

Independent Evaluation of the East Timor Justice Sector Support Facility MANAGEMENT RESPONSE

Prepared by: East Timor Section / Dili Post
 Approved by: Angela Corcoran, Assistant Director General, IET
 Date Approved:

Aid Activity Summary

Aid Activity Name	Justice Sector Support Facility		
AidWorks initiative number	INH487		
Commencement date	February 2008	Completion date	February 2013
Total Australian \$	\$26,734,302.62		
Total other \$	-		
Delivery organisation(s)	GRM International		
Implementing Partner(s)	Government of Timor-Leste law and justice agencies and civil society organisations		
Country/Region	Timor-Leste		
Primary Sector	Governance (Law and Justice)		

Aid Activity Objective:

The overarching goal of the Justice Sector Support Facility (JSSF) is to contribute to fair and timely access to justice for men, women and children in Timor-Leste.

Independent Evaluation Summary

Evaluation Objective:

Broadly, the three primary purposes of the independent evaluation are to:

- a) **Account for results:** Review the performance of JSSF in terms of effectiveness and efficiency, with a particular focus on results relating to the work to address violence against women.
- b) **Encourage sustainability of outcomes:** Recommend actions which can be taken during the remainder of JSSF's lifespan and within the existing workplan and budget to help ensure the sustainability of JSSF outcomes.
- c) **Identify opportunities and constraints to contributing to improved governance outcomes through activities in the justice sector:** Based on the assessment of results and sustainability, identify what constraints and opportunities AusAID should take into account when deciding on any future support to justice-related objectives.

A secondary purpose is for:

- d) **Broader learning:** Draw lessons about development programming relevant for Australia's country program in Timor-Leste.

Evaluation Completion Date:

20 April 2012

Evaluation Team:

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Robin Perry, Senior Policy Officer, Law and Justice Policy Section, AusAID

Management Response

AusAID welcomes the findings of the Independent Evaluation of the Justice Sector Support Facility. The lessons identified are relevant to AusAID's work with the Government and people of Timor-Leste to achieve their development goals and provides further validation of some of the changes being undertaken in AusAID's Timor-Leste Program.

We note the lesson on the importance of in-depth program management by AusAID, which may have helped avoid early difficulties in defining and refining JSSF's focus. This lesson will be addressed by the continuing consolidation of AusAID's program, which became fragmented and difficult to manage after the 2006 crisis in Timor-Leste. The release of the 2009-14 Australia – Timor-Leste Country Strategy, which was developed in consultation with the Government of Timor-Leste, saw AusAID begin to focus on fewer areas to which it could direct greater resources. It was determined that AusAID would not maintain a sector-wide engagement in justice after the implementation of JSSF. The Australian Federal Police's Timor Leste Police Development Program remains a significant investment in security.

We note the lesson identified in the evaluation that stronger bilateral engagement would have assisted the implementation of JSSF. This lesson confirms the commitment AusAID has made to align its programs closely to the priorities of the Government of Timor-Leste. In November 2011 the Governments of Australia and Timor-Leste signed a Strategic Planning Agreement. This commits both countries to work together to achieve the goals set out in Timor-Leste's Strategic Development Plan 2011 - 2030. Stronger bilateral engagement will be central to the management of all our programs.

The evaluation's findings on the weaknesses of JSSF's monitoring and evaluation planning and implementation highlight the importance of being able to measure and report on the impact of our aid on the lives of poor people. In 2011, the Australian Government released *An Effective Aid Program for Australia*, outlining the Government's response to the Independent Review of Aid Effectiveness and setting out the Government's overall aid strategy through to 2015-16. In light of the Government's commitment to delivering aid using systems, methods and partners that achieve results and deliver value for money, we welcome the evaluation's analysis of the good results achieved by JSSF and acknowledge that strong monitoring and evaluation needs to be integral to all programs.

We welcome the evaluation's analysis of the Facility's work to improve institutional capacity in the Timor-Leste justice sector and acknowledge its comment that the JSSF design was too ambitious. We note that as strong institutions are important for good service delivery, many AusAID programs designed at a similar time as JSSF focused on institutional capacity building and the use of technical assistance as a primary method of delivering support. The evaluation's findings about the need for better ownership and targeting of institutional approaches confirm AusAID's experience through the suite of its programs: training, technical assistance and planning can help build the foundation for better corporate management, but it can be difficult to establish a direct link to improvements in services delivery.

Since the publication of a review of technical assistance in 2011, AusAID programs have been broadening their program options. For JSSF, this meant strengthening its work with Timorese civil society to deliver justice services to people in remote areas. In light of past experience, AusAID is also shifting the way we design our programs to ensure good public sector management can enable the delivery of sufficient and quality services that meet Timor-Leste's development needs. Rather than start by identifying supply-side gaps to be addressed within a particular institution (such as poor staff capacity or lack of policy development), we will start by analysing the constraints on better service delivery in communities, and work our way back to identify what creates those constraints and how to overcome them. In this way, our programs will be better targeted and their impact on service delivery easier to measure.

AusAID also provides the following corrections and qualifications to the evaluation's presentation of its findings.

AusAID regrets the evaluation's conclusion that it was not given sufficient access to documentation held by JSSF and AusAID. AusAID believes that sufficient information and opportunities for interviews were given to the team to make a well-informed professional judgement on JSSF's effectiveness, efficiency and sustainability. AusAID was not able to make available information where it would have breached privacy or confidentiality provisions, such as annual Contractor Performance Assessments or documentation relating to particular personnel.

AusAID does not consider the findings on the efficiency and performance of JSSF Management to be a fair assessment. AusAID regrets that the evaluation has reported on this issue in an inappropriately personalised and unbalanced way. Based on our own monitoring and feedback from JSSF staff members, we do not agree with the report's conclusions that management has been sub-standard, that there have been irreconcilable differences within the JSSF team and that the program manager did not play an important role in the success of the Facility's information management and civil society projects. AusAID gives due consideration to specific findings about how the JSSF Management could have improved monitoring and evaluation and its guidance to, and communication with, teams within JSSF.

JSSF budget expenditure is explained inaccurately in the report (page 21). The budget has been spent in accordance with the provisions in the contract for different line items. Of the total contract value of A\$26,734,302.62, budget expenditure by GRM at 31 January 2012 was as follows:

JSSF expenditure as of January 2012		
Program Activities, of which:		7,500,741
	Component 1 Activities – Institutional Development <i>Integrated Information Management System and Planning, Finance and Human Resource Management</i>	4,425,567.00
	Component 2 Activities – Civil Society and Access to Justice Program <i>Small grants program, construction of safe houses and Suai justice program</i>	3,187,796.00
	Bank charge and interest	(112,622)
Personnel Expenses		5,829,477.56
Operational Expenses		1,467,069.28
Total		14,797,287.84

The report suggests on pages 48-49 that JSSF had not fulfilled its work on a gender justice policy. Authority for the promulgation of national policy rests with the Government of Timor Leste. In accordance with a request from the Minister for Justice in 2009, the Facility drafted a national policy on gender justice. Iterative drafts were presented to the Minister between November 2010 and December 2011. In March 2012 the Vice Minister accepted the draft Gender Justice Policy as an internal strategy document and many of its elements have been incorporated in the National Action Plan for implementation of the Domestic Violence Law, approved by the Council of Ministers in June 2012.

Recommendations

This independent evaluation was intended, in part, to provide information and analysis to inform the key management decision as to whether, to what extent, and in what form, AusAID will support justice-related activities in Timor-Leste after the conclusion of our sector-wide involvement in justice, through JSSF. Notwithstanding the clarifications made above, AusAID considers the evaluation's recommendations as useful for the remaining implementation period of JSSF and for decisions about future programs.

Recommendation II (A) and (B) and III (C) (D) and (E)

Recommendations:

- *II A: Ensure that 'prevalence of violence against women and children' is a component in the anticipated justice perceptions survey.*
- *II B: Undertake Empirical Analysis of the Effects of a Woman's Stay in a Safe House. Conduct research into local authorities and violence against women.*
- *III C: Conduct research into local authorities and violence against women.*
- *III D: Evaluate legal aid and paralegal organisations for possible future funding.*
- *III E: Increase support for Timorese men's organisations working to promote gender equality and end violence against women.*

Response: Under consideration

AusAID has commissioned the design of a new, medium-term program of support to End Violence Against Women (EVAW) in Timor-Leste, to be implemented from February 2014. This reflects AusAID's policy commitment to promote gender equality and

women's empowerment, including through ending violence against women and girls. It also reflects the findings of the JSSF Independent Evaluation that AusAID, through JSSF, is helping reduce violence against women in Timor-Leste in innovative ways and that support should be increased. In the interim, AusAID will continue supporting current program partners to ensure there is no gap in critical service delivery and so that partners can retain staff and organisational capacity.

Actions: AusAID welcomes the recommendations above, which identify opportunities for further research and support. These recommendations will be considered during the design of the new EAW program. AusAID will assess which type of program approaches can make the most difference for women and girls in Timor-Leste (for example, whether the program should fund legal aid organisations to support victims taking their cases to court). It will identify the most effective partners for delivering services and reducing the prevalence of violence against women (for example, this may include organisations working with men to promote gender equality and stop violence). It will also assess the gaps in existing research and determine what research can be conducted during the design phase and program implementation, to build more knowledge about the factors behind VAW and understand better what strategies work. This may include a separate prevalence study which would gather information to augment that being collected in the 2012 justice perceptions survey. The new program will be developed with extensive consultation with the Government of Timor-Leste and civil society organisations working in this area.

Recommendation II C

Recommendation: *Extend the contract of the consultant currently providing Monitoring and Evaluation advice and support to the Facility.*

Response: *Accepted*

Actions: AusAID and GRM have increased the funding available for monitoring and evaluation in 2012 and identified specific areas for improvement in monitoring and evaluation. The contracted consultant will support JSSF's project teams to better collect, analyse and report on data from their activities, contribute to the design of the justice sector perceptions survey and conduct an internal review of the civil society grants program.

Recommendation II D

Recommendation: *Funding for the Asosiasaun Advogadu Timor Lorosa'e*

Response: *Partially accepted*

In early June 2012, the Council of Ministers of the Government of Timor-Leste passed an amendment to the law for the juridical regime governing private legal profession and lawyers training. This amendment extends the deadline by which lawyers have to have completed designated training to 2015, so that those with international training and who had practiced in Timor-Leste prior to December 2011 can continue working until their additional training is completed. The Asosiasaun Advogadu Timor Lorosa'e (Association of East Timorese Lawyers – AATL) welcomed the Government's decision.

Actions: This change in law and AATL's support for it overcomes the concern raised in the Evaluation about AATL's support for opening up opportunities for legal practice.

AusAID had made funding available for the first half of 2012 and will now continue funding AATL's activities for the remainder of 2012. The internal review of the civil society grants program (noted above) will provide an opportunity to assess in more detail AATL's work and achievements and its potential relevance to future AusAID programs.

Recommendation III A

Recommendation: *Make Gender Equality and Ending Violence Against Women an Overarching Theme for AusAID Activities in Timor-Leste.*

Response: *Partially accepted*

The fundamental purpose of Australia's aid program is to help people overcome poverty. The Australian Government has identified gender equality as a critical cross-cutting theme of the aid program and committed to remaining a firm and persistent advocate and practical supporter of gender equality. In accordance with that commitment, the objective of promoting gender equality is integrated in AusAID's investments in the education, health, water and sanitation, infrastructure and agriculture sectors in Timor-Leste.

Actions: AusAID will continue to include, improve and monitor efforts to promote gender equality across the country program. The design of the new EVAW program will consider how the goal of ending violence against women could be achieved through multi-sectoral interventions, which may include health, justice, education, security and economic empowerment aspects.

Recommendation III B

Recommendation: *Continue Support for IIMS and Grants Process.*

Response: *Accepted*

AusAID welcomes the findings of the Evaluation that the Integrated Information Management System (IIMS) has been a significant accomplishment of JSSF, unique in a post-conflict environment and with strong value achieved for the investment. AusAID also welcomes the finding that the grants process has helped build the organisational and financial management capacity of Timorese NGOs and piloted a productive model of delivering services to vulnerable populations who otherwise have little or no access to law and justice.

Actions: We note the Evaluation's finding that the IIMS provides GoTL with a strong tool for governance and accountability, but that further international assistance is required to ensure the system can be maintained and used to its full capacity by the Government. AusAID will provide an additional year of support to the IIMS in 2013 and will work with GoTL to make a plan for ensuring national ownership for the long-term operation of the system. As noted above, AusAID will also continue the grants program in 2013, to ensure services continue before the launch of a new EVAW program in 2014.

AusAID Timor-Leste Justice Sector Support Facility

Independent Completion Report

Gordon Peake
Bernard Pearce
Robin Perry
Eric Scheye (Team Leader)

April 2012

Aid Activity Summary

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Primary Sector	Governance (Law and Justice)		

Acknowledgments

The Independent Evaluation team gratefully acknowledges the assistance provided by key stakeholders in participating in these consultations, notably members of the Justice Sector Support Facility and especially those individuals who the team interviewed on numerous occasions. Their patience and assistance has been invaluable. The Independent Evaluation team also acknowledges the support of the AusAID post in Dili for ensuring the logistics and smooth running of all aspects of the in-country consultations.

Author's Details

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Acronyms

AMKV	-	Association of Men Against Violence
AusAID	-	Australian Aid
AFP	-	Australian Federal Police
GoA	-	Government of Australia
GoTL	-	Government of Timor-Leste
IE	-	Independent Evaluation
IIMS	-	Integrated Information Management System
JSSF	-	Justice Sector Support Facility
MoJ	-	Ministry of Justice
JSMP	-	Judicial System Monitoring Programme
JSSP	-	Justice Sector Strategic Plan
ODE	-	Office of Development Effectiveness
OECD	-	Organisation of Economic Cooperation and Development
OPG	-	Office of the Prosecutor General
TA	-	Technical Assistance
TLPDP	-	Timor-Leste Police Development Program
VAW	-	Violence against Women

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Executive Summary

Written for Australian Aid (AusAID), the following Independent Evaluation Report is of the Australian Aid Timor-Leste Justice Sector Support Facility, which was launched in February 2008 and is scheduled to end in February 2013. The Independent Evaluation team began its work in Timor-Leste on 16 January and completed its in-country assignment on 1 February 2012.

The primary purposes of the Independent Evaluation were to capture results and lessons from the first four years of implementation of the Justice Sector Support Facility, ensure the program maximises the sustainability of its achievements in its last year of operation, and inform the key management decisions regarding what form, if any, AusAID might continue to support law and justice activities in Timor-Leste in 2013 and beyond. This Independent Evaluation, however, was not intended to be a comprehensive impact evaluation, adhering to the full panoply of OECD assessment categories and criteria.

The Independent Evaluation Report has been written according to an Evaluation Methodology agreed to by AusAID. The methodology the team used to conduct its work was a mixed-method approach, based upon, first, document review and desk analysis and, second, fieldwork, which included interviews and focus group discussions. During its assignment, the Independent Evaluation team addressed a number of evidentiary challenges in its attempt to reach valid, reliable, and verifiable findings. Among these challenges was the scarcity of accessible records, including those that described Justice Sector Support Facility's strategic and programmatic decisions, elucidating choices made and the reasons why they were made in the ways they were.

The Justice Sector Support Facility was designed and initiated during a period of political flux. The initial planning and design for Australian law and justice assistance took place in late 2006 at the end of one Timorese administration, while implementation began in mid-2008 under another. The new administration had not been consulted in detail as to its vision of law and justice assistance and its five-year plan, while including justice development, did not refer to any donor-supported law and justice initiative.

The objective of Justice Sector Support Facility is to provide equal and timely access to justice for all Timorese citizens. To achieve its objective, the Justice Sector Support Facility was, originally, divided into three components. The first component concentrated on support to the 'core' justice institutions and their corporate management and administrative responsibilities. The second component focused on strengthening civil society's voice as a means of stimulating law and justice development in Timor-Leste. This original design was extremely ambitious and has been characterised as a 'supply side' initiative. Technical Advisers were placed within almost every Government of Timor-Leste law and justice institution and agency to work for and with that institution's senior management.

Eleven months after its official launch, the Justice Sector Support Facility 'reinterpreted' its support endeavours. Nevertheless, the program continued to concentrate heavily on its "core business," providing support to law and justice agencies with regard to strengthening their strategic, annual action, budget, and human resource development plans. In other words, modifications notwithstanding, the Justice Sector Support Facility's original institutional capacity development approach remained firmly in place.

At approximately the same time, AusAID rewrote its Timor-Leste Country Strategy and eliminated law and justice as a separate initiative from its country program. Furthermore,

AusAID concluded, in its 2008 Annual Program Performance Report, that the performance of the Justice Sector Support Facility was below expectations. AusAID observed that the program was not on schedule to achieve its objectives within the agreed upon timeframe, requiring significant renewed effort to attain progress in implementation of its activities and the establishment a coherent monitoring and evaluation regime(s). AusAID also undertook a review of Technical Assistance and the budget of the Justice Sector Support Facility was reduced by more than ten percent.

During its almost four years of operation, the Justice Sector Support Facility has generated a number of accomplishments. Two of these achievements are especially notable: the integrated information management system (grounded within a problem-solving approach) and the establishment of a grants-giving process to Timorese NGOs, concentrating on ending violence against women (based upon a service-delivery model).

Independent Evaluation team is aware of no other development initiative in a post-conflict environment has been able to achieve what the integrated information management system team has accomplished, the creation of an integrated information system across all justice agencies based upon each case possessing its own unique index number transparent to every law and justice institution. This information system has the potential to be catalytic and enable the Government of Timor-Leste to improve services by deploying its resources more efficiently, measure its performance, and, along with civil society organisations, hold its justice actors accountable. Similarly, the Independent Evaluation team judges as innovative the work of the team responsible for establishing the grants-giving process *and* the model the team has piloted by which NGOs deliver those services in Suai, Covalima District. It is an initiative that is replicable in Timor-Leste and elsewhere. The Independent Evaluation team also finds that these two accomplishments are directly attributed to the efforts of two highly motivated and self-directed teams, who, largely, functioned as independent and autonomous projects within the overall structure of the Justice Sector Support Facility.

The Justice Sector Support Facility has obtained a number of other achievements, albeit more limited in scope. These narrower accomplishments cover a broad spectrum of law and justice activities, ranging from human resource development to solidifying budgetary procedures within justice agencies to enhancing the capacities of the Planning Secretariat within the Ministry of Justice. Of special note is programmatic support for the promulgation of the Justice Sector Strategic Plan, although there is significant controversy whether the Strategic Plan and the Planning Secretariat are appropriately 'owned' by Timor-Leste, for neither, as of this point in time, has achieved its intended objectives.

These secondary accomplishments are institutional capacity building endeavours. Each may have strengthened the 'capacity' of Timor-Leste's justice agencies potentially to deliver better justice, safety, and security to the citizens of Timor-Leste by, for instance, increasing the 'capacity' of District Courts to hear cases. None of these achievements, however, has been shown to have improved substantive service delivery and, unlike the integrated information management system they are less strategic in scope. Consequently, it is the Independent Evaluation team's judgment that these accomplishments are best understood as "foundational building blocks," upon which, at some future date, improvements in service delivery could potentially be grounded. The important caveat is that there is no necessary causal relationship or cogent 'model of change' between the support provided by the Justice Sector Support Facility, these precursor achievements, and that potential improvement in law and justice service to Timorese citizens.

At another level, the Justice Sector Support Facility had, originally, proposed to support a number of activities, but, over time, did not undertake. The principal issue, pertinent to this Independent Evaluation, revolves around the program's strategic and programmatic decision-making process rather than which law and justice development initiatives were or were not conducted. This distinction cannot be sufficiently emphasised, for it is the judgment of the Independent Evaluation team, based upon the available information to which it had access, that the Justice Sector Support Facility's strategic programmatic decision-making was poor and diluted the program's overall effectiveness. In particular, based upon the evidence made available to it, the Independent Evaluation team concludes that stronger strategic decision-making would have enabled the Justice Sector Support Facility to pursue a number of initiatives that would have been complementary to and could have been built upon the emerging achievements of the integrated information management system and work of the NGOs funded through the grants process. Not having done so has degraded the overall effectiveness of the program.

With regard to the efficiency of the Justice Sector Support Facility's management, the Independent Evaluation team has observed that the program's monitoring and evaluation record is deficient. The existing monitoring and evaluation arrangements do not reflect sound development practice, as they rely, primarily, on the recording of inputs and outputs. Consequently, results/outcome data is, largely, absent. The poor monitoring and evaluation record is reflected in the amount of monies dedicated to performance appraisal, which, according to the program's own accounting, is only 0.5% of the total Justice Sector Support Facility budget, significantly below the current AusAID standard of between 5.0 – 7.0%. The issue is not that AusAID has, in the last two or more years, changed the standards by which it undertakes monitoring and evaluation, given the labours undertaken since 2008 by Country Offices in Papua New Guinea and the Solomon Islands. The question, at hand, is the performance of the Justice Sector Support Facility's management.

The Independent Evaluation team also observed a notable degree of dispute and discord between the Program Management and operational staff responsible for implementing programmatic endeavours. The level of disagreement and variance of opinion ranged across numerous issues and facts, from the drafting of terms of reference; budgeting and budget planning; to the extent of managerial direction offered to the program's implementing teams. The Independent Evaluation team considers that the level of discord and dispute within the Justice Sector Support Facility is emblematic of the performance of Program Management and, coupled with its poor monitoring and evaluation record, the Independent Evaluation team concludes that it has been substandard.

For the remaining months of the Justice Sector Support Facility, the Independent Facility team recommends that:

- a prevalence study of violence against women be included in its anticipated justice perceptions study;
- an empirical analysis of the effects of a woman's stay in a safe house be undertaken;
- the contract of the existing monitoring and evaluation consultant be extended; and
- the funding for Asosiasaun Advogadu Timor Lorosa'e, an organisation of private lawyers in Timor-Leste, be split between its legal aid and development of a Bar Association initiatives, with only the former being continued until such time as the organisation officially and publicly endorses amending the law to open up the legal profession's licensing process.

Given a presumed violence against women prevalence rate of 50% or more, the Independent Evaluation team strongly recommends that post-2013, Australian assistance to Timor-Leste make gender equality and ending violence against women its principal development theme under which other, more traditional development endeavours -- such as education, capital infrastructure, health, and the Australian Federal Police's Building Safer Communities -- are mainstreamed. With such a high prevalence rate, it is evident that most development activities in East Timor are, effectively, being held hostage to the effects of the violence perpetuated against women. Donor support for improved health and education delivery cannot produce significant 'value for money,' let alone be effective and productive, if roughly 25% of the Timorese population is partially excluded from full participation in and the benefits of development support because of the violence inflicted upon them. The Independent Evaluation team, therefore, fully endorses the statement made by an AusAID staff person at the 2011 International Bar Association Conference in Dili -- "being healthy without the freedom to make choices, without safety, means nothing." A 50% prevalence rate of violence against women implies that women are not safe and, therefore, are not free to make choices, be healthy, or receive an adequate education.

More narrowly, the Independent Evaluation team recommends that the integrated information management system and the grants-giving initiative be continued post-2013. It is the judgment of the team that Australian support for the information management system should shift away from 'building the system' to utilisation of the system's information. This is a move from the collection of data to its collation, analysis, and operationalisation by the Government of Timor-Leste's justice agencies to improve services. The team also recommends that the grants-giving process be continued and its Suai model of service-delivery be rolled out to other parts of Timor-Leste.

Other activities that the Independent Evaluation team considers that Australian Aid should pursue post-2013 include applied research into the role of

- local authorities in ending violence against women; and
- legal aid and paralegal organisations in delivering justice services in Timor-Leste.

Among the lessons that can be acquired from the experience of the Justice Sector Support Facility beyond the boundaries of Timor-Leste are:

- in post-conflict environments, country programs whose technical assistance is primarily geared to support recipient country's institutional capacity development in coordination, policy formulation, and strategic planning tend to be unproductive, and, sometimes, counterproductive;
- the grants-giving process of remodelling standard training exercises to be a combination of 'accompaniment' and 'socialisation,' the latter based upon an epidemiological model, appears to be effective and replicable;
- the grants-giving process of transitioning from an initial 'venture capital' to NGOs to a 'champions' model, centred upon core funding, appears to be effective and replicable;
- all Australian Aid support for law and justice training exercises required systematic monitoring and evaluation to be integrated into them; and
- designing development programs, especially law and justice endeavours, in the run-up to an election is unproductive.

Introduction

I. *Activity Background*

Written for Australian Aid (AusAID), the following report is an Independent Evaluation (IE) of the AusAID Timor-Leste Justice Sector Support Facility (JSSF and/or Facility), which was launched in February 2008 and is scheduled to end in February 2013. With approximately eleven months of activities remaining in the Facility's lifespan, this IE is being conducted nearly two years later than was envisaged in its original contract.¹

AusAID, Timor-Leste, assembled the IE team. It comprised four persons, Eric Scheye (team leader), Bernard Pearce (AusAID Adviser, Ending Violence Against Women), Gordon Peake (consultant), and Robin Perry (AusAID Adviser, Law and Justice Unit). The IE team began its work in Timor-Leste on 16 January and completed its in-country assignment on 1 February 2012, a total of fifteen working days. Such a short period of time is too limited to conduct a systematic and in-depth evaluation of each and every endeavour undertaken by a law and justice program that has been operating for almost four years, since its inauguration in June 2008.²

Periodically throughout its work in Timor-Leste, the IE team was joined by Assistant Director, Governance & Humanitarian, AusAID, Timor-Leste. Additional meetings were held with other AusAID officials, including three meetings with Minister-Counsellor, AusAID, Timor-Leste.

While in Timor-Leste, the IE team operated, most often, in two groups, one concentrating on questions concerning ending violence against women and the other on all other law and justice issues. The majority of the time was spent in Dili, where the IE team met with a wide range of national and international stakeholders. Each group travelled outside the capital for a period of 3-4 days. The ending violence against women cluster visited Suai, in Covalima district, in order to obtain an appreciation of how the Facility's activities functioned there. The other team, with a wider mandate to become sensitised, more generally, to how the Facility operated in the districts and worked with beneficiaries, journeyed east to Baucau and, thereafter, to the Districts of Lautem and Viqueque.

The IE team met with many stakeholders within Government of Timor-Leste (GoTL) ministries, agencies and courts. It must be pointed out, however, that the IE team was unable to meet with and interview two key JSSF interlocutors, Minister of Justice, Lucia Brandão Freitas Lobato, and the Vice-Minister of Justice, Ivo Jorge Valente. In its years of accumulated experience, the IE team cannot recall an instance when members of an evaluation were unable to meet with the most senior ministerial officials when conducting a field mission.

II. *Evaluation Objectives*

The principal purposes of the IE are three-fold:³

- capture results and lessons from the first four years of implementation;

¹ AusAID, *Schedule 1 – Scope of Services, East Timor Justice Sector Support Facility, Contract 45200*, p.15.

² AusAID, *2008 Annual Program Performance Report for Timor-Leste Program (2008)*, p. 18. It was the case, however, that individual members of the JSSF may have been in Timor-Leste prior to the June inauguration.

³ See Annex A for the IE team's Terms of Reference.

- ensure the program maximises the sustainability of JSSF's achievements in its last year; and
- inform the key management decisions regarding whether, to what extent, and in what form, AusAID might continue to support law and justice activities in Timor-Leste in 2013 and beyond.

More specifically, this IE has endeavoured to assess the Facility with regard to its:

- **results:** review performance in terms of effectiveness and efficiency, with a particular emphasis on violence against women;
- **sustainability of those results;** and
- **broader learning:** draw lessons about development programming relevant for Australia's country program in Timor-Leste.

It is important to note, however, that this IE was never meant to be a full-fledged impact evaluation of the JSSF, adhering to the complete panoply of OECD assessment categories and criteria -- relevance, effectiveness, efficiency, impact, sustainability, gender equality, monitoring and evaluation (M&E), analysis and learning, and lessons learning. Instead, this IE was explicitly and much more narrowly focused to assist AusAID in its preparation for the initiation of a new program of development assistance in Timor-Leste in 2013, one that does not include a separate and distinct law and justice component. Consequently, this IE Report does not delve deeply into a host of expected evaluation issues, such as a whole scale 'value for money' assessment of each of the JSSF's endeavours. It does not plumb Facility activities that have long since been discontinued and for which the Facility has no expectations to resurrect. The IE team did also not address, at any length, questions of whether Facility activities were of relevance to the needs of Timorese citizens, as such issues lie largely outside the purview of the ToR. Finally, this IE Report does not rate the Facility according to AusAID's Evaluation Criteria Ratings, according to explicit instructions it received from AusAID.

The IE Report also does not consider, in any detail, the activities of the Timor-Leste Police Development Program (TLPDP), the second major justice-related program supported by Australia. Implemented by the Australian Federal Police (AFP), the TLPDP works mainly with the Timorese police service and, to a lesser extent, the Office of the Secretary of State-Security and Office of Prosecutor-General (OPG). Elements of the TLPDP and JSSF work on common areas and brief reference will be made to these in the IE Report. AusAID, however, explicitly told the IE Team that the TLPDP was not a topic that this evaluation was to address. The IE Report, therefore, adheres strictly to the instructions it has received.⁴

At the same time, although the ToR instructed the IE team to inform future AusAID programming in 2012 and beyond, the team was unambiguously instructed on a number of occasions by AusAID that it was not to engage in pre-design program work, as that lay solely within the purview of the Country Office and was to be initiated after the completion of the evaluation. Consequently, this IE Report does not venture into pre-design programming terrain.

⁴ The IE Team was told that a separate and independent evaluation of the TLPDP is to be undertaken in mid-2012.

III. *Evaluation Methodology*

This IE report is written to correspond strictly to the team's Evaluation Methodology,⁵ agreed to by AusAID Timor-Leste prior to the team's arrival in Dili. The methodology the IE team used to conduct its work was a mixed-method approach, based upon: (a) document review and desk analysis and (b) fieldwork consultations, which included interviews and focus group discussions.⁶

It should be noted that consultations extended beyond the IE team's in-country stay. The IE team continued to interview and re-interview many of its interlocutors throughout February and March, a reflection of the importance with which the team weighs oral testimony. In the view of the IE team oral evidence is one of the only methods by which the voices of those conducting law and justice programs can be accurately heard in a clear and unmediated fashion. It is also one of the few ways for according the judgments and opinions of the beneficiaries of donor-supported law and justice programming the respect they deserve. For these reasons, the IE team has included in this Report numerous quotes from its interviewees. To assure the reliability and validity of these citations, the IE team sought and obtained written permission from Facility staff whose quotes appear in this Report. The IE team has also granted anonymity to all interviewees.

The JSSF and AusAid Timor-Leste provided written documentation to the IE team prior to its arrival, while in Timor-Leste, and afterward, as well. The IE team also conducted its own document research, collecting materials from a variety of sources. Once assembled, the IE team had documentary evidence from, but not limited to, GoTL studies, academic and scholarly articles and research reports, perception surveys, independent reviews of the Timorese justice sector, Facility program design documents, GoTL policy statements, Facility work plans, financial and budget records, progress reports, AusAID Annual Reports, and emails.

In addition to grounding the IE team's findings and recommendations in a multitude of sources, the mixed-method approach ensured that the IE team's conclusions are also based upon a range of techniques, including, but not limited to:

- "data culled from a variety of sources;
- the use of multiple perspectives to interpret the data;
- the use of a team of evaluators, each of whom comes to law and justice development from a unique standpoint...; and
- participatory techniques."⁷

Additionally, the mixed-method approach facilitated the IE team's ability to use various analytic techniques as it conducted its work, "including induction (discovery of patterns); deduction (testing of theories); and abduction (uncovering explanations), the combination of which will produce more valid and reliable evaluation findings."⁸

When combined, the IE team's approach enabled it to use multiple sources and techniques to verify, double check, and triangulate individual claims and team findings to ensure that they were reliable, valid, and verifiable. In some instances that meant different types of sources, including, but not limited to, scholarly articles, annual reports, and interviews. In other cases it referred to interviews with multiple individuals. In such instances, triangulation and verification depended

⁵ For a copy of the IE team's Evaluation Methodology, see Annex B.

⁶ For a schedule of the IE team's fieldwork consultations, see Annex C.

⁷ *Justice Sector Support Facility, Evaluation Plan*, p. 5.

⁸ *Ibid*, pp. 5-6.

upon those individuals having been interviewed separately by the IE team and not belonging to the same organisational unit to guarantee the reliability, validity, and verifiability of its findings.

Because of high levels of discord and disagreement within the Facility -- between JSSF practitioners and their Program Management -- the IE team was faced with a number of instances of conflicting claims grounded upon difference types of evidence and/or different personal perspectives. For example, the divergence of opinion between Facility staff and Program Management regarding Facility budgets, their preparation and execution, is vast and irreconcilable and on a level beyond which the IE team has experienced in its accumulated years of law and justice practice.

In another instance of competing claims, the IE team had to weigh different types of written documentation to analyse the findings of a table published in Facility 2009 Annual Report. One document stated, “the Facility helped prepare the 2008 [GoTL] budgets”⁹ of the Ministry of Justice (MoJ), Courts, and Office of the Prosecutor-General (OPG). While the initial 2008 GoTL budget had been prepared in December 2007, prior to the commencement of the Facility, the Council of Ministers passed an amended 2008 budget on 18 June 2008, which was thereafter sent to Parliament for approval. Given that AusAID has, in a public document, stated that the JSSF began in June 2008, the length of time during which Facility staff could have actively and productively participated in budget preparations would have been limited.¹⁰

In each of these instances, the challenge for the IE Team was to consider the competing claims in order to reach sound and dependable findings. This is *not* a question of the veracity of any one or more sources, but the IE team’s professional responsibility to determine in which direction the preponderance of evidence lies. The mixed-method approach outlined in the methodology enabled the IE team to weigh conflicting claims and arrive at what it considers are valid, reliable, and verifiable findings. At the same time, the IE team acknowledges that interested parties may come to different conclusions.

The IE team also had to address a number of other evidentiary challenges in its attempts to analyse and weigh competing claims. First, there appears to be a dearth of records detailing many of the Facility’s decisions, explicating the choices made and the reasons why they were made in the ways they were. The absence of written evidence concerning the Facility’s programmatic decisions and strategic directions has been seconded by a Facility staff member, who has extensive knowledge of the situation, and who has stated that there is little in the files “capturing the Facility’s approaches and strategies..., the failed attempts to get traction... There is little evidence; it simply doesn’t seem to be indicated anywhere.”

As a result, the IE Team has been working on an incomplete evidentiary base, one that appears to have been of the Facility’s own making. In an attempt to address this challenge, the IE team requested, on numerous occasions, that AusAID provide additional documentation aware that its files contain written evidence crucial to the team’s ability to weigh conflicting claims and produce a valid, reliable, and verifiable IE Report.¹¹ The IE team concludes, however, that it has

⁹ Email to IE team, 26 March 2012.

¹⁰ Although the Facility’s Program Manager was on the ground in Timor-Leste in March 2008, along with one of staff person, the Memorandum of Understanding between AusAID and GRM, the contractor, was signed only in June. The IE team, however, has received no reliable, valid, and verifiable evidence to certify the claim that Facility staff were *significantly* involved in the preparation of the June budget amendment.

¹¹ Emails sent by IE team to Dili Post on 12,19, 21, 29, and 30 March; 3 and 4 April 2012.

not been given sufficient access to Facility-AusAID documentation. The written record indicates that there are vital emails and other forms of correspondence between the Facility's Program Management and AusAID to which the IE team has not been granted access.

There were also instances when the written and oral evidence provided by a citizen of Timor-Leste contradicted each another. For example, one of the leading writers of a document when interviewed argued positions that were explicitly different from those he had previously authored. It is the IE team's experience and judgment that an individual's written and oral testimony often differ in post-conflict and fragile environments, such as Timor-Leste. This may be due to a number of reasons, one of which is the influence international experts and donor governments have on the production, language, and substance of written documents. Written documents, as is the case in Timor-Leste, often have the imprimatur of foreign guidance¹² and may not reflect the deeper realities and wishes of individuals and/or domestic constituencies, those that may be financially and politically dependent on international largess. In such cases, oral testimony can, frequently, carry more weight. It was the IE team's obligation to balance the evidence and the team accepts the criticism of readers who may not be privy to the sources of the oral testimony the IE team has gathered. The IE team strongly adheres to the anonymity of its interviewees and in such circumstances, where the written and oral evidence are contradictory, the team has maintained its silence as to the identity of its sources.

IV. *Structure of Evaluation Report*

This IE Report is divided into three main sections, Introduction; Evaluation Findings; and Conclusions, Recommendations, and Lessons Learned.

The body of the IE Report is contained in the Evaluation Findings section, which is further subdivided into four parts: Context; Findings; Management Efficiency; and Sustainability. In turn, the Findings and Management Efficiency parts are, themselves, broken down into three areas. For Findings, these three areas are Notable Achievements (IIMS and Grants Team), Institutional Capacity Development, and Missed Opportunities, which is a discussion of the Facility's strategic and programmatic decision-making.

For Management Efficiency, the three parts are M&E, Facility Management, and AusAID managerial oversight.

The last section, Conclusions, Recommendations, and Lessons Learned, is also further subdivided. The Conclusions summarizes the IE team's findings. The Recommendations subdivision, first, discusses the team's suggestions as to changes the Facility may wish to institute prior to the cessation of its operations in 2013. Thereafter, the Report offers a series of recommendations for AusAID for the post-2013 period and, then, outlines a number of lessons learned that the IE team drew from the Facility's four years of activity. The IE team recognises that it is AusAID's prerogative to accept or not accept its recommendations.

Evaluation Findings

I. *Context*

¹² Sometimes, these documents may even be written in a language that the majority of Timorese cannot comprehend. For example, most of the documentation relating to the National Priorities process, which was intended to ensure that donor plans were aligned with GoTL, tended to be produced only in English.

A. Timor-Leste

Prior to the establishment of the JSSF, most Australian assistance to the Timor-Leste justice sector had been channelled through the UNDP Justice Sector Program, which predominantly adopted an institutional capacity development model through the provision of ‘in-line’ staff and technical advisers. In this sense, the Facility has been built upon years of Australian support to the law and justice institutions of Timor-Leste, albeit conducted by UNDP, and, therefore, can be considered a continuation of past support.

The 2006 political crisis, when many Timorese institutions either unravelled or were shown not to function properly, compelled donors to rethink their approaches. Consequently, AusAID recognised “the need for a more significant program of support to the justice sector.”¹³ What was required, AusAID believed, was a long-term bilateral program “with a broad focus on institutions right across the sector, including justice oversight institutions and appropriate support for civil society actors... [whose] funding mechanism should be flexible to meet emerging needs and allow for ‘progressive engagement.’”¹⁴

The task AusAID set for itself was a considerable one, given both the nascent nature of Timor-Leste’s law and justice agencies and the lack of significant progress encountered during the first seven years of international law and justice development assistance.¹⁵ According to an Asia Foundation study commissioned by the JSSF, in 2008-09, significant numbers of Timorese did not have a basic awareness of what their state justice institutions were meant to do.¹⁶ The survey also found that the vast majority of disputes were not resolved through the courts, but through a range of informal, community-based, customary systems. According to AusAID, “only 4 per cent of women who experience violence seek help from the police.”¹⁷ Another AusAID study, echoing this finding, reported that nearly 90% of all domestic violence cases in the country were

¹³ AusAID, *Schedule 1 – Scope of Services, East Timor Justice Sector Support Facility, Contract 45200*, p. 2.

¹⁴ *Ibid*, pp. 2-3.

¹⁵ The Center for International Conflict Resolution (CICR) at Columbia University *Timor Leste Conflict Assessment* (2004), available at <http://www.cicr-columbia.org/wp-content/uploads/2011/06/Timor-Leste-Conflict-Assessment-2004.pdf>; David Cohen *Indifference and Accountability: The United Nations and the Politics of International Justice in East Timor* (Hawaii: East West Centre 2006); Andrew Harrington *Institutions and the East Timorese experience. East Timor Law Journal*, (2006); International Centre for Transitional Justice. *Security Sector Reform in Timor-Leste*, (2009), available at <http://ictj.org/publication/security-sector-reform-timor-leste>; and *The Justice System of Timor-Leste: An Independent Comprehensive Needs Assessment* (2009); United States Agency for International Development *The Crisis in Timor-Leste: Causes, Consequences and Options for Conflict Management and Mitigation* (2006); Norwegian Agency for Development Cooperation *NORAD Review of Development Cooperation in Timor-Leste: Final Report* (2007). Many observers believe that the already significant challenge of creating a diverse range of new agencies from the ground up -- and the laws to regulate them -- was complicated further by the decision to make Portuguese the language of the justice system in a country in which Portuguese was the mother tongue of a miniscule percentage of the population and justice actors are working in a language in which they have minimal, if any, proficiency, see Andrew Marriot ‘Justice Sector Dynamics in Timor-Leste: Institutions and Individuals’ *Asian Politics & Policy* (2012) Volume 4,1 pp. 53-71.

¹⁶ Asia Foundation, *Law and Justice in Timor-Leste: A Survey of Citizen Awareness and Attitudes Regarding Law and Justice 2008*.

¹⁷ AusAID, *AusAID Timor-Leste Cooperation Development Report (2010)*, p. 26.

dealt with through ‘traditional justice’ mechanisms.¹⁸ To put it another way, the formal state justice system was and largely remains marginal to the lives of vast majority of Timorese citizens and, furthermore, that a law and justice program that predominantly concentrated on building the capacities of the formal state institutions, while necessary, would not necessarily be addressing their concrete, immediate needs.

Australian attempts to develop a new justice sector program were also complicated by intra-donor politics. When a bi-lateral AusAID program was initially mooted the concept elicited suspicion and mistrust from fellow international law and justice development actors. According to those working in law and justice development in Timor-Leste at the time, there was a sense that the Facility was intruding on already demarcated ‘turf.’ Suspicions were also voiced as to why Australia -- an English-speaking country with a common law system -- wanted to work within a civil law system in which Portuguese was the predominant language of legal discourse. As a result, JSSF staff had to spend time and effort in the early years correcting negative perceptions about the program and Australia’s supposed intentions. In the view of the IE team the JSSF has, in the main, established good horizontal working relations with its donor counterparts -- UNMIT, UNDP, and, importantly, the Portuguese -- and this is an achievement that should be lauded.

The Facility was also designed amid a period of political flux. The initial planning and design for the Facility took place in late 2006 at the end of one Timorese administration - the FRETILIN government led by interim Prime Minister Jose Ramos-Horta.¹⁹ Program implementation, however, began under very changed political circumstances. FRETILIN had lost its parliamentary majority in the 2007 elections and was replaced by a coalition of parties led by Kay Rala ‘Xanana’ Gusmão. The new Prime Minister appointed the independence activist and lawyer Lucia Brandão Freitas Lobato as his Minister for Justice. Crucially, neither the new Prime Minister nor his Minister of Justice had been involved in the discussions that led to the program’s design. Nor, prior to the arrival of the Facility’s staff, was either figure consulted, in detail, as to what their vision for the JSSF might be. Notably, the incoming government’s five-year plan, which included justice development, made no mention of the forthcoming Australian program or any other donor supported law and justice initiative.²⁰

Like most new administrations elected democratically, the new government came in with its own plans and visions and was not predisposed to follow policy directions laid out by a government led by its political rivals. For example, among the institutional and policy changes implemented upon his assumption of office, the new Prime Minister substantially restructured various institutions of state, consolidating previously separate ministries into one²¹ and establishing two ministries where previously there had only been one.²² Among other changes, Gusmão upgraded the Office of the Promotion of Gender Equality (specified in the original design of the JSSF) from a bureau within the office of Prime Minister into a fully-fledged Secretariat of State.

B. Program History - Initial

¹⁸ Australian Government/AusAid. *Responding to violence against women in Melanesia and East Timor* (2009) p. 109.

¹⁹ Jose Ramos-Horta was Prime Minister from June 2006-May 2007 following the resignation of Mari Alkatiri.

²⁰ Democratic Republic of Timor-Leste, *IV Constitutional Government Program 2007-2012* (2007).

²¹ The Ministry of Infrastructure, State Administration and Defence & Security are examples of conjoined institutions.

²² The new Ministries of Economy and Development & Commerce, Tourism and Industry are an example of where the government created two ministries whereas previously there was only one.

GRM International won the bid for the JSSF in February 2008 and, as already indicated, according to AusAID documentation, substantive in-country work began only in June.²³ As specified in the Head Contract, the overarching objective of the program was to “contribute to stability and prosperity in East Timor by helping to provide equal and timely access to justice for all men, women and children.”²⁴ To accomplish that goal, the Facility was divided into three components. The first component focused on support to the ‘core’ justice institutions so that they could meet their corporate management and administrative responsibilities. The second component concentrated on supporting civil society organisations (women NGOs, legal and human rights NGOs, private lawyers) to enable them to have greater voice. The third and final component was entitled Facility Coordination, Management & Performance Assessment and was designed to work on corporate governance and communication between GoTL, UN, Australia, and other partners; annual planning; budgeting and review; activity design support; sub-contracting; financial management and performance monitoring. Among the annexes attached to the Head Contract was an elaborate Monitoring and Evaluation Framework.²⁵ Under the Framework, each adviser would work to an individual plan, logic diagram and log-frame that would be the subject of annual review.²⁶

In the view of the IE team, the original JSSF design was extremely ambitious, targeted as it was to, virtually, the entire spectrum of law and justice actors. A number of interviewees acknowledged this, characterising the Facility as a ‘supply side’ program. The IE team finds that this description accurately portrays a program where Technical Advisers (TA) were placed within almost every GoTL institution and agency to work for and with that institution’s senior management.²⁷ The 2009 Facility Annual Report confirms this perception, noting that TA was far and away the dominant delivery mechanism within the program, with 87% of the JSSF’s budget in its first eighteen months being spent on expatriate advisers.

In the professional judgement of the IE Team, the JSSF’s approach, as articulated in the Head Contract, corresponded very much to what an Office of Development Effectiveness (ODE) draft report on law and justice terms ‘organisational capacity development.’²⁸ As defined in the draft

²³ *Annual Performance Report for Timor-Leste (2008)*, p. 18.

²⁴ The Head Contract noted that new facility would also adhere to ten ‘general principles and strategies’. These were: aligning donor support with GoTL policies, priorities and operational plans; achieving results at the sectoral/national level, not simply the provision of inputs and implementation of activities; access to justice; budget spending; holistic and long-term capacity building approach; balance between formal justice and civil society and donor co-ordination and harmonisation; provide coherent and clear framework for Australian support; long-term perspective; and flexibility and responsiveness.

²⁵ The Framework envisaged that the sixteen activities conducted by JSSF groups would, together, result in seventeen specified immediate outcomes. These ‘immediate outcomes’ would, in turn, flowing onto three intermediate outcomes and, subsequence, cascade on to realising the program’s ultimate goal of timely justice for all. *East Timor Justice Sector Support Facility Monitoring and Evaluation Framework (Annex 56)*, p. 374.

²⁶ *Ibid*, p. 377.

²⁷ Support was to include: training, computerised case management system, prison management, monitoring and evaluation, financial management, procurement and anti-corruption management, human resource management and development, general administration and information technology, access to justice initiatives, human rights endeavours, and gender equality programming, see *AusAID, Schedule 1 – Scope of Services, East Timor Justice Sector Support Facility, Contract 45200*. Based upon this, it is not surprising that interviewees, including AusAID officials, observed that the original design was firmly ensconced within an institutional capacity development model; was overly ambitious; had little unifying focus; did not enumerate targeted outcomes/results; and had “no boundaries.”

²⁸ Marcus Cox, Emile Duituturaga & Eric Scheye *ODE Evaluation of Australian Law and Justice Assistance: Synthesis Report* (Discussion Draft 18 December 2011).

report, this model centres on training and equipping formal state law and justice agencies and their staff, together with support for management systems and processes. The expectation is that increases in organisational capacity, particularly in core functions like planning, budgeting and human resource management, will translate into improvements in the scope and quality of justice services.²⁹

Although organisational capacity building is the by far the dominant model of justice assistance provided under the Australian law and justice programming, the draft report for the ODE's law and justice evaluation expresses doubt as to whether it is always the most effective. Mirroring the conclusions of the 2011 World Development Report, the ODE draft elucidates why organisational capacity building programs are "slow to emerge and difficult to measure, leaving considerable uncertainty as to the whether the programmes were on-track to achieve their intended goals."³⁰ The ODE review concluded that more concrete and quantifiable results were more likely to emerge from what it characterises as 'service delivery', 'problem-solving' and 'thematic' approaches.³¹

C. Alterations to the Facility's Original Design in 2009 and 2010

The Facility's design has been modified on a number of occasions since the beginning of its operations in Timor-Leste. Each of the iterations has progressively scaled back the scope and ambition of the 2008 Head Contract. A 148-page Implementation Framework was completed in May 2009, barely 11 months after the Facility's official launch in June 2008.³² The Implementation Framework represented a "reinterpretation" of the original design document and provided an exceptional amount of detail as to the directions in which the JSSF intended to move.

The Implementation Framework reduced the JSSF's component objectives from three to two, which were now termed, respectively, 'Corporate Management Support for Core Institutions' and 'Civil Society Demand for Justice.' The 'Core Institutions' component had five subsidiary areas of support: MoJ, OPG and Courts, HR Management, and Planning and Financial Management. The 'Civil Society' component had six sub-components: Suai Access to Justice Program, civil society organisational development, addressing violence against women, community justice research, promoting access to information and development of a lawyers' association. There was no mention of the third component -- Facility Coordination, Management & Performance -- in this or subsequent programmatic revisions. Despite its "reinterpretation," the Implementation Framework stated that the Facility would continue to concentrate heavily, "as its core business," on supporting "within justice institutions strategic **plans**, annual action **plans** and budgets and human resource development **plans** (emphasis added)."³³ In other words, modifications notwithstanding, the overarching and original institutional capacity development approach remained firmly in place.

In a revision of the original Evaluation Framework, a Performance Management Framework against which progress would be measured was adopted six months later in November 2009. The first assessment of the JSSF using the new Performance Management Framework took place a month later and revealed a number of additional changes since the publication of the

²⁹ The UNDP Justice Sector Program that Australia had supported since its establishment in 2003 very much corresponded to this type of approach.

³⁰ *ODE Evaluation of Australian Law and Justice Assistance*, p.13

³¹ See Annex D for a description of the various models of change in the justice sector.

³² *JSSF Implementation Framework 2009*, p.5

³³ *2009 Justice Implementation Framework*, p. 13.

Implementation Framework in May of the year. Seven initiatives were listed as discontinued³⁴ and eight were ranked as accomplishments.³⁵ The report also pointed to a number of “areas of improvement” and suggested “opportunities to build on success” for the upcoming year and beyond.³⁶

Following soon thereafter, the JSSF produced an 88-page Annual Work Plan for 2010 to guide their future endeavours.³⁷ The plan “based on detailed discussions with GoTL leaders and AusAid”³⁸ also aimed to align the program to the 2009-2014 Australia-Timor Leste Country Strategy, which no longer included explicit references to law and justice development. Although justice development appeared to be an AusAID priority in 2006, by 2009 it had been superseded by other support endeavours and the IE team could not find any explanation for this change in emphasis. JSSF staff also told the IE Team that they were perplexed by the omission of ‘justice’ from the new AusAID Country Strategy.

Working to a budget reduced by \$3 million, the 2010 Annual Work Plan kept the two component parts of the Facility, but pared down the number of sub-components in component one from six to just two.³⁹ The plan expanded the “addressing violence against women” component to also include “girls.” Nevertheless, according to the 2010 AusAID Timor-Leste Development Cooperation Report, only 0.3% of the total AusAID development budget was specifically dedicated to ending violence against women, even as the same report noted an extremely high rate of violence against women.⁴⁰

The 2010 Work Plan was issued at around the time that AusAID was conducting a comprehensive review of adviser positions and assessing whether TA, assigned to work inside GoTL institutions, was the most appropriate and value-for-money response to meet agreed development needs. By encouraging programs to be more judicious in their use of advisers, AusAID’s intention was, as the IE team was informed, to expand and be creative about the range of programmatic options available.

³⁴ Commenced activities that were subsequently halted were Support to links between civil society, Government and Parliament; Program of institutional support to Public Defenders Office; Victimization survey – violence against women; Assistance with juvenile justice legislation and follow on activities; Support to establishment of Inspection Unit in MoJ; Gender responsive budgeting and Access to information (Activity Group) – including strategic plan for MoJ, support to media and other activities p. 29

³⁵ The successes identified in 2008-9 were: “facilitation and coordination of a participatory approach to discuss, define and draft the sector strategic planning process, resulting in a draft Sector Strategic Plan ready for approval; improvements in the definition of institutional budgets for OPG, MoJ and Courts; support provided to Courts, OPG and PDO services in districts resulting in increased capacity to process cases processed, and better infrastructure, equipment and logistics; ongoing development of the OPG – organisational, professional, case management; establishment of the Suai Access to Justice Program; training of over 100 civil service organisations in governance and management, including the Church; design and implementation of a grants mechanism resulting in the selection of recipients for *Servisu ba Justisa* Grants; and the drafting of a national policy on ‘gender justice’ or ‘improving access to justice for women,’ *Ibid*, p. 24.

³⁶ *Ibid*, pp. 24-26.

³⁷ The 2010 JSSF plan included six annexes: a planning framework, a risk management matrix, a facility design change frame (which was blank), a copy of National Priorities – Working Group 4 goals and objectives, and copy of the Justice Sector Strategic Plan

³⁸ *East Timor Justice Sector Support Facility 2010 Annual Work Plan*, p.1

³⁹ These sub-components were ‘support to implementation of the Sector Strategic Plan’ and Support to Institutions.’

⁴⁰ *AusAID Timor-Leste Development Cooperation Report, 2010*, p. 4.

Thereafter, the Facility's 2010 Annual Report assessed its own performance against the plan and also aimed to "inform planning for 2011-12 and contribute to the current evaluation around Australia's engagement in law and justice in Timor-Leste and elsewhere."⁴¹ The 2010 Annual Report noted that thirteen of the fifteen activities in Institutional Development portfolio and all fifteen activities in civil society were on target.⁴² However, in sharp contrast, the Facility's mid-2011 review published just six months later had a much less optimistic assessment of how many activities were on track. Using a different set of categorisations from that used previously -- complicating efforts at comparison and reconciliation -- this mid-2011 review listed twenty-nine activities as on target, eight not yet valid, seven at risk, and two delayed.

D. JSSF Activities at the juncture of the Independent Evaluation

Field research for this IE was conducted at a point when there were approximately eleven months of activities remaining in the JSSF's lifespan.⁴³ By the time of the IE, many of the tasks in the Core Justice Institutions component had been wound down, completed or never started. Moreover, activities that had been undertaken were more circumscribed than the across-sector programming envisaged in the original design documentation and implementation framework. By early 2012, only three main 'core justice institution' activities remained ongoing, which are human resource management, support for the planning secretariat -- coded in a report to the Minister of Justice in 2011 as 'delayed or at risk' -- and the IIMS project.⁴⁴

The second major Facility component was its ending violence against women/access to justice initiative. At the time of the evaluation five (frequently overlapping) activities were reported as being ongoing in the 'Civil Society and Gender Justice' portfolio, namely the grants program, support to key partners, establishment of a Bar Association, gender justice and the Suai access to justice program.

All told, as of 31 January 2012 -- relying exclusively on figures provided to the IE team -- a total of \$14,333,379.05 of the JSSF's \$24.8 million budget has been expended. This spend can, broadly speaking, be broken down into three main categories: (1) \$7,411,617.80 has been spent on 'program management and advisory' (component one) (2) \$3,796,666 has gone to the Grants program (component two); and (3) the remainder has been expended on the Facility's operating expenses.

Again relying only on the Facility's own accounting, a total of \$129,558 has, at various points, been spent on meeting the program's M&E needs, which equates to 0.5% of the total Facility budget.

II. *Findings – Results & Effectiveness*

The Facility has generated a number of accomplishments during its almost four years of existence. Two of these achievements are especially notable: IIMS and the Grants. Based upon the available evidence to which it has been given access, the IE team's judgment is that these two accomplishments are directly attributed to the efforts of two highly motivated and self-directed teams, who, largely and effectively, functioned as independent and autonomous projects within

⁴¹ *JSSF Annual Report 2010*, p. 4.

⁴² *Ibid*, p. 8.

⁴³ *Contract 45200, Schedule 1*, p.15.

⁴⁴ *JSSF, Summary Report on Progress of Activities for Ministry of Justice, 22 December 2011*.

the overall structure of the Facility (as discussed further in Section III on Management Efficiency). The work of these two teams, the IE team concludes, should be accorded full praise, with special recognition given to the teams' respective leadership. These two achievements, the IE team finds, have sufficient value for AusAID to continue supporting them after the cessation of the Facility.

The Facility has also realised a number of other achievements, albeit more limited in scope and less strategic than those achieved by the IIMS and Grants teams.⁴⁵ These narrower accomplishments cover a broad spectrum of law and justice activities, ranging from human resource development to support for building capital infrastructure for the GoTL; from solidifying budgetary procedures within justice institutions and agencies to enhancing the capacities of the Planning Secretariat within the MoJ. One identifiable achievement has been the promulgation of the Justice Sector Strategic Plan (JSSP), an endeavour that the Facility extensively supported.

All of these accomplishments fall under the category of institutional capacity building endeavours, each having strengthened the "capacity" of Timor-Leste's justice agencies potentially to deliver better justice, safety, and security to the citizens of Timor-Leste. Consequently, it is the IE team's judgment that they are best understood as "precursors" or "foundational building blocks," upon which, at some future date, improvements in service delivery could be grounded -- the crucial caveat being that there is no necessary causal relationship between the support provided by the Facility, the achievements attained, and that potential future improvement in service to Timorese citizens. It is for this reason that the IE team concludes that these accomplishments are limited in nature and scope.

At another level, the IE team observed that there were a number of activities that the Facility proposed to undertake, but, over time, did not support. The principal issue, pertinent to this IE, revolves around the JSSF's decision-making process rather than which law and justice development initiatives were or were not conducted by the Facility. This distinction cannot be sufficiently emphasised, for it is the judgment of the IE team that the Facility made poor strategic and programmatic decisions, choices that diluted the JSSF's overall effectiveness. In particular, based upon the evidence made available to it, the IE team concludes that better JSSF strategic decision-making concerning its programmatic options would have enabled the Facility to pursue a number of initiatives that would have been complementary to and could have been built upon the emerging achievements of the IIMS and grants teams, thereby augmenting the overall effectiveness of the Facility.

This section is divided into three parts. The first discussion focuses on the Facility's two achievements -- IIMS and Grants. The second centres upon the Facility's general institutional capacity building achievements that may, in the future, provide the basis upon which better service delivery can be grounded. The third and last segment explores the Facility's decision-making process, analysing forgone law and justice programmatic opportunities. Included in this section is a brief reflection on the 'facility' modality itself.

A. Notable Achievements – IIMS and Grants

1. IIMS: A Problem-Solving Approach

⁴⁵ It is important to note that a number of the Facility's TA positions during the early stages of its implementation were, effectively, in-line functions, required to stabilise the operations and activities of GoTL's law and justice agencies and, therefore, they do not qualify as "development" assistance.

As acknowledged by all, the construction of the IIMS with support of the Facility is, without reservation, a remarkable success and exceptional value for the roughly \$4.6 million spent in the first phase of development through end of 2011.⁴⁶ As far as the IE team is aware, no other development initiative in a post-conflict environment has been able to achieve what the IIMS team has accomplished, the creation of an integrated information system across all justice agencies based upon each case possessing its own unique index number transparent to every law and justice institution.⁴⁷

It must be acknowledged from the outset, however, that the system under construction is, most likely, not sustainable for any length of period without continued international support, if for no other reason that the initiative has been active for little more than two years. This is not to claim that preparatory work did not precede the active engagement of the last two years, but that the system is best described as catalytic. It is also the IE team's judgment that the most appropriate type of support Australia can provide after the cessation of the Facility should be different from what has been provided during the IIMS' initial phase, consisting primarily of assistance in the collation, analysis, and operationalisation of the information collected by the system. Playing an important part in any future assistance will, the IE team believes, be continued support from the TLPDP which, heretofore, has contributed on the police component of the system.⁴⁸

First and foremost, success of the IIMS can be attributed to the self-directed and highly motivated nature and structure of the IIMS team itself, which, for all practical purposes, operated as an independent and autonomous project within the Facility. The second key to its achievement was that, beginning within the OPG and as requested by the OPG, the IIMS team adopted what was, using the language of the ODE review, a 'problem-solving approach'⁴⁹ to a discrete task -- how the GoTL could manage its law and justice information. The IE team acknowledges that its judgment is not shared by some non-IIMS Facility staff, but the team is confident that the history of the IIMS supports this conclusion. The IE team's judgment has not been "presented to fit the problem-solving law and justice programming methodology,"⁵⁰ but has been thoroughly vetted, double checked, and re-verified by the IE team with Facility staff who possess the most knowledge of how the IIMS team functioned and how the team implemented the system.

According to a senior Facility staff person, the IIMS originated in the OPG to solve a discrete problem, for example, "the OPG wanting answers to questions she needed to answer about caseload, backlog." It was from within the OPG that the system germinated and grew, based upon the IIMS team's adoption of a "pragmatic approach," as stated by Facility staff most directly involved. No large high-level coordinating committees were formed; no overarching strategies or plans enunciated; and no detailed policies published.

The success of IIMS was all about pragmatic implementation. A concrete, well-defined problem was identified and progressively tackled, each law and justice agency being brought on board at

⁴⁶ For a detailed evaluation of IIMS, see James McGovern. *Integrated Information Management System Project Internal Review*. 30 November 2011. The IE team was explicitly instructed not to undertake a performance evaluation of the IIMS, but to assess how its work could be taken forward.

⁴⁷ Among the concrete achievements of the IIMS are: establishment of databases (software and hardware) in the OPG, Office of Public Defenders, Corrections and PNTL; training of users; and creation of IT Coordination Group (IT staff from each justice agency) and an Information Management User Group, see *McGovern*.

⁴⁸ As noted in the methodology, an evaluation of the TLPDP's contribution to the IIMS project goes beyond the IE Team's terms of reference.

⁴⁹ See Annex D for a definition of the problem-solving approach.

⁵⁰ Email to IE Team, 22 March 2012, Comments on first draft of IE Report.

its own pace and capacity, corresponding to the context and existing political dynamics. Nevertheless, it is true, according to Facility staff, that the existence of the JSSP facilitated development of the system. The JSSP was “helpful [to the development of the IIMS] because it set the broad picture, the structure and principles” of how an “integrated justice system” is meant to work. But, as this senior Facility staff continued, “the JSSP is generic” and “the IIMS team succeeded because we imposed a singular discipline within our team” -- one dedicated to solving a distinct problem in law and justice development.⁵¹

One IIMS team member described the “singular discipline” that defined the IIMS team’s work. “We asked to find out what the problems were and what tools [the Timorese] could bring to solve it.” A Facility staff person noted that the IIMS team began by evaluating how an office, for example the OPG, worked and why it functioned that way. Thereafter, “we sat them down and let them evaluate their own systems.” The process was never conceived as a technological one -- computer automation -- but rather as a governance initiative, a way for the Timorese to “organize their manual systems, manuals, and registries” by standardising processes and procedures. This exemplifies a classic problem-solving approach.

The task of standardising procedures and meeting the specific needs of the various law and justice agencies was a slow, repetitive, and laborious process. It placed the highest priority on “putting Timorese first,” not only in meeting the needs of each agency, as defined by that agency, but also within the IIMS team itself. As a senior Timorese law and justice official stated, “the system *per se* is quite simple. [It was] done in a way that our people could use it, as simple as possible. [The team] listened to us, to what we wanted, what we need the system to do.”⁵² Another high-ranking justice official concurred, stating that IIMS “is based upon what we need here. It lives within the life of our human capacities.”⁵³ Within the Timorese Corrections Service, for example, given the Timorese physiology, the IIMS team discussed how to record the colour of a detained person’s eyes and hair, as well as determine how to systematise birth dates when many of the detained did not know when they were born. This may not seem important to those unfamiliar with database construction, but it is this meticulous attention to detail by placing Timorese first that sets the IIMS apart. The result, according to the recent assessment conducted on the IIMS, was that the team has been “effective in tailoring *individual Agency databases to meet [their information management] need[s]*”⁵⁴ (emphasis added).

The work of the IIMS team has also produced unexpected and, perhaps, long lasting benefits. For instance, at regional international workshops for judges, the Timorese courts have been asked to make presentations regarding the IIMS, which has generated interest in the system in other countries.⁵⁵ It has also given Timorese court personnel a degree of self-confidence and, therefore,

⁵¹ A number of the hurdles to the implementation of the IIMS were political. To gain the necessary political support to implement the system, the IIMS team persuaded the Ambassador of Portugal of the system’s utility and the Ambassador, in turn, employed his political leverage to persuade the relevant, and previously recalcitrant, stakeholders to come on board.

⁵² “It was evident that mid-level managers in all Agencies clearly understood the purpose of the database in their respective Agencies, indicating that the software design team had invested time in working with those who were at the ‘coal face,’” *McGovern*, p. 5.

⁵³ This issue of corresponding to Timorese capacities, human and cultural, sharply separates the IIMS approach from that utilised in the development of the JSSP, with its reliance on expatriate law and justice experts.

⁵⁴ *McGovern*, p. 5.

⁵⁵ The IE team does not assert that the first exposure Timorese judges had to regional conferences is attributable to the IIMS. It is, however, the IE team’s judgment that presenting the IIMS to their regional judicial colleagues has been a boon for Timorese judges.

a greater willingness to open themselves up to the experience and knowledge of their regional counterparts, which they had been reluctant to do previously. “It is helpful for us,” a senior Timorese judge noted, “to link with institutions from other countries and build relationships... It is fundamental for us to learn from other systems to find out which is the best solution for the system we are building here.” This may be particularly important for an expansion of mobile justice, a method of improving access to justice that appears to be not currently favoured by senior Timorese court officials.⁵⁶ More concretely, exposure to regional influences has already begun to persuade Timorese jurists to explore the possibility of applying the Framework of Excellence, a standardised methodology by which to assess judicial performance.

2. Grants for Ending Violence Against Women: A Service-Delivery Approach

The second significant achievement generated by the Facility has been its ending violence against women activities produced through its grant-making process. Based upon a service delivery approach, the Grants team’s accomplishment is due, first, to the innovative process it has developed and, second, to the model the team has piloted by which grantees deliver those services in Suai, Covalima District. This is not to imply that the achievements of the Grants team are limited to Covalima District, for *activities sponsored by the team exist throughout Timor-Leste, in all its thirteen districts*. Rather it is to take special cognisance of and highlight the innovations conceived by the Grants team, which, like the IIMS team, has operated, essentially, as an autonomous, self-directed and motivated project within the JSSF. In the view of the IE team, the Grants team’s work also represents an excellent exemplar of how to translate policy statements about gender equity into deeds on the ground.⁵⁷

If the successes of the IIMS are attributable to its adoption of a ‘problem-solving’ technique, those of the Grants team lie with its choosing a ‘service delivery’ development approach, focusing on the role that NGOs can play in a post-conflict and fragile environment. At the inception of the Facility, as one JSSF staff observed, there was “nothing in the Facility’s design other than generic language on civil society voice.” However, by going out into the field and asking civil society organisations what were among the most pressing law and justice challenges, the leadership of the Grants team recognized early on that violence against women was a massive problem, one that undermines other AusAID development initiatives unless effectively addressed.⁵⁸

⁵⁶ In an interview with a senior Timorese judge, mobile justice was described as not a priority “relative to continued investment in court staff, judges, houses for judges and court staff.” According to the official, “access [to justice] means more district courts, more judges, courthouses. Mobile courts are a transitory way to improve.” In interviews with two other justices, the IE team confirmed and verified the senior judge’s assertion.

⁵⁷ Australia’s commitment to ending violence against women was enshrined late last year in the Australian Aid program’s thematic strategy for gender, see The 2011 AusAID Thematic Strategy “Promoting Opportunities for all: Gender Equality and women’s empowerment” which is founded upon a body of reports, government commitments and policy dialogues which re-state and re-affirm the Australian government’s ‘zero tolerance’ for violence against women and children; AusAID, “Stop Violence: Responding to Violence Against Women in Melanesia and East Timor – Australia’s Response to the ODE Report (2009); International Centre for Research on Women (ICRW) – “Violence against Women in Melanesia and Timor-Leste: Progress made since the 2008 ODE report” (2011).

⁵⁸ It is important to note that JSSF is not the only Australian-funded initiative working on ending violence against women. Ending violence against women is also the portfolio of one AFP adviser within the TLPDP, who works primarily with the Vulnerable Persons Unit of the Timorese police. A total of \$415,634 has been allocated by the TLPDP to 16 projects associated with gender equality/gender-based violence in the two-year period March 2010/12. The full list of AFP-funded projects regarding ending

It was also recognised by the Grants team that the GoTL could not adequately address the scale of the issue, given its resource, budgetary, and capacity constraints. Services, logically then, had to be provided by civil society organisations and the Grants team, therefore, began to design a process by which such services could be effectively and efficiently delivered.

The first step in doing so was to augment the capacities of NGOs so that they would be able, eventually, to provide services in an accountable manner, given the fact that, as the IE team was told, prior to the grants program, many Timorese NGOs were not exemplars of good corporate governance. Boards rarely met; finances and bookkeeping were often chaotic; and filing systems frequently idiosyncratic. This disorganisation meant that many NGOs were unable to meet the frequently exacting reporting requirements of donors and fulfil the expectations expressed in their requests for funding. Accordingly, the Grants team decided that their initial task was to improve NGOs' 'back-office' governance systems. Consequently, the Grants team conducted approximately 50 broad-based basic capacity training sessions attended by over 100 NGOs.⁵⁹

Most importantly, engagement with the recipient NGOs was not structured as a one-off training exercise or as a standard capacity development exercise. Instead, as the Grants team's work evolved, 'training' transformed into 'accompaniment,' which is a process of progressive socialisation more than training *per se*. Not only did the team develop simple grant application templates that can be submitted in English and Tetun. It also provided 'accompanying assistance' to ensure applicants complied with requirements when filling out the documentation. The team also has an 'open door' policy, with the result that NGOs felt and continue to feel comfortable approaching the JSSF, if and when they have questions and concerns. Additionally, Facility staff often travel long distances from Dili to attend the trainings and workshops the team funds. These trips serve as a basic form of monitoring and evaluation that vouchsafes that the activity had been undertaken. They are also a powerful means of communicating interest and exhibiting support.⁶⁰ As the Grants team's initiative developed further, funding was dispensed in tranches rather than in one large grant, so as not to overwhelm the still embryonic corporate systems of the grantees.⁶¹

The team's 'chaperoning' appears to have paid off in terms of better managed NGOs. When members of the IE team visited grant recipients in their offices in Dili and the districts, they heard unstinting praise about the JSSF's flexible approach and open-door policy. One interviewee stated, "before we received finance training we did not have a clear system for disbursing cash. Now a request needs to be double and sometimes triple-signed before money is given out."⁶²

violence against women is listed in Annex E. The IE Team was told that the TLPDP is "currently in the process of reviewing its gender equality program with a view to further increasing its commitment through a rationalisation of goals and strategies that are likely to achieve tangible outcomes in coming years. This will... be carried out in consultation with AusAID in support of an Australian whole of country strategy," Email to IE Team 22 March 2012.

⁵⁹ Manuals on civil society organisational capacity were drafted by the grants team and subsequently used in trainings. These manuals were entitled Fundraising (2008), Corporate Governance (2008), Financial Management (2009) and Management (2009).

⁶⁰ Following the training staff subsequently provide comments to the trainers, a 'feedback loop' that grant recipients in Baucau and Viqueque said was extremely useful in order to refine their approaches in subsequent workshops.

⁶¹ Compared to other grants in Timor-Leste, the funds dispersed by the Grants team to some recipients were large. The dollar (AUS\$) amount presented a financial risk, which appears to have been appropriated mitigated by the team's preparatory training and close monitoring and sign off (or intervention, if required) by the Facility's Finance Manager.

⁶² IE team meetings in Baucau 23 January 2012.

Another NGO instituted employee performance evaluations because of the assistance they received and, furthermore, has requested and received a ‘fundraising expert’ from their Australian NGO partners in an attempt to bolster its non-AusAID revenue streams. Another NGO reported that the Grants team read their reports and, unlike other donors, “did not put them in a drawer.”

With its corporate governance sessions ending, the Grants team decided, in 2009, that it was time to initiate its grants-giving process. Only those organisations who had attended the training sessions were qualified to be awarded a grant. The NGOs funded by JSSF can also be divided into two categories, those that provide direct services and those that socialise beneficiaries by providing information on domestic violence, violence against women, and the law. It was seen as vital to fund both sides of the equation because one without the other is a flawed approach. Raising consciousness alone cannot produce outcomes/results and supporting the provision of services without sensitising and socialising the population as to what their rights are does not address the need to awaken demand for services.⁶³ It is this combination of approaches that permits the work of the Grants team to produce achievements.

Given the dual streams of activities funded, the NGOs’ programming is wide and varied, ranging from legal aid to socialisation on legal terminology; from safe houses for abused women (and their children) to theatre performances introducing different methods of conflict resolution within families; and from the establishment of medical protocols for the use of rape kits to in-home visits to stimulate intra-family conversations about domestic violence. Details of services delivered and socialisation efforts are regularly reported back to the Grants team. The IE team inspected some of these records and considers them professional and well archived.

In the course of its field visits, the IE team met with the beneficiaries of NGO socialisation initiatives to assess whether the information imparted had been absorbed. Unsurprisingly, the results were mixed. During the course of a lively focus group session in Lore, Lautem District, the IE team was impressed by the participants’ retention of knowledge on the legal system that had been imparted a few months previously by the Baucau-based NGO CIESTL. Recipients of the socialisation recited the applicable laws and specified the respective functions of various Timorese judicial actors. Beneficiaries of another socialisation session in Viqueque town were also able to explain recent changes in the law relating to domestic violence.

Other NGO socialisation endeavours appeared to be not as successful. For example, also in the Lautem District, the IE team found beneficiaries who could not recall any salient legal information conveyed during a ‘what is domestic violence’ training they had received five months before. The IE team also observed that the ‘representative of women’ from one *aldeia* appeared unwilling to speak in front of her male peers during a meeting. When the gathering ended, she approached the IE team and whispered that she had been “too scared” to talk. A comparable, albeit different, scenario played out in Suai, regarding information imparted by women beneficiaries to the IE team, only underscoring the cultural challenges facing women in Timor-Leste.

The assistance provided by the Grants team has improved services delivered to vulnerable and abused women.⁶⁴ JSSF resources have, for example, built two *fatin hakmatek* (quiet places), which are attached to the main hospitals in Dili and Oecusse, with another two currently being

⁶³ The 2009 Asia Foundation survey indicated the paucity of Timorese knowledge of their nascent state legal system.

⁶⁴ For a summary of the NGOs funded, the amounts awarded to each NGO, the activities conducted by the each NGO, and the years of operation, see Annex F.

constructed in Maliana and Suai. The Victims Support Service (VSS), which provides legal assistance to survivors,⁶⁵ had 479 referrals between January 2010 and November 2011. Two-thirds of VSS' cases pertain to instances of domestic violence; 15% concern alleged rapes of a minor. The Facility has also supported a wing of a safe house for abused women in the border town of Salele, a place that has been notorious for trafficked women. All eleven beds in the wing, whose construction and maintenance has been paid for by the JSSF, are occupied, at an operational cost of less than \$5,000/woman per annum. While these numbers may appear to be small, the alarming rates of violence against women, as is analysed in detail below, suggest the urgency and importance of the activities that fall within this JSSF initiative.

As of February 2012, based upon figures provided by the JSSF, a total of \$2,606,296 has been dispersed through its grant process. When the grant-giving process was launched in 2009, more than twenty NGOs had qualified for funding. By 2010, that number had been reduced to nineteen and it is expected that in 2012, budgets permitting, only eleven NGOs will receive JSSF funds. This suggests that the team has transitioned from a generalised funding of NGOs, a venture capital method of funding a myriad of organisations, to one that emphasises a 'champions' technique. This means that only those NGOs who have been able, effectively, to deliver services or provide socialisation that has resonance will receive funding in the iterative phases of grant giving. Naturally this requires extensive participation and knowledge on the part of the Grants team to know which of its funded organisations are effective.

The combination of 'accompaniment' with a 'champions' approach is innovative and praiseworthy, as enables the Grants team to provide 'core funding' for salaries and operating costs to a select number of elite NGOs. Time and again, the IE team heard how many donors in Timor-Leste preferred providing funding for discrete activities, with the result that there is little security of employment for NGO staff. Moreover, the Grant team's decision to provide core funding to its grantees pre-empted one of the major conclusions emerging from the Australia and United States facilitated 2011 Policy Dialogue on Ending Violence Against Women that took place, which recommended core funding to NGOs working to end violence against women.

There remains, however, one final and important element of the Grants team's activities -- its work in Covalima District. In Suai, Covalima District, all of the NGOs funded by the Facility, along with the Vulnerable Persons Unit (VPU) of the Timorese police⁶⁶ and other relevant NGOs, come together in a referral network, co-ordinated by the Ministry of Social Solidarity and supported by the Grants team. The network meets regularly, to organise their activities and exchange information. When functioning optimally, the NGOs dedicated to socialisation will enter a target area and conduct their activities. Over a period of time, more than one NGO will work in the same village(s) so that the ending violence against women message is delivered repeatedly and through different mediums. In 2011, for instance, over 1,125 individuals in 5 *sukos*, representing 18% of the population, attended theatre pieces and after-theatre discussion groups dedicated to raising issues pertinent to ending violence against women. During that period, another Facility-funded group conducted conversations on ending violence against women in 900 households in the same *sukos*, comprising 19% of all households in those *sukos*.

This funding of NGO programming is not duplication, but purposeful reinforcement. The Suai referral network has, effectively, adopted *an epidemiological technique that stresses the need 'to*

⁶⁵ In addition to receiving grants, the VSS has also been provided vehicles and costs for fuel so that its staff can travel to meet their clients.

⁶⁶ International organisations are also invited to attend.

cover' 80% of a population in order to begin to change behaviours.⁶⁷ Simultaneously, above and beyond the socialisation efforts, information is also distributed to beneficiaries concerning the NGOs that deliver concrete services -- for example, legal aid, safe houses, forensic examinations, etc. -- so that women who need immediate assistance can have services provided to them, as expeditiously as possible. When operating at peak performance, the conclusion of this process is the arrival of state-delivered mobile justice in the form of the local prosecutor, judge, court clerks, police, and others so that residents of the target area can see a concrete result, the appearance of state-provided law and justice. It is this overlapping, complementary process in which the activities of each NGO supplements that of its counterparts that highlights the activities the Grants team is piloting in Suai, Covalima District.

Finally, it is important to acknowledge that senior GoTL representatives have praised the Grants team's responsive and context-sensitive approach. One senior public servant has noted how the Grants team has kept the government apprised of its work and is consistently respectful of Timorese sovereign institutions. The official praised highly the quality of the Timorese staff within the team and also noted that some expatriate staff within the team speak excellent Tetun, facilitating communications and enhancing the quality of the interactions. "Foreigners often just try to find someone to speak English to which can be frustrating as it means that the majority of Timorese don't get consulted," the senior official averred.

B. Institutional Capacity Development

1. General Achievements

As already discussed, and in contrast to the IIMS and Grants teams, the principal developmental logic underlying the majority of the Facility's initiatives has been an institutional capacity development model. Beginning in 2008, using this approach, the JSSF had located TA within the GoTL's justice agencies to work for and with senior management. This approach has wrought a number of accomplishments. Over the course of almost four years, the Facility has assisted in the laying of financial management and procurement foundations within the MoJ, OPG, and Courts; stabilised human resource management by establishing organisational structures and writing job descriptions for the OPG and Courts; and supported the building of facilities for Timor-Leste's law and justice agencies, along with the provision of essential equipment.

AusAID annual appraisals have identified a number of these discrete activities as significant, but, after its 2008, AusAID has drawn no definitive conclusions regarding the Facility's overall performance or its strategic relevance. In 2009, AusAID observed that the Facility "provided critical support for the formulation and execution of the budget in the Ministry of Justice; and supported restructure and institutional planning processes in the Office of the Prosecutor-General."⁶⁸ In 2010, AusAID reported that Facility support "helped extend judicial services to the districts through the completion of eight prosecutors' houses and support to two mobile court sessions."⁶⁹ AusAID's Annual Performance Report also noted the JSSF's contribution to the "Ministry of Justice and the OPG... to strengthen their administration, leadership, human resource management and budget and financial management."⁷⁰ Undoubtedly, the Facility's

⁶⁷ Behavioural change literature (WHO and UNAIDS) recommends at least 80% of a target population needs to be exhibiting change behaviour (not just receiving information passively) for rates of agreed bad behaviour to be halted and ultimately fall. For example In 2001, the United Nations General Assembly set a target for 80% of pregnant women and their children to have access to essential prevention, treatment and care by 2010 to reduce the proportion of infants infected by HIV by 50%.

⁶⁸ *AusAID Annual Program Performance Report (2009), Timor-Leste*, p. 7.

⁶⁹ *AusAID Annual Program Performance Report (2010), Timor-Leste*, p. 28.

⁷⁰ *Ibid*, p. 27.

support, along with that of many other stakeholders, contributed to GoTL's justice agencies' capacity to process a greater number of cases and the Courts' increased ability to hear cases in four districts on a more regular basis, but it is a separate issue to determine whether those contributions have been strategic in ways that the IIMS, for instance, has been.

In addition to the aforementioned achievements, there are a number of other discrete JSSF endeavours that are worthy of note. The Facility's support to the OPG to address issues of alleged corruption and mismanagement, particularly through underwriting the financial audits of the office, constitutes an important accomplishment. Similarly, JSSF TA supported the management of a tender process for the construction of capital infrastructure, which has been widely commended, including by Prime Minister Xanana Gusmao. In a comparable vein, JSSF's human resource management component has been singled out by the OPG for praise, not only with regard to TA's ability to establish good working relations within the Office, but also in relation to the establishment of sound policies and office structures. Furthermore, this component conducted a training session for personnel based in the districts to enhance their knowledge and skills, which was well designed and, importantly, delivered by GoTL's own justice personnel. This component has also funded educational scholarships for 31 individuals and the training of nine prison managers in South Australia.

As already indicated, this IE was never meant to be a comprehensive OECD/DAC assessment of the Facility's performance, one which delved deeply into the JSSF's impact and relevance or whether the full range of the Facility's activities over its existence has generated "value for money." Consequently the list of general JSSF achievements above is not meant to be exhaustive. Rather it is intended only to be illustrative on two levels. The first dimension is a straightforward recital of the Facility's general accomplishments based upon the institutional capacity development approach. The second is more analytic, a means by which development lessons can be drawn from the Facility's experience.

It is self-evident, for example, that the Facility's support for the construction of Timor-Leste's law and justice capital infrastructure has been important. AusAID assistance has enabled the GoTL to expand access to justice to its citizens in Dili, Baucau, Oecusse, and Covalima. The existence of these facilities offers some Timorese citizens the sense that the capabilities of their state are increasing and the 'state' legal system is moving closer to them. That is, in itself, an intrinsic good. However, that feeling cannot be equated to better justice. It is only a perception of increased confidence of those citizens of Timor-Leste living nearby the new courthouses in the *enhanced potential* of the state to deliver improved law and justice services. The IE team has not seen any valid, reliable, and verifiable evidence that there has been an improvement in services actually delivered.

In other words, while the construction of facilities is a precursor to improved service delivery, such support does not speak directly to or is necessarily causally related to an actual improvement in the delivery of law and justice public services. For example, the IE team met with community members in Lautem, who were the beneficiaries of a socialisation program that culminated in their visiting the court in Baucau. The community members told the IE team about their excitement in visiting an actually working court, but their enthusiasm turned to disenchantment and frustration when, on the day that they visited, all the cases presented before the court had to be postponed because a lawyer had not appeared. This type and level of disappointment can, in fact, undermine whatever benefit accrued to the GoTL by funding the refurbishment of the courthouse. The incident also suggests that the AusAID assistance has not been strategic and is why the IE team concludes that these institutional capacity development achievements are of a

limited nature, at best precursors to future enhancements of justice delivered to the citizens of Timor-Leste.⁷¹

Certainly, the Facility has also provided the blueprint with which the GoTL could build its facilities in a cost effective, accountable, and transparent manner, if that blueprint were to be absorbed by the GoTL. However, it is precisely the challenge of absorption that raises questions regarding the degree to which these limited institutional capacity development achievements have been translated into better service delivery or remain, largely, paper accomplishments, albeit necessary first steps along the very long 41-year institutional capacity development process the World Bank has recently observed is the minimal length of time required to build functional organisations.⁷²

As is discussed below, the absence of sound M&E mechanisms within the Facility precludes the IE team to determine with any degree of reliability and validity the level of GoTL's absorption of these JSSF achievements. Using the Facility's own systems, the primary source of evidence regarding most of the JSSF's institutional capacity development achievements, therefore, is anecdotal. The IE team's analysis of the anecdotal evidence suggests, however, that, while the human resource management support provided by the Facility has established sound organisational structures and solidified procedures within the OPG, these processes have not become rooted because their concepts and principles are foreign to and at odds with Timorese lives, values, and habits. A Facility staff member seconded this hypothesis, observing that the Facility focused support on the human resource process within the OPG, for example, and, thereby, the implementation of new laws and regulations. At the same time, however, this Facility staff person noted that the installed human resource system is 'alien' to the Timorese way of working. In particular, this Facility staff observed that the personnel evaluation system, adopted by the Civil Service Commission, was imported whole-scale from Portugal, and that it was a 'foreign' concept and process.⁷³ Given this assessment by a Facility staff person intimately involved with the development of the system, the IE team has doubts as to the 'ownership' of the system and the depth to which it has been absorbed and used by Timorese civil servants, not to mention its sustainability, which is among the reasons why the team judges these achievements as, at best, limited in nature and scope.

The IE Team finds that a similar conclusion holds for the budgeting and planning assistance that the Facility provided across Timor-Leste's law and justice agencies. It may very well be the case, for example, that the institutions are more adept in generating annual work plans and producing timely budgets, but without coherent M&E there is no reliable, valid, and verifiable data by which to determine whether those work plans and budgets are substantively improved. Furthermore, more coherent and consistent GoTL budgeting systems and work plans, albeit intrinsic goods, do not speak to whether the budgeted monies are being spent in ways that produce better law and justice outcomes/results. In this sense, the Facility's institutional capacity development endeavours are, at most, foundations to potential future improvements to the GoTL's delivery of law and justice. In and of themselves, these achievements are, perhaps, necessary but not

⁷¹ According to development methodologies, the construction of capital infrastructure is an output. It is not an outcome/result. Better service delivery, on the other hand, is most accurately measured using baskets of indicators, the majority of which are outcomes/results. Consequently, it is methodologically inappropriate to attribute improved law and justice service to an expansion of the GoTL's capital infrastructure -- a new building, additional computers, renovated office space -- to which Facility support contributed.

⁷² World Bank, *World Development Report*, 2011.

⁷³ In different but comparable context, this issue of 'foreign' imposition was best expressed by a rural participant of a legal awareness session who told the IE team that "we are from a culture that tells us the same thing since we were born and one or two days of people coming from outside will not change that."⁷³

sufficient indicators of enhanced service delivery.

To put it another way, Timor-Leste's law and justice institutions may now be capable of producing the 'form' of annual work plans and timely budgets, but not their substance/content. This is affirmed by the JSSF's own anecdotal criteria and evidence, to which the IE has had access. According to Facility Program Management, the program's budgetary support has been successful because law and justice budgets are consistently rising. The available evidence, however, does not support that assertion, as the following table illustrates.⁷⁴

Institutions	2008	2009	2010
MoJ	9,791,000	12,784,000	10,894,000
Courts	2,131,000	2,214,000	2,577,000
OPG	2,248,000	3,469,000	2,550,000
Total	14,718,000	19,336,000	16,021,000

In summary, the IE team finds that it is likely that the Facility has contributed to strengthening the institutional capacities of a range of GoTL law and justice agencies, but it is questionable whether those contributions add up to a strategic engagement. Furthermore, these contributions cannot be equated to an improvement in the GoTL's delivery of law and justice to Timorese citizens. At best, the contributions may be precursors to and building blocks in a future improvement in law and justice service delivery, although the limited anecdotal evidence suggests that the absorption rate of these precursors is limited.

Furthermore, the primary beneficiaries of the Facility's 'general' achievements have not been Timorese citizens, but rather the institutions and agencies of the GoTL, given the nature of institutional capacity building endeavours. Despite these discrete achievements, therefore, it is the IE team's judgment that the needs of the "ultimate beneficiaries of the Australian investment... the people of East Timor who come into contact with, or need to access, the justice system"⁷⁵ has, most likely, not been adequately served.⁷⁶

2. JSSP and Planning Secretariat

The publication of the JSSP is claimed to be among the Facility's more significant achievements and, unquestionably, its promulgation is an accomplishment.⁷⁷ To devise the methodology and process by which to support the development of the JSSP, the Facility turned to and brought on board, as part of the Facility's regular complement of staff, individuals nominated by the Danish Institute for Human Rights, given the Institute's previous experience.⁷⁸

⁷⁴ *2009 Facility Annual Report*. The first column of the table, as it appeared in the Annual Report, has been deleted, given that it appeared to coalesce two budgetary years into one – 2006-07 – and, therefore precluded valid annual comparisons.

⁷⁵ *Scope of Services*, p. 5.

⁷⁶ The IE team has not been instructed to discuss, in any detail, questions of the Facility's programmatic relevance. An interviewee, however, explicitly raised that topic. In that interview, an international donor wondered how these Facility's activities "hooked up to citizen demand -- what it is that the people of Timor actually need in justice," believing that, regarding most of its endeavours, the Facility was "talking into the wind."

⁷⁷ The Council of Co-ordination approved the Justice Sector Strategic Plan in February 2010 and the Council of Ministers approved it in March 2010.

⁷⁸ Email to the IE team, 23 February 2012.

Initially, “to support the preparation of the JSSP,” a ‘planning or technical secretariat’ was established, whose membership was almost entirely composed of international law and justice practitioners.⁷⁹ This group “worked together on writing, develop[ing] consensus on process and support[ing] different thematic groups during the consultation workshops. The team also provided direct technical and policy advice on responses to challenges in the sector.”⁸⁰ Despite well-organised workshops and consultations, it is uncertain what precise level of ‘ownership’ the GoTL had in the development of the JSSP, given the preponderance of internationals involved on the ‘secretariat.’

Similarly, the degree to which the JSSP is ‘owned’ by civil society and its organisations is debatable. One highly respected Timorese lawyer and senior official with positions in two civil society organisations has indicated that the consultations with civil society organisations were “very limited,” and consisted of a single two-day workshop. Another Timorese lawyer and civil society leader, deeply involved in Timorese justice development, has stated that, “I did not read the plan. No one has.” Among the problems, this interviewee noted, is that the language of the JSSP, is, according to him, foreign and bureaucratic, an observation that coincides with the salience of international experts on the ‘secretariat.’⁸¹

Even as the IE team acknowledges that the promulgation of the JSSP is an accomplishment, the team understands that its questioning the level of GoTL and civil society ownership of the JSSP has elicited strong responses among Facility personnel. One Facility staff person, with knowledge of the process with which the JSSP was formulated, believes that it was ‘inclusive.’ This Facility staff member has argued and is quoted in full:

The planning process reflected a real consensus of the values and ambitions of both Timor-Leste and its international partners. That was expressed by the adoption of the Plan in its final form in early 2010 after more than a year of intensive consultations. The drafting phase of the planning process was a sound and tangible success precisely because of the broad engagement of both nationals and internationals as partners and colleagues.⁸²

Nevertheless, the IE team holds to its judgment, which coincides with that of another Facility staff member, who has written, “the JSSP I would argue is a win in providing a common language [but is] NOT YET as an effective vehicle for executing change, because the leaders are not using it that way.”⁸³ The IE team has determined that one of the reasons that the GoTL is “not using” the JSSP is because, as, a senior GoTL justice official, has observed, the JSSP is “words only on a piece of paper.” In the judgment of the IE team, the JSSP remains “only words on a piece a paper” precisely because it is foreign to the current Timorese context.

The IE’s conclusion finds further support in the judgment of a major international donor, who told the IE team that “I don’t think the Timorese are actually involved in policy setting when it comes to the formal aspects of policy.” A ‘lessons learning’ focus group exercise the team conducted with a number of Facility staff members came to a similar conclusion. During that session, Facility staff noted that the drafting of law and justice policies has been productive in “formalising things that donors want to do,” but the resulting policies do not seem to be ‘owned’

⁷⁹ Ibid.

⁸⁰ Ibid.

⁸¹ The IE Team was not able to establish in what language the JSSP was originally written (Tetun, English, Portuguese), which would have been a useful proxy indicator of ownership.

⁸² Email to IE Team, 22 March 2012.

⁸³ Email to IE Team, 30 January 2012.

by the Timorese or reflective of Timorese goals and objectives. One of the participants in the focus group went further and stated “Timor wants so many policies. No one reads them.” The group went on to observe that “almost every law in Timor is written by foreigners” and it is exactly based upon this phenomena that the IE team questions the ‘ownership’ of the JSSP.

At the same time, there are two other interpretations of the evidence revolving around the JSSP, both of which have resonance and neither of which necessarily belies the IE team’s judgment questioning the ‘ownership’ of the JSSP. The first is political. No one in the Facility could specify how the JSSP is currently being used. While its lack of use can be attributed to a lack of ‘ownership,’ it may also be compounded by the political dynamics within the GoTL. The Council of Coordination, the advisory body intended to advise and coordinate GoTL law and justice policies, and, hence, a cornerstone of a long-term Timorese law and justice strategy, has not met on substantive issues for more than 14 months. This is, partially, due to internal GoTL political issues. With respect to Timorese politics, then, the crucial phrase in evaluating the JSSP does not circle only around the ‘ownership’ challenge, but also on that the JSSP has “NOT YET” been appropriately used. There is validity to this interpretation of the evidence, given how the IIMS team successfully leveraged the JSSP to facilitate attainment of its achievement. At some future date, then, the JSSP may become a more vital document and the IE team accepts this as a plausible interpretation, as ownership is a fluid phenomenon and can arise at a latter date.

Above and beyond the ways in which the IIMS team leveraged the JSSP, however, the IE team questions whether there is sufficient tangible substance in the Plan for it to be productively and effectively used, if Timorese politics were to allow it to be. As already discussed, a Facility staff member has, and in the opinion of the IE team correctly, assessed the JSSP as “generic.” The Plan is a recital of, essentially, all-purpose and standard justice system structures and principles. For instance, it lauds the independence of the judiciary, but judicial independence is not an absolute value, but rather a contingent one. The independence of French judges is not similar to that of their American colleagues and nor should it be. Neither is similar to judicial independence in Brasil. These countries’ histories, cultures, and values are different. The same can be said for Timorese judges in comparison to their Papua New Guinea brethren. Judges are accountable for the decisions they render and that accountability is to their fellow judges, the users of their services, and the political system in which the judicial one sits, namely through how judges are elected, selected, appointed; promoted; disciplined; and remunerated. Overall, there is little in the JSSP that explicitly takes into account these finer, but vital elements of justice development, elements that exist for each and every justice agency. Without these details and how those details correspond to Timorese realities, the JSSP remains “generic” and, therefore, may possess little future efficacy.

Furthermore, in the main, the JSSP is aspirational. It is a nineteen-year plan that outlines in broad, unspecified strokes what a model justice system looks like and how it is structured. There is little concrete detail in the JSSP, as it is mainly composed of a list of outputs, such as:

- “Within 5 years (2015), the justice sector is capable of identifying and filling all positions with motivated and qualified national staff,” (p. 38);
- “in the next 10 to 20 years (2020/2030), the institutions of the justice sector will be gradually equipped with the adequate physical infrastructure, equipment and logistical and technological resources, at central and district levels,” (p. 39); and

- “Within 3 to 5 years (2012/2015), the customary law and community justice mechanisms will be regulated, and the systematic monitoring of their conformity to human rights will be implemented,” (p. 39).⁸⁴

Describing the JSSP this way is not meant to belie the achievement of its promulgation. It is merely to characterise its substance, a recital of aspirational outputs, which the IE team judges is not particularly conducive to its effective future use.

Another interpretation of the evidence suggests that the JSSP could have been better supported by the Facility. This is not a political reading of the data, but rather pertains directly to how the Facility conducted its programmatic activities and, in particular, how it supported the establishment of the Planning Secretariat. At issue here is not the JSSP itself, but rather its implementation as it relates to the Planning Secretariat.⁸⁵ Policy pronouncements need to be implemented and Planning Secretariat is one of the keys to the JSSP’s implementation. According to one Facility staff person, the JSSP has not become a more dynamic tool in Timor-Leste’s law and justice development because Facility support to and for the Planning Secretariat has been ineffective and underwhelming, a judgment with which the IE team concurs.⁸⁶ According to the Facility’s Program Management, because of the Planning Secretariat does have “formal recognition...[,] it is seen by many as an external (Facility) function,” and, therefore, not ‘owned’ by the GoTL.⁸⁷

The Planning Secretariat has changed substantially since it was established in 2010, having grown out of the ‘technical secretariat’ that drafted the JSSP. As noted above, in its first incarnation as the ‘technical secretariat,’ the Secretariat was top heavy with international advisers whose task was to shepherd the development of the JSSP. Currently, the Planning Secretariat is a three-person team composed entirely of Timorese nationals. Its basic role is spelled out in the JSSP

The Planning Secretariat... will gather the representatives of the various justice institutions, and will work as the support structure to the Council of Coordination to facilitate the development of planning work necessary for the implementation and monitoring of the Strategic Plan.⁸⁸

From its very first days, the Facility has acknowledged that its support of the Planning Secretariat was “at risk.”⁸⁹ Among the reasons identified has been the inability of the Council of Coordination to decide upon a staffing model for the Secretariat.⁹⁰ A more fundamental problem is that the Council itself rarely convenes, with obvious implications for the Planning Secretariat, which is meant to work as its administrative unit. A third major problem is that the Planning Secretariat works amid the complex internal politics of the MoJ.

This is not to suggest that the staff within the unit have been idle. Nor is it reflective of the

⁸⁴ *Justice Sector Strategic Plan*, 2010.

⁸⁵ “The drafting of a ‘Plan’ is but the first step in planning for the Justice Sector. The second step of planning must follow and focus on the maintenance and refinement of that Plan during its implementation,” which in the case of the JSSP was meant to be the Council of Coordination and the Planning Secretariat, Email to IE Team, 22 March 2012.

⁸⁶ According to one Facility staff person there has been a “lack of commitment to the Secretariat... of some current and past national Facility staff,” Email to IE team, 22 March 2012.

⁸⁷ Email to IE team 23 February 2012.

⁸⁸ *JSSP*, p. 40

⁸⁹ *Performance Management Framework Six-Monthly Report*, July 2010, p. 6.

⁹⁰ *Ibid.*

abilities and dedication of the Planning Secretariat's staff. The Planning Secretariat successfully organised Justice Week 2011 for the MoJ, created a 'justice map' profiling the law and justice institutions working in the 4 districts, and facilitates the meetings of the IIMS Information Management User Group.⁹¹ Senior civil servants within the MoJ praised their work to the IE team and stated that they were an extremely useful in terms of added intellectual capacity. An indication of how helpful Timorese government officials find the Planning Secretariat is that it has been included as an element in the draft revised Organic Law for the MoJ. The draft has, apparently, been extensively internally consulted and sent to the Minister but, perhaps because of competing priorities, has yet to be discussed by the Council of Ministers.⁹² The IE Team was told that the Vice-Minister of Justice strongly endorses the importance of a coordinating body, such a Planning Secretariat, continuing until at least the end of the parliamentary term.⁹³

Therefore, the IE Team recognises that the Planning Secretariat has not fulfilled the functions originally envisioned, but this is not the fault of the individuals within the Planning Secretariat. Rather it is primarily a consequence of the political climate within the MoJ *and the Facility's inability to adapt accordingly*. In this interpretation, it could be argued that the Facility has not sufficiently supported the Planning Secretariat, accompanying and chaperoning its activities, as the Grants team has done with its NGOs. As the IE team was reminded in comments made on the first draft of this Report, development is a 'trial and error' process and it takes time to embed new ideas and concepts. This may, indeed, be the case, if and when they are appropriately accompanied. However, at the time of the evaluation, it is the professional judgment of the IE team that the JSSP is not currently working as a dynamic tool to advance law and justice development in Timor-Leste and that its future prospects are hazy, at best.

C. Missed Openings: Poor Strategic Vision and Poor Programmatic Decision-Making

Given the diffuse and unwieldy structure of JSSF's program design, it is not surprising that a number of initiatives mooted in the Facility's early documentation and work plans were not pursued. In and of itself, this apparent variability in the activities undertaken by the JSSF is neither good nor bad. Given that the JSSF was designed to be a "facility," a modality in which a degree of adaptability is built in the program's structure, a flexible implementation history can, in fact, be evidence of programmatic learning, adjustment to political realities, and/or recognition of and responsiveness to unanticipated entry points. On the other hand, repeated programmatic changes, such as those undergone by the JSSF, could also be the result of a lack of strategic direction and focus. In this situation, the success of individual projects within a larger program would not be due to the foresight and responsiveness of the management of the overall 'facility,' but rather to the acumen of those individuals/teams responsible for those discrete endeavours. Determining whether variability and success in a 'facility' is attributable to programmatic learning and responsiveness or to the initiative of autonomous project teams depends upon the weight of evidence regarding how programmatic decisions were made. Based upon the analysis of the evidence to which it was given access, the IE team concludes that the JSSF did not possess a cogent or coherent programmatic strategy to determine what lines of law and justice development to pursue or not pursue and that assistance initiatives were taken up or not followed up based upon poor programmatic decisions.

⁹¹ The IE team was informed that the IIMS Management User Group would continue to meet without the Secretariat's facilitation, if necessary, but that the facilitation serves a useful purpose.

⁹² Comments provided to IE Team dated March 12, 2012

⁹³ Regrettably, the IE Team did not have the opportunity to meet with the Vice-Minister during the course of the visit.

For example, in 2009 the Facility underwent a reorganisation, but it announced that its “core business” remained the provision of assistance to “justice institutions strategic plans, annual action plans and budgets and human resource development plans”⁹⁴ It must be acknowledged, however, that neither of the Facility’s two most successful projects concentrated on the development of strategic plans, annual action plans, budgets, or human resources planning. In this sense, IIMS and the grants scheme would have to be classified as anomalies or exceptions to the Facility’s “core business,” as defined by the 2009 Implementation Framework. That IIMS and the grants project were at variance to the Facility’s stated strategic vision need not necessarily be problematic if there were evidence to suggest that other Facility endeavours sought to complement and/or build upon the achievements of these two initiatives. The IE team, however, has not found and/or has not been given access to evidence to suggest that the Facility sought to exploit the successes of either IIMS or the grants scheme by initiating complementary projects. Therefore, the IE team is compelled to conclude that the Facility has missed an opportunity to pursue an integrated and synergetic law and justice program, one with a more focused and unified strategic vision. In fact, there is evidence that initiatives that could have been complementary were not pursued, suggesting to the IE team a deficient strategic vision within the Facility.

The first example of an underdeveloped strategic vision and, therefore, poor programmatic decision-making relates to the Grants team. The 2009 Implementation Framework indicated that the Facility would undertake “a deeper study of victimisation of women and girls in one or two specific sample areas... apart from the pilot area of Suai/Covalima.”⁹⁵ Between the publication of the Implementation Framework and the end of the 2009, the Facility had decided not to go ahead with the study. The IE team inquired why the study, from which violence against women rates could have been generated, was not conducted. The team was referred to Annex 2 of the 2009 Annual Report,⁹⁶ where it is claimed that the work is “no longer required - ample information from reports, including AusAID’s VAW report for Timor-Leste, and from women’s network” and that “improved data will come from grant activities.” Based on the accumulated professional experience of the IE Team, that explanation is methodologically unsound and flawed. First, reliable and valid prevalence rates cannot be culled from AusAID’s VAW report. Indeed, such data pertaining to Timor-Leste does not exist in AusAID’s report. Second, the data acquired from the Facility’s grant activities does not and cannot produce reliable and valid prevalence rates. Facility-funded NGOs have never proposed or attempted to generate such data. As a result, a key piece of empirical data upon which effective and productive programming to end violence against women could have been grounded was not generated by the Facility because of a poor strategic decision.

When this issue was pursued further by the IE team, the team was told that the 2009-2010 Demographic and Health Survey (Health Survey) contains “demographic health statistics on prevalence rates.”⁹⁷ This is also mistaken, if “prevalence rates” is meant to imply the existence of statistically reliable, valid, and replicable data. Significant sampling errors mar the Health Survey and preclude the generation of reliable and valid prevalence rates from its empirical data.⁹⁸

⁹⁴ *Framework Implementation*, p. 13.

⁹⁵ *Framework Implementation*, p. 29.

⁹⁶ Email to IE team, 22 February 2012.

⁹⁷ Email to IE team, 22 March 2012, Comments for IE Team.

⁹⁸ For example, the 2010 Population and Housing Census, Timor-Leste, indicates that 28.7% of the female population is urban, but the Health Survey has a sample of only 23.7% for urban women. This ‘under sampling’ is problematic given that the prevalence rate of urban women is 48.7%, while that of rural women is only 34.9%. This implies that the overall prevalence rate is significantly higher than the Health Survey suggests. Similarly, the 2010 Census indicates that 20.99% of all Timorese women live in the Dili District, while the Health Survey sample for Dili registers only 16.06%. Once again, this ‘under sample’ is

According to the Survey, 38.1% of Timorese women above the age of 15 have experienced and suffered violence, which is, at best, a bottom line above which an accurate prevalence rate, most likely, soars. While the IE team does not profess to have the statistical rigor to calculate the Survey's margin of error, a simple analysis of the sampling miscalculations suggest a very large margin of error. The upper range of this margin of error implies that Timor-Leste could have a prevalence rate on the order of 50%, if not higher.

The strategic and programmatic implications of a 50% prevalence rate are profound and should have been recognised by the Facility *and* AusAID. Such a high prevalence rate implies calls into question the relevance, effectiveness, and 'value for money' of AusAID's overall development activities, if they do not directly address ending violence against women among their primary touchstones. This is not an issue of mainstreaming gender equality and ending violence against women. On the contrary, a 50% prevalence rate implies that these women will, all too often, have only limited ability to participate and benefit from more traditional development endeavours in health or education, against which mainstreaming will have little effect. As the AusAID participant to an international conference on the development of a Bar Association in Timor-Leste is quoted as having succinctly stated, "being healthy without the freedom to make choices, without safety, means nothing."⁹⁹ The IE team fully concurs with that AusAID statement. More directly, as far as the Facility is concerned, if the JSSF had undertaken the victimisation study it had, originally, intended to conduct, the prevalence rates generated from that study ought to have profoundly altered the Facility's programmatic activities, if not AusAID's overall country strategy -- changes that could have complemented the efforts of the Grants team to end violence against women.

Another instance of poor strategic programmatic decision-making within the Facility also relates to the Grants team. The 2009 Facility Annual Report announced the "drafting of a funding policy for CSO [Civil Society Organizations] within the MoJ." That initiative was never undertaken and the IE team inquired as to the reasons why. It was acknowledged by Facility management that "yes, this has slipped and needs to be reactivated" and that it was "somewhat lost in the 2009 Annual Report as it grouped with other MOJ outputs."¹⁰⁰ However, no further strategic, programmatic, or managerial reasons were given to the IE team for the subsequent lack of Facility activity. If information exists to explain the strategic decision, the IE team has not been access to it. Therefore, the IE team can only conclude that a deficient strategic vision and/or poor programmatic decision-making lies at the root of the Facility's not having followed through on its intentions.

The IE team finds that a similar situation exists with respect to IIMS. Among the initiatives broached by the Facility has been assistance to improve the capacities of the MoJ, the Public Defenders Office, OPG, and the Courts to measure the performance of their own activities.¹⁰¹ Highly targeted Facility support to GoTL's performance appraisal systems may have augmented the GoTL's ability and willingness to begin to establish a cogent accountability regime, one that would have excellently complemented and built upon the IIMS. Of particular import would have

problematic because the prevalence rate in Dili (52.7%) is exponentially higher than Timor-Leste's overall rate (38.1%), implying that the Health Survey has significantly underestimated the rate of violence against women. Ignoring girls under 15 years old and, thus, the rate at which they are subjected to violence is another gap in the analysis.

⁹⁹ Draft Notes, International Conference, "Develop Bar Association to strengthen justice sector", 28-30 September 2011, Day 2.

¹⁰⁰ Email to IE team, 22 February 2012.

¹⁰¹ *Implementation Framework*, pp. 15-25.

been targeted assistance to MoJ's Inspection and Audit Office and the implementation of performance management systems within each MoJ Directorate, as well as the OPG, endeavours that early iterations of the Facility had identified as areas of support.

Unfortunately, efforts to support these activities appear to have, effectively, stopped after 2009. For example, based upon the evidence provided to the IE team and to which it had access, little appears to have been accomplished in establishing performance management systems within the MoJ's Directorates, other than support to the Ministry's Planning Secretariat, which does not engage in performance management. According to the Facility, these performance management systems "are still under-developed, initially through the absence of a planning base, because of the absence of structured processes of data collection and no linkage between staff performance appraisal systems (proscribed by Civil Service Commission) and organisational performance reporting systems (proscribed by the Ministry of Finance)."¹⁰² In the IE team's professional opinion, the Facility's assertion is not to be based on a sound knowledge of performance management and M&E. There is no logical or causal connection between the lack of a planning base and the establishment of rudimentary performance management. Law and justice activities still occur and are in need of being measured, regardless of whether long-range aspirational plans, such as the JSSP, have been espoused and promulgated. In fact, the establishment of basic performance management protocols can initiate better planning, which is one of the catalytic achievements of the IIMS itself.

Furthermore, it is the judgment of the IE team that supporting MoJ's Directorates and the Facility's advocating for an integrated performance management initiative might have been an excellent opportunity for the JSSF to support efforts to begin to link together the various GoTL "structured processes of data collection," all the while complementing and building upon the ongoing achievements of the IIMS. If this initiative had been pursued, it might have been an instance of Facility endeavours being additive and synergistic, the whole adding up to much more than the individual parts. One of the keys to law and justice development, particularly performance measurement, is the building of links between and integrating different reporting systems, a concrete activity that can form bonds between and among ministries and agencies of the GoTL and, thereby improve accountability, and performance management. This is precisely what the IIMS is capable of accomplishing if supported post-2013. Consequently, the Facility's Program Management is mistaken to assume that the absence of linkages between the systems of the Civil Service Commission and the Ministry of Finance was an insurmountable obstacle, as Facility documents appear to suggest. It seems, therefore, that the poor strategic and programmatic decision-making caused the Facility to miss a potentially vital strategic opportunity.

A similar story appears to have occurred with regard to support for the MoJ's Inspection and Audit Unit, which might have been another complementary and synergistic initiative building upon the achievements of the IIMS, augmenting the Ministry's ability measure its performance and deploy its resources more efficiently. The Facility provided a small amount of support in 2009, but, thereafter, the initiative seems to have ended. The IE team inquired as to the reasons why and was informed that the endeavour effectively "stopped when [the TA] transferred across to other initiatives under UNDP."¹⁰³ The IE team was provided no additional information, even though it requested the data. Consequently, solely based upon the information available to the IE team and to which it was given access, it appears that the Facility's programmatic decision-making has been weak, given the absence of back-up plans or appropriate risk management

¹⁰² Email to IE team, 22 February 2012.

¹⁰³ Email to IE team, 22 February 2012.

strategies. The opportunity to undertake another initiative that could have complemented and built upon the achievement of the IIMS seems to have been missed, in this case due to the departure of a Facility staff member.

According to one interviewee, part of the weakness in the Facility's programmatic decision-making is that the Facility "lacked a singular strategy unifying its activities." The IE team concurs with this assessment, believing that the above evidence buttresses the judgment of this Facility staff member. Quoting this interviewee again -- and even given the doubts the IE team has with regard to the efficacy of the institutional capacity development model -- the team agrees that there appears to have been within the Facility "no single focus on capacity building across the justice sector," one that sought to "stitch the institutions together [at the points] where they are inter-dependent."

III. *Management Efficiency – Facility and AusAID*

The IE team has faced a number of unexpected obstacles in its evaluation of management efficiency, the Facility and AusAID's, hurdles that the IE team has not experienced in its accumulated years of law and justice practice:

- limited reliable, valid, and verifiable information; and
- a high degree of discord and disagreement within the program.

The quantity and quality of reliable, valid, and verifiable information available to the IE team has been limited. This may be due to a scarcity of information within the Facility, as already indicated. Regarding AusAID, the current staff person responsible to oversee the Facility received a limited debriefing on the program upon arrival in Post and, according to interviews, inherited few, if any, files. The IE team was also told that, until recently, AusAID's law and justice adviser (now a unit) in Canberra did not receive reports on a regular basis, if at all, from Post in Dili. Additionally, the written evidence indicates that the IE team has not been given access to information produced by the Facility and transmitted to AusAID that may be relevant to a range of managerial issues and for which the IE team made repeated requests to obtain. Finally, the three AusAID's annual reports on the program have scant information, as will be explicated below. Therefore, the only managerial area for which the IE team has had access to sufficient reliable and valid documentary evidence pertains to M&E and the following discussion of the Facility's M&E regimes is, the IE team believes, exhaustive.

Second, based upon the reliable, valid, and verifiable evidence made available to the IE team, it is evident that there is a notable degree of dispute and discord within the Facility.¹⁰⁴ The evidence indicates a high level of divergence in judgment between, on one side, the Facility's Program Management and, on the other, the teams and staff responsible for implementing the JSSF's endeavours. The IE team is not in a position to determine the source and/or cause of the disagreement and variance of opinion and, therefore, withholds its judgment on that score. That there has been significant discord within the Facility, however, cannot be denied, as the discussion below indicates.

Based upon the limited evidence made available to it, the IE team concludes that the preponderance of reliable and valid data weighs more heavily on and tends to support the

¹⁰⁴ For the purposes of this Report, Facility Program Management only refers to the JSSF's Program and Financial Management and not to that of its individual teams, such as the IIMS and Grants teams.

perspectives of the Facility's programmatic teams and staff. Nevertheless, this judgment by the IE team can best be described as only a deduction and inference. The IE team does not believe its judgment to be a definitive conclusion, given the high level of disagreement and divergence within the Facility, when basic facts themselves seem in dispute. Simply put, the IE team has found that there is irreconcilable disagreement within the Facility between Program Management and programmatic staff. The IE team, however, does believe that the level of discord and disagreement within the Facility is emblematic of the JSSF's Program Management performance and reflects the team's conclusion that it is substandard.

This judgment is reinforced by the JSSF's M&E record, which is deficient, particularly in light of AusAID's Papua New Guinea (PNG) and AusAID/RAMSI's Solomon Islands efforts dating back to 2008 to modernise and reconfigure their M&E regimes.¹⁰⁵ The issue is not that AusAID has, in the last two or more years, changed the standards by which it undertakes M&E, given the labours undertaken by the PNG Country Office and Solomon Islands Country Offices in association with RAMSI. The question, at hand, is the performance of the Facility's Program Management with regard to its establishing its own rigorous M&E regime(s).

This section will first address questions regarding M&E. Second, it will present the evidence it has collected, indicating the degree of discord and dispute within the Facility that exists across a number of managerial issues. Thereafter, it will examine AusAID's role in overseeing and supervising the activities and performance of the Facility.

A. The Facility's M&E Arrangements

Good management begins and concludes with consistent, reliable, and valid M&E. The IE team does not presume that an AusAID law and justice program should have a single, centralised M&E system. Rather the IE team's assumption was that there would be multiple regimes, each one specifically tailored to the needs of the activities for which it was to generate reliable and valid M&E data. Based upon an examination of the past four plus years of JSSF implementation, however, the IE team concludes that the Facility's M&E performance has been deficient, given a generalised absence of M&E sound protocols along with the resulting data. The IE team's conclusion is strongly supported by the judgment of a JSSF staff well-versed in the subject, who independently observed, "there wasn't a great deal of thought give to how to monitor what [the Facility] was driving at and how to ensure what it was doing was on time. There has never been a focus on how inputs will lead to outputs and how behavior will change."

1. M&E Budget Allocations

The lack of an operationally sound and well articulated M&E regime is reflected in the financial data that the Facility provided to the IE team indicating that, over the course of the JSSF, only 0.5% of the total Facility budget was spent on M&E, an extremely low percentage, given the current AusAID standard of between 5.0 – 7.0 percent.¹⁰⁶ It has been stated that this budget number is inaccurate because it

¹⁰⁵ The Team leader of this IE effort was the M&E specialist for the 2011 PNG law and justice evaluation (completed in March 2012) and was the primary author of the Solomon Islands evaluation, whose fieldwork took place in spring 2011.

¹⁰⁶ AusAID, *AusAID IET and Pacific Branches: Evaluation Capacity Building Program: Monitoring and Evaluation Standards*. (2012), p. 11.

neglects the input into the JSSP, which became the point of *alignment* for the Facility (consistent with the Scope of Services). It also neglects the fact that the amount was prescribed in the Scope of Services. The intention of the design – which was carried into the Facility – was that *Facility and sector M&E be integrated*. The IIMS framework is indicative of this. There is also a link to JSMP work[,] which we could work on more and will be through IIMS...¹⁰⁷ (emphasis added).

It is correct that this half a percentage point does not account for the Facility's support of the JSSP, which has facilitated *the alignment* of JSSF's endeavours with the policy of the GoTL. However, alignment is not a measure of performance, but rather a minimum standard of good development practice. Furthermore, the JSSP is a planning document, as already discussed. It is intended to frame and orient the work of the GoTL over the next nineteen years and, presumably, therefore, donor support adherence to GoTL policies and priorities, according to Accra and Busan protocols. Support for appropriate GoTL planning, however, cannot be considered to be a Facility M&E expenditure, for assistance to developing GoTL's plans and, therefore, AusAID adherence to them is not equitable to the JSSF establishing a reliable and valid M&E regime(s) to measure its own performance in producing outcomes and results.¹⁰⁸

It was an excellent intention that the Facility wanted to integrate its M&E regimes into programmatic activities. That is to be lauded and, in the future, the IIMS may be sufficiently developed to produce robust statistics by which to measure the performance of the GoTL's justice agencies and personnel. Whether the IIMS will be also able to assess the performance of future AusAID activities, however, remains to be seen. M&E regimes must be designed to suit the specifics of the initiatives to be measured and there is no certainty that the IIMS will be or should be capable of assessing endeavours for which it was never intended to measure. As it currently exists, IIMS cannot provide reliable, valid, and replicable data with which to assess the Facility's performance and nor should it, at this point in its development.

Finally, it is true that some of the Grants team's funding of the Justice System Monitoring Programme (JSMP) can be considered as contributing to the Facility's overall monitoring activities. In the judgment of the IE team, the JSMP is an excellent NGO and the Grants team's funding of the JSMP is more than worthwhile and ought to be continued post-2013. However, whether such monies ought to be considered as contributing to the Facility's M&E expenditures depends upon actions and decisions taken (or not taken) based upon the data produced by JSMP's monitoring of court processes and decisions. The IE team has received no data that would constitute evidence that any Facility decisions were influenced by JSMP monitoring reports. Therefore, the IE team affirms that the Facility's own budgetary determination, that M&E accounted for only 0.5% of the JSSF's expenditures, is correct *and* emblematic of the Facility's deficient M&E regime(s).

2. Facility Performance Management Framework

To assert that the total budgetary allocation for M&E is low does not logically necessitate a conclusion that the Facility's M&E regimes were weak. Good M&E can be undertaken without the expenditure of large amounts of money, although the overall ratio of expenditures is typically reflective of an organisation's commitment. To determine the quality of the Facility's M&E

¹⁰⁷ Email to IE team, 22 March 2012.

¹⁰⁸ That the Facility's Program Management misinterprets the difference, first, between alignment and performance appraisal and, second, planning and M&E suggests a weak understanding of performance measurement.

requires an analysis of the actual methods by which the Facility conducted its M&E activities and that analysis begins with its Evaluation Framework.

Three months after the launching of the Facility, the JSSF produced the first iteration of its M&E regime. Mirroring the Facility's original design, the Evaluation Framework was overly complex and ambitious.¹⁰⁹ This Evaluation Framework was not meant to be the final M&E regime, for "a fully-fledged MEF is expected to be elaborated and submitted at the end of October 2008 in accordance with the approved outcomes of the Year One Annual Planning Process."¹¹⁰ Additionally, other original Facility documents state that detailed outputs for the civil society component were explicitly left for later discussions between the Facility and recipient organisations.¹¹¹ The IE team found and was not given reliable and valid evidence to indicate that such substantive M&E conversations occurred. If they did occur, they certainly did not produce a sound evaluation regime.¹¹²

The original Framework envisaged that the sixteen activities conducted by the JSSF would, together, result in seventeen specified immediate outcomes, an aim that was presented pictorially in a cluttered and confusing one-page chart. These 'immediate outcomes' would, in turn, flow into three intermediate outcomes and, subsequently, cascade into realising the program's ultimate goal of timely justice for all.¹¹³ More to the point, the Evaluation Framework confused outputs and outcomes, labeling "improved capacities" as "intermediate outcomes."¹¹⁴ The Evaluation Framework also did not elaborate the causal links between the Facility's myriad of activities and outputs and the desired outcomes, intimating that the JSSF had not identified clear and specific 'theories of change' for its numerous activities.

Finally, the Evaluation Framework lists the sources of information with which to assess the Facility's performance, most of which derive from a TA's log frame or are varying types of reports, meeting minutes, and records of GoTL decisions. The Facility's program manager confirmed this, stating, during the first year or more of the JSSF, "M&E tools to assess performance... [consisted of] advisers submit[ing] monthly reports. Advisers based in institutions also attached copies of work prepared. Others didn't need to because it had come through," which means that they were, at least partially, prepared by the Facility's program manager.¹¹⁵ None of these sources qualifies as evidence with which to assess an outcome/result and all are, at most, anecdotal.

¹⁰⁹ East Timor Justice Sector Support Facility Monitoring and Evaluation Framework, September 2008.

¹¹⁰ Evaluation Framework, p. 369.

¹¹¹ AusAID, *Schedule 1 – Scope of Services, East Timor Justice Sector Support Facility, Contract 45200*.

¹¹² It has been claimed that the Facility engaged in "significant engagement with CSOs... during 2008, field assessments in Covalima, surveys and workshops. The approach to [developing the Civil Society] Component 2 was debated for several months – and was a major source of tension with the [Senior Justice Adviser. Finally it was approved after extensive feedback and discussion with thematic areas in Canberra," see Email to IE team, 22 March 2012. The IE team acknowledges this history and continues to praise the work of the Grants team and its leadership. It is the IE team's belief, however, that these dialogues and discussions did not produce a sound M&E regime. There is no evidence that such a M&E regime was discussed or subsequently established, one that would collect reliable and valid data, collate, analyse, and, then, suggest future programmatic options.

¹¹³ Under the Evaluation Framework, each adviser would work to an individual plan, logic diagram and log-frame that would each be the subject of annual review.

¹¹⁴ East Timor Justice Sector Support Facility Monitoring and Evaluation Framework (Annex 56), p.374

¹¹⁵ *Email to IE team*, 3 February 2012. Over time, these monthly reports became quarterly and the bi-annually, only later to morph into Most Significant Change Stories, for which an elaborate selection process was devised.

In late 2009, a revised M&E regime was broached, but it remained firmly based upon the Evaluation Framework of 2008, with the same confused charts and illustrations reappearing. While the Implementation Framework stated the imperative that “we measure quality of implementation – how outputs are transformed into outcomes,” the new methodology continued to conflate “improved capacities” with “intermediate outcomes.” Similarly, the causal links between programmatic activities and proposed results/outcomes remained unspecified.¹¹⁶

Over the course of the next two and a half years, it does not appear that the Facility’s M&E substantially improved. The July 2010 Performance Management Framework Six-Monthly Report describes performance “against the four Development Assistance Committee (DAC) criteria of Relevance, Efficiency, Effectiveness and Sustainability.”¹¹⁷ It surprised the IE Team that M&E, a core DAC principle, was not included in the Six-Monthly Report as one of the criteria, the absence of which suggests the Facility’s lack of adherence to good development practice. Furthermore, the “main sources of information” and evidence by which the Facility claimed to be able to measure its performance “include the advisers’ monthly reports, the evaluation report of the Civil Society Grants program and minutes of meeting with AusAID.”¹¹⁸ An examination of these “sources of information” indicates that none of them analyse the Facility’s performance according to good M&E protocols, namely outcomes/results.¹¹⁹ Instead they are anecdotal, descriptions of activities and, at best, summaries of outputs.

The same judgment applies to the promulgation of Project Description Sheets, introduced in 2010-2011, to which the IE team was referred when it asked to be given what were deemed by Program Management to be the cornerstones of the Facility’s M&E regime. The IE team examined numerous Sheets and the conclusion is that they do not constitute sound M&E practice. They are anecdotal and do not possess protocols that would produce reliable, valid, and replicable outcome/results data. For example, the results section of the Leadership & HRM Training Sheet outlines the activities undertaken and specifies the number of individuals who attended the training sessions. Thereafter, the Sheet presents a Significant Change Story, which is anecdotal evidence of the feelings and perceptions of a Timorese official who participated in the training. There is no analysis of whether the training produced any changes of behavior or knowledge (pre- and post-training evaluations), no assessment of whether the anecdote told by the official produced results, and no appraisal whether the learning acquired by the official filtered down to the subordinates that that individual supervised. In short, while the training might have been excellent -- and, in fact, the IE team believes that the training to have been well designed -- the Sheet offers no evidence of whether the training was useful and efficacious, i.e. whether it produced outcomes/results.

The Project Description Sheet for the Facility’s scholarship activities, published in December 2011, tells the same story. The cost of the initiative and its activities are delineated. The Timorese recipient of the scholarship relates how her higher education “correlates with my work” and how, upon graduation, she will “with confidence... apply everything I have learnt.” There is no indication in the Sheet that, while this official has been enrolled in higher education, outcomes

¹¹⁶ *Implementation Framework*, p. 47.

¹¹⁷ *Performance Management Framework Six-Monthly Report*, July 2010, p. 4

¹¹⁸ *Performance Management Framework Six-Monthly Report*, July 2010, p. 4.

¹¹⁹ The 2010 evaluation of the grants program was, explicitly, a completion assessment of the completion rates of the activities of the recipients of Facility funds. It was not an evaluation of the outcomes/results generated by those activities.

in the form of changes in her work performance have occurred or that the official's supervisors have asked her to assume greater responsibilities because of her newly acquired skills.

Consequently, it is the IE team's judgment that the Sheets cannot be considered as cornerstones of a cogent M&E regime for the Facility. The fact that the IE team was referred to them as cornerstones of the Facility M&E regime(s) suggests that the Facility's Program Management does not possess a sound understanding of what such a M&E regime(s) would look like. Finally, the IE team's analysis of the Sheets indicates that two of the Facility's endeavours, the Leadership & HRM Training and the Scholarship program, do not have a persuasive M&E methods associated with them and, therefore, there is little to no reliable and valid means of evaluating whether these Facility initiatives are effective programs or have generated 'value for money.'

As the paragraphs above intimate, there are readily available techniques that the Facility could have employed to establish a reliable and valid M&E regime for its Leadership & HRM Training and the Scholarship programs and that not having done so is reflective of substandard Facility Program Management. In this regard, of interest is that two of the Facility's endeavours (ending violence and prison management) are attempting to institute better M&E procedures for their training/socialisation activities. The Grants team, in particular, is beginning to assess if their socialisation exercises are increasing the knowledge of recipients by measuring, for example, their understanding of their rights and the structure of the Timorese legal system before and months after being exposed to the Facility's program.

The written documentation is buttressed by interview data, as Facility staff of all three of the current JSSF implementing teams acknowledges that their initiatives do not possess sound M&E schemes. One staff person, within the Human Resources Management team, stated that there has been no attempt to obtain evidence of outcomes/results and that there has been little to no recognition by Facility Program Management that there is no existing M&E regime for the human resource management initiative. The best that can be claimed, the JSSF employee observed, is anecdotal evidence, but that the anecdotes are mere anecdotes and, thus, are not verifiable. A member of the IIMS team observed, "M&E would have been very very beneficial for us to correct our flaws. Its absence entirely was a major deficit in the Facility achievement of results... and [we] had aggressively asked for M&E for the past year." Staff from the Grants team, as indicated above, have begun to devise their own tentative method of assessing outcomes/results, but they have also stated that they were given "no guidance or direction" from Program Management in how to do so.

Moreover, it has been reported that the Facility's Program Management had reduced M&E inputs during the course of implementation in order, according to one interviewee, to "increase program management [fees] from GRM, based in Brisbane." With no permanent M&E person on staff, relying on "fly in, fly out" consultants, of which there appear to have been three, the IE team concludes that the Facility had, as a Facility staff person stated, a "hands off the wheel" approach to M&E and never established a coherent M&E regime. "I don't think [the Facility] got to grips with an M&E approach," one knowledgeable Facility staff person remarked. "One cannot tell what happened...[and] this minimalist approach to M&E [by the Facility] was agreed to by AusAID." As a result, "it is too late" to resurrect the Facility's M&E, except to institute remedial activities over the remaining months, which will be discussed further in this Report's recommendations. The lack of a sound M&E regime(s) is indication, in the judgment of the IE team, of substandard performance by the Facility's Program Management.

B. Facility Management – Efficiency and Performance

Based upon the limited evidence to which the IE team has been given access, the team concludes that there is a significant degree of disagreement and discord within the Facility between the Facility's Program Management and its implementing teams. The discord ranges across differences in perception, opinion, and fact and, in a number of cases, appears to be insurmountable. It is the judgment of the IE team that the discord suggests that there exist serious underlying managerial issues, ones which, the IE team has determined, have been known to AusAID from the early beginnings of the Facility.

1. Facility-Wide Meetings

The IE team was told, by Facility Program Management and practitioners, that there have been exceptionally few Facility-wide meetings. Facility-wide meetings need not necessarily occur frequently, but their quantity and quality are indicative of how communications within an organisation are managed and how cohesive an organisation may be. In fact, the IE team was told that meetings had, at one time, been regularly held on Friday mornings. However, according to the program manager, these meetings were discontinued for personal reasons, their timing being inconvenient. As a result, Facility-wide meetings were held, at best, infrequently.

In addition, the IE team was informed by the Facility's Program Management that Facility-wide meetings, sometimes, degenerated into personality conflicts and were, therefore, largely unproductive. Other JSSF staff concurred, with reference to meetings that took place prior to mid-2011.¹²⁰ One Facility staff said that the Program Management decided to "stop having all-Facility team meetings because [management] didn't know what to do with them" and how to resolve the substantive and personal disagreements that arose during them.

2. Job Descriptions/ToRs

The drafting of Facility job descriptions is another instance of disagreement between Program Management and Facility practitioners. The IE team separately queried four JSSF staff persons and each said that their job descriptions/ToRs had been largely written without the involvement of the Facility's Program Management. Program Management, however, stated that it had been directly involved in preparing these documents. The issue at hand is not whether Program Management should or should not be directly involved in writing job descriptions/ToRs. Rather the question is one of an irreconcilable disagreement between programmatic staff and Program Management on who wrote the job descriptions/ToRs.

3. Guidance

These differences of opinion regarding the drafting of job descriptions/ToRs can be deemed minor by some to an overall assessment of managerial performance, although the IE team does not agree with such belittling of the evidence on ToRs. The same, however, cannot be said for questions regarding guidance offered by Program Management to the Facility's implementing teams, as it is the responsibility of management to provide leadership and direct programmatic activities. While Program Management said that it was fully involved in the operations of the Facility, with the exception of mobile courts, neither the IIMS or grants teams concurred. For example, members of the grants team said that there was an absence of "guidance from the program manager."

¹²⁰ A more recent 2011 addition to the Facility staff, however, noted that this was not his experience.

The IIMS team had a similar opinion, but, more problematically, an IIMS team member claimed that Program Management did little to resolve the opposition within the Facility to IIMS, allowing discord to persist unimpeded.

Advisors to the Minister of Justice... and the advisor to the Chief Justice (all three Facility employees under GRM contract and supervision)... stalled, blocked, and openly opposed IIMS repeatedly and aggressively in the Ministry and the Courts and to whomever else would listen. Nobody stopped them...¹²¹

This does not appear to be merely a question of a lack of guidance, leadership, and direction, but a deficiency of accountability and staff discipline, attributable to the apparent inactivity of Program Management.

4. Budgets and Budgeting

Comparable differences of opinion between Program Management and Facility practitioners exist regarding budgets and budget planning. When the first draft of this IE Report was being written, February 2012, the IE team was told that none of the three current implementation teams had knowledge of what its annual 2012 budget was. Furthermore, the Program Management confirmed the situation in writing -- “if people say they don't know what their final budgets are, this is factually correct”¹²² -- and justified the delay because of the timing of this IE. That explanation is cogent and understandable, given that the IE was, originally, scheduled to take place at the end of 2011 rather than in February 2012.

However, the IE team was informed of large variances in the teams’ anticipated budgets and the monies they were told they were to receive. For instance, the variance in the budgets of one of the three teams -- IIMS, grants, human resource managements -- ranged from a low of approximately 33% to a high of more than 60%. In another team, the variance was 100% because team members had no knowledge of what its possible 2012 budget would be. These large variances hamper the ability of the teams to undertake appropriate annual planning and suggest managerial weaknesses.

The Facility’s budgetary challenges, however, go deeper. One Facility staff person insisted that his team “never received financial reports – levels of expenditure and the rest – from [Facility management].... And what makes it worse, [the team] has never seen [Facility management’s] submissions of figures to anyone,” so it “does not know what is really going on.” A similar claim was made by a member of another JSSF team, who said that in 2010, Facility management

told us we would get cost coding and we would have to code our own costs and do monthly budgets and we would have to report against them. And we were also told to plan one month ahead and we started to do that, but we never got our monthly budgets.

These statements, however, cannot be reconciled with the judgments of Program Management.¹²³ In its response to the perceptions of personnel, Program Management wrote that these opinions are “not 100% correct. We do provide financial statement and expenditure report to AusAID. As Finance and Administration Manager I discuss budget expenditure report and forecast with

¹²¹ Email to IE team, 23 March 2012.

¹²² Email to IE team, 1 February 2012.

¹²³ Email to IE team, 30 March 2012.

advisers on different occasion and on regular basis. I always made time and effort if to address any question or concern on activity budget.”¹²⁴

Given the evidence to which the IE team has been given access, the team cannot resolve the divergent claims and assertions. The evidence cited above, however, indicates that the discord and disagreement about budgets and budgeting is not unique, but rather one among several differences of opinion, perspective, and judgment that run through the Facility. Each discord by itself may carry little weight. When added together, however, their weight accumulates and, the preponderance of evidence intimates that the perspectives of the programmatic staff have greater credence to them. At best, this IE judgment is an inference and deduction. This conclusion is not definitive because of the limited available data and access to information given to the IE team. However, when, combined with the deficiencies in the Facility’s M&E regime(s), the preponderance of evidence compels the IE team to conclude that the overall performance of Program Management has been substandard.

C. AusAID Managerial Oversight

It appears that AusAID was aware of performance challenges within the Facility from the very beginning of its existence. In its 2008 Annual Program Performance Report on the Facility, AusAID concluded that the performance of the Facility was “less than adequate quality; needs significant work” (coloured amber) across its four assessment categories – “implementation progress, achieve objectives, M&E, and sustainability.”¹²⁵ In another section of the Report, the AusAID conclusion is that the activities of the Facility (coloured red) were “unlikely to be achieved within the timeframe” designed into the program’s document.¹²⁶

In the three years since the 2008 Annual Report, there is no publicly available comprehensive AusAID performance assessment of the Facility that has stated a clear and definitive judgment regarding the quality of the JSSF’s performance. The 2009 AusAID Annual Program Performance Report, for example, only lists a small number of the Facility’s activities, but came to no conclusion as to their effectiveness, relevance, sustainability, or other criteria. The 2010 Timor-Leste Development Cooperation Report is similarly quiet with regard to assessing the Facility’s performance, as it also only catalogued a handful of Facility endeavours.¹²⁷

Admittedly, the AusAID office in Timor-Leste was understaffed during the first few years of the Facility. While this may alleviate some of the responsibility of AusAID staff assigned to Post, it does little to lessen the overall onus and accountability of AusAID as a corporation in which Dili Post is but one office, albeit an important one. The issue of inclusive AusAID accountability is echoed by one interviewee, with longer AusAID tenure in Timor-Leste than anyone else the IE team interviewed, who observed that over the past years Australia has refused to deploy the required number of people to supervise the Facilities’ activities in a proper way. Current AusAID Dili Post acknowledges these inadequacies in how the organisation has managed and overseen the activities of the Facility, particularly from mid-2009 through 2011. The past mismanagement, however, is not an issue only for Dili Post, but extends, as well, to Canberra, which may be less familiar with the issues at hand and the reputational risk they pose to AusAID. For example, while it may not be surprising that AusAID staff in Timor-Leste are not well versed in substantive

¹²⁴ Ibid.

¹²⁵ *AusAID Annual Performance Program Report (2008)*, p. 26.

¹²⁶ *AusAID Annual Performance Program Report (2008)*, p. 17.

¹²⁷ The 2010 Report coloured the performance of the Facility amber, but as the scales used by AusAID have changed, no comparison is possible.

law and justice issues, given that law and justice is not integral to AusAID's Country Strategy, the IE team judges it is of more concern that AusAID staff do not appear conversant with basic principles of contract management.

Staffing issues aside, this weakness in contract management is evident in a number of ways. This IE Report will mention only two such instances, one minor and one of greater significance, as illustrative of the wider AusAID challenge. In 2009, the Facility stated as an achievement its "drafting of a national policy on 'gender justice.'" ¹²⁸ According to an interview with UN Women, as of March 2012, the GoTL has not enunciated a gender policy or espoused a work plan. It is true that the Facility significantly contributed to the passage of the Law Against Domestic Violence in June 2010, "after years of existence in draft form," ¹²⁹ but this law cannot be equated to a 'gender policy' and 2010 is not 2009.

More important than an error in a Facility Annual Report that AusAID did not correct has been AusAID's apparent inaction with regard to the persistent deficiencies in the Facility's M&E regime(s), when, over the same period of time, its sister programs in the Solomon Islands and Papua New Guinea were making efforts to improve their M&E regimes. Sound M&E is the bedrock of contract management and, in the judgment of the IE team, it does not appear that AusAID has acted with sufficient rigor to its absence within the Facility, past understaffing of Dili Post notwithstanding.

This weakness in AusAID's oversight of the Facility has drawn international attention and poses a reputational risk to the organisation. According to one donor, AusAID, lacking adequate empirical evidence and absent substantive law and justice expertise, has tended to make "snap managerial decisions," ones that "lack programmatic depth and a thorough understanding of local issues." Two Facility staff members echoed this conclusion in their discussions with the IE team.

IV. *Sustainability*

As already intimated, it is the judgment of the IE team that neither the IIMS nor the activities of the NGOs funded through the Grants team are currently sustainable. Both endeavours have been ongoing for little more than two years, even if preparatory Facility efforts began earlier. For law and justice initiatives this qualifies as a short lifespan and is insufficient time for any substantial law and justice support program to generate sustainable results across all criteria -- ownership, financial and human capital capacity, absorption, timeframe, policy compatibility, and organisational integration. ¹³⁰ The IIMS, however, can be catalytic for future justice development in Timor-Leste, depending upon future international support and decisions made by the GoTL. Similarly, the Grants team has laid the foundation for NGO champions, which is, by definition, catalytic, but the NGOs will require continued support if they are to provide service to abused women.

It is also the judgment of the IE team that the other law and justice accomplishments achieved by the Facility -- financial and human resources management, budgeting and ministerial planning, etc. -- cannot be sustained without continued international assistance. This conclusion is not surprising given the nascent state of the GoTL's justice agencies in 2008 when the Facility was launched.

¹²⁸ 2009 Facility Annual Performance Management Report, p. 23.

¹²⁹ 2010 Timor-Leste Development Cooperation Report, p. 47.

¹³⁰ AusAID 2000 guide, <http://www.ausaid.gov.au/publications/pdf/sustainability.pdf>

Conclusion, Recommendations, and Lessons Learned

I. *Conclusion*

During its almost four years of operation, the Facility has generated a number of accomplishments. Two of these achievements are especially notable: IIMS (grounded within a problem-solving approach) and the Grants teams (based upon a service-delivery model). IE team is aware of no other development initiative in a post-conflict environment has been able to achieve what the integrated information management system team has accomplished, the creation of an integrated information system across all justice agencies based upon each case possessing its own unique index number transparent to every law and justice institution. IIMS has the potential to be catalytic and enable the Government of Timor-Leste to improve services by deploying its resources more efficiently, measure its performance, and hold its justice actors accountable. Similarly, the IE team judges as innovative the work of the Grants team, the grants-giving process it established *and* the model the team has piloted by which NGOs deliver ending violence against women services in Suai. The approach and work of the Grants team is capable of being rolled out across Timor-Leste *and* is replicable elsewhere. The IE team also concludes that these two accomplishments are directly attributed to the efforts of two highly motivated and self-directed teams, who, largely, functioned as independent and autonomous projects within the overall structure of the Facility.

The Facility has obtained a number of other achievements, albeit limited in scope and nature. These narrower accomplishments cover a broad spectrum of law and justice activities, ranging from human resource development to solidifying budgetary procedures within justice agencies to enhancing the capacities of the Planning Secretariat within the MoJ. Of special note is programmatic support for the promulgation of the JSSP, although the JSSP has not been adequately ‘owned’ by the GoTL, a challenge that exists for the Planning Secretariat as well. These secondary accomplishments are institutional capacity building endeavours. Each may have strengthened the ‘capacity’ of Timor-Leste’s justice agencies potentially to deliver better justice, safety, and security to the citizens of Timor-Leste by, for instance, increasing the ‘capacity’ of District Courts to hear cases. None of these achievements, however, has been shown to have improved actual and substantive service delivery and it is doubtful whether they add up to a strategic AusAID engagement. Consequently, it is the Independent Evaluation team’s judgment that these accomplishments are best understood as “foundational building blocks,” upon which, at some future date, improvements in service delivery could potentially be grounded. The important caveat is that there is no necessary causal relationship *or* cogent ‘model of change’ between the support provided by the Facility, these precursor achievements, and that potential improvement in law and justice service to Timorese citizens.

At another level, the JSSF had, originally, proposed to support a number of activities, but, over time, did not undertake. The principal issue, pertinent to this IE, revolves around the program’s strategic and programmatic decision-making process rather than which law and justice development initiatives were or were not conducted. This distinction cannot be sufficiently emphasised, for it is the judgment of the IE team, based upon the available information to which it had access, that the Facility’s strategic programmatic decision-making was deficient and diluted the JSSF’s overall effectiveness. In particular, based upon the evidence made available to it, the IE team finds that stronger strategic decision-making would have enabled the Facility to pursue a number of initiatives that would have been complementary to, synergistic with, and could have been built upon the emerging achievements of the integrated information management system and

work of the NGOs funded through the grants process, thereby augmenting the overall effectiveness of the JSSF.

With regard to the efficiency of the Facility's management, the IE team has observed that the program's M&E record is poor. The existing monitoring and evaluation arrangements do not reflect sound development practice, as they rely, primarily, on the recording of inputs and outputs. Consequently, results/outcome data is, largely, absent. The flawed M&E record is reflected in the amount of monies dedicated to performance appraisal, which, according to the program's own accounting, is only 0.5% of the total Facility budget, significantly below the current AusAID standard of between 5.0 – 7.0%. The issue is not that AusAID has, in the last two or more years, changed the standards by which it undertakes monitoring and evaluation, given the labours undertaken since 2008 by Country Offices in Papua New Guinea and the Solomon Islands. The question, at hand, is the performance of the Facility's management.

The IE team also observed a notable degree of dispute and discord between the Program Management and operational staff responsible for implementing the programmatic endeavours. The level of disagreement and variance of opinion ranged across numerous issues, from the drafting of terms of reference; budgeting and budget planning; to the extent of managerial direction offered to the program's implementing teams. The IE team concludes that the level of discord and dispute within the Facility is emblematic of the performance of Program Management and, coupled with its M&E record, the IE team judges that it has been substandard.

II. *Recommendations for Facility till End of Program*

The IE team recommends that the Facility undertake the following during the time remaining until the closure of activities:

A. Ensure that 'prevalence of violence against women and children' is a component in the anticipated justice perceptions survey

The JSSF has made budget provisions for a justice perceptions survey to take place in 2012, complementing the study that was undertaken in 2008-09. The IE team concludes that it is essential that accurate prevalence rates of violence against women and children be established.¹³¹ This is not merely a question of obtaining valid, reliable, and verifiable information on the situation concerning violence against women. It is also necessary for two other reasons. First, it is important to establish a baseline so that future assessments of programmatic performance can be made. Second, if the prevalence rate is as high as the IE team hypothesises, at or above 50%, the implications for future AusAID development assistance in Timor-Leste are profound, as has already been intimated and is further discussed below.

The IE team acknowledges that, given the length of time a prevalence study requires, one cannot be completed before the cessation of the Facility in 2013. Nevertheless, the importance of undertaking such a study is sufficiently high that the IE team recommends that preparatory work should be undertaken immediately and appropriate bridging mechanisms devised for the interregnum between the Facility and a post-Facility initiative.

¹³¹ AusAID has assisted in prevalence surveys in Samoa, Kiribati, Tonga, Vanuatu and Solomon Islands. Papua New Guinea is preparing for a prevalence survey in 2013 and Indonesia is currently discussing with UNFPA to conduct a prevalence study.

B. Undertake Empirical Analysis of the Effects of a Woman's Stay in a Safe House¹³²

The IE team is a strong supporter of AusAID's assistance for safe houses in Timor-Leste. At the same time, the IE team strongly believes that the houses are more than a temporary refuge for the women (and their children) who have suffered domestic abuse. Safe houses can also function as a mechanism through which abused women (and their children) re-enter Timorese society. Consequently and given the lack of empirical evidence, the IE team recommends that the Facility undertake a study of what happens to women (and their children) who have suffered domestic abuse after they leave a safe house.

This study is more than an M&E exercise. It is a discrete piece of analytic work, whose objective is to enable AusAID to program appropriate and effective support for abused women (and their children), their domestic partners who have perpetuated the abuse, and their surrounding communities. The analysis is required in order to lessen the re-occurrence of violence against women (and their children) upon their reintegration into Timorese society.

There are three distinct situations that will have to be accounted for in the study: [1] if the abused woman returns to live with her domestic partner; [2] if she returns to live in her original place of residence (village, town, city); and [3] if she moves elsewhere in East Timor.

Among the many questions that such a study should address are:

- the dynamics of and the reasons for a woman's choice of where she moves after her stay in a safe house -- education, health, employment, etc.;
- the rate at which violence perpetuated by the domestic partner re-occurs when a woman returns to her domestic partner or original place of residence;
- the rate at which violence perpetuated by other men occurs when a woman returns to her original place of residence or somewhere else in East Timor;
- the type, severity, and frequency of the violence, if it re-occurs;
- the effects of re-occurring violence on the children -- their education, health, and welfare; and
- the changed dynamics within the woman's home if she has returned to live with the domestic partner who had perpetuated the violence and if violence has not re-occurred.

It is *not sufficient, however, to limit the study to the abused women (and their children)*. Equally important is *to ascertain the effects of a woman's stay in a safe house on her surrounding environment in the area to which she returns*. This requires more than studying the domestic partner. It necessitates understanding how a woman's return affects other women (and men) in the community to which the abused woman returns or moves. Once again the objective is enable AusAID to program appropriate and effective support that will influence the re-occurrence, of domestic violence against women (and their children).

The importance of studying the surrounding environment is straightforward. It is highly unlikely that over the next five years, AusAID programming can appreciably lower the prevalence rate of domestic violence in East Timor. AusAID programming, however, may be able to influence various elements -- the risk factors for the perpetuation of domestic violence;¹³³ proximate

¹³² Comparable studies can be undertaken regarding ending violence against women. The IE team specifically chose women in safe houses because the Facility currently funds safe houses and because this population is readily accessible to researchers.

¹³³ In a study of violence against women in Bangladesh, it has been found that greater women's "empowerment" is associated with *greater* rates of domestic partner abuse, see M. Rahman et. al.,

changes that occur around abused women¹³⁴ -- within the larger community in which domestically abused women live that may have profound long-term consequences. It is precisely these elements that require empirical analysis and it is also upon these elements -- especially proximate changes -- that a sound M&E regime for a program on ending violence against women can be grounded.

The IE team acknowledges that the empirical analysis it recommends may not necessarily be completed before the cessation of the Facility in 2013. Nevertheless, the importance of undertaking such a study is sufficiently high that the IE team considers that preparatory work should be undertaken immediately and appropriate bridging mechanisms devised for the interregnum between the Facility and a post-Facility initiative.

C. Extend the contract of the consultant currently providing M&E advice and support to the Facility

While recognising that it is too late to remedy the Facility's raft of M&E missteps and missed opportunities, the IE team judges that it remains imperative that cogent M&E be put in place for the remainder of the Facility's activities. This is particularly important to garner greater understanding of the Grants team's work and to evaluate any future human resource management trainings that are scheduled to take place in the districts. In both instances before- and after-training measurements can be instituted to assess whether knowledge and perception/attitudes have been positively changed by Facility supported initiatives.

The consultant hired in late 2011 to work on M&E has already clearly demonstrated his value, most obviously in his clear and cogent evaluation of the IIMS system. Unfortunately, it would seem that the consultant does not have anywhere near enough days left on his contract to provide adequate support, with as few as fifteen or so days left on his contract as of March 2012. The number of days specified in his contract should be extended to reflect better the number of outstanding tasks.

D. Funding for the Asosiasaun Advogadu Timor Lorosa'e

One of the better-supported NGOs by the Grants team has been the Asosiasaun Advogadu Timor Lorosa'e (AATL), an organisation of private lawyers in Timor-Leste, with just under 150 members. As of February 2012, the JSSF had provided a total of \$252,575 to the organisation, including for the salaries of fourteen staff members and five lawyers. The AATL receives the same high levels of accompaniment/chaperoning from JSSF staff as do other NGOs. The AATL Director praised the especially dedicated and passionate support extended to the organisation

"Intimate Partner Violence Against Women: Is Women Empowerment a Reducing Factor?" *Journal of Family Violence*, v. 26 (2011). This is not an argument against 'women's empowerment,' but rather a challenge in how to contour support programming so that adverse and perverse consequences do not result.

¹³⁴ For instance, it is possible that the return of an abused woman from a safe house to her domestic partner or original place of residence may stimulate an increase in reported cases of domestic violence by women who come in contact with her, if the abused woman's not subjected to further violence. The hypothesised increase in reported cases cannot necessarily be interpreted as an 'increase' in domestic violence *per se*. Rather it could be interpreted as an increase in confidence of women that their needs can and will be addressed, attributable to the return of the abused woman from the safe house. There are many other plausible variations, but they are the types of proximate changes that need to be studied and measured so that AusAID can support effective programming to end violence against women.

from a senior member of the grants team. The Facility is currently AATL's only donor and has been since 2009.¹³⁵

JSSF funding, broadly speaking, enables the AATL to engage in two streams of activities. The first is AATL's access to justice/legal outreach work. JSSF funding has helped AATL deliver socialisation training about legal terminology; facilitate information sessions given lawyers in local communities and rural schools; conduct outreach in the universities; and produce a number of newsletters. In partnership with the MoJ, the AATL organized Timor-Leste's first law week in 2011, which was attended by all senior figures from GoTL's justice agencies, as well as international law associations. In the opinion of the IE team, this programmatic support has expanded knowledge to recipients about the judicial process and is a key component of the grants team's two-track funding stream.

Second, JSSF funding assists AATL in taking the legal and organisational steps necessary to transition from a representative body of lawyers into a fully-fledged Timorese Bar Association.¹³⁶ Supporting the formation of a Bar Association has been a long-standing goal of donors in Timor-Leste and was identified in the JSSF's original design as a programmatic objective. Progress in attaining this objective, however, has been much slower than law and justice practitioners had originally envisioned, a topic raised with concern by a senior GoTL justice official to the IE team. For example, important institutions, such as a management and discipline council, which precede the creation of a Bar Association and are specified in Law No.11/2008, Regulating the Private Practise of Law and the Training of Lawyers, have yet to be established.¹³⁷ Progress on ensuring a modicum of financial sustainability for the Bar Association does not appear to have advanced.¹³⁸ And lastly, the legislation required to establish the AATL as a Bar Association has not been finalised, all of which bespeaks to uncertainty in the AATL's drive to establish the Bar Association.

Additionally, the IE team was told that the draft Timor-Leste Bar Association Law currently consists of four pages.¹³⁹ In late 2011, the Minister of Justice apparently requested a revised and expanded draft, which the JSSF has advised will be readied by September 2012.¹⁴⁰ In the considered opinion of the IE team, however, the June elections and the subsequent change of government -- with, potentially, a new Minister of Justice -- means that this already lengthy drafting process will, most likely, become further protracted, an issue that had already been raised by a senior GoTL justice official.

¹³⁵ Extensive support to AATL and the goal of a Bar Association was provided by Avocats San Frontiere from 2002-2009. See http://www.asf.be/publications/ASF_Timor_AATLbackground.pdf

¹³⁶ According to the International Bar Association, a bar association is '[a]n officially recognised professional organisation consisting of members of the legal profession that is dedicated to serving its members in a in a representative capacity to maintain the practice of law as profession, and, in many countries possessing regulatory authority over the bar in its jurisdiction. Membership in the bar may be compulsory or voluntary': International Bar Association, *International Principles on Conduct for the Legal Profession* (28 May 2011), 33.

¹³⁷ Hereafter referred to as the Private Lawyers Bill.

¹³⁸ Speaking during the inaugural Law Week, the Prosecutor-General stated that any Bar Association "will be dependent on grants from the state or from international organizations and that would have consequences in terms of independence," Draft Notes, International Conference, "Develop Bar Association to strengthen justice sector", 28-30 September 2011.

¹³⁹ Email to IE Team, March 29, 2012

¹⁴⁰ Ibid.

A separate but related issue involves AATL as the ‘trade body’ for private lawyers. The question centres on Timor-Leste’s onerous legal certification regime, which has major implications for access to justice issues and, in particular, legal aid organizations. The Private Lawyers Bill specifies a laborious qualification regime to be licensed as a practicing lawyer. At the moment, only those persons who have been trained at the Judicial Training Centre and have undergone their apprenticeship under a qualified legal representative [all of whom are based in Dili] can qualify as a lawyer.¹⁴¹ After July 2012, anyone not registered must, legally, cease to act capacity as practising lawyer.¹⁴² The existing July 2012 deadline risks reducing significantly the number of licensed lawyers in the country.¹⁴³ The net effect of the reduction will be that many Timorese, particularly in the rural areas, will find themselves without licensed legal representations, as many legal aid practitioners do not meet the criteria.

It is important to amend the existing law so as to ensure access to justice for rural populations, women, and children. However, there seems to be differences of opinion within the membership and leadership of the AATL on the necessity and appropriateness of amending the law. Some AATL support the current restrictive policy, while others advocate for a revision of the law, which could also allow for different categories of legal practitioners. In order to be consistent with the JSSF’s stated goal of providing “equal and timely access to justice for all men, women, and children,” AATL would presumably need to endorse the second of these options.

Therefore, the IE team recommends that further Facility funding for the AATL should concentrate only on supporting the organisation’s legal aid and outreach program’s, until such time as the AATL publicly endorses amending the law to open up the legal profession’s licensing process. The IE team acknowledges that it can and, most likely, will be difficult to separate out these two tasks -- outreach/legal aid and bar association -- in practical and accounting terms. Nevertheless, the IE team strongly concludes that it is important for the Facility to attempt to do so.

III. *Recommendations for AusAID post-Facility*

The IE team was explicitly instructed by AusAID to tailor its recommendations so that they do not intrude into pre-program design issues and terrain. Consequently, in adherence to AusAID instructions, the following recommendations only suggest the contours of what the IE team recommends could and should be the post-Facility AusAID law and justice initiative, while recognising that in the current Country Strategy all law and justice endeavours are required to fall within the purview of governance.

The IE team has two principal recommendations and three subsidiary recommendations.

A. Make Gender Equality and Ending Violence Against Women an Overarching Theme for AusAID Activities in Timor-Leste

¹⁴¹ Article 2(7) of the Law specifies another mechanism – a public exam – for qualification for experienced lawyers but this has not been established yet.

¹⁴² Article 68, Law No 11/2008

¹⁴³ The IE team was informed that some trainee lawyers appear to be allowed by different courts to appear but this depends on the Judge and if they know the lawyer.

One of the conclusions and recommendations of the ODE law and justice evaluation is that, in certain instances, it is appropriate for gender equality and ending violence against women to be the overarching theme of AusAID law and justice programming, in specific, and Australian development, in general.¹⁴⁴ Because of the presumed prevalence rate of violence against women in Timor-Leste, the IE team concludes that Timor-Leste is an excellent instance where gender equality and ending violence against women can and ought to become the theme under which AusAID development support takes place. The IE team returns to and fully endorses the statement made by an AusAID staff person at the 2011 International Bar Association Conference in Dili -- “being healthy without the freedom to make choices, without safety, means nothing” -- and a 50% prevalence rate of violence against women implies that women are not safe and, therefore, are not free to make choices, be healthy, or receive an adequate education.

With a prevalence rate of violence against women at or above 50%, it is evident that most, if not almost all, of AusAID development activities in East Timor are, effectively, being held hostage to the effects of the violence perpetuated against women. For example, AusAID support for health delivery and education cannot produce significant ‘value for money,’ let alone be effective and productive, if upwards of 25% of the Timorese population is partially, if not largely, excluded from full participation in and the benefits of AusAID’s support because of the violence inflicted upon them. If the prevalence rate is as high as the IE team believes, AusAID has a fiduciary responsibility to Australian taxpayers to consider re-engineering its development activities in East Timor and make the women of East Timor the primary beneficiaries of all its development activities. This is not about mainstreaming gender, but rather about placing gender equality and ending violence against women first and foremost as an AusAID development priority in order to ensure that AusAID development support is more productive and effective, generating greater ‘value for money.’ In effect, the IE team’s recommendation implies that Australia’s governance, health, education, and the Australian Federal Police’s Building Safer Communities programming ought to be mainstreamed under gender equality and ending violence against women.

Programmatically, placing gender equality and ending violence against women at the forefront of development endeavours implies that AusAID’s M&E regimes would focus upon gender equality and ending violence against women as the key indicators of achievement and through its “theories of change” analysis. For instance, if it were to be shown that violence against women varied according to their education level -- hypothetically year nine -- then one of the principal indicators for success of AusAID’s education programming would be the increase in the percentage of girls graduating from that school year. *Hypothetically, depending upon empirical data*, to achieve an increase in girls’ graduation rates, AusAID may need to construct more bathrooms for girls in schools; support alternative livelihoods for families so that girls were not diverted from school into cash-earning endeavours; and/or assist the PNTL in the re-deployment of its police officers so that they are assigned to foot patrols along the paths girls take to and from their schools in the morning and afternoon so that, presumably, their safety and security improved.

Similarly, Australian assistance for an infrastructure project, the building/rehabilitation of a road for example, would and could also be assessed by how it affected gender equality and affected

¹⁴⁴ “A safe environment is a fundamental prerequisite for development and poverty reduction to occur. Access to justice is vital for promoting human rights. Girls cannot attend school if they fear violence or intimidation... Our law and justice programs will highlight important Australian priorities, including addressing violence against women, particularly in the Pacific, and promoting access to justice,” Government of Australia, “An Effective Aid Program for Australia: Making a real difference – Delivering real results”, 2011, p. 37

ending violence against women, if they were to become the priority development theme for AusAID in Timor-Leste. In this case, *hypothetically and depending upon the empirical data*, the number of women-owned and/or managed stores along the rebuilt road might prove to be an important indicator of how the road improves gender equality, implying, most likely, the need for AusAID support to improvement in women's economic participation in specific areas along the road. Additionally, it is probable that efforts would also need to target men associated with the women store owners for programming in order to prevent an increase in domestic violence that may be correlated to increased women's empowerment. The health of sex workers, as well as rates of sexually transmitted diseases for women and girls along the roadway and, more specifically, in and around trucking rest stops, may be another means by which address gender issues related to the renovation of the road and a way of assessing the effectiveness of the infrastructure project. Finally, it is *conceptually possible* that the rebuilt or new road may increase the migration of young men to Timor-Leste's neighbouring urban centers. If true, this phenomenon would suggest the need for donor support for focused development programming in the neighborhoods to which the young men moved so that violence against women in those communities did not increase, thus validating the effectiveness of the infrastructure project.

These two examples are hypothetical. Neither is intended or expected by the IE team explicitly to conform to the Timor-Leste context. After little more than two weeks in country the IE team makes no pretence at being Timorese experts across a range of substantive areas. They have been offered by the IE team as conceptual illustrations of how AusAID, if it were to adopt gender equality and ending violence against women in Timor-Leste could begin to re-think how to program and evaluate its donor support in such traditional areas of assistance as education and infrastructure development.

Furthermore, the IE team is not recommending that AusAID programming ought to deviate from its traditional endeavours as it adopts gender equality and ending violence against women as its priority development theme. To the contrary, the IE team is only suggesting, first, that AusAID can conduct and, second, how conceptually AusAID could conduct its traditional development endeavours with gender equality and ending violence against women as its principal objective and with women as the primary beneficiaries.

The IE team recognises and appreciates that making gender equality and ending violence against women a principal theme of development would require AusAID to adopt a different approach to program design and M&E. The IE team strongly concludes, however, that doing so, as the examples intimate, would enable AusAID to bring together hithertofore disparate elements of its support activities into a coordinated whole-of-government approach. Finally, if AusAID were to prioritise gender equality and ending violence against women as its development theme in Timor-Leste, AusAID would be breaking new ground and assume a leading international role in law and justice programming, not to mention development in general.

B. Continue Support for IIMS and Grants Process

The IE team concludes that the Facility has had two significant achievements -- IIMS and the grants team, each of which is ground breaking. The IIMS team has succeeded in building a unified information management system across the various GoTL law and justice agencies in ways that the IE team has never seen before. The Grants team, on the other hand, has established an innovative grants giving process and has piloted a productive model of delivering services and socialisation to the vulnerable populations who otherwise have little to no access to law and

justice. The IE team, therefore, recommends that AusAID continue to support both initiatives and design a post-Facility program with these two endeavours as its touchstones.

1. IIMS

For IIMS, the IE team recommends that future AusAID support shift from concentrating on ‘building the system’ to utilisation of the system’s information. This is a move from the collection of data to its collation, analysis, and operationalisation by GoTL justice agencies.¹⁴⁵ This also implies that responsibility to support the hardware, personnel, and basic training costs of IIMS belongs to the GoTL and Annex G indicates that the GoTL has begun to do so.

Still, the GoTL cannot undertake the next step of IIMS’s development without donor assistance. For example, the information within IIMS can readily be used to deploy more effectively and efficiently the GoTL’s law and justice resources (including financial, human capital and logistical, assets), but only if the information contained within IIMS were appropriately managed, which requires additional international assistance. The data held by IIMS can be used to highlight bottlenecks in the Timorese law and justice system, to which problem-solving techniques could be applied with the objective of improving service delivery. IIMS’ storehouse of statistics could also be used to fuel a range of GoTL performance management initiatives, as already indicated, but, again, the information would have to be managed accordingly. The same holds true with regard to broader accountability questions with regard to facilitating NGO access to selected IIMS data. If done reasonably, each of these would enhance service delivery of law and justice. However, none of them is likely to occur unless AusAID undertakes to support the next phase of IIMS development. Furthermore, without continued support the catalytic nature of the IIMS for future justice development is, likely, to be lost.

2. Grants Process

The IE team recommends a continuation and expansion of the current work of the Grants team and a rollout of the Suai referral network and its activities to other geographic areas of Timor-Leste. It is the IE team’s belief that this should be among the highest priorities for AusAID post-Facility, given the epidemic nature of violence against women in East Timor. The IE team also recognises that rolling out the Grants team process *and* replicating the Suai model has definitive personnel costs to it, but, the IE team considers, that the value of the work outpaces the overhead costs.

C. Conduct research into local authorities and violence against women

It is widely accepted development understanding that in fragile and post-conflict countries, like Timor-Leste, that the majority of justice provision is delivered by systems other than those of the state, as understood in Western Westphalian terms.¹⁴⁶ Justice provision in Timor-Leste fits squarely within this rubric¹⁴⁷ and a sizable body of academic literature attests to a vibrant legal pluralism in East Timor.¹⁴⁸ Courts and prosecutorial offices are located in just four urban centres,

¹⁴⁵ Because of AusAID’s explicit instructions not to delve into pre-program design issues, the IE team has not specified what kind of support -- resources, partners, etc. -- might be required for this recommendation to be operationalised.

¹⁴⁶ For a further explication, see Eric Scheye. ‘Some thoughts about law and justice: What to do about the crisis of confidence’ (Canberra: AusAid) 2011.

¹⁴⁷ See Asia Foundation (2008); Asia Foundation, Client Survey (2011).

¹⁴⁸ For a representative sample see Tanja Hohe and Rod Nixon *Reconciling Justice: ‘Traditional Law’ and State Judiciary* (Washington DC: USIP) 2003; Caroline Graydon *Local Justice Systems in East Timor: Washed up, or Watch this Space?* *Development Bulletin*, No. 68, pp. 66-70; Laura Grenfell: *Legal*

and, despite a decade of international assistance, the Timorese police still have limited geographic reach. Information elicited from the IE team's focus group discussions and interviews underscored that, in their stead, informal and customary systems of justice provision have greater salience, especially in the rural areas where the vast majority of the population still lives.

What justice provision looks like will vary from district to district and even from *suko* to *suko*. Its form also depends on the type of case being adjudicated. Judicial shopping is customary in all societies and cultures and Timor-Leste is no different. The IE team heard that first responders can include a number of actors, including *lia na'in* and/or elected, state-based positions such as *xefe aldeia* and *xefe suko* and, often, a dynamic mix of them. The team also learned that 'formal' Timorese law and justice institutions may subsequently approve, and thus, legitimise, the decisions made by these authorities. The IE team is not advocating that this should occur, but merely reflecting upon what does, in fact, happen and how justice is accessed in Timor-Leste.

Adhering to GoTL policy, the JSSF has prioritised assistance to ministries and agencies of the formal state. For reasons unbeknownst to the IE team, due to the limited information to which it was given access, the team has not been able to ascertain why the Facility has not undertaken the range of activities it delineated in the 2009 Implementation Framework "to not limit its activities to formal justice systems."¹⁴⁹ This is not meant to imply that the JSSF has ignored local authorities. To the contrary, many of the NGOs funded through the process devised by the Grants team have included in their programming and have sought to socialise local authorities -- *xefes suko*, *xefes aldeia*, and *lia na'in* -- to their legal responsibilities regarding violence against women. *The IE team has taken note of and commends these endeavours.*

Nevertheless, there remains, within the Facility (and elsewhere), significant gaps in knowledge with regard to violence against women in the mechanics of who resolves what at the *suko* and *aldeia* level. The IE team that visited Viqueque, for instance, was told that socialisation exercises would have been a lot more effective if *lia na'in* had been individually and specifically invited alongside their *xefe aldeia* and *xefe suko* counterparts. It is the judgment of the IE team, therefore, that this weakness in understanding the role of local authorities has impeded the Facility's ability to support new and innovative programming that addresses and speaks directly to these local 'levers of influence.' Furthermore, the IE team believes that there may also be new and alternative modes of service delivery that could have been supported if this gap in knowledge had been progressively filled in.

This is not a critique of the NGOs that the Grants team has supported over the last two years. Rather it is, the IE team believes, an additional avenue that AusAID post-Facility can and should explore to augment its ending violence against women initiatives. It should also be noted that AusAID support for such endeavours strictly adheres to GoTL policy, as the *Suko* Council responsibilities include promoting debate on, and the planning and control of, *suko* activities relating to development and security.¹⁵⁰ Furthermore, the *xefe suko* is legally responsible for:

- establishing mechanisms of coordination between the *suko* and government authorities;
- creating grassroots structures for the resolution and settlement of minor disputes involving two or more villages of the *Suko*;

Pluralism and the Rule of Law in East Timor. *Leiden Journal of International Law*, No. 19, pp. 305–337; World Bank (2010): Trust, Authority, and Decision Making: Findings from the Extended Timor- Leste Survey of Living Standards. Justice for the Poor Briefing Note 5 (1)

¹⁴⁹ 2009 Implementation Framework, p. 27.

¹⁵⁰ Section 1, Law 5/2004, Section 6; see also *Law 3/2009 on Community Leaderships and their Election*.

- promoting the creation of mechanisms for the prevention of domestic violence, protection of domestic violence victims and the rehabilitation... of domestic violence perpetrators; and
- requesting the intervention of security forces in case of conflict that cannot be solved at the local level.¹⁵¹

Therefore, the IE team strongly recommends that AusAID support targeted research to identify and understand better these local levers of power and influence in the communities where Facility grantees have been engaged in the ending violence against women in order to better be able to engage those levers with specifically targeted programs.

D. Evaluate legal aid and paralegal organisations for possible future funding

In fragile environments like Timor-Leste, legal aid lawyers and paralegals are, often, a crucial link between the courts and the people in far-off towns, villages and hamlets. They provide low-cost, (often free) legal services, leveraging both their proximity to the community and knowledge of local structures/culture. Lawyers provide legal assistance in civil and criminal cases throughout the thirteen Districts of Timor-Leste. Since 2009, the JSSF has supported a small number of paralegal organisations, which have provided support in both civil and criminal matters, including to children and women who are the victims of violence.

A recent client satisfaction survey conducted by the Asia Foundation -- the major international actor with regard to legal aid services in Timor-Leste -- indicated that “an overwhelming majority of clients are satisfied with the legal assistance they received from the legal aid lawyers” coupled with a high level of confidence in their “competence and professionalism.”¹⁵² The chief downside identified by the survey was insufficient numbers of legal officers to meet the demand.

Legal aid lawyers and paralegals have a crucial role to play in vouchsafing improved service delivery through providing opportunities for redress should legal services *not* be delivered or not delivered according to the law, either through the formal (legal aid lawyers and paralegals) or informal systems (paralegals, for lawyers do not have ‘standing’ in these systems). Accordingly, the IE team recommends applied research to understand legal assistance and paralegal organisations that are currently delivering law and justice services to men, women, and children in the ‘state’ courts, as well as in the informal systems. The research should consider current funding mechanisms for legal aid and paralegals and evaluate whether their work fits within the ambit of the forthcoming AusAID Governance for Development program and should be funded by a post-2013 reconfiguration of the Grants team.¹⁵³

E. Increase support for Timorese men’s organisations working to promote gender equality and end violence against women

¹⁵¹ Ibid, Section 3.

¹⁵² Fausto ‘Nino’ Belo Ximines *Legal Aid Client Services Survey* (Dili: The Asia Foundation 2011) p. 15

¹⁵³ The IE Team understands that the Asia Foundation will shortly cease supporting legal aid lawyers and paralegals owing to the time-limited nature of USAID funding.

The AusAID gender strategy recognises that men and boys have a crucial role to play in preventing violence against women and helping change community attitudes to violence.¹⁵⁴ Consistent with that strategy, the IE team considers that transforming the attitudes of Timorese males is an essential component in reducing the prevalence of violence against women. This may require supporting NGOs in addition to the Association of Men Against Violence (AMKV), given the operational and managerial challenges the AMKV has recently experienced. This may also imply AusAID seeking out and supporting the formation of NGOs dedicated to working with men.

IV. *Lessons Learned from the Facility*

The following lessons are intended to be of interest to all Australian government stakeholders. It should be noted, however, that the IE team fully endorsed the finding of the draft ODE law and justice evaluation. The IE team's findings with regard to service-delivery (IIMS) and problem-solving (Grants) approaches to law and justice development align well with the aforementioned evaluation's recommendations. Consequently, this Report does not repeat that evaluation's findings with regard to AusAID's adoption of a blended approach to programmatic design and implementation, but, instead, builds upon those recommendations.

A. Country programs whose technical assistance is primarily geared to support recipient country's institutional capacity development in coordination, policy formulation, and strategic planning tend to be unproductive, and, sometimes, counterproductive.

The Facility has used the concept of 'gatekeeper' for those TA who "restrict... proper communication between political leaders [i.e. leaders of governmental institutions] and people working in the institutions."¹⁵⁵ The IE team sees the utility in the concept, but extends it, believing that it elucidates a significant problem in institutional capacity development programming when donor support for recipient government policy coordination, formulation, and strategic planning crowds out concrete law and justice programming.

While 'gatekeepers' may expedite processes within ministries and agencies, it is doubtful that their activities 'develop capacity.' To the contrary, in many instances, it appears that 'gatekeepers' impede development, as the evidence in this IE Report Facility suggests. At the very least, the two Facility teams that focused on concrete tasks seemed to have much more productive and effective at obtaining achievements than Facility TA who coordinated, drafted policy, and participated in strategic planning.

B. In contrast to standard training projects, 'accompaniment' and 'socialisation' seem effective in producing results/outcomes.

As already stated, the absence of systematic M&E precludes the IE team's ability to judge the enduring effect of the JSSF's training initiatives that were, primarily, one-off or episodic engagements. Among the challenges such training endeavours face is the perennial problem of

¹⁵⁴ Australian Government, *Promoting Opportunities for all Gender Equality and Women's Empowerment* (November 2011), p. 5.

¹⁵⁵ Ewers, *People-Centred Approaches to Developing Capacity: Some Lessons Learned*. December 2011, p. 2.

ascertaining whether the appropriate person(s) is being trained. During its mission, the IE team heard repeated claims by Timorese representatives that their own bosses had selected the wrong civil servants for training. Another major challenge to one-off and episodic training initiatives is the rotation of personnel by their superiors soon after the completion of training, which strips away much of the benefit the training may have had.

In contrast, training based upon the combination of ‘accompaniment’ and ‘socialisation,’ as devised by the Grants team, appears to be a potentially productive model for future law and justice initiatives, one which mitigates against the aforementioned weaknesses.

C. All training initiatives require M&E

It is, of course, imperative that AusAID systematically begin to incorporate M&E into its training initiatives. The main principle should be that participants of training are ‘tested’ a certain number of months after the completion of their training on their retention and use of what they were meant to learn during their training. To do so reliably and validly also requires AusAID to conduct pre-training baseline studies of those who will undergo training. There are different techniques for conducting such pre- and post-training M&E schemes and this IE report cannot advocate for one technique over another because it will vary according to the training in question. That such M&E should be conducted, however, is beyond question.

D. Timorese-First

One of the successes of the IIMS and Grants team has been their insistence on putting ‘Timorese First.’ Within the JSSF this has meant allowing and encouraging Timorese staff to go from interpreters and administrative assistants to front line practitioners and programmatic leaders. Putting ‘Timorese first’ also implies an alteration of program management, with teams and their operations working to a Timorese-set schedule. Progress may be slower, but it is likely to be more enduring and sustainable.

D. The Grant Team Process of Dispersing Funds Appears to be Innovative and Effective

The sequence developed by the Grants team of funding numerous NGOs initially (venture capital technique) only to whittle down the numbers based upon performance (champions) is an innovative approach and one that may prove effective for a range of AusAID civil society initiatives. Furthermore, once the champions have been identified, the team was able to provide core funding, an alteration of customary donor tactics, and one that has been much appreciated by the NGOs, as it provides them with a degree of financial stability and enables them to be able to plan their future activities more consistently. One recipient told the IE team that the short to medium-term financial security of core funding freed up their time to address and improve ‘core’ NGO managerial functions. It is important to note, however, that core funding was provided following the Grants team due diligence.¹⁵⁶

¹⁵⁶ The subject of core funding was one that was considered in great detail in the review of Aid Effectiveness, leading to the recommendation that core funding to NGOs should be increased as a share of total spending. The Government of Australia agreed to the recommendation in principle with “decision on allocation based on an assessment of poverty, national interest, capacity to make a difference, and current scale and effectiveness in line with their mandate,” Commonwealth of Australia. *An Effective Aid Program*

E. Designing Programs in the run-up to an Election may be Unproductive

The experience of the JSSF -- designed in one administration and implemented in another -- suggests that designing and initiating implementation of law and justice programs in the period *immediately before* parliamentary elections and, therefore, potential changes of government may be suboptimal. Accordingly, and irrespective of the nature of the program, it may be better to wait until a new government is installed before substantive discussions and designs begin.

ANNEX A

AusAID Timor-Leste Justice Sector Support Facility (JSSF) Independent Evaluation
Terms of Reference, 7 November 2011

1. Background to the evaluation

1.1 Status of the justice sector in Timor-Leste

Like most infrastructure in Timor-Leste, the justice sector had to be rebuilt almost entirely after the violence in 1999 and the transition to independence in 2002. A 2009 Independent Comprehensive Needs Assessment of the Justice System of Timor-Leste found substantial work was still needed to improve justice outcomes. The national Council of Coordination¹⁵⁷ formulated a policy framework for the sector in February 2010. The Justice Sector Strategic Plan (JSSP) set a number of sectoral goals based on five themes: institutional development; legal reform and framework; human resource development; infrastructure and IT; and access to justice.

In 2011, the Parliament endorsed the *Strategic Development Plan 2011-2030* (SDP) in which the Government confirmed its commitment to strengthening the justice sector¹⁵⁸:

‘Stability and security are pre-conditions to development. After many years of conflict, Timor-Leste’s goal is to be a stable and secure nation that recognises the rule of law and provides access to justice for all our citizens. Achieving these goals will require the development of transparent, accountable and competent institutions across our civil service, our security sector and our justice system.’¹⁵⁹

The Government may conduct an internal review of the JSSP’s implementation, and its alignment with the SDP, in late 2011.

1.2 Overview of JSSF

Australia has been a major donor to the justice sector, with three programs currently in operation. The **Justice Sector Support Facility (JSSF)** is a bilateral program delivered by managing contractor GRM. The original total value of the program was \$29 million over five years (February 2008 – February 2013¹⁶⁰), but, following AusAID’s review of technical assistance, the final program value is \$25 million. JSSF activities will end in December 2012, with contractual obligations to be completed by February 2013.

The goal of JSSF¹⁶¹ is “**to contribute to stability and prosperity in Timor-Leste by helping to provide equal and timely access to justice for all men, women, and children**”. The objective of Australian support is “**to build the capacity of the justice sector in Timor-Leste**”.

JSSF will be directly accountable for six intermediate outcomes:

¹⁵⁷ The Council of Coordination is the advisory body to the Ministry of Justice and comprises the Minister of Justice, President of the Court of Appeal and the Prosecutor General.

¹⁵⁸ Government of Timor Leste, Strategic Development Plan, p 176.

¹⁵⁹ Government of Timor Leste, Strategic Development Plan, p 157-158.

¹⁶⁰ The contract between GRM and AusAID for JSSF implementation was signed in February 2008 (‘JSSF head contract’). However delays in signing the MoU between Governments of Australia and Timor-Leste and the program meant JSSF did not commence until May 2008.

¹⁶¹ This goal was originally worded to cover all of Australia’s support to the justice sector. At the time the JSSF contract was signed (Feb 2008), this also included support to the UNDP-implemented program. As support to UNDP ceased in 2009, this goal now relates solely to JSSF.

1. Improved co-ordination within the sector on planning and priority setting;
2. Improved corporate management systems and procedures of selected institutions;
3. Reduced corruption within the justice sector;
4. Improved availability of prosecution, legal representation, courts and victim support services in districts;
5. Increased public understanding of human rights and confidence in prosecution, legal representation, courts and victim support services; and
6. Reduced violence against women and girls.

JSSF activities are structured under two program components:

Institutional Development

- Planning, Finance and Human Resource Management
- Integrated Information Management Systems Project

Civil Society Support and Access to Justice

- Access to Justice Program in Suai
- Governance and management support to key partners
- Civil society grants
- Gender justice

1.3 Donor Support to the Timor Leste Justice Sector

The second major justice-related program supported by Australia is the Timor-Leste Police Development Program (TLPDP). Implemented by the Australian Federal Police (AFP), the program is worth \$65.6 million over 4 years (2010-2014). TLPDP works with the police force (Policia Nacional de Timor-Leste, PNTL), the Office of the Secretary of State - Security and the Office of the Prosecutor-General (OPG) to improve criminal investigations and police governance and operations.

AusAID has also provided US\$1.6 million in 2008-13 for the World Bank's Justice for the Poor Initiative (J4P)¹⁶². J4P uses community-based research and pilot activities to support the emergence of legitimate and effective justice institutions. A mid-term review was done in mid-2011; future AusAID support has not yet been considered.

Other bilateral support to the sector includes Portugal's provision of legal advisers and in-kind technical assistance. Brazil provides judges, prosecutors and public defenders. In civil society, The Asia Foundation (USAID-funded) supports legal aid services and dispute resolution mechanisms.

The largest program in the Timor-Leste justice sector is the **UNDP**-delivered Justice System Programme (JSP), worth US\$34 million from 2008 to 2013 (building on support since 2003). Donors include Spain, Norway, Portugal, Ireland, Brazil and Sweden, with \$6.3 million from Australia in 2004-2009. The goal of JSP is to "strengthen the institutional capacity of the justice system of Timor-Leste to uphold the rule of law and improve access to justice through legal empowerment of the poor and disadvantaged."

An independent mid-term review in August 2011 recommended UNDP consolidate its supply-side achievements in developing human resources and the institutional capacity of the courts and

¹⁶² Total AusAID support to the multi-country program is US\$11,535,000 over 2008-2013.

undertake some work on access to justice. The report recommended UNDP develop an exit strategy and, given it faces a declining budget for the remaining project term, continue discussions for the Government to uptake some justice sector costs currently funded by UNDP.

1.3 Policy context for Australian support to the justice sector in Timor-Leste

The scope, budget and implementation of JSSF have changed over time in response to policy changes by the Government of Timor-Leste (introduction of the JSSP) and AusAID budget and policy decisions. AusAID's support to the justice sector has been couched in terms of the third and fourth objectives of the *Australia-East Timor Country Strategy 2009-2014*: **improving government accountability, transparency and integrity** and **building the foundations of a safer community**. However, justice is not identified as a priority in the Country Strategy. Prior to the Strategy's formulation, AusAID's activities in Timor-Leste had proliferated unmanageably and the program required rationalisation. Internal discussion on the relevance and focus of justice sector support in AusAID's country program has been ongoing in that context.

Several policy drivers will shape AusAID's future country program overall and its decision on future support to the justice sector in Timor-Leste. First, AusAID is changing the way it delivers assistance to Timor-Leste. This will accord with *An Effective Aid Program*, the Australian Government's policy response to the recent Independent Review of the Australian Aid Program. Broadly, AusAID will:

- work in areas where there is a strong political commitment by the Government of Timor-Leste and in which it can align with GoTL priorities;
- work in partnership with the Government as a credible development partner to generate momentum for reform and achieve change; and
- manage its country program in a coherent and transparent way, with a focus on results.

Second, as the largest bilateral donor in Timor-Leste, Australia wishes to ensure that it has positive impacts at scale and for a large proportion of the population. AusAID is reorienting its program around the most critical constraints to achieving the following three goals (i.e. these are the changes which AusAID will value most highly): improving Timorese people's access to services; improving Timorese people's quality of life; and strengthening economic development.¹⁶³ During 2011 and 2012, the Timor-Leste country program will further consolidate its programs under six main sectors: education, health, infrastructure, rural development, governance and community development.

In considering the scope of governance-related work, the country program will draw on forthcoming AusAID policies. A new policy on governance assistance will elaborate on the commitment made in *An Effective Aid Program* to the development goal of "effective governance", in part through enhancing justice in partner countries. Second, the Government is expected to respond to the recently completed Office of Development Effectiveness (ODE) Evaluation of Australian Law and Justice Assistance. It is unlikely AusAID will support an additional, separate bilateral program in justice in Timor-Leste. However, the governance program may incorporate aspects of law and justice work (including work to address violence against women), where these can be shown to be critical to achieving the goals of the country program and the priorities of the two Governments.

2. Purpose

¹⁶³ Note the formulation of these goals is not final.

The three primary purposes of this independent evaluation are to:

- a) **Account for results:** Review the performance of JSSF in terms of effectiveness and efficiency, with a particular focus on results relating to the work to address violence against women.
- b) **Encourage sustainability of outcomes:** Recommend actions which can be taken during the remainder of JSSF's lifespan and within the existing workplan and budget to help ensure the sustainability of JSSF outcomes.
- c) **Identify opportunities and constraints to contributing to improved governance outcomes through activities in the justice sector:** Based on the assessment of results and sustainability, identify what constraints and opportunities AusAID should take into account when deciding on any future support to justice-related objectives.

A secondary purpose of this independent evaluation is for:

- d) **Broader learning:** Draw lessons about development programming relevant for Australia's country program in Timor-Leste.

In accordance with AusAID policy, the independent evaluation will be published on AusAID's external website.

The primary users of the independent evaluation will be the AusAID Timor-Leste Country Head and the Governance and Humanitarian Team (managing support to the justice sector). Secondary audiences for the evaluation include the Government of Timor-Leste; other donors in Timor-Leste; other AusAID Timor-Leste program managers; AusAID law and justice section and justice program managers from other country programs; and AusAID gender sections.

3. Key Management Decisions

3.1 The independent evaluation will provide information and analysis which will inform the **key management decision**¹⁶⁴ as to **whether, to what extent, and in what form, AusAID will support justice sector-related activities in Timor-Lest after JSSF is completed in February 2013.**

This decision will be made as soon as possible after the independent evaluation is completed and preferably by 31 March 2012. This will allow the design of future support, if any, within the context of the broader governance program, to be undertaken during 2012, prior to the end of JSSF activities.

3.2 A second management decision which the independent evaluation will inform is how AusAID and JSSF management can **ensure the program maximises the sustainability of JSSF's benefits in its remaining implementation time.**

It is assumed that there may be opportunities, within the agreed scope of work for 2012, to improve program performance and sustainability, regardless of future decisions about Australian

¹⁶⁴ Key management decisions will be made by the AusAID Timor-Leste Country Head (Dili) in liaison with the Timor-Leste Program Director (Canberra) and the Governance and Humanitarian Team.

justice sector support. However, the evaluation team will also need to discuss post-2013 options with AusAID during the evaluation, in order to ensure its recommendations on the sustainability of activity outcomes are relevant.

4. Key issues

In addition to those issues discussed under *Background*, several others have informed the call for, and design of, this independent evaluation.

4.1 Timing of the evaluation

AusAID is required, by its Performance Management and Evaluation Policy, to independently evaluate JSSF. Timing the evaluation in early 2012 means it can (i) capture progress and lessons from a reasonable period of implementation (over 3 years); (ii) be relevant to AusAID's decisions in a changing policy and country program context and (iii) simultaneously satisfy AusAID's requirements for an Independent Progress Report (IPR) and an Independent Completion Report (ICR).¹⁶⁵

4.2 Particular areas of interest for the evaluation

(a) Management of JSSF and engagement strategies

Internal monitoring suggests that central to JSSF's operations has been its ability to work with a wide variety of stakeholders with different interests (state, non-state and donors) and to cooperate with other programs in the sector such as JSP and TLPDP. Meanwhile, Australia's diplomatic engagement with senior justice sector actors has been minimal. The evaluation should look at the ways in which JSSF has developed relationships and the consequent impact on program outcomes. It would also be useful to consider the impact of the operating environment on program delivery, especially political sensitivities within the sector. The scope of work undertaken by JSSF has been developed in a pragmatic manner over time and sought to complement other assistance in the sector.

(b) AusAID's commitment to addressing violence against women

An Effective Aid Program commits Australia to law and justice programs which prioritise addressing violence against women (VAW) and promoting access to justice. This builds on Australia's 2009 commitment to respond to VAW in Timor-Leste, which followed ODE's 2008 publication of an assessment of the effectiveness of such measures in Melanesia and East Timor. JSSF is the only AusAID program in Timor-Leste directly implementing this agenda. 30% of JSSF's budget has been allocated to civil society activities which seek to reduce, and provide treatment and legal services in the case of, VAW¹⁶⁶. The findings from the JSSF evaluation will inform AusAID's decisions about future assistance to end violence against women. The team is not tasked to evaluate TLPDP's work on VAW issues with PNTL and civil society organisations, or activities supported by other donors. However, it should consider this broader context of effort, in order to better understand the strengths and weaknesses of JSSF's work and future opportunities.

¹⁶⁵ AusAID requires programs over \$3 million be independently evaluated (an independent progress report) at least once every four years. If an independent evaluation has been conducted two years or less before the end date of the activity, an independent completion report is not required.

¹⁶⁶ Overall, approximately 50% of JSSF's budget for activities funded through the imprest account was spent on civil society activities.

(c) Integrated Information Management Systems project

In early November 2011, AusAID conducted an internal review of JSSF's Integrated Information Management Systems ("case management") project. This followed a proposal by JSSF to expand the technical capacity of the system and to provide access to civil society organisations. A decision on JSSF's proposal will be taken by AusAID in mid-November. The report from the review will form an input to the independent evaluation of JSSF. The evaluation team should consider what issues related to the project require further investigation to meet this TOR.

5. Evaluation Questions/ Scope:

Based on its document review, the description of the issues above and an early briefing with AusAID, the evaluation team will develop an Evaluation Plan. This will detail questions appropriate to the purposes of the evaluation and the different stakeholders who will be consulted. The following questions are indicative:

1. Accounting for results

1.1 Effectiveness

- To what extent is JSSF on track to achieve its intermediate outcomes?
- What evidence is there – either from this program or from international experience - that progress towards intermediate outcomes is contributing or will contribute to the ultimate outcomes of the program? To what extent is it contributing?

1.2 Effectiveness in reducing violence against women

In addition to the above, when evaluating VAW-related outcomes take into account issues such as:

- In reference to the Australian Government's 2009 commitments, to what extent have the efforts under JSSF improved women's and children's access to justice, increased their access to support services and prevented violence against them?
- To what extent has the Facility engaged optimally with all relevant stakeholders (including other donor programs, such as those working with police) and supported an integrated approach to maximise effectiveness in addressing VAW?

1.3. Efficiency:

- To what extent has JSSF made effective use of time and resources to achieve the results?
- To what extent, and with what level of quality, has GRM fulfilled the terms of its contract with regards to JSSF management?
- How well has AusAID managed its contract with GRM/JSSF and what lessons can be learned from its approach?

2. Encouraging sustainability of outcomes

- To what extent do Facility partners (government and non-government) have sufficient ownership, capacity, commitment and resources to maintain progress against JSSF's outcomes after Australian funding ceases (end-2012)?
- Within the agreed scope of work for 2011 and 2012, what additional actions could reasonably be taken by JSSF management to increase the likelihood that outcomes will be sustainable post-2012?
- In areas in which progress is unlikely to be sustained after 2012, despite any additional action, why is this the case?

3. Identifying opportunities and constraints to future contributions

- Based on the assessment of the JSSF’s intermediate results, sustainability, and approach to relationships, what constraints and opportunities in the sector should AusAID consider when deciding on any future support?
 - This assessment should take into account AusAID’s policy context (section 1.4 above), as well as identifying justice-sector initiatives which would build on achievements and contribute to improved broader governance outcomes.

4. Gleaning broader learning:

Identify what lessons (positive and negative) AusAID can learn from JSSF in relation to:

- Policy engagement in a sensitive sector;
- Implementation and monitoring of capacity development;
- Developing and maintaining relationships among government, non-state actors and other donor and sectoral programs;
- AusAID finding its niche among donors;
- Coordination of GoA-funded Justice Sector initiatives;
- Encouraging attention on needs in remote areas;
- Benefits and drawbacks of a facility approach / flexible, rolling approaches to activity identification.

6. Evaluation Process:

The independent evaluation of JSSF will take place during the period of 1 December 2011 – 29 February 2012, with a total 27 days input over that time. During this period, the following will be completed:

Dates	Activities	Location	Maximum No. of Days			
			Team Leader	Political Economy Specialist	Civil Society Specialist	Gender Specialist
1 Dec	Document Review and Appraisal	Home country	2	2	2	2
9 Dec	Teleconference briefing with AusAID	Home country	0.5	0.5	0.5	0.5
16 Dec	Draft and submit Evaluation Plan (based on AusAID Evaluation Plan standards)	Home country	2	1	1	1
9 Jan	Discuss and amend Evaluation Plan based on AusAID feedback	Home country	0.5	0	0	0
16 Jan – 1 Feb	In-country mission, including: <ul style="list-style-type: none"> • Initial briefing with AusAID • Consultations (individual and group) with stakeholders as per Evaluation Plan • Field visit to Suai • Field visit to Oecusse 	Timor-Leste: Dili, Suai (and Oecusse).	15	15	15	15

	(Team Leader to determine if necessary and confirm in Evaluation Plan) <ul style="list-style-type: none"> • Prepare and present an Aide-Memoire to AusAID & key counterparts Given time constraints before the mission, AusAID will propose a draft schedule for the in-country component and discuss it with the evaluation team as part of Evaluation Plan approval.					
17 Feb	Prepare and submit draft Independent Evaluation report to AusAID	Home country	5	4	4	4
24 Feb	Receive AusAID comments on draft report	Home country	0	0	0	0
29 Feb	Respond to comments - prepare and submit final Independent Evaluation report to AusAID	Home country	2	2	2	2

7. Team Composition:

The evaluation team will comprise:

- Team Leader – Monitoring and Evaluation Specialist with expertise in justice sector support;
- Timor-Leste political economy specialist with justice sector expertise;
- Specialist in civil society with expertise in access to justice; and
- Gender specialist with expertise in reducing violence against women.

The team may include one or two national representatives (possibly from the Planning Secretariat at the GoTL Ministry of Justice) who would contribute expertise in the Timorese justice sector and gender issues to the team’s analysis. Additionally, AusAID’s Assistant Director, Governance and Humanitarian Team in Dili will join the mission for key meetings and the field trip(s).

8. Reporting Requirements:

The team leader will be responsible for the following written outputs, which he/she may delegate to team members as agreed:

- Evaluation Plan to be developed in consultation with AusAID and submitted in final copy by 9 January 2012

The Evaluation Plan will outline how the evaluation will be conducted and will include:

- An evaluation design that describes a logic model for assessing JSSF and its contribution to higher order goals;
- A method and timeframe for information collection and analysis, including evaluation questions to be answered and stakeholders to be consulted on each;
- Any challenges to achieving the evaluation purposes which need to be addressed; and

- The roles and responsibilities of team members.
- (b) Aide Memoire (4 pages) to be submitted by 1 February 2012 outlining the key findings of the evaluation.
- (c) Draft Independent Evaluation Report (a maximum of 25 pages excluding attachments) to be submitted by 17 February 2012.
- (d) Final Independent Evaluation Report (25 pages maximum excluding attachments) to be submitted by 29 February 2012.

The AusAID Evaluation Management Team (Assistant Director, Governance and Humanitarian Team) will be responsible for developing and implementing an AusAID management response and a learning and dissemination plan. AusAID may also request that the team provide evidence of systematic data collection and analysis.

9. Key stakeholders to meet

This list is provided as a recommendation. In the Evaluation Plan the evaluation team will confirm persons and organisations it wishes to meet.

<p><u>Government of Timor-Leste</u>¹⁶⁷</p> <ul style="list-style-type: none"> • Minister for Justice / Vice Minister For Justice • Prosecutor General / Vice Prosecutor General • Chief Justice • Public Defender General • Secretary of State for the Promotion of Equality • Director of Social Reinsertion, Ministry of Social Solidarity • Staff of the Planning Secretariat, Ministry of Justice • JSSF counterpart staff (beneficiaries) in human resources, administration and finance in Ministry of Justice, Office of the Prosecutor General • JSSF counterpart staff (beneficiaries) on the integrated information systems management project in MoJ, OPG, Prisons, PNTL and OPD. • District prosecutors and judges • All partners in the Suai Access to Justice program. 	<p><u>AusAID</u></p> <ul style="list-style-type: none"> • Country Head • Governance and Humanitarian Team <p><u>JSSF</u></p> <ul style="list-style-type: none"> • Facility Manager • Senior Management Advisers • Staff in each activity group • GRM management staff <p><u>Civil society stakeholders</u></p> <p>JSSF key partners – Board and staff members (beneficiaries)¹⁶⁸</p> <ul style="list-style-type: none"> • AATL • JSMP • PRADET • Forum Tau Matan • AMKV/Caritas <p>Beneficiaries of key civil society partners' programs</p> <p><u>Other donors</u></p> <ul style="list-style-type: none"> • TLPDP • UNDP/UNMIT (Administration of Justice
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¹⁶⁷ Depending on time and focus of the evaluation, the team may wish to meet with GoTL representatives not directly involved in JSSF but with an interest in its work, such as the Ombudsman for Human Rights and Anti-Corruption Commission.

¹⁶⁸ JSSF has funded grants in a large number of CSOs. The evaluation team should ensure it meets with the five key partners, who have received institutional strengthening support as well as project grants. If time allows, the team may wish to meet other JSSF grant recipients.

	and Human Rights) <ul style="list-style-type: none"> • UNFPA • Portuguese Cooperation Agency • The Asia Foundation • World Bank – Justice for the Poor
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10. Key Documents to review

<p><u>Analyses of Timor-Leste justice sector</u></p> <ul style="list-style-type: none"> • Independent Comprehensive Needs Assessment (ICNA), <i>The Justice System of Timor Leste</i>, 2009. • CIGI, <i>Security Sector Reform (SSR) Monitor: Timor-Leste</i>, January 2011. • UNDP, JSP documents, especially mid-term review, August 2011. <p><u>Government of Timor-Leste policies</u></p> <ul style="list-style-type: none"> • JSSP 2010 • SDP 2011 <p><u>JSSF Documents</u></p> <ul style="list-style-type: none"> • Head Contract • Program Management Framework (original and final version) • PMF implementation reports (annual and six monthly reports) • Annual work plans • Project information sheets • Most significant change stories. • IIMS Internal Review Report. 	<p><u>AusAID reports and policies</u></p> <ul style="list-style-type: none"> • Timor-Leste Country Strategy 2008-13; • <i>An Effective Aid Program for Australia: Making a real difference – delivering real results</i> 2011; • ODE, Evaluation of Australian Law and Justice Assistance, 2011 (and Government response, if available); • ODE, Violence Against Women in Melanesia and East Timor, 2008; • <i>Stop Violence: Responding to violence against women in Melanesia and East Timor</i>, Australia’s response to the ODE report, 2009.
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ANNEX B

Justice Sector Support Facility Evaluation Plan

1. Introduction - Purpose

The purpose of this evaluation plan is to outline the methodology by which to assess the ongoing implementation of the Justice Sector Support Facility (JSSF) and write an Independent Evaluation. This Independent Evaluation (IE) is designed to:

- capture progress and lessons from over three years of implementation;
- ensure the program maximises the sustainability of JSSF's benefits in its remaining implementation time; and
- inform the key management decisions as to whether, to what extent, and in what form, AusAID will continue to support the justice sector in East Timor when JSSF is completed in February 2013

More specifically, following the ToR and ensuring that the evaluation objectives are met, the IE will assess JSSF with regard to its:

- **results:** review performance in terms of effectiveness and efficiency, with a particular focus emphasis on violence against women;
- **sustainability of those results;** and
- **broader learning:** draw lessons about development programming relevant for Australia's country program in Timor Leste.

In addition, the IE will:

- **recommend options** that AusAID can pursue during the remainder of JSSF's lifespan to improve sustainability of current activities; and
- **identify opportunities and constraints** to AusAID's contributing to future improvements in the justice sector, within the context of AusAID's overall country program priorities, namely Governance for Development.

This evaluation plan builds on, refines and operationalises the ToR. It also outlines the methods and timeframe the evaluation team will use to meet the ToR's objectives and scope, as well as suggesting the proposed roles of team members.

2. Evaluation Questions

This evaluation will help the Governments of Australia and Timor-Leste, first, assess JSSF's effectiveness, efficiency, and sustainability -- as well as analyse lessons learned. Based upon these findings, the IE will, second, through identifying programmatic constraints and opportunities, offer a set of recommendations of potential courses of action that AusAID can undertake for the duration of the JSSF, which are to be within the parameters of its current scope of work. Third, the IE will suggest ways in which future

Australian law and justice development activities can be integrated into a Governance for Development schema.

To do so, the IE will pay particular attention to the impact of programming on the intended beneficiaries, namely, “the people of East Timor who come into contact with, or need to access, the justice system”¹⁶⁹ and the quality of justice they receive. Because Australian assistance is only ever one of many influences on justice development in Timor-Leste, however, it is improbable to be able to apply a strict causal approach to result attribution with regard to AusAID’s support.

Furthermore, the identification of beneficiaries is crucial to understanding a program’s implicit and/or explicit theory of change.¹⁷⁰ A programme, most likely, espouses more than one, as its different components and activities may each have their own distinct theory of change. For this reason, we will seek to understand the theories of change that underlie JSSF and, from those theories, inquire on the relationship between the component’s activities, their intended beneficiaries, and achieved objectives and outcomes/results, for it is only from outcomes/results that AusAID can determine whether its programming has produced value for money.¹⁷¹

It should be noted that effectiveness, as already suggested, explicitly includes issues related to the results generated by the JSSF, in general, and, specially, with gender equality and programming concerning violence against women. For the purposes of this evaluation methodology, however, questions related to gender equality and violence against women have been separated out and accorded their own subsection. Similarly, as lessons learned is an evaluation criterion, albeit secondary, it has been broken out. Finally, it is expected that issues related to relevance and monitoring and evaluation will also be raised, given their centrality to generating effective programming and value for money.

The evaluation questions are structured to correspond to the stated evaluation criteria for the ToR. For the purposes of this evaluation plan, these criteria are defined as follows:

- *effectiveness* is the extent to which the desired programmatic outcomes are achieved or expected to be achieved;
- *efficiency* refers to how resources (funds, expertise, time, etc.) have been utilized and translated into outputs and outcomes;

¹⁶⁹ Contract 45200 Schedule 1- Scope of Services, East Timor Justice Sector Support Facility, p. 5.

¹⁷⁰ See Office of Evaluation Effectiveness, ODE Evaluation of Australian Law and Justice Assistance Synthesis Report, *Discussion Draft, 18 December 2011*, p. 19.

¹⁷¹ According to the ToR, JSSF has six intermediate outcomes: “(1) Improved co-ordination within the sector on planning and priority setting; (2) Improved corporate management systems and procedures of selected institutions; (3) Reduced corruption within the justice sector; (4) Improved availability of prosecution, legal representation, courts and victim support services in districts; (5) Increased public understanding of human rights and confidence in prosecution, legal representation, courts and victim support services; and (6) Reduced violence against women and girls” (p. 2).

- *sustainability* is the probability that the changes attributable to programmatic activities persist after donor assistance has ended; and
- *results* are the changes accruing, including positive and negative, from programmatic activities.

Relevance, when pertinent to topics raised within the IE, refers to the extent to which the objectives are consistent with beneficiaries' requirements, country needs, global priorities and partners' and the donor's policies. It should also be noted that there may be, if not frequently are, tensions between and among the elements that comprise relevance. Finally, relevance is the underlying presumption of donor programming and, in many ways, precedes the other evaluation questions.

Effectiveness

What are the JSSF's theories of change? Do they and, if so, how do they vary according to the program's six outcomes? Who are the intended beneficiaries of JSSF's activities and how do the program's theories of change correlate programmatic activities to achieving results for those beneficiaries? (The corollary monitoring and evaluation question is how does the performance indicator correspond to the respective activity and theory of change?)

To what extent has implementation of programmatic activities contributed to achievement of intermediate objectives and outcomes? Are the objectives on track to being achieved? If not, what implementation changes, if any, in the short time left for JSSF implementation, need to be made to ensure objectives can be achieved?

Has JSSF effectively improved women and children's access to and quality of the justice delivered; increased their access to support services; and contributed to the prevention of violence against them?

Is there a coherent and complementary approach between and among the JSSF, Timor-Leste Police Development Program (TLPDP), as well as with Australian contributions to UNDP's Justice System Programme (JSP) and the World Bank's Justice for the Poor Unit (J4P)? Has this approach supported an integrated approach to maximise effectiveness in addressing violence against women?

How has JSSF effectively developed its relationships so as to influence the achievement of programmatic objectives?

Efficiency

Has AusAID's management of GRM been responsive to changing needs and political landscape? If not, why not?

Has GRM's management of the programme been responsive to changing needs and political landscape? If not, why not? Has the activity suffered from delays in implementation? If so, why and what was done about it?

What are the current challenges/risks of implementation, and how are these being addressed? Is a risk management approach applied to management of the activity? What are the risks to achievement of objectives? Have the risks been managed appropriately? How have anticipated and unanticipated risks been managed with regard to activities related to gender equality and violence against women?

Sustainability

Do JSSF partners (government and non-government) have sufficient ownership, capacity and resources to maintain the activity outcomes after Australian Government funding has ceased? Have they exhibited sufficient commitment to do so?

Within the agreed scope of work for 2011 and 2012, what additional actions, if any, in the short time left for JSSF implementation, could reasonably be taken by JSSF management to increase the likelihood that outcomes will be sustainable post-2012?

Are there any areas of the activity that are clearly not sustainable? What actions, if any, in the short time left for JSSF implementation, should be taken to address this?

Lessons Learning

How well has learning from implementation and previous reviews (self-assessment and independent) been integrated into the JSSF activities?

What learning has taken place with regard to the following issues: policy engagement in a sensitive sector; implementation and M&E of capacity development initiatives; implementation of service delivery in remote areas; in managing relationships across different Australian programs and funded initiatives; in managing relationships with stakeholders (government, civil society, local, and non-state); and in managing a facility approach. How has that learning, if there were learning, been utilized programmatically?

What lessons can be applied to JSSF implementation and/or to the broader Australian aid program in Timor-Leste? Which of these lessons are relevant for the future integration of law and justice programming within a Governance for Development schema?

Results

Have activities produced intended or unintended changes in the lives of beneficiaries, directly or indirectly, in terms of improved access to and quality of law and justice delivered?

Have activities produced intended and unintended changes in the lives of women, directly or indirectly, in terms of improved access to and quality of law and justice, victim services, and protection from violence?

Have programmatic activities that supported capacity development in (partner government, civil society, etc.) promoted gender equality, access to justice, and improved service delivery to women, men, girls, and boys?

Secondary and Ancillary Questions: Relevance and Monitoring & Evaluation

Are the objectives and activity outcomes of JSSF relevant to Timor-Leste and Australian Government priorities?

Are the objectives relevant to the context and needs of the Government of Timor-Leste, its ministries and agencies of law and justice? Civil society beneficiaries? Citizens of Timor-Leste? Women?

If not, what changes, if any, in the short time left for JSSF implementation, need to be made to JSSF or its objectives to ensure relevance?

Has the JSSF fulfilled Timor-Leste and Australian priorities different from those addressed by other law and justice programs and initiatives?

Does the activity's Monitoring and Evaluation Framework (MEF) adequately measure progress against objectives? Does the MEF adequately examine assumptions or underlying hypothesis against objectives?

Is the current M&E system collecting the right information to allow judgement to be made about achievements, meeting objectives and sustainability at the next evaluation point?

What evidence is there that progress towards intermediate outcomes is contributing or will contribute to the access to justice and improved service delivery to women, men, girls, and boys?

Is data sex-disaggregated to measure the outcomes of programmatic activity?

Identifying Opportunities and Constraints

What constraints and opportunities in the sector should AusAID consider when deciding on any future law and justice support in Timor-Leste? Which ones are relevant for the future integration of law and justice programming within a Governance for Development schema?

3. Evaluation Methodology

The methodology for implementing this evaluation plan is based upon two processes: (a) document review and desk analysis and (b) fieldwork consultations. Within this division, a mixed-method approach will be employed, as it is best suited to meeting the objectives

of the ToR. This approach will appropriately verify, double check, and triangulate the evaluation findings through:

- data culled from a variety of sources;
- the use of multiple perspectives to interpret the data;
- the use of a team of evaluators, each of whom comes to law and justice development from a unique standpoint (see Roles and Responsibilities of Team Members below); and
- participatory techniques.

For quantitative law and justice performance data, the team will rely on available information culled from relevant GoTL systems, as well as those employed by the implementing service provider (ISP) and AusAID. Naturally, the strengths and weaknesses of those systems are a risk, but, in themselves, they are also evidence of law and justice development. For qualitative law and justice performance data, the team will rely on available information collected from a variety of sources, including, but not limited to, GoTL studies, academic and scholarly accounts, perception surveys, and other related information. In addition, qualitative data will be harvested through fieldwork consultations.

These sources of data will be further supplemented by information culled from program design documents, GoTL policy statements, ISP work plans, financial and budget records, progress reports, etc.

Using a mixed-method approach and multiple data sources permits the use of various analysis techniques, including induction (discovery of patterns); deduction (testing of theories); and abduction (uncovering explanations), the combination of which will produce more valid and reliable evaluation findings.

Document review and desk analysis

The evaluation team will review an extensive list of key documents related to the planning and performance of JSSF, including design documents, progress reports and monitoring data.

As already indicated these documents will include, but not be limited to:

- program design and progress reports;
- program work plans and monitoring assessments;
- government policy statements (GoTL and GoA);
- independent assessments and reviews;
- financial and budgetary statements; and
- research and scholarly articles and studies.

These documents will be analyzed in order to learn directly about the JSSF; inform the review team of directions of inquiry it may wish to pursue further; establish linkages to

other sources of information; and verify and triangulate data. What precise information the team will pull from these sources cannot be determined at this point in time, prior to a thorough reading and comprehensive analysis of the documents, a process that the timelines of this IE do not permit.

Fieldwork Consultations

The proposed fieldwork will consist of interviews, data gathering and site visits to XXX in particular. The purpose of these consultations and visits is to review the key assumptions of JSSF and stakeholders, examine the evidence and analytical base of programmatic activities, and gather and analyse data from multiple sources and from various perspectives so that the team can apply its mixed-method approach.

Above and beyond the evaluation questions enumerated above, fieldwork consultations, discussions, and interviews are divided into three categories: (i) counterparts, (ii) service providers and (iii) beneficiaries.

This breakdown into three categories is important in order to ensure that “the people of East Timor who come into contact with, or need to access, the justice system” (the beneficiaries) are explicitly included in the evaluation process and their voices adequately heard. There are many additional reasons why consulting with beneficiaries is essential, among which are to determine whether programming is owned by them, has achieved outcomes/results, and is relevant to their needs.

It is also expected that fieldwork consultations will consist of interviews and discussions with individuals and small groups of individuals. It is anticipated that there may also be more structured focus group settings. At the end of the fieldwork, it is also expected that there will be a debriefing workshop, which will also function as one of the means by which the team will receive feedback from a range of stakeholders, thereby enhancing the participatory nature of the evaluation.

The following interview questions are enumerated to provide guidance to team members for the questions they are to pose during discussions and interviews with the interlocutors they will meet. The following questions have been structured in a logical sequence in order to elicit the requisite information that the team believes is required to respond fully to the ToR.

It is also important to note that the range of questions allows for interviewees to engage on multiple levels. For instance, some of the questions are open-ended; others ask for self-assessments. A number of questions are intended to probe for more factual and objective data -- historical and analytic. As a result, it is believed that this mixed-method approach will afford a greater validity and reliability of findings.

What precise information the team will require, as well as derive from the interviews, however, cannot be ascertained prior to the team’s initiating the evaluation process. This is due, in part, to the twists and turns an evaluation process inevitably undergoes and the

need for the team to maintain an open mind as to what information is, in fact, essential, which, oft-times, cannot be grasped at the outset of the evaluation and, frequently, leads down unanticipated pathways. The inability to define with greater specificity the requisite information required is also due to the logistical (physical and holiday season) inability of the team to meet, discuss, thrash out, and agree upon these questions prior to its arrival in Timor-Leste.

Additionally, as already indicated, an evaluation is an iterative process of probing, verifying, double checking, and triangulating information from a multitude of sources. To facilitate the team's proficiency in engaging in this iterative process, it is expected that the team will meet for debriefings each morning and, again, each and every night. At these meetings, which will be informal, team members will be expected to present their day's activities and objectives (in the morning) *and* their subsequent findings and tentative understandings (in the evening). These meetings will offer the team an opportunity to share, query, and explore issues and challenges as they arise. The meetings will also provide time for verifying whether the team, as a cohesive whole, is on track in responding to its ToR responsibilities and obligations, disclosing what additional information may be required to uncover and/or what information needs to be verified and triangulated. As these debriefings occur, the team will also maintain a 'running list' of JSSF 'wins/achievements.'

The morning and evening debriefings are also essential given that the team will operate, in the main, in two flexible groups. The first group is to centre upon the Ending Violence Against Women Specialist and issues pertaining to gender equality and violence against women. The other group circles around the East Timor Political Economy Specialist, focusing on the JSSF's other intermediate outcomes. The debriefings, therefore, will be the opportunity for the team to listen to and question their colleagues; explore common emerging themes and challenges; identify gaps in knowledge and information that require additional attention; and cross-fertilize their findings and emerging understandings.

Finally, the questions are offered only as a broad template for team member use, expected to vary from meeting to meeting, interlocutor to interlocutor. It is the team leader's experience on two recent AusAID evaluations (Solomon Islands and Papua New Guinea) that the questions actually posed during interviews do not necessarily follow the order in which they are delineated below, as an interlocutor may precipitate the conversation in a way and manner he/she chooses. It is also the team leader's experience that each team member may have his/her own style and it is imprudent for the team leader to hamstring team members into a fixed process that may or may not accord to each team member's personal working style.

Interview Questions

- (i) Counterparts: Ministries and agencies of the GoTL
What have been and are your needs in relation to law and justice support?

How relevant and effective is JSSF in addressing these needs? How well aligned is the JSSF to GoTL strategies, policies, and plans? Give examples of JSSF support that has been useful; that has not been useful.

To what extent has implementation of activities contributed to achievement of objectives? What outcomes/results have been achieved in relation to improved organizational capacity, accessibility of law and justice, quality of law and justice delivered?

How has improved organizational capacity led to tangible outcomes/results? What kinds of outcomes/results can be attributed to organizational capacity initiatives?

Are the objectives on track to being achieved? If not, what implementation changes need to be made to ensure objectives can be achieved? What are the challenges?

How has JSSF support improved service delivery to beneficiaries? To women? Children? In terms of a reduction in violence against women?

How do you measure these improvements? How do you know if these improvements are sustainable?

How best can your needs be met by JSSF? What are the challenges?

(ii) Stakeholders and Service providers: AusAID, Australian Embassy, GRM and Civil Society Groups Funded by JSSF

What is JSSF doing well and not doing well? What are its strengths and challenges? Does this JSSF have the necessary prerequisites for success?

Has there been lesson learning within the JSSF? AusAID? What are the lessons learned? How have they been implemented?

What is the JSSF theory of change? Does it vary according to activity? By intended outcome? Who are your beneficiaries? Do the beneficiaries vary according to activity?

To what extent has implementation of activities contributed to achievement of objectives? What outcomes/results have been achieved in relation to improved organizational capacity, accessibility of law and justice, quality of law and justice delivered?

How has JSSF support improved service delivery to beneficiaries? To women? Children? In terms of a reduction in violence against women?

How do you measure these improvements? How do you know if these improvements are sustainable?

Has the implementation of the activity made effective use of time and resources to achieve the outcomes? How appropriate is the structure of the implementing service provider(s) to meeting the needs of GoTL counterparts? How well aligned is the capacity of the implementing service provider to meeting these needs? To beneficiaries? To women? Children?

What are the current challenges/risks of implementation? How are these being addressed?

Is there a coherent and complementary approach between and among JSSF, Timor-Leste Police Development Program (TLPDP), and Australian contributions to UNDP's Justice System Programme (JSP) and the World Bank's Justice for the Poor Unit (J4P)? Other AusAID funded initiatives?

How have you been working with AusAID, Timor-Leste Police Development Program (TLPDP), and Australian contributions to UNDP's Justice System Programme (JSP) and the World Bank's Justice for the Poor Unit (J4P)? Other AusAID funded initiatives? What are the challenges?

(iii) Beneficiaries: citizens, women, Civil Society Groups Funded by JSSF, churches, service users/non-users

How does your group contribute to the delivery of law and justice services?

How has improved organizational capacity for your organization improved tangible services you organization delivers?

What kinds of outcomes/results can be attributed to organizational capacity initiatives?

How do you measure these improvements? How do you know if these improvements are sustainable?

What are your law and justice needs?

From whom do you receive the public goods of law and justice? When you have a conflict/dispute to whom do you turn for resolution (police, national court system, village elders, churches, NGOs, etc...)?

Are your law and justice -- access to justice, gender equality, quality of law and justice delivered -- needs being met better today than yesterday -- give examples. How are you needs being better met? Why are they being better met?

What can be done to meet your law and justice needs in future? What are the law and justice challenges?

4. Roles and Responsibilities of Team Members

The evaluation team is comprised four members: a team leader; Ending Violence Against Women specialist; Access to and Quality of Law and Justice Specialist; and Political Economy Specialist.

The team leader, Eric Scheye, will:

- plan, guide and develop the overall approach and methodology for the evaluation;
- manage and direct the evaluation's activities, representing the evaluation team and leading consultations with government officials and other donor agencies;
- manage, compile and edit inputs from other team members to ensure the quality of reporting outputs;
- produce an aide memoire, synthesise evaluation material into a clear draft evaluation report and a final evaluation report; and
- represent the team in peer reviews, if required.

The Ending Violence Against Women Specialist, Bernard Pearce, will in consultation with the team leader:

- assist the team leader during evaluation activities;
- lead on evaluating JSSF's gender equality and violence against women activities;
- lead on recommending revisions, if any, to the JSSF's gender equality and violence against women activities;
- lead on recommending how to integrate gender equality and violence against women activities into a Governance for Development schema;
- provide inputs into the aide memoire, draft and final reports in consultation with the Team Leader; and
- other incidental duties as required and agreed.

The Access to and Quality of Justice Specialist, Robin Perry, will in consultation with the team leader:

- assist the team leader during evaluation activities;
- focus on evaluating and recommending revisions to activities relating to access to and quality of law and justice delivered;
- lead on recommending how to integrate access to and quality of justice activities into a Governance for Development schema;
- provide inputs into the aide memoire, draft and final reports in consultation with the Team Leader; and
- other incidental duties as required and agreed.

The East Timor Political Economy Specialist, Gordon Peake, will in consultation with the team leader:

- assist the team leader during evaluation activities;
- focus on evaluating and recommending revision to activities relating to civil society participation;
- advise on how to fortify relationships between policing and justice;

- lead on recommending how to integrate civil society support activities into a Governance for Development schema;
- provide inputs into the aide memoire, draft and final reports in consultation with the Team Leader; and
- other incidental duties as required and agreed.

AusAID's Assistant Director, Annette Madvig, will:

- Brief the team on AusAID's strategic directions, relationship with Government of Timor-Leste (GoTL) and issues in JSSF implementation of particular interest;
- Liaise between the evaluation team and AusAID, JSSF staff and GoTL representatives as needed;
- Monitor the progress of the evaluation, participate in interviews/workshops as appropriate and facilitate the discussion of the team's findings with AusAID.

The Planning Secretariat will provide secretariat services to the Evaluation Team, including accompanying the team to meetings when relevant. The National Advisor to the Planning Secretariat, Mr Augusto Soares Barreto, is expected to provide key support. Members of the Planning Secretariat are invited to attend the team's morning and evening debriefings.

The participation of Planning Secretariat members at the debriefings is a key activity to promote a participatory review. Other key elements to foster participation are:

- regular updates to the AusAID and other Australian partners through processes that will be agreed jointly at the outset of review;
- inclusion of all key stakeholder groups to ensure the various perspectives are heard;
- tailoring evaluative techniques to the different stakeholder groups; and
- promoting the participation of partner and stakeholder representatives in a concluding feedback workshop to present the findings, discuss the implications, and explore possible future directions.

5. Itinerary

To be settled in consultation with the AusAID post once the evaluation plan approach has been endorsed in-principle.

6. Report Structure

The aide memoire, draft and final reports will be submitted electronically in MS Word format, in accordance with AusAID's Guidelines for Independent Completion Reports. As specified, the report structure will comprise and build on the following structure to address the key themes of this evaluation:

- Executive summary of up to 6 pages (also capable of being read as a distinct document);
- Findings against evaluation questions;
- Conclusions and recommendations.
- Background on the aid activity (to be an Annex); and
- Outline of the evaluation objectives and methods (to be an Annex).

7. Target Dates for Deliverables

The following reports will be provided:

- Evaluation Plan / Draft Methodology - for agreement with AusAID and submitted in final copy by 9 January 2012;
- Evaluation Mission Aide Memoire – initial findings to be presented at workshop with key stakeholders on 1 February;
- Draft IE Report – to be provided to the evaluation manager, within 14 working days of completion of the field study to Timor-Leste on or before XXX February;
- IE Report - final document within 10 working days of receiving the feedback, incorporating feedback from stakeholders and the evaluation peer review on or before XXX.

ANNEX C

Fieldwork Consultations (Last Schedule Received by IE team)

Draft Schedule - JSSF External Evaluation (Mon 30/01/2012 – 09:00 h) Monday, 16 January to Wednesday, 1 February, 2012

Key for members of the Evaluation Team: Eric Scheye – ES; Gordon Peake – GP; Bernie Pearce - BP; Robin Perry - RP ; Annette Madvig – AM; Evaluation Team = ET; Umbellina Belo – UB.

Day & Date	Time	Team Robin	Team Bernie
Sun 15/01/2012		Evaluation team arrives & Team mobilised in Dili. (Hotel)	
Mon 16/01/2012	9am	Team mobilisation and meeting	
	11am	Initial briefing - Team, Annette, James, Craig	
	12noon	Lunch Discovery - Team, Annette, Craig, James, Augusto	
	13:30 - 1600pm	AusAID and Embassy Briefings - Mr Vincent Ashcroft, Minister Counsellor, AusAID (Embassy)	

Day & Date	Time	Team Robin	Team Bernie
Tue 17/01/2012	08:30 am	Meet JSSF Team - JSSF Team, ET, AM, (JSSF Office) Initial meeting with JSSF Team and arrange office space and logistics for Eval Team.	
	09:00 -12:00 pm	JSSF Team Briefing - JSSF Team (Training Room, JSSF Office)	
	12.00 -13.55 pm	CSO Meeting with the External Evaluation to gauge partners thoughts about training and all JF support since 2008-2011. Pradet, JSMP, AATL, FTM, FCJ, GFFTL, CIESTL, ES, BP, Planning Secretariat Reps (Training Room, JSSF Office) - Contact Person (Umbelina Belo) UB - Lunch provided during workshop.	Same
	14:00 -16:00 pm	Capacity Development Workshop (HR, Finance, CSOs core capacities) JSSF Team, Directors of Justice Agencies, ES, GP, Planning Secretariat Reps (Training Room, JSSF Office)	Same
	16:00 pm	PNTL National Investigation Commander (Gordon, Eric)	Meet AMKV –

Day & Date	Time	Team Robin	Team Bernie	
Wed 18/01/2011	9.00 – 10.30am	JSSF IIMS team	09:00 - 12:00 pm	Overview of gender justice / VAW issues Craig, Sophia
	10:45 am	JSSF Civil Society		
	14:00 pm	Planning Secretariat Mr Augusto Barreto, National Adviser for Planning Secretariat; Ms Noemia Amaral (Emy), Project Officer, Planning Secretariat; Ms Filomena Oliveira, Senior Project Officer, Planning Secretariat; Mr Craig Ewers, TL, JSSF; Mr James McGovern, JSSF M&E Advisor. (at JSSF Training Room)	14:00 pm	Meet Carmen da Cruz Director DNRS, Ministry of Social Solidarity (MSS) (Bemori) Tel: 727-4156
			15:00 pm	Ms Filomena Babo, SEPI , Location: SEPI Office Tel: 726-9478
16:00 – 17.30pm	Leadership Team , Robin plus Eric before going to TLPDP (JSSF) (at JSSF Training Room)	16:00 pm	Meet Ms Alita Verdial, CEO, Alola Foundation Alola Foundation Office Tel: 730-5178 (Bernie)	
	17.00 pm	TLPDP – Gordon and Eric Ms Charmaine Quade, Team Leader, TLPDP; Mr Shane Scott, Advisor, TL-PDP AM, GP, RP, ES		
	19:30 pm	Dinner with Carsten Weber, Head, Administration of Justice Unit, UNMIT Location: Little Pattaya		

Day & Date	Time	Team Robin	Team Bernie	
Thurs 19/01/12	09:00 – 10.30 am	Meet Prosecutor General, Ms Anna Pessoa Pinto (OPG) AM, Eric and Robin	09:00 - 10:25 am	Meet with the GFFTL Director and staff about training of human rights, gender based violence, CEDAW and Domestic Violence Law at the village level in Viqueque District (2008-2011). (GFFTL office (at KBH Office) Mandarin Dili) Filomena Fuca on 7261611
	11:00 am	Meet with the JSMP Director and staff Legal Resarch Unit projects supported by the Facility (2008 – 2011). (JSMP Meeting room) Contact person Luis Sampaio 729 5795 Or Casimiro 725 7466	11.00 – 12	Meet with the JSMP Director and staff Victim Support Services (VSS) projects supported by the Facility (2008 – 2011). (JSMP Meeting room) Contact person Luis Sampaio 729 5795 Or Casimiro 725 7466 ** Team splitting at JSMP to discuss LRU and VSS.
			13:30- 14:30 pm	Meet with the Pradet Acting Director and staff about Alcohol and drugs training and <i>Fatin Hakmatek</i> activities supported by the Facility (2008-2011). Manuel dos Santos 724 0331 (Pradet Office)
	15:30 pm	Meet Director General Becora Prison, Mr Agapitu Kaitu and Mr Domingos Ximines, General Administration AM, RP Tetun-English Interpreter	15:00 pm	Meet PNTL Superintendente Xefe Henrique, Adjunto Administrasaun Contact Person Apolinario Location TBC
	17:00 Pm	Meeting with Jenny Asmin At Embassy	15.30- 16.30	Meet with the AATL Director and staffs about AATL activities including TLBA activity BP, ES, (Ms Filomena Oliveira, Senior Planning Officer, Planning Sec) (AATL Office) Contat Person Veronika Moa 726 4720 Reschedule
	19:30	Dinner with World Bank J4P TTL Sakuntala Akmeemana and out M&E Specialist Chris Nelson, Meeting at Discovery Inn		

Eric general discussion with Craig- late afternoon / early evening

Day & Date	Time	Team Robin	Team Bernie	
Fri 20/1/12	10:00 am	Meet His Honour Mr Claudio Ximenes , Chief Justice AM, ES Portuguese-English Interpreter (Court of Appeal)	08:30 - 10:00 am	Meet with the FTM Director and staff about Critical debate and Human Rights journal activity funded 2010-2011 and other related info about VAW (FTM Office) Joa Pequinho 7242099
	11:00 am	Meet Public Defender General Dr.Sérgio Hornay AM, ES, RP Tetun-English Interpreter	10:30 –	Free time
			14:00 – 15:30 pm	Meet with the Ba Futuru Director and staff about strengthen leaves of children at the school - stopping the violence funded in 2010-2011 (Ba Futuru Office) Sierra James 724 6022
	14:30 pm	Ms Maria Bermudez UNDP Justice Support Program Head	16:00-17:00 pm	Caroline Meenagh, UNFPA (UNFPA Office, Obrigado Barracks) Tel: 755-3066 Go to gate on UN Agencies side of Obrigado Barracks
16:00 pm				

Day & Date	Time	Activity	Attendees	Venue	Comments
Sat 21/01/2012		<ul style="list-style-type: none"> • Time for Evaluation Team to reflect. • Supplementary meetings. 			
Sun 22/01/2012	Team Robin				
	13:00 pm	Pick up from Discovery Inn and Travel by road from Dili to Baucau, arriving around 18:30 pm and dinner around 19:30 at Baucau Pousada Restaurant	RP, GP, UB, + 1 AA driver (1 car)	Stay overnight at Baucau Pousada	Collected from Discovery Inn and travel by Australian Embassy car. Accompanied by Ms Umbelina Belo (TBC)
	Team Bernie				
	15:00 pm	Evaluation team leaves Dili to stay overnight in Maubisse with Barney	BP, AM, ES, Barney, + 1 AA driver, + 1 int (2 cars)	Stay overnight at Maubesse Pousada (Barney key contact)	Collected from Discovery Inn and travel by Australian Embassy car. Accompanied by Ms Filomena Oliveira, Planning Secretariat (TBC)

Team Robin (The East)					
Day & Date	Time	Activity	Attendees	Venue	Comments
Mon 23/01/2012	08:30 am	Meet with the CIESTL Director and staff about their activities in 2010-2011 in Quelicai and Iliomar	RP, UB	CIESTL office Tirilolo, Baucau	Check out of hotel before go to meeting. Constantino Exposto on 7282130
	09:30 am	Meet with the FECM Director and staff about activities funded by the Facility (2010-2011).	RP, UB	FECM office, Tirilolo Baucau	Lino Lopes 7241089
	10:30 am	Meet with the JSMP-LRU staff about their activities in Baucau	RP, UB	TBC	
	11:30 am	Baucau District Court Visit	RP, UB	Baucau District Court	JSMP-LRU rep to accompany team to visit Baucau Court?
	12:15 pm	Lunch with Mr Joao Sanches Pires Deputy District Commander PNTL	RP, UB	Amelia Restaurant	Deputy Dist Commander's Tel: 728-1293; District Comm's Tel: 731-2358
	14:00 pm	Depart Baucau for Los Palos District	RP, UB		Approx 2 hours' drive
	16:30 pm	Meet with SCJP Lospalos Director and staff	RP, UB		Rita 7313350
				RP, UB	Stay overnight at Roberto Carlos hotel in Los Palos

Team Robin (The East)					
Day & Date	Time	Activity	Attendees	Venue	Comments

Tues 24/01/2012	08:00 am	Travel by road from Los Palos to Iliomar	RP, UB		Travel from Los Palos to Iliomar is 2 hours
	10:30 am	Meet with the CIESTL beneficiaries group and interview in Iliomar	RP, UB	TBC	Constantino Exposto on 7282130
	16:00 h	Travel by road from Iliomar to Los Palos	RP, UB	Stay overnight Roberto Carlos hotel in Los Palos Hotel	Travel from Iliomar to Los Palos is 2 hours

Team Robin (The East)					
Day & Date	Time	Activity	Attendees	Venue	Comments
Wed 25/01/2012	07:30 am	Travel from Los Palos to Lore Village	RP, UB		Travel from Los Palos to Lore Village is approx. 1.5 hours
	9:00 am	Meet with Sub-Committee on Justice and Peace (SCJP) beneficiaries group in Los Palos	RP, UB	TBC	Meeting until approximately 11:30 am
	11:45 am	Travel from Lore Village via Baucau to Ossu, Viqueque	RP, UB		Lunch in Baucau. Travel time 5-6 hours. Stay overnight in Ossu. Accommodation: (TBC)

Team Bernie (Suai)					
Day & Date	Time	Activity	Attendees	Venue	Comments
Mon 23/01/2012	08:00 - 12:00 pm	Travel from Maubisse to Suai	AM, ES, BP,		Arrive around noon. 2 x AustEmb cars stay in Suai.
	12:00 pm	Lunch in Suai	ET, Barney Chittick, Suai Team	Malaysian restaurant Suai (Barney)	Suai Team will have this organised
	13:00 pm	Meet Suai JSSF Team: Mr Herculano Granadeiro, Suai Manager for Suai Project; Mr Graciano, Driver; Ms Lidia do Carmo, Office Assistant; Mr Barney Chittick, Consultant for Suai Access to Justice Project;			Barney is contact person. Suai Team will have this organised.
	13:15 – 14:00	Tour of Suai Court and Prosecutors' office and housing	ET, Suai Team, 2 Judges, 2 Prosecutors, 2 Public Defenders, Mr Acacio Ribeiro, Court Clerk; Samuel Moniz, Court Clerk, AM	Suai Court	
	14:00 – 14:45	Interview with Court actors	ET, 2 Judges, 2 Prosecutors, 2 Public Defenders, Mr Acacio Ribeiro, Court Clerk; Samuel Moniz, Court Clerk, AM	Suai Court (Barney)	
	15:00- 17:00	Access to Justice/WAV Workshop As part of the Suai Referral Network Monthly Meeting	AM Tetun-English Interpreter CSO representatives, ET, Rede members (will include JSMP VSS, OPL, CJC, HLT, Alola, Fokupers, Unmit)	CCC Suai (Barney)	
	1700:-	Visit <i>Fatin</i>	ET, Hospital Director,	Suai Hospital	Herculano is

	17:30	<i>Hakmatek</i>	Suai Team		organising
	17:30	Depart for Hotel	ET		Will check with AusAid but I think they have booked it already

Team Bernie (Suai)					
Day & Date	Time	Activity	Attendees	Venue	Comments
Tue 24/01/2012	08:30-10:30	Visit Uma Mahon Salele	AM ET Suai team Tetun-English Interpreter	Salele	
	11:00-12:30	FGD with community members (Discussion Group)	AM Tetun-English Interpreter ET, Suai Team, CJC, HLT and participants	CJC Office Suai	Suai team organising with partners
	12:30-13:30	Lunch with FGD	AM CSO partners Tetun-English Interpreter, participants, ET	CJC Office Suai	
	14:00-14:45	Interview with CJC	ET, Interpreter	CJC Office Suai	
	15:00-17:00	Meet with Vulnerable Persons Unit PNTL Suai	ET Suai team	VPU Suai	
		Visit HLT Office			

Team Bernie (Suai)					
Day & Date	Time	Activity	Attendees	Venue	Comments
Wed 25/01/2012	08.30-09:30	Meet JSSF Suai Team	Tetun-English Interpreter, ET, Suai team	HLT Suai	
	09:45-10:30	Meet with JSMP (VSS)	ET, Suai Team Tetun-English Interpreter	VSS Office	
	10:30 am	Depart Suai for			Drive is 7

		Dili			hours. Lunch in Ainaro around 12:30 pm. Accommodation in Dili.
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Day & Date	Time	Team Robin	Time	Team Bernie
Thurs 26/01/2012	09:00 am	Meet with (approx. 25) beneficiaries in Ossu Sub-District, Viqueque GFFT Target Group (recipients of HR training, CEDAW training, Domestic Violence law training)	09:00 am	John Keating, UN Women Tel: 739-7921 & Min-Whee Kang, Country Program Manager, UN Women Location: Obrigado Barracks, UN Agency entrance (at back of Obrigado Barracks)
	12:00 pm	Lunch with beneficiaries in Ossu.	10:30 am	Meet with Melita Zielonko, Police Advisor, Gender and Vulnerable Persons Programs, AFP, (Ph: 7305095) Location: TLPDP office. BP, GP.
	13:00 pm	Depart Ossu for travel by road via Baucau to Dili	12:30 pm	Lunch with UN Women (approx. 14 people) Diya Restaurant, Discovery Inn (Exact number TBC)
	15:00 h	Baucau District Court Visit Sr Augusto Soares, Baucau Court District Administrator Tel: 7305172 Ask for Sr Augusto when arrive. Dr. Afonso Carmona---Judge; Dr. Antonio Fonseca—Judge; Dr. Jose Goncalves—Judge; Dra. Angela Belo Faria—Judge; Sr. Augusto Soares--Sec. Judicial; Sr. Antonio fernandes--Responsavel Seccao Crime; Sr. Leao Amaral---Responsavel Seccao Civil	14:00 pm	Meet representative of Portuguese Cooperation, Ms GeLambiza (Portuguese Embassy) ES Meet with Daria Ximenes (Ph: 724 3340), Inspector, Chief National Vulnerable Persons Unit Location: National PNTL HQ BP
	16:30	Drive to Dili	15:00 pm	Meet Ms Maria Barreto, Director, Fokupers Ph: 727 3953 (Focupers Office) BP
			16:00 pm	Meet TAF representatives: Mr Silas Everett, Country Representative, Timor-Leste; Ms Susan Marx, Deputy Country Representative, Timor-Leste; Ms Kerry Brogan, Chief of Party, TAF (TAF Office) ES, BP (BP to break off with Kerry Brogan)

Day & Date	Time	Team Robin	Time	Team Bernie
Fri 27/01/2012	09:00 – 09:45	<ul style="list-style-type: none"> Team Debrief prior to BP's departure on Saturday, 28/01/2012 (JSSF office) Supplementary meetings ET 	09:00	Meet Yasinta, Director of Rede Feto (at Rede Feto) Ph: 723 4339
	10:00 am	Meet with the AATL Director and staff about AATL activities including TLBA activity BP, (AATL Office) Contat Person Veronika Moa 726 4720 RP (TBC)	10:30-11:15 am	Meet with AusAID Gender people, BP
			12:30 pm	Meet Vin, BP, ES.
			14:00	Ms Morena Mori Gender Justice Focal Point Adm. Justice Support Unit Office of the DSRSG UNMIT (Obrigado Bkks) ext: 5873 mobile (670) 7311672
			15:30	Meeting with Sophia Cason BP
Sat 28/01/2012		Reserved for any meetings which fell off, or supplementary meetings which emerge during the evaluation.		
Sun 29/01/2012		Time for Evaluation Team to reflect and prepare Aide Memoire. Reserved for supplementary meetings. Same		
Mon 30/01/2012	09:00-09:45	M&E		
	10:00	Meet UNMIT Deputy SRSG (and UNDP Res Rep) Mr Finn Reske-Nielson; (UNDP Office) Eric, Gordon/Robin, AM (confirmed) (Building B, Room 1002; if get lost call Ruby Manalo, O/DSRSG Admin Assistant, Tel: 731-1638.		
	11:00	M&E Cont...		
	12:00	Lunch meeting - World Bank - meet Justice for Justice for the Poor team, Lene Oostergaard (program manager) and Edio (national research staff) do discuss J4P findings on local governance, dispute resolution – ie generally how justice works at community level. BP, ES		

Day & Date	Time	Team Robin	Time	Team Bernie
	14:30	Meeting with JSSF National Staff, EP		
Day & Date	Time	Activity		
Tue 31/01/2012				
	11:00			
Wed 01/02/2012				
	14:00	Presentation of Aide Memoire to AusAID		
Thu 02/02/2012	09:00 am	Meet with Filipa Fernandes re Training (TBC)		
	10:30 am	Presentation of Aide Memoire to JSSF staff		
	14:00 h	Meeting with Chris, Sophia, James.		

ANNEX D

Models of Change in the Justice Sector

For the purposes of this evaluation, we identified four different approaches to law and justice assistance.

1. **Organisational capacity development** centres on training and equipping formal law and justice agencies and their staff, together with support for management systems and processes. It typically begins with a needs assessment, to identify institutional deficits and weaknesses, and then designs a package of capacity-building inputs to rectify them. The underlying program logic is that increases in institutional capacity, particularly core functions like planning, budgeting and human resources, will translate into improvements in the delivery of justice services.
2. **A service-delivery approach** starts from the point of delivery of justice services and the relationship between provider and user, rather than the deficiencies or needs of justice institutions. It begins with an analysis of what justice services are currently provided, taking into account both formal and informal justice. It supports incremental improvement in the coverage and quality of justice services, building on existing strengths and capacities. By making service delivery the focus, it is more likely to generate measurable results in the short term.
3. **A problem-solving approach** takes as its starting point issues or challenges with the delivery of justice, and applies a problem-solving methodology to resolving them. It progresses from problem identification, through formulation of options, implementation of a chosen solution and measurement of results. For organisations without strong planning, budgeting and management capacity, problem solving may be an approach to institutional change that is easier to implement than comprehensive reform or top-down capacity development. The approach is flexible in the actors it works with, whether central ministries or agencies, local or non-state providers. Solutions will often involve more than one actor, and may therefore also be useful for addressing fragmentation within the law and justice sector. For example, solving problems such as prison overcrowding or excessive remand times requires joint efforts across a number of agencies, helping to introduce habits of collaborative working.
4. **A thematic approach** sees law and justice interventions as part of a broader strategy for addressing a social issue. For example, one might take mismanagement of natural resources, uncontrolled urbanisation or gender violence as the theme, and develop initiatives within the law and justice sector that complement a broader range of development assistance on this theme. While all these issues have important legal dimensions to them, a credible approach must involve action on several fronts, and with a range of government and non-government agencies. An advantage of thematic approaches is that they can help introduce partner countries to the possibilities of using legislation and justice

institutions as tools of social policy. However, most donors find it difficult to work thematically, because their programming is done on a sectoral basis.

[This is drawn from the Marcus Cox, Emile Duituturaga & Eric Scheye, 'ODE Evaluation of Australian Law and Justice Assistance: Synthesis Report' (Discussion Draft, 18 December 2011), pp19-20]

ANNEX E

TLPDP SPECIAL PROJECTS GENDER EQUALITY SUMMARY 2010 to 2012 (received from TLPDP)

- **2010 March** **Project 58** **Cost: \$16,991.00**
 - Purchase of equipment for NVPU Office such as various office furnishings including computers, printers, cameras and furniture.
- **2010 May** **Project 92** **Cost: \$133,139.00**
 - Purchase of two 4WD Troop Carriers that were donated to NVPU.
- **2010 June** **Project 103B** **Cost: \$36,534.00**
 - Four (4) PNTL female officers given opportunity to attend PICPWAN Conference in Samoa where the theme was Ethics and Integrity.
- **2010 June** **Project 115** **Cost: \$42,542.00**
 - Production of 2,850 Gender Based Violence Investigations Manual that is used in training and distributed to VPU and Investigations units in all districts.
- **2010 July** **Project 103A** **Cost: \$8,416.00**
 - Social Awareness Prevention Project (SAP) conducted by Men's Association Against Violence (AMKV) and administered by Caritas. To deliver an education package to four villages within Bobonaro and the target audience is men. This also included the production of 'Men reducing violence against women' hand book and same topic posters. NFD audience numbers.
- **2010 July to October** **Project 103C** **Cost: \$24,764.00**
 - Preparation and presentation of two week GBV Investigations Courses (Train the Trainer) in Dili which provided instruction to sixty (60) PNTL Officers from the Vulnerable Persons Unit and also some PTC PNTL Instructors.
- **2010 November** **Project 89** **Cost: \$127,471.00**
 - Safe House Refurbishments @ Pradet (Dili Hospital), Fokupers (Dili Safe House), Dominican Sisters of the Rosary Orphanage (Dili Bidau) and Caritas Australia (Baucau).
- **2011 September** **Project 181** **Cost: \$6,343.00**
 - Capacity building for three (3) counselling staff at Fokupers and provision of comparative study visit to Rifka Organisation in Yogyakarta.
- **2011 October** **Project 183** **Cost: \$3,789.00**
 - Provision of computer equipment and accessories to Fokupers Office and safe house in Dili.
- **2011 November / December** **Project 193** **Cost: \$1,855.00**
 - Three day GBV training workshop provided to sixty four (64) PNTL VPU that was centred from the Districts of Baucau, Suai and Liquisa.
- **2012 January** **Project 185** **Cost: \$12,683.00**
 - Provision of one year English Language training to 14 staff of Fokupers at LELI.
- **2012 January** **Project 195A** **Cost: \$1,107.00**
 - Held one day consultation with thirty two (32) PNTL female police officers on gender mainstreaming and equality within the PNTL.
- **2012 February** **Project 195B** **Cost: Est. \$12,000.00**
 - Working with Justice Facility on VPU Office construction in Oecussi. TLPDP to supply all equipment to furnish the new offices.
- **2012 March** **Project 195F** **Cost: Est. \$5,000.00**
 - Proposed, refurbishment of Fokupers Safe House Dili.

- **2012 May** **Project 195E** **Cost: Est. \$8,000.00**
 - Proposed, two week training for 20 VPU and other areas (CPU & Task Force) on GBV as a first responder.
 - **2012 February** TLPDP have now included a two day GBV training component on the Level One investigators course.
- ACTUAL SPEND TOTAL: \$415,634.00 Estimated spend \$25,000+ (June 2012)**

ANNEX F

Summary of Recipients of Funding from Grants Team, Their Activity and Years of Operation

Funded Organisation	Funded Activities	Funding Amount	Funding Duration
AATL	Support for corporate governance, including: annual report implementation; board training; 3 year budget and fundraising plan developed; independent finance audit; capacity assessment of staff; staff training; LTC scholarship program for legal aid lawyers.	\$55,020	March 2010 – Feb 2011
	Provision of legal services to vulnerable people in Dili, Ermera, and Lospalos districts	\$179,555	March 2011 – December 2011
AMKV (Assosiasaun Mane Kontra Violensia)	Community Organising and Training for men to promote gender equality and prevent violence against women and children in 8 sub-districts (Casa, Iliomar, Viqueque Kota, Fohorem, Bobonaro, Zumulai, Hatolia, Betano)	\$95,350.08	July 2010 – August 2011
Ba Futuru	Violence prevention in three schools in Dili district (including Atauro)	\$35,416.00	January – April 2011
		\$122,622	May 2011 – April 2012
CDI (Community Development Interest)	Activities involving monitoring and advocacy on basic human rights and children's rights in Dili and Lautem	\$21,480.00	January 2010 – 31 July 2011

CFEO (Centro Feto Enclave Oecusse)	Training on empowerment, leadership, and engagement using CEDAW reports for communities in the sub-districts of Nitibe, Passabe, Oesilo and Pante Makassar in Oecusse	\$43,461.60	January 2010 – 30 April 2011
CIES TL (Centro Informasaun da Edukasaun Civika Timor Leste)	Legal justice education for 75 community representatives as Community Legal Liaison (CLL) officers in sixteen villages in Quelicai sub-district, Baucau for the period February 2010 – January 2011	\$38,308.00	January 2010 – February 2011
		\$38,247.75	March 2011 – March 2012
CJC (Centro Juventude Covalima)	Public information and education on domestic violence prevention and the judicial process in 30 villages in all sub-districts of Covalima District	\$35,077.50	January 2010 – December 2010

	Public information and education on domestic violence prevention and also about the justice process in Timor-Leste through youth theatre, short films and radio programs in six sub-districts of Covalima District	\$37,664.00	January 2011 – February 2012.
CTI (Community Transformation Institute)	Training on law and justice for community leaders in Laga, Quelicai, Venilale, and Baucau sub-districts for the period March – May 2010	\$8,617.00	March 2010 – May 2010
DSTL (Desenvolvimento Sociedade Timor Leste)	Public information on access to justice for communities in 8 villages in Zumalai sub-district, Covalima	\$ 19,159.00	March 2010 – August 2010
FCJ Don Bosco Forum Comunicasoes Joventude	Activities providing protection and support at Centro Miguel Magone (Dili) for children and youth at risk	\$32,000.00	February 2010 – February 2011
		\$148,607.00	April 2011 – March 2012
FECM (Fundasaun Edukasaun Comunitade Matebian)	Support women’s access to justice in Barique (Manatuto), Baguia (Baucau), Uatolari (Viqueque) and Luro (Lautem)	\$ 36,597.00	February 2010 – December 2010
		\$127,685.40	February 2011 – January 2012
FEEO (Fundasaun Esperanza Enclave Oecusse)	Training on access to justice for communities in 18 villages in Oecusse district	\$27,916.35	March 2010 – August 2010 (Justice Facility terminated this grant)

FTM (Forum Tau Matan)	Capacity building for staff and monitoring and reporting through a human rights journal at a national level	\$31,092.00	March 2010 – March 2011
	Conduct human rights debating in all districts	\$ 40,000	January 2011 – December 2011
GFFSTL (Grupo Feto Foin-Sae Timor Leste)	Training on community action to reduce violence against women in six sub-districts in Viqueque	\$21,000.00	February 2010 – January 2011
		\$38,976.50	February 2011 – January 2012
HLT (Hametin Lia Tatoli)	Gender based violence awareness training to communities in four villages in Fohorem sub-district, Covalima for the period February – June 2010	\$ 18,049.00	February 2010 – June 2010
		\$ 35,057.00	January 2011 – December 2011
JSMP (Judicial Systems Monitoring Programme) <i>Legal Research Unit Project</i>	Legal education, court monitoring, legislative analysis, provision of public information about the formal justice system and access to justice for communities in Dili, Baucau, Suai and Oecusse districts.	\$79,412.00	March 2010 – March 2011
		\$147,482	April 2011 – March 2012
JSMP <i>Victim Support Services Project</i>	Provision of legal services to the victims of domestic violence and sexual assault from the Victims Support Service, and for the expansion of this service to Suai and Oecussi	\$98,747.00	March 2010 – March 2011
		\$ 151,247	April 2011 – March 2012
KBH (Knuu Buka Hatene)	Theatre and radio programs on stopping violence against women and children in Ailieu, Manufahi, Mantuto and Dili districts for the	\$39,890.50	January 2011 – December 2011.

	period		
PRADET TL (Psychosocial Recovery and Development East Timor)	Provision of training to prisoners on links between alcohol and violence to reduce reoffending	Psychosocial \$99,743.60	March 2010 – February 2011
	Psychosocial training for women, children and their communities in Baucau, Ermera and Viqueque	Alcohol training \$6,089.60	July – October 2010
	Medical forensic examination training of medical staff in the districts	Medical Forensic Training \$38,900.40	June 2010 – January 2011
		Alcohol and Drug Training \$190,783.00	June 2011 – May 2012
		Fatin Hakmatek Core Activities \$196,745.00	June 2011 – May 2012
	Core activities for the Fatin Hakmatek (safe place) at HNGV in Dili		
	Provision of psychosocial services to young prisoners and ex-prisoners		
	Community education program “Responding to Behaviour Resulting from Use and Abuse of Alcohol and Drugs in Timor Leste, Early Morning – ‘Early Response’ in fourteen (14) sub-districts of seven (7) districts		
SCJP (Sub-Comisaun Justica e Paz Lospalos)	Prevent violence against women and children in five villages in Lautem district	\$22,557	January 2011 – June 2011
Timor Aid	Provide information about the Timor-Leste formal justice system, through trainings and mock trials, in 18 villages in all sub-	\$ 50,817.20	January 2011 – December 2011

	districts in Oecusse District		
Tolhae	Strengthen the child protection networks in all sub-districts in Ainaro district	\$48,154.25	January 2011 – December 2011
Uma Mahon Salele	<p>Salele safe-house to provide protection to female victims of violence</p> <p>Hope Centre providing counseling and assistance for families with problems, and non-formal and livelihoods education</p> <p>Civic education in the sub-districts of Fohorem, Fatumean, Tilomar, and Fatullulic</p>	\$150,375.00	December 2009 – December 2012

ANNEX G

Assumption of Costs of IIMS by GoTL

Institution	GoTL-funded Staff	GoTL-funded Equipment
MoJ (inc Public Defenders' Office and Prisons)	10, as of March 2012 (5 Public Defenders' Office, 5 Prisons)	–
Courts	6	JSSF to fund equipment (ie servers and cabling) for District Courts in 2012, GoTL will fund installation costs.
PNTL	11	–
OP	6	<p>2010</p> <ul style="list-style-type: none"> • 18 servers – \$59,035.60 • 76 uninterruptible power supply (UPS) packs – \$25,767.60 • 14 cabling sets – \$1,109.08 • 2 LCD monitors – \$572 • 1 tape back-up unit plus tapes – \$6,175 • 5 AC units – \$3,750 • 6 racks – \$6,200 • 1 media fire cabinet – \$3,150 • 9 PoE 48 ports – \$30,668.67 • 2 KVM 8 ports – \$631.80 • 1 biometric access control – \$2,700 • 23 workstations – \$20,910 • 2 laptops – \$2,250 • 20 VOIP phones – \$5,146.60 • 4 printers – \$3,160 • 1 copy machine – \$13,643 • 46 memory cards – \$2,691 • 7 scanners – \$591.50 • 7 printers – \$4,732 • 16 print servers – \$3,648 <p>2011</p> <ul style="list-style-type: none"> • 51 desktop computers – \$46,300 • 10 laptop computers – \$9,460 • 20 printers – \$8,960 • 45 UPS packs – \$5,400 • 5 servers – \$27,269
Total	33	\$293,920.85