</p> <p>Use triangulation methods to verify information</p>	<p>Face to face and telephone interviews</p> <p>Responses to electronic survey/questionnaire</p>

Stakeholder	Interest/stake	Issues/constraints	Involvement/participation
MFAT, AusAID	Donor agency, potential co-funder	<p>Availability to participate</p> <p>Changes in personnel over the PJDP implementation period</p> <p>Attempts will be made to interview Team Leaders, Directors, staff who have moved to other positions within MFAT and/or AusAID</p>	<p>Face to face and telephone interviews</p> <p>Small group meetings</p>
Pacific Islands Forum Secretariat, other regional law & justice programmes and agencies, PIC law and justice sector committees (eg Vanuatu and Samoa)	Indirect beneficiaries, interested observers	<p>Regional staff with limited knowledge of PJDP</p> <p>PJDP programme and/or evaluation not considered a priority for their work</p> <p>Evaluator will endeavour to target, and obtain responses from, key people or organisations identified through discussion with MFAT & MSC</p>	<p>Small sample of face to face interviews if in-country</p> <p>Limited number of telephone interviews</p> <p>Limited number of invitations to participate in electronic survey/questionnaires</p>

Evaluation Design

Intended Results of the Activity

The PJDP's Activity Results Framework/Monitoring and Evaluation Framework²⁰ set out below will be used in the evaluation to guide expectation of results, and whether outputs are contributing to progress towards longer-term outcomes; to guide thinking and questioning about pace of delivery and the balance of regional/bilateral activities (eg activities delivered through either the piloting of various toolkits in a specific country, and regional workshops such as decision-making training, or activities delivered under the Responsive Fund) within the PJDP work programme; and to guide thinking and questioning about areas for future support necessary, if any.

The qualitative and quantitative indicators within the PJDP Results Framework and the PJDP Results Diagram will be taken into account when gathering data, analysing data and drafting the evaluation report. The evaluation will also take account of the 'theory of change' for PJDP (articulated within the PJDP Implementation Plan and the PJDP FY 2012/13 Plan); the MSC Lessons Learnt Report; and the matters highlighted in the MTA appraisal of the MSC Lessons Learnt Report. (Annex 3: the PJDP Results Diagram)

Activity Results Framework:

GOAL

Strengthened governance and rule of law in Pacific Island Countries through enhanced access to justice and professional judicial officers who act independently according to legal principles.

18 Month Target: Interested PICs have quantitatively and qualitatively assessed court performances and judicial development and participated in self-improvement activities to strengthen governance, access to justice, judicial administration and professionalism.

30 Month Target: All PICs have court and judicial performance feedback from court users and demonstrate a positive trend in internal court performance data.

PURPOSE

To support PICs to enhance the professional competence of judicial officials and court officers, and the processes and systems that they use.

18 Month Target: Majority of PICs are developing, implementing or practicing the use of tools and methodologies to continue self-improvement efforts.

30 Month Target: PIC judiciaries have tools and methodologies to continue self-improvement and preliminary results are presented to the PEC.

Component 1.0 – Access to Justice:

Component Outcome: The region's judicial leadership has better information / data to enable it to access, plan and direct an integrated process of judicial development for both in/formal justice services providers.

18 Month Target: Evidence available about the benefits to governance and rule of law in PICs of stronger links between in/formal justice systems for the purposes of ongoing judicial development.

30 Month Target: Preliminary results about accessibility of justice used in conducting integrated (customary and formal) judicial development planning in at least on PIC.

Output 1.1: Customary Dispute Resolution (CDR) – Regional Research Project:

- _____
- ²⁰ The PJDP Results Framework for the 18-month implementation period and the updated versions of the results frameworks developed including for FY 2012/13 will be taken into account.

18 Month Target: Regional strategy to integrate in/formal justice systems based on research conducted in at least three PICs submitted to PEC for consideration.

30 Month Target: One integrated in/formal justice system planning workshop conducted using preliminary research data and providing technical inputs into integrated planning.

Component 2.0 – Governance:

Component Outcome: Judicial leadership strengthened with respect to:

30 Month Target: Sub-regional and regional leadership processes for judicial self-improvement used preliminary results presented to PEC.

Output 2.1: Codes of Judicial Conduct (CoJC) Project:

18 Month Target: CoJC complete and approved in three PICs and strategy to promote CoJCs across the region conforming to internationally recognised principles, developed and presented to PEC.

30 Month Target: All interested PICs have adopted a CoJC which are based on internationally recognised principles and preliminary results of codes having been implemented presented to the PEC.

Output 2.2: Scoping for the institutionalisation of PJDP (IP JPD) Project:

18 Month Target: Exchanges between PIC if innovative and home-grown approaches to institutionalising regional judicial development culminating in the completion of an Options Paper considered by PIC Chief Justices and submitted to the PEC.

30 Month Target: Options Paper explored, decisions made by majority of PICs about the way forward and a framework for institutionalising judicial development is established.

Output 2.3: Governance Leadership Workshops:

18 Month Target: One Chief Justices' and two National Coordinators' leadership workshops held which facilitates problem solving by key stakeholders.

30 Month Target: Chief Justices and National Coordinators successfully hold training, make successful Responsive Fund applications and actively monitor results.

Component 3.0 - Systems and Processes:

Component Outcome:

- Understanding about the needs for improvement in judicial administration across the region and how needs should be addressed supported by targeted research.

- Method to monitor judicial performance including the contribution of the Programme created.

18 Month Target: Majority of PICs have judicial and court baseline data against which changes can be measured and a regional strategy to localise and implement judicial and court administration improvements.

30 Month Target: Selected PICs have used PJDP facilitated judicial and court baseline data for planning and three PICs undertaking ongoing implementation of registry development plans with other interested PICs having developed a plan.

Output 3.1: Judicial Administration Diagnostic Project:

18 Month Target: Regional strategy to diagnose judicial and court administration problem, (including registry systems and processes) is formulated and presented to the PES; plans (including guidance) to implement the strategy (to treat identified problems) in three PICs are developed.

30 Month Target: Judicial and court administration development plans being implemented in three pilot PICs on an on-going basis, with preliminary results presented to the PEC and remaining PIC stakeholders.

Output 3.2: Judicial Monitoring and Evaluation Project:

18 Month Target: PEC presented with available baseline court data for majority of PICs utilising a common set of indicators and regional court JME framework developed in consultation with key stakeholders.

30 Month Target: Trend court baseline data for majority of PICs presented to the PEC; all PICs understand and use trend court baseline data.

Component 4.0 – Professional Development:**Component Outcome:**

- The means to supply judicial development services using local resources enhanced.
- Improvement in the competence of judicial service providers across the region supported.

18 Month Target: RTT increased by 20% and 25% of judicial officers trained perform functions differently as a result of the training. Levels of judicial competence across the region known (Development Needs Analysis conducted) and tailored training programmes designed, including some to be delivered locally and some regionally.

30 Month Target: RTT members support the design and delivery of not less than 25% and ideally 50% of training delivered in PICs either locally or on a regional basis. Levels of judicial competence and training needs known across the region.

Output 4.1: Regional Training Team Project:

18 Month Target: Up to three ToT workshops conducted; up to eight RTT members mobilised as co-facilitators for the Orientation and Decision Making training programmes.

30 Month Target: Up to six ToT workshops conducted; up to sixteen RTT members mobilised as co/lead facilitators of local regional training.

Output 4.2: Judicial Development – Core Programme Development Project:

18 Month Target: Up to 28 judicial/court officers receive Orientation training and up to 28 judicial/court officers receive Decision Making training, with RTT members acting as co-facilitators for both training programmes.

30 Month Target: Up to 50 judicial/court officers each receive Orientation and Decision Making training.

Output 4.3: Bench Book Publishing Project:

18 Month Target: One benchbook revised and 14 judicial and/or court officers trained on use of each.

30 Month Target: Two benchbooks developed/revised, and 28 judicial and/or court officers trained on use of each new/revised benchbook and usage data available in each PIC.

Component 5.0 – Programme Management:

Component Outcome: Quality delivery of the above components by the Federal Court of Australia.

18 Month Target: PEC, MFAT and key PIC stakeholders are satisfied with how PJDP is managed.

30 Month Target: PEC, MFAT and key PIC stakeholders are satisfied with how PJDP is managed.

Output 5.1: General Programme operations:

18 Month Target: 80% of activities delivered on time to a high standard and > 90% budget expended.

30 Month Target: 90% of activities delivered on time to a high standard and > 90% budget expended.

Output 5.2: Management Meetings – Programme Executive Committee / National Coordinators:

18 Month Target: Four PEC and two NC meetings completed.

30 Month Target: Six PEC and three NC meetings completed.

Output 5.3: Responsive Fund:

18 Month Target: Each PIC applying for Responsive Funding has one Responsive Fund activity successfully completed resulting in the Responsive Fund being substantially expended.

30 Month Target: Value of Responsive Fund increased by 100% and each PIC applying for Responsive Funding successfully completes two activities.

Information Collection

The table below shows what information will be collected and how.

Question	Information required	Information source	Method
Objective 1: Assess relevance, effectiveness, efficiency (including value for money), and sustainability of the PJDP.			
Relevance:			
1. Is the PJDP and the outcomes it is trying to achieve relevant and aligned well with the mandate, policies, and priorities of the New Zealand Aid Programme?	MFAT & NZ Aid Programme mandate, policies & priorities Perceptions of alignment	MFAT & NZ Aid Programme policy and strategy documents PJDP Implementation Plans and programme documents MFAT/Aid Programme staff	Document review and analysis Qualitative (semi-structured interviews and/or small groups)

Question	Information required	Information source	Method
<p>2. Is the PJDP goal, purpose, outcomes and outputs clearly focused on Partner needs and priorities both at a national level and within the participating countries, and at a regional level?</p>	<p>Stakeholder perceptions of relevance</p> <p>Detailed data from baseline, needs analysis, monitoring and reviews</p> <p>Comparative information from pre-PJDP Phase 2 and present</p> <p>Analysis of relevance of PJDP's outcomes and linkages to Pacific Plan (at the regional level)</p> <p>Perceptions on whether the PJDP has the balance right in terms of practical assistance focussed outputs vs research activities (in relation to the priority needs/interests of the PJDP's beneficiary judiciaries)</p>	<p>PJDP Implementation Plan</p> <p>Initial Needs Analysis report</p> <p>Monitoring & activity reports</p> <p>National-level: national Chief Justice and PIC National Coordinator</p> <p>National law and justice sector plan (where available) eg Vanuatu and Samoa</p> <p>National Judicial/Court Strategic Plan (if available/relevant)</p> <p>National Law & Justice Committees</p> <p>Regional-level: Chief Justices Forum and National Coordinators Forum members</p> <p>PEC members</p> <p>Pacific Plan</p> <p>PIFS</p> <p>MSC & MFAT (PAC and IDG)</p> <p>MFAT feedback to MSC (eg 2010 & 2012) and CJ views</p>	<p>Documentation review and analysis</p> <p>Qualitative (semi-structured interviews and/or small groups; or electronic contact)</p> <p>National-level relevance against national law and justice sector plans and/or national judicial/Court Strategic Plans explored via qualitative (semi-structured interviews and/or small groups) methods with national Chief Justices, PIC National Coordinators, JOs/COs during the in-country field visits (<u>test this</u> specifically with JOs, COs, as well as with CJs and the MSC & TAs)</p> <p>Quantitative (eg mini-survey or questionnaire to limited number of respondents)</p> <p>Review of monitoring information & programme reviews</p>

Question	Information required	Information source	Method
<p>3. Assess the relevance of the regional approach of the PJDP taking into account how it may complement other law and judicial initiatives in the Pacific.</p>	<p>Perceptions of regional/national balance in PJDP</p> <p>Information on other regional or bilateral initiatives</p> <p>Perceptions of relevance and complementarity of the regional approach of PJDP against other bilateral judicial initiatives of NZ MFAT and AusAID</p> <p>Perceptions of relevance and complementarity of the regional approach of PJDP against other law and justice initiatives (such as policing and PILON Litigation Skills programme, legislative reform initiatives such as Australian Attorney-General, NZ Parliamentary Counsel Office, PIDC, OCO, RRRT etc)</p>	<p>MTA appraisals and reports</p> <p>IPJDP reports</p> <p>MTA and TAs</p> <p>PEC, CJ, NC meeting recommendations</p> <p>Interested Observers (see stakeholders list above)</p> <p>Donor agency (both MFAT and AusAID) personnel</p> <p>MFAT activity manager responsible for PIDC, OCO, NZ Parliamentary Counsel Office, PILON Litigation Skills, and policing programmes should be able to provide secondary data sources on above.</p> <p>Regional agency/law and justice initiatives personnel or secondary sources of data (such as reports, work plans)</p>	<p>document review and analysis</p> <p>review of reports & of monitoring information</p> <p>Qualitative - interviews or electronic contact with relevant people</p> <p>website searches</p>
<p>Effectiveness:</p>			

Question	Information required	Information source	Method
<p>1. Assess the extent to which the programme has achieved its outputs and made progress towards achieving intended outcomes (taking into consideration the PJDP Monitoring and Evaluation Framework). What are the key results?</p>	<p>Detailed monitoring data on outputs delivered and results</p> <p>Perceptions of progress towards intended outcomes, pace and spread of delivery</p> <p>Detailed monitoring and reporting data on what has not been delivered/achieved and why</p>	<p>Programme documentation including MEF & activity reports</p> <p>MTA appraisals & reports</p> <p>Chief Justices, National Coordinators, Regional Training Team members, Train-the-Trainer (ToT) members, National Judicial Development Committees</p> <p>NC's summaries of court tracking, backlog/length of delay etc</p> <p>Sample of other direct and indirect beneficiaries</p> <p>MTA & PEC members MSC & TAs MFAT</p>	<p>Documentation review and analysis</p> <p>Qualitative (semi-structured interviews and/or small groups)</p> <p>Quantitative (eg survey/questionnaire to limited number of respondents)</p> <p>review of monitoring information & programme reviews</p>
<p>2. Assess the extent to which the programme has been effective in addressing cross-cutting issues such as gender and human rights (conflict prevention to a lesser extent).</p>	<p>Detailed monitoring data on how cross-cutting issues have been addressed in PJDP processes and activities</p> <p>Perceptions of the extent to which understanding/awareness of cross-cutting issues has increased and/or behaviour has changed</p>	<p>Programme monitoring and reporting documents</p> <p>MEF</p> <p>Those trained under the PJDP Orientation workshop in August 2011; and the FVYJ workshop in Palau</p> <p>Judge Boshier and Judge Harding (lead TAs for FVYJ workshops)</p> <p>Key stakeholders</p>	<p>Qualitative (semi-structured interviews and/or small groups)</p> <p>Review of monitoring information & programme reviews</p>
<p>Efficiency and value for money of the PJDP:</p>			

Question	Information required	Information source	Method
<p>1. Assess whether the programme has been efficient in the use of resources.</p>	<p>Detailed information on PJDP’s cost structures and use of resources</p> <p>Perceptions of cost structures, management and delivery mechanisms compared with delivery of outputs and results</p> <p>Detailed monitoring data on expenditure, financial management, financial planning</p>	<p>PJDP Implementation Plans & budgets</p> <p>Financial and activity monitoring and reporting documents & appraisals of these</p> <p>CJs, NCs, MTA & PEC members</p> <p>MSC & TAs</p> <p>MFAT</p>	<p>Document review and analysis</p> <p>Qualitative (semi-structured interviews and/or small groups)</p> <p>Review of monitoring information</p> <p>Analysis of quantitative information (eg estimated actual expenditure against outputs/components)</p>
<p>2. Have the operations of the PJDP been effective and efficient in ensuring its planning, delivery (intended outputs and outcomes), monitoring, analysis, and reporting functions are completed on time to quality standards and budget?</p>	<p>Detailed data on any concerns, challenges, difficulties experienced with planning, delivery, monitoring, analysis, reporting</p> <p>Perceptions of efficiency of planning, delivery, monitoring, analysis of monitoring information, reporting (both narrative and financial) and management -mechanisms</p> <p>Detailed planning and monitoring data on outputs delivered and results</p> <p>Perceptions of efficiency of delivery, management and governance mechanisms</p>	<p>MFAT (including Contracts and Financial Units)</p> <p>Documentation including planning and contracts</p> <p>MSC</p> <p>CJs, NCs, MTA & PEC members</p> <p>Resolutions from CJ & NC Forums, & PEC meetings</p> <p>PJDP Implementation Plans and activity planning; monitoring and reporting documents</p> <p>Documentation from MFAT/MS/MTA</p>	<p>Documentation review and analysis</p> <p>Qualitative (semi-structured interviews and/or small groups)</p> <p>Quantitative (eg mini-survey during interviews, or electronic contacts)</p> <p>review of monitoring information & programme reviews</p>

Question	Information required	Information source	Method
<p>3. Assess whether programme implementation has provided value for money. Take into account how PJDP delivery at the regional, sub-regional and national level could be improved to provide better value for money.</p>	<p>Detailed monitoring data and perceptions of VFM of programme implementation (including current model vs previous PD/SP model)</p> <p>Monitoring information on programme management costs vs delivery costs</p> <p>Perceptions of in-kind costs</p> <p>MTA (fees/admin) vs delivery (i.e. cost-effectiveness of MTA fees/admin vs delivery)</p> <p>Monitoring information on programme management costs plus MTA costs vs delivery costs</p> <p><u>National, sub-regional, regional delivery:</u></p> <p>Detailed monitoring data on delivery at regional, sub-regional and national level</p> <p>Perceptions of regional, sub-regional and national level delivery compared with stakeholder expectations</p>	<p>Programme documentation including MEF, TOT and other activity reports</p> <p>2008 Review of PJDP Implementation Structure and Contracting Model</p> <p>MSC Budget and expenditure information</p> <p>MTA Budget and expenditure information</p> <p>Resolutions from CJ & NC Forums, & PEC meetings</p> <p>Chief Justices, National Coordinators, Regional Training Team members,</p> <p>PEC members & MTA</p> <p>MSC & MFAT</p> <p>Interested observers</p>	<p>Documentation review and analysis</p> <p>Qualitative (semi-structured interviews and/or small groups)</p> <p>review of monitoring information & programme reviews</p> <p>review of secondary data</p> <p>Quantitative analysis of budget information</p>
<p>4. Assess whether the MTA mechanism for the implementation model has been cost effective and advise whether alternative(s) could provide better value for money for both the extension period and for any potential new phase.</p>	<p>Perceptions of effectiveness of current MTA model</p> <p>Detailed data on concerns, challenges, difficulties experienced with current MTA mechanism</p> <p>MTA (fees/admin) vs delivery (i.e. cost-effectiveness of MTA fees/admin vs delivery)</p> <p>Perceptions of in-kind costs</p> <p>Information on some potential other models</p>	<p>MTA documents to PEC</p> <p>Resolutions from PEC meetings</p> <p>MTA Budget and expenditure information</p> <p>Documentation from MFAT/MS/MTA</p> <p>PEC members & MTA</p> <p>MSC</p> <p>MFAT</p> <p>2008 Review of Structure and contracting Model</p>	<p>Documentation review</p> <p>Qualitative (semi-structured interviews and/or small groups)</p> <p>review of secondary data</p> <p>Quantitative analysis of budget information</p>

Question	Information required	Information source	Method
5 Is the PJDP Project governance structure appropriate?	<p>Perceptions of the current governance structure</p> <p>Detailed data on any concerns, challenges, difficulties experienced with current structure</p> <p>Lessons learnt in relation to the effectiveness of other project steering groups from other regional law and justice initiatives (eg PRPI)</p> <p>Lessons learnt in relation to the effectiveness of project steering/governance body from PJEP phase 1 and PJEP phase 2</p> <p>Analytical data and rationale on why/why not a project steering group is needed</p> <p>Analytical data on pros and cons of different models</p> <p>Analytical data on separate purposes of project steering group (i.e. PEC) vs national judicial oversight bodies</p>	<p>Documentation on contracting and implementation model adopted for PJDP 2</p> <p>Resolutions from CJ & NC Forums, & PEC meetings</p> <p>Documentation from MFAT/MS/MTA</p> <p>CJs, PEC members, MTA, MSC</p> <p>MSC IPJDP Adviser</p> <p>National Coordinators</p> <p>MFAT staff</p> <p>2008 Review of Structure and contracting Model</p> <p>PJEP Phase 1 Evaluation Report</p> <p>PJEP Phase 2 Evaluation Report</p> <p>2006 and 2008/09 reviews of the Pacific Regional Policing Initiative (PRPI)</p>	<p>Documentation review and analysis</p> <p>Qualitative (semi-structured interviews and/or small groups)</p> <p>Quantitative (eg mini-survey during interviews, or electronic contacts) IF needed</p>
Sustainability of PJDP outcomes:			
1. What strategies have been implemented by PJDP to assist recipient countries to address sustainability of training outcomes? To what extent have they been effective?	<p>Detailed monitoring data on how the PJDP's sustainability strategy has been implemented</p> <p>Detailed monitoring data on progress towards sustainability of intended outcomes (particularly training and capability building)</p> <p>Perceptions about sustainability of results and progress towards sustainability</p>	<p>Project documentation including MEF, activity completion reports, training evaluations</p> <p>Chief Justices, National Coordinators, Regional Training Team members</p> <p>MTA, PEC members</p> <p>MSC & TAs</p> <p>MFAT</p>	<p>Review of monitoring information & programme reviews</p> <p>Qualitative (semi-structured interviews and/or small groups)</p>

Question	Information required	Information source	Method
<p>2. Assess the extent to which outcomes (including skill development in local stakeholders) would be sustainable at the end of the project, and what (if any) further support may be necessary to achieve sustainability.</p>	<p>Perceptions of extent to which outcomes will be sustainable at end of PJDP II (2015)</p> <p>Perceptions of likely needs/gaps by 2015</p> <p>Perceptions of the extent of future support needed, including: <i>key focal areas/outputs, scale and duration of any future support, countries to be included, regional/sub-regional and/or bilateral delivery,</i></p>	<p>Project documentation including MEF, activity completion reports, training evaluations, PJDP reviews</p> <p>Chief Justices, National Coordinators, Regional Training Team members, National Judicial Development Committees</p> <p>MTA & PEC members</p> <p>MSC & TAs</p> <p>MFAT</p>	<p>Review of monitoring information & programme reviews</p> <p>Semi-structured interviews</p> <p>Mini-survey during interviews or electronic contacts</p>
<p>Objective 2: Make recommendations on priority areas for further assistance (if any). Provide a concept note for future phase of support (if any).</p>			
<p>1. How could current PJDP delivery at regional, sub-regional and national level be improved to enhance relevance, effectiveness and to provide better value for money?</p>	<p>Assessment of PJDP delivery and results</p> <p>Perceptions of potential improvements</p>	<p>Objective One outcomes</p> <p>Key stakeholders</p> <p>Use of secondary data</p> <p>Lessons Learnt Report</p>	<p>Analysis of Objective One outcomes</p> <p>Interviews or electronic contact with relevant people</p> <p>Document review and analysis</p>

Question	Information required	Information source	Method
2. Make recommendations to reinforce or revise the project governance structure.	<p>Assessment of project's governance structure</p> <p>Perceptions of potential improvements</p>	<p>Objective One outcomes</p> <p>2008 Review of Structure and contracting Model</p> <p>MFAT Procurement and Contracts staff</p> <p>Use of secondary data</p>	<p>Analysis of Objective One outcomes</p> <p>Document review</p> <p>Interviews or electronic contact with relevant people</p>
3. Make recommendations to revise or reinforce programme design, scope, scale, outputs/focal areas, countries, resourcing, duration and programme implementation including MTA mechanisms (taking into account DAC criteria, cost effectiveness and value for money) for any future phase of support.	<p>Outcomes of Objective One</p> <p>Perceptions of future needs and potential opportunities</p> <p>Perceptions of duration of support for any future phase (including rationale why)</p>	<p>Key stakeholders</p> <p>Interested Observers</p> <p>2008 Review of Structure and contracting Model</p> <p>Use of secondary data</p>	<p>Analysis of Outcome One</p> <p>Document review</p> <p>interviews or electronic contact with relevant people</p>

Detailed Description of Evaluation Methods

The evaluation will be undertaken using a combination of desk-based information-gathering, a visit to Honiara to coincide with Pacific Judicial Conference meeting to enable the evaluator to undertake face-to-face interviews (cost-effectively) with judicial stakeholders of 14 Pacific countries, who are attending the Honiara meetings, and short field visits to four participating countries: Cook Islands, Tonga, Vanuatu and Samoa. Due to reasons of cost-effectiveness, the evaluation will involve telephone interviews and/or email contact with other (non-field visit) Pacific countries and other key stakeholders. There will also be meetings in Sydney, Canberra and Wellington. Standard evaluation and social science techniques will be used.

The main methods used in the evaluation will be review and analysis of existing project documentation and other relevant documents; and qualitative methods such as semi-structured interviews or small groups with key informants, and/or electronic questionnaire. Both open and closed questions will be used for gathering information as this will enable many of the responses to be easily coded and analysed but still make allowance for a range of responses. Interviews and small group discussions are preferred to electronic questionnaires as they will enable the evaluator to interact with the respondent and probe for more in-depth responses. An electronic questionnaire may, however, be used to obtain information from people selected as

key informants but unable to be reached for interview by telephone. The questionnaire will be based on the same key questions used for the semi-structured interviews to ensure the same type of information is being gathered. A small mini-survey may be used within the semi-structured interview/electronic questionnaire to assist quantification of some items.

The evaluation will utilise statistical data, for example from in-country surveys and diagnostic assessments, PJDP evaluations of training courses, and PJDP needs assessments. Secondary research, such as through the internet, will also be undertaken where appropriate.

Identification of specific respondents to be included in the sample selected for interviews will be done in consultation with MFAT's programme manager, PJDP MSC, PEC, and National Coordinators. This will be done prior to each field visit. Key groups to be included in the sample will be: Chief Justices, National Coordinators, National Judicial Development Committees, members of the Regional Training Team, people who have participated in PJDP courses, people who have not yet participated in PJDP training courses. Efforts will be made to ensure the list of interviewees includes a range of primary stakeholders - such as Court Officers **and** Judicial Officers, women and men, lay and law-trained Officers. Some secondary beneficiaries will be included in field-visit interviews, and a small sample of secondary and regionally-based interested observers will be interviewed.

Semi-structured, face-to-face or phone interviews will use a set of key questions to guide the interview. These interviews will begin with an explanation of the purpose of interview and how the information will be used, the purpose of the evaluation, and the topics to be discussed. Electronic questionnaires will be preceded by initial email explaining the purpose of interview and how the information will be used, the purpose of the evaluation, and the topics to be discussed. In each case, the interviewee will be asked if they are willing to have their name included in the list of participants, in the Evaluation Report.

It is anticipated that interviews will be undertaken with 12-15 people from each of 4 countries to be visited; 7-8 Chief Justices from non-field visit Pacific Island countries; 6-8 MFAT staff; 2-4 other Wellington-based stakeholders including the NZ judiciary; 6-9 MSC (including TAs); MTA; 3-4 AusAID staff; and 2-4 regionally based 'interested observers'. Anticipated target of at least 70 interviews, or electronic responses.

Information will be gathered from document review and analysis, semi-structured interviews and group discussions and/or questionnaires. This will be assessed to see the extent to which the information coincides or differs. In addition, material from a selection of documents for the same time period and/or activity will be cross-checked, and assessed to see the extent to which it coincides or differs. Where it seems necessary the evaluator will check back with relevant MFAT and/or PJDP stakeholders to clarify issues or discuss the evaluator's understandings and findings, and **verify the correctness** of assumptions or judgements made by cross-checking with other sources (including primary sources), during the analysis phase after information collection.

Data/Information Analysis

Interview notes and questionnaire responses will be collated in a series of matrices against the "key questions", and much of the data gathered through qualitative methods will be quantified during the analysis. Data from the mini-survey will be collated in a matrix for comparison with narrative responses. Material from document review, and reviews of monitoring and reporting will be compared across a sample of documents from various sources, using a matrix.

- Analysis of the data will look for internal validity (consistency of information across the data) and external validity (the degree to which the information can be generalised). This analysis will inform assessment against the evaluation criteria, and provide the evidence-basis for recommendations for the future.

It is also important that ratings for each DAC criteria are used only where there is sufficient evidence in the findings to make a sound judgement. If there is not enough evidence this should be stated and a rating should not be given. Where there is insufficient evidence, this approach would be better than providing what might be held up as an objective rating when in fact it is not.

Cross-Cutting Issues

Objective One, Effectiveness, Question 2 deals specifically with cross-cutting issues. The New Zealand Aid Programme's document "Strengthening the Integration of Cross-cutting Issues into the New Zealand Aid Programme – 3 year Strategy" and other materials such as guidelines on integrating human rights/gender will be consulted throughout the evaluation process.

The evaluation will look at the ways in which PJDP has incorporated cross-cutting issues into its activities/outputs, and also how cross-cutting issues are reflected in the PJDP's processes and planning. During the analysis of information, attention will be paid to the provision/availability of sex disaggregated data.

Ethical Considerations

An explanation of the purpose of the evaluation, the purpose of the interview or electronic survey/questionnaire, and how the information will be used, will be provided to those asked to respond.

Information from interviews and questionnaires will generally be synthesised for use in the report and the respondents will be anonymous. Permission will be sought from the respondent before using a direct quote in the report. Respondents will be asked for verbal consent in face-to-face or telephone interviews, and by written consent if through electronic communication, whether they are willing to have their name included in the list of Evaluation Participants.

Every effort will be made to ensure the report does not contain material that may damage a person's career or reputation, damage the reputation of an organisation, or harm relationships between key stakeholders. Where it is felt that such material is required for the integrity and robustness of the report, the material will be placed in a confidential annex.

Approaches used in contacting participants and in interview situations will respect the dignity of the participants. Where necessary, advice will be sought from PJDP MSC and/or NZ High Commissions to ensure the evaluation approach is culturally and gender appropriate.

Limitations, Risks and Constraints

This table outlines potential or actual risks, limitations and constraints.

Risk/limitation/constraint	Likely effect on evaluation	How this will be managed/mitigated
Chief Justices of non-field visit countries feel sidelined from process	Acceptance of evaluation findings may be reduced	Priority given to meeting with these non-field visit CJs during visit to Honiara (to enable face-to-face interviews to be undertaken)
Key stakeholder/s not available when evaluator is in-country	Smaller/narrower range of information gathered for evaluation	(a) Seek alternative ways to engage with these eg telephone or electronic (b) Ask for an alternative person to interview
Detailed data and/or key documents not available to evaluator	Quality of analysis will be impaired	Ensure key data required is identified and requested in timely manner and reminders sent if necessary.
Low level of response to requests for meetings/participation	Validity of findings may be compromised if number and range of respondents is too small	MFAT has made initial contact with key stakeholders Evaluator will ask NCs will to set up meetings in-country Evaluator will use varied methods to try and engage with key respondents
Low level of response to email questionnaires	Validity of findings may be compromised if number and range of respondents is too small	Respondents will be followed up to try and ensure responses. The email questionnaire will be used only as a supplement to face-to-face and telephone interviews, to reduce reliance on this as a key source of data.
Information from secondary stakeholders/other donors may be difficult to obtain	May restrict availability of secondary data for analysis purposes	Evaluator will follow up on requests made Internet will be used as an alternative means to seek secondary information

Risk/limitation/constraint	Likely effect on evaluation	How this will be managed/mitigated
Limited number of in-country field visits (5 out of 14 PICs)	Opportunity for more direct inquiry and first hand observation (including across a greater number of PICs) is limited	<p>At the PJC meeting in Honiara, the evaluator will endeavour to meet with each of the CJs from the non-field-visit countries. Initial email contact will be made with each of the CJs and if necessary follow-up by telephone and/or email will be used to gauge their views.</p> <p>Evaluator will make every effort to engage with the NCs, those trained under PJDP and other key stakeholders within the non-field visit PICs via teleconference or at regional training/s when these coincide with field visits.</p> <p>Evaluator will endeavour to attend the field visit PIC (where possible) when a regional workshop is being held, which will also provide opportunity for greater first hand observation as well as contact with participants from other PICs.</p>

Feedback of Findings

At the end of the in-country field visits, the evaluator will provide a short de-brief to the national Chief Justice (if available) and/or the NZ Post if this is possible. Electronic communication may be considered as an alternative way of providing the short debrief. Following the Field Visits and the analysis of findings from the evaluation process, the evaluator will provide a debriefing to MFAT on the tentative findings and recommendations. Following this briefing an Aide Memoire will be submitted to MFAT before writing the Draft Evaluation Report. This check-in with MFAT will provide an opportunity for potential risk management in relation to accuracy of data collected and correctness of assumptions made.

A Draft Evaluation Plan, Concept Note and Amendments to PEC/MS/MTA TORs, will be submitted to MFAT. They will be updated as necessary to incorporate MFAT peer review feedback to ensure that contracted quality standards are met. The draft documents once accepted by MFAT as meeting contracted quality standards will then be circulated by MFAT to seek feedback from relevant stakeholders, and the Drafts revised following consolidated feedback provided by MFAT. Updated Draft findings and recommendations will be presented to key stakeholders (Chief Justices Forum and PJDP PEC) at their meetings in Auckland March/April 2012. The Drafts will be further up-dated to incorporate further consolidated feedback from MFAT and PEC stakeholders. The Final Report, Concept Note and Amendments will be reported to relevant stakeholders by MFAT.

Documents to be Used in the Evaluation

Key Documents to be used in the evaluation included (not exhaustive):

- PJDP Design Document
- MFAT/MS CFS/LOVs to present
- MFAT/MTA CFS/LOVs to present
- PJDP Needs Assessment Report 2010
- PJDP Implementation Plans and updates
- PJDP Monitoring and Evaluation Framework and updates
- Activity Completion Reports for PJDP outputs
- MSC surveys (pre/post training surveys and results; other MSC surveys related to PJDP).
- Minutes and resolutions from meetings of PEC, Chief Justices forums, and NC forums
- Activity level reports submitted to the MSC by the MSC's technical advisers as appropriate.
- PJDP six-monthly and annual reports to PEC and to the PJC from July 2010 to present
- Baseline publications.
- MTA appraisal reports to the PEC
- MTA monitoring assessment reports following field visits
- MFAT policies and strategies: NZ International Development Policy Statement, Draft IDG 3-year Strategic Framework, Draft Governance Sector Strategy, HR Policy, Gender Equality and Women's Empowerment (and others accessible via MFAT website).
- Key PJDP documents are also available on PaCLII website.
- PJDP phase 1 progress reports and work plans.

Key MSC and MTA documents including:

- Activity Assessment Surveys
- Financial Documents
- Milestone Reporting
- Newsletters
- PEC Resolutions, CJs & NC Recommendations
- Plans
- Technical Component Outcomes/Reports

Timeline

This table shows the timing of key activities and deliverables.

Key activity	Deliverable (output)	Timing
Planning and preparation	Evaluation plan	2 Nov 2012
Information gathering and analysis	Aide Memoire	8 Feb 2012
Assess relevance, efficiency, effectiveness (including value for money) and sustainability of the PJDP	Draft Evaluation Report	19 Feb 2013
Assess, identify and make recommendations on priorities for further assistance (if any)	Draft Concept Note and draft Amendments to PEC/MS CFS/MTA TORs	19 Feb 2013

Key activity	Deliverable (output)	Timing
Revision and incorporation of MFAT peer review feedback to ensure the draft documents meet contracted quality standards	Updated Evaluation Report, Concept Note and Amendments to PEC/MSC/MTA TORs	1 March 2013
Revision and incorporation of MFAT feedback	Updated Evaluation Report, Concept Note and Amendments	29 Mar 2013
Feedback to key stakeholders	Presentation of findings to CJ/PEC	mid Apr 2013 (tbc)
Revision and incorporation of consolidated feedback	Drafts updated and then Final Evaluation Report, Concept Note and Amendments to PEC/MSC/MTA TORs submitted	17 May 2013

Appendix A: Questions for Interviews or Focus Groups

This appendix contains lists of questions that will be asked in interviews or focus groups for the different stakeholder groups.

Each interview will be guided by a set of questions from those listed below, selected to be relevant to the specific interviewee. The questions have been designed to address the four DAC criteria of Relevance, Effectiveness, Efficiency (including Value for Money), and Sustainability; and the objectives of the PJDP.

Each interview will be preceded by explanation of the reason for the interview and what will be done with the information, and setting out the topics to be discussed. Each person interviewed will be asked in advance “Are you willing to have your name included in an annexed list of evaluation participants?”

Relevance:

- In what ways does PJDP respond to/fit with the priorities and/or needs of your Court/Pacific Judiciary? Has this changed since 2011?

- To what extent do the PJDP outputs fit against the **priorities** of your country’s national law and justice sector plan (if you do have one in place) and/or the national Court Strategic Plan (if you do have one in place)?

Note: Samoa and Vanuatu have a national law and justice sector plan in place.

- Has the PJDP met your needs? Please give an example.

- What are the key activities of the PJDP that have assisted your judicial system/Court?

- In what ways, if any, has the PJDP filled a gap which existed within the Pacific region?

- How well does PJDP delivery of outputs, focus on the needs and priorities of your country/Pacific region? Has this changed/improved/decreased since 2010/11?

- Do the outputs of the PJDP complement other law and justice activities (if any) delivered in your country by PJDP or other bilateral/regional programmes?

- To what extent is the PJDP relevant to the regional goals of the Pacific Plan?

- To what extent is the PJDP aligned with NZ's priorities and interests in the Pacific?

- Does the *regional focus* of the PJDP add any value beyond the simple delivery of training activities? (For example: does it support/encourage a collective voice on important issues? Enable sharing of information, peer-to-peer networking, etc?) If so – to what extent does it do this? Are there mechanisms in place now which would enable/support these regional values, if the PJDP were to cease after 2015? If not – what further needs to be done to strengthen these?

- To what extent does PJDP complement/duplicate [NZ funded] [AusAID funded] [other] bilateral or regional **judicial** projects?

- To what extent does PJDP complement [NZ funded] [AusAID funded] [other] bilateral or regional *law & justice/governance* programmes?

- Are the current PJDP regional/sub-regional groupings for activities/networks appropriate for your needs (eg would a cross-regional group of Small Islands States, and/or groups based on shared needs be a useful grouping rather than just geographical groupings?) Are there ways in which sub-regional groupings could be used to more effectively deliver the Pacific Judiciary/PJDP's desired outcomes?

- Where there are common shared needs across the region (eg Train-the-Trainer, decision-making), what is the most appropriate and cost-effective mode of delivery of training? For example:

- through a regional workshop?

- through a sub-regional workshop?

- at a national-level through the Responsive Fund?

[Especially for the **Pacific Island stakeholders**: CJs, NCs, Court Support staff, etc] The PJDP is a regional (multi-country) aid project.

- Do you consider there to be value in belonging to such a regional (multi-country) judicial project?

- If so, what are the main advantages/benefits of such a regional (multi-country) mechanism?

- If there was to be a further phase after 2015, what are your views on whether or not the PJDP should continue to include the regional multi-country focus? **Why?**

Effectiveness:

- In your opinion, what are the main results of PJDP to-date? What changes have you observed?

- Have some/most/all/none of your Judicial Officers/Court Officers received training under the PJDP?

- What changes have you noticed in the work of your Judicial Officers/Court Officers, since the beginning of the PJDP?

- Are you satisfied with the number/type of PJDP activities undertaken nationally/regionally to-date? Why/why not?

- Do you consider the PJDP has struck the right balance between undertaking research-focussed activities vs delivering practical outputs (to meet the urgent and priority needs of PIC judicial beneficiaries)? Why/why not?

- What are your views on the value of the Responsive Fund mechanism:
 1. What (if any) are the challenges/issues for your jurisdiction with the use of this Fund?
 2. Does your jurisdiction have concerns/issues with processes? Quality of applications? Speed of up-take etc?
- To what extent (if any) do you consider it to be a critical mechanism to be maintained during any potential new phase of PJDP (post 2015)? If there was to be a further phase of support (beyond 2015), what do you area do you consider the PJDP should *primarily* focus its funding, resources and efforts on:
 - undertaking research-focussed activities for the Pacific?, or
 - providing practical training activities?
- I understand that issues such as gender equality and human rights have been included in training (for example in core training curriculae for Orientation training). Do you think this has increased understanding or contributed to a change in attitudes to these issues? In what way/s?

- What are your views on how the PJDP has been delivered regionally/sub-regionally/nationally? Are there ways this could be improved?

- If you were given the opportunity to revise/change the focus or delivery of the PJDP – what would you change?

Efficiency (including Value for Money):

- What are your views on how the PJDP has been delivered (in-country or regionally)? Are there ways this delivery could be improved?

- Did PJDP have an adequate level of resourcing, and appropriate skills, to meet the objectives?

- PJDP has used external Technical Advisors and Programme staff to deliver training and other activities both regionally and nationally. Do you think this has been an efficient mechanism? Are there inefficiencies and/or overlaps in this process?

- What if any, constraints has PJDP faced in developing and delivering on its work? To what extent have these issues been addressed? How might these be addressed if there is a future phase of the programme?

- As far as you are aware, have the delivery, management (including planning, monitoring and reporting), and governance structures for the PJDP worked well? If not, in what ways?

- What value has the Monitoring Technical Advisor (MTA) added to the PEC's decision-making and oversight role?
- Taking into account cost-effectiveness considerations, do you consider the MTA-led monitoring of the PJDP (during the final two-year extension period of the current phase) to be:
 - desirable, or
 - essential?
 Why/why not?
- Do you consider the MTA mechanism to be necessary for any potential *new* phase of PJDP? Why/why not?
- What internal quality assurance systems are employed by MSC to monitor performance against Monitoring and Evaluation Framework (MEF) and ensure deliverables are completed by PJDP staff and TA to quality standards on time and within budget?
- What internal financial planning and monitoring systems are in place to identify potential under-spends and assist MSC to plan, analyse and report in a timely manner to maximise delivery of value-added services to Pacific Island Countries accordingly?
- To what extent have the governance and management structures worked effectively? In what ways, if any, could these be improved?

Sustainability:

- To what extent are changes to systems/processes/skills sufficiently established to continue if PJDP ends in 2015?
- What mechanisms are in place regionally/nationally to maintain the changes that have taken place since the start of the PJDP?
- In your opinion, what needs to be in place before the judicial system in your can sustain the benefits of the PJDP?
- Do you think the Regional Training Team (RTT), national trainers, National Coordinators, National Judicial Development Committees have [will have by 2015] sufficient confidence and skills necessary to design and deliver appropriate national and regional judicial training?
- What, if any, further [on-going] support, training and/or mentoring may be required to further strengthen this regional and national capacity?
- To what extent is the PJDP still an important provider of capacity building to the Pacific judicial system?
- If there was to be a further phase after 2015, what are your views on the key focal areas/outputs, scale and duration of support, countries to be included, regional/sub-regional and/or bilateral delivery

If there was to be a further phase of PJDP after 2015, what are your views on:

- What are the key issues/gaps in judicial development that need to be addressed?

1. what (if any) are the **priority Outputs** that your judiciary consider to be **critical** to enable your judiciary to reach a sustainable level of *professional competency* and *effective systems and processes*?

2. What (if any) are the **priority Outputs** that your judiciary consider to be critical to be provided during any potential future phase of PJDP (post 2015)? **Why?**

3. The PJDP currently has 4 key components (access to justice, governance/strengthening judicial leadership, professional skills development, systems and processes). What (if any) are the **priority Components or focal areas** that your judiciary consider to be **critical** to be provided during any potential future phase of PJDP (post 2015)? **Why?**

4. For the above priority components, focal areas and outputs, should these be addressed through the PJDP or are there other ways to deliver this support? **Why?**

5. Do you consider support for both judicial officers and court support officers should continue to remain a focus of the PJDP going forward? If so why/why not?

- If there was to be a further phase after 2015, what are your views on:

- the duration of any new phase of support? **Why?**

- How PJDP's regional/sub-regional and/or national-level delivery can be improved?

MSC Meetings – additional questions/areas of interest to be discussed

Programme:

- Evidence of accurate up-to-date accessible records for all aspects of programme implementation and activity management including contracts and instructions to TAs and contact with key stakeholders
- Relationships with donor, MTA, PEC etc ... how well does contract model work (including relative to phase 1 contract model), how would you change it, ...
- Evidence of collaboration/cooperation between PJDP and other regional/bilateral law & justice/governance programmes and regional institutions
- Financial & programme planning processes including how & when under/over-spends are identified, managed, reallocated
- Comprehensive and realistic planning documents including budget costings that represent value for money
- Level of satisfaction with analysis of the tracking done on how well outputs are contributing to desired outcomes
- Processes used to ensure that NZ and PIC judiciaries and judicial institutions have regular and equitable opportunities to apply to become sub-contractors/Technical Advisors or pro-bono TA
- Balance between research and delivery; examples of how & where research has informed delivery; research & delivery meeting urgent and priority needs of PIC judiciaries
- How well are PICs now measuring their judicial performance? What still needs to be done?

- Views on workings of the Responsive Fund – concerns/issues with processes? Quality of applications? Speed of up-take etc?
- What would be feasibility and pro/cons of strengthening MSC’s internal M&E capacity during extension period without an MTA-role for the 13-15 period? For any future phase?

Training:

- Ensuring the selection of suitable candidates for training courses – are there selection criteria?; who makes decisions on participants; what are the issues that have impacted on the selection of suitable candidates, and how have these been overcome? What further needs to be done to improve the selection of suitable candidates for PJDP training workshops?
- How many individuals have been trained (not numbers of people participating in training)
- Any concerns/issues/views on balance of training for Judicial Officers/Court Officers; law-trained/non-law-trained personnel
- To what extent do RTT/national trainers have capacity to either take lead role in, or to design and deliver training? What further support might be needed after 2013-15 extension?

Finance & contracts:

- Evidence of accurate up-to-date accessible financial records for all aspects of programme activities and MSC expenditure
- Financial planning – what processes, and how are efficiency and value for money taken into account in eg purchase of goods and services? Or, how & when under/over-spends are identified, managed, reallocated
- Processes used to ensure that NZ and PIC judiciaries and judicial institutions have regular and equitable opportunities to apply to become sub-contractors/Technical Advisors or pro-bono TA

MTA additional Questions/points of discussion

- What are your views on the current balance between the PJDP’s focus on research vs delivery practical outputs (to meet the urgent and priority needs of PIC judicial beneficiaries)?
- What do you see as likely to be the priority needs if there is further support after 2015?
- What (if any) outputs/focal areas does the PJDP need to omit? Why?
- What are your views on the efficiency of the MSC’s delivery of the PJDP? How can efficiency be improved?
- How can overall value for money of the PJDP be improved?
- What do you think were the most useful contributions you made to the PJDP programme?
- To what extent did PEC and/or MSC respond to your advice and suggestions? Are you satisfied with this, or are there issues?
- What, if any, issues do you see with the processes and structures of PJDP?
- What would you change about the structures and processes of PJDP if you had the opportunity?
- How useful was the Monitoring and Evaluation Framework (MEF)? How well was it used? What gaps are there in either the MEF or the way in which it was used?

MFAT and AusAID additional Questions/points of discussion

- What was the extent of in-kind resources from MFAT needed to maintain the programme planning and implementation, and the contract relationship?
- What was extent of AusAID engagement in PJDP II? What if any indication of future interest and why?
- What other bilateral/regional programmes for the judiciary in the Pacific is AusAID/MFAT supporting or planning to implement/support?

[For MFAT]:

- Relationships with donor, MTA, PEC etc ...
- **MFAT staff who were also involved in previous phase 1, and IDG Strategic Procurement Manager and Contract Team Adviser(s):** How well does contract model work (including relative to the phase 1 contract model), (take into account lessons learnt from phase 1) what are the pros and cons of any MFAT alternative, how (if any) would you change current model (while ensuring accountability, effectiveness and efficiency requirements are met and taking into account lessons learnt from phase 1)? ...
- To what extent has the advice of the MTA been taken on board by the Pacific Chief Justices (i.e. during the Pacific CJ forums) and the Pacific members of the PEC and/or MSC? Why?
- What, if any, issues do you see with the processes and structures of PJDP?
- What would you change about the structures and processes of PJDP if you had the opportunity?

NZ & Aus Judiciary additional Questions/points of discussion:

- What are your views on level of NZ Judiciary and Australian Judiciary engagement with programme (in what ways are they engaged, is this adequate/too much/too little etc?)
- Do you think PIC judiciaries now have capacity to maintain the gains made during the programme? Why/why not? What more is likely to be required by end of PJDP in 2015?
- What is your understanding of your PIC colleagues views of the PJDP?
- [For NZ Judiciary]: Processes used to ensure that NZ and PIC judiciaries and judicial institutions have regular and equitable opportunities to apply to become sub-contractors/Technical Advisors or pro-bono TA
- [For Judge Boshier] Ensuring the selection of suitable candidates for training courses – are there selection criteria?; who makes decisions on participants; what are the issues that have impacted on the selection of suitable candidates, and how have these been overcome? What further needs to be done to improve the selection of suitable candidates for PJDP training workshops?

Appendix B: Mini-Survey/Questionnaire

If used separately from the semi-structured interview situation a cover letter will precede this mini-survey/questionnaire. This will include the following explanatory note:

As part of the PJDP evaluation, it has been decided to send out a questionnaire to a limited number of key stakeholders. The questionnaire should take about 20-30 minutes of your time. While names are requested on each response, all responses will be treated confidentially and respondents will not be identifiable. Your response, and your views on the PJDP, will be of considerable value to this evaluation.

The survey asks a series of questions about the relevance, effectiveness, efficiency (including value for money) and sustainability of the PJDP. Many of the questions can be answered by circling (or highlighting) a response on a scale of 1-6. If you do not know the answer, or the question is not applicable to your circumstance, please circle (or highlight) DK (Don't know) or N/A (not applicable).

Rating Scale:

6 = very high/excellent; 5 = good; 4 = above average; 3 = below average; 2 = poor; 1 = very low/poor

Name: _____ Position & Country: _____

Date: _____

I give permission for my name to be included in an annexed list of evaluation participants: Yes/No

Please return the completed questionnaire by **xxxxxxx** to Mrs Beverley Turnbull at the following email address beverleyturnbull@yahoo.co.nz

Thank you for your assistance.

Questionnaire:

- 1 Please describe the ways the PJDP fits with the priorities and/or needs of your Court/Pacific Judiciary

- 2 Has the PJDP met your needs? Please give an example.

- 3 How relevant do you think the PJDP is to each of the following areas?

Rating Scale: 6=very high/excellent; 5=good; 4=above average; 3=below average; 2=poor; 1= very low/poor; DNK = Do Not Know; N/A = Not Applicable									
Pacific judicial leadership has better information/data to enable it to assess, plan and direct an integrated process of judicial development	1	2	3	4	5	6	DNK	N/A	
Strengthened judicial leadership	1	2	3	4	5	6	DNK	N/A	
Improved judicial and court systems and processes	1	2	3	4	5	6	DNK	N/A	
Professional Development for judicial service providers	1	2	3	4	5	6	DNK	N/A	

Any additional comments

- 4 What changes have you noticed in the work of your Judicial Officers/Court Officers, since the beginning of the PJDP?

- 5 What were the key activities of the PJDP which have assisted your Court/Pacific Judiciary?

- 6 To what extent do you think the PJDP has achieved its objectives since 2010 in each area?

Rating Scale: 6=very high/excellent; 5=good; 4=above average; 3=below average; 2=poor; 1= very low/poor; DNK = Do Not Know; N/A = Not Applicable									
Pacific judicial leadership has better information/data to enable it to assess, plan and direct an integrated process of judicial development	1	2	3	4	5	6	DNK	N/A	
Strengthened judicial leadership	1	2	3	4	5	6	DNK	N/A	
Improved judicial and court systems and processes	1	2	3	4	5	6	DNK	N/A	
Professional Development for judicial service providers	1	2	3	4	5	6	DNK	N/A	

Any additional comments

7 Please rate the PJDP's performance in the following areas:

Rating Scale: 6=very high/excellent; 5=good; 4=above average; 3=below average; 2=poor; 1= very low/poor; DNK = Do Not Know; N/A = Not Applicable								
How responsive is the programme to changing needs within the region or in-country?	1	2	3	4	5	6	DNK	N/A
To what degree does the programme deliver what it promises, on time?	1	2	3	4	5	6	DNK	N/A
To what degree does the programme deliver what it promises, within budget?	1	2	3	4	5	6	DNK	N/A
How well is the programme resourced in terms of funding and appropriate staff/Technical Advisors?	1	2	3	4	5	6	DNK	N/A
How well are risks associated with the programme managed?	1	2	3	4	5	6	DNK	N/A
Planning	1	2	3	4	5	6	DNK	N/A
Budgeting and financial management	1	2	3	4	5	6	DNK	N/A
Project monitoring	1	2	3	4	5	6	DNK	N/A
Reporting (both narrative and financial reporting)	1	2	3	4	5	6	DNK	N/A

Any additional comments

8 What are your views on how the PJDP has been delivered (in-country or regionally)? Are there ways this delivery could be improved?

9 How efficiently did the PJDP make use of time and resources to achieve the programmes objectives?

Rating Scale: 6=very high/excellent; 5=good; 4=above average; 3=below average; 2=poor; 1= very low/poor; DNK = Do Not Know; N/A = Not Applicable								
Pacific judicial leadership has better information/data to enable it to assess, plan and direct an integrated process of judicial development	1	2	3	4	5	6	DNK	N/A
Strengthened judicial leadership	1	2	3	4	5	6	DNK	N/A
Improved judicial and court systems and processes	1	2	3	4	5	6	DNK	N/A
Professional Development for judicial service providers	1	2	3	4	5	6	DNK	N/A
Programme Management	1	2	3	4	5	6	DNK	N/A

Any additional comments

10 Training, and identifying appropriate models and approaches, has been a large component of the PJDP. Please rate the following:

Rating Scale: 6=very high/excellent; 5=good; 4=above average; 3=below average; 2=poor; 1= very low/poor; DNK = Do Not Know; N/A = Not Applicable								
Training was relevant and appropriate for our personnel	1	2	3	4	5	6	DNK	N/A
We have national/regional personnel who are able to provide training for new Judicial and Court Officers and refresher training for existing personnel	1	2	3	4	5	6	DNK	N/A

Training has led to improvements in our court and judicial system	1	2	3	4	5	6	DNK	N/A
New procedures are in place and being used, and are monitored	1	2	3	4	5	6	DNK	N/A

Any additional comments

11 What mechanisms are in place regionally/nationally to maintain the changes that have taken place since the start of the PJDP?

12 What gaps still need to be addressed? Should these be addressed through the PJDP or are there other ways to deliver this support?

Appendix C List of Data Resources

Documents Used in the Evaluation included (not exhaustive list)

- PJDP Design Document
- MFAT/MSC CFS/LOVs to present
- MFAT/MTA CFS/LOVs to present
- PJDP Needs Assessment report 2010
- PJDP Implementation Plans and updates
- PJDP Monitoring and Evaluation Framework and updates
- Activity Completion Reports for PJDP outputs
- MSC surveys (pre/post training surveys and results; other MSC surveys related to PJDP)
- Minutes and resolutions from meetings of PEC, Chief Justices Forums, and NC Forums
- Activity level reports submitted to the MSC by the MSC's technical advisors as appropriate
- PJDP six-monthly and annual reports to PEC and to the PJC from July 2010 to present
- Pacific Judicial Development Programme: 2011 Court Baseline Report
- MTA appraisal reports to the PEC
- MTA monitoring assessment reports following field visits
- MFAT policies and strategies: eg NZ International Development Policy Statement; Draft IDG 3-year Strategic framework; Strengthening the Integration of Cross-Cutting issues into the New Zealand Aid Programme – 3 Year Strategy; Environmental and Social Impacts Operational Policy (and other relevant policy and practice documents accessible via website).
- Key PJDP documents, including newsletters, available on PacLII website
- PJDP Phase 1 progress reports and work plans
- PJEP Evaluations 2002 & 2004
- PEC Resolutions, CJs & NC Recommendations
- PJDP Review of Structure and Contracting Model 2008
- PRPI Evaluation 2006
- PICP Secretariat Stocktake Report 2011

Key MSC and MTA documents including:

- Activity Assessment Surveys
- Financial Documents
- Milestone Reporting
- Newsletters
- Technical Component Outcomes/Reports

Other Sources included:

- Internet searches eg
 - World Bank: Governance Indicators, and Justice for the Poor Programme
 - Transparency International: Corruption Index
 - Pacific Plan
 - UNDP: capacity development materials
- Strategy for the Development of Samoa 2012-2016
- Federal Court of Australia Annual Report 2011-2012