

**PNG - AUSTRALIA LAW & JUSTICE
PARTNERSHIP**

**PROGRAM DESIGN DOCUMENT
FINAL DRAFT**

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List of Acronyms

ABG	Autonomous Bougainville Government
AFP	Australian Federal Police
AGD	Attorney-General's Department
AMT	Activity Management Team
AusAID	Australian Agency for International Development
CACC	Central Agencies Coordinating Committee
CBO	Community Based Organisation
CIMC	Consultative Implementation and Monitoring Council
CJLU	Community Justice Liaison Unit
CO	Commonwealth Ombudsman
CS	Correctional Services
CST	Core Support Team
CSTB	Central Supply and Tenders Board
DCD	Department for Community Development
DJAG	Department of Justice and Attorney General
DPLGA	Department of Provincial and Local Government Affairs
DNPM	Department of National Planning and Monitoring
DSIP	District Services Improvement Program
ECP	Enhanced Cooperation Program
EPSC	Economic and Public Sector Governance
FMIP	Financial Management Improvement Program
GoA	Government of Australia
GoPNG	Government of Papua New Guinea
GoNZ	Government of New Zealand
HR	Human Resource
ISP	Implementation Service Provider
JAG	Justice Advisory Group
LTI	Legal Training Institute
LJSP	Law and Justice Sector Program
LJSS	Law and Justice Sector Secretariat
LJSWG	Law and Justice Sector Working Group
M&E	Monitoring and Evaluation
MEF	Monitoring and Evaluation Framework
MS	Magisterial Services
MTDS	Medium Term Development Strategy
NACA	National Anti-Corruption Alliance
NCM	National Co-ordinating Mechanism
NEFC	National Economic and Fiscal Commission
NGO	Non-Government Organisation
NJSS	National Judicial Staff Service
NZAID	New Zealand Agency for International Development
OC	Ombudsman Commission
ORD	Office of Rural Development
PALJP	PNG-Australia Law & Justice Partnership
PEF	Provincial Engagement Framework
PERR	Public Expenditure Review and Rationalisation
PMF	Performance Monitoring Framework
PP	Public Prosecutor
PS	Public Solicitor
PNG	Papua New Guinea
PPII	Provincial Performance Improvement Initiative
RPNGC	Royal Papua New Guinea Constabulary
SNS	Sub-National Strategy
SSF	Sector Strategic Framework

Executive Summary

In the context of its overarching Medium Term Development Strategy, the Government of Papua New Guinea (GoPNG) has developed an ambitious reform agenda to tackle the complex issues of law and justice in PNG and their impact on the development prospects of its people. The approach recognises that to achieve their vision of a just, safe and secure society for all, the law and justice agencies must work together. PNG's approach also makes clear that progress against its goals depends on collaboration between the law and justice agencies and a range of partners at the national level, across sub-national levels of government, within the private sector and, most importantly, within communities themselves. This reflects the realities of PNG's system of decentralised government and the critical role of informal, community-based and traditional justice systems in the lives of most Papua New Guineans.

Australian support to the law and justice sector has evolved over several years from project-based assistance, through to a more flexible program approach that operates in an integrated way, directly in support of PNG's policies and objectives. The PALJP represents the next phase in this evolution, building on experience to date, but also responding to changes in the operating environment. While the challenges in law and justice remain high, the sector has worked hard in recent years to embed a robust policy framework and to realign its core business to a more coordinated and collaborative approach. All law and justice stakeholders are looking to ensure that these efforts now deliver a greater impact on the ground.

Based on an increasing profile and improved functioning of the sector within government, and coinciding with developments in the macro-economy, GoPNG has significantly increased its resources to the law and justice sector over the last five years. It is important, therefore, that GoA's contribution to the sector's resource envelope is used strategically, particularly to enable the sector to address the significant challenge of limited absorptive capacity and to manage the often competing demands for short, medium and longer term change.

The PNG-Australia Law & Justice Partnership (PALJP) is designed to build on and consolidate the established partnership between the Government of Australia (GoA) and PNG's law and justice sector. It has been developed in consultation with PNG partners and in accordance with the principles agreed to by both governments in the earlier Framework for Australian Assistance to PNG's Law & Justice Sector (2007). Consistent with the approach set out in the PNG-Australia Development Cooperation Strategy, the PALJP is grounded in the principle of PNG ownership and leadership of the reform agenda. While the Framework Paper confirmed GoA's support for PNG's law and justice policies and reform agenda, the PALJP incorporates avenues for ongoing dialogue between the two governments to enable regular discussion of shared and emerging priorities. In this context, this design focuses less on what GoA will support and more on how assistance will be provided to enable PNG to meet its goals.

The objective of the PALJP, over a five year period, is to support the law and justice sector to achieve measurable progress against its sector goals, including to refine relevant strategies further over time. It is structured around two components. The first provides for strategic resource commitments in support of core capacities for driving change in the sector. Assistance under this component will be a combination of direct funding support to key sector coordination mechanisms, technical assistance to support sector-based capacity development in critical areas of public administration and sector policy, and, to complement these efforts, dedicated advisory support to strengthen

change management capacity within individual agencies. Assistance in these areas will remain in place for the life of the program in recognition of their importance to sustainable reform in the sector. The second component provides for a flexible and direct funding contribution in support of service delivery priorities, the details of which will be determined on an annual basis through the sector's planning and budgeting processes. Support under this component is likely to focus on sub-national and community engagement (including assistance to special case provinces such as the Autonomous Region of Bougainville), partnerships with Australian and regional institutions, and procurement of goods and services.

Under the PALJP, GoA will continue to provide support to the law and justice sector using, and thereby strengthening, GoPNG's own planning, budgeting and implementation systems wherever possible. The capacity building approaches used in Australian assistance to date will continue, but with increased and more integrated support for sector performance monitoring and accountability for results. The design also incorporates a stronger focus, and mainstreamed approach, to overarching policy issues, particularly relating to gender equality, HIV and AIDS, sub-national and community engagement (including restorative justice issues) and anti-corruption.

The use of technical assistance personnel will remain an important tool for building local capacity. However, PALJP places an increased emphasis on using it strategically and effectively. This will be accompanied by support for more detailed consideration of underlying managerial, structural and workforce planning issues that require attention over the medium to longer term, together with greater attention to capacity constraints faced by sector partners at sub-national levels and outside government. Appropriate and cost-effective alternatives to international technical assistance personnel will be encouraged, including institutional partnerships within the region.

Joint governance and management arrangements are integral to the PALJP approach and are designed to ensure that PNG's ownership and leadership of the reform agenda is maintained and strengthened, while meeting the accountability requirements of both governments. Joint processes will take place at the strategic level, to ensure whole-of-government and whole-of-aid program coordination and coherence. At the operational level, AusAID will take the lead on behalf of GoA to manage the implementation of PALJP, in partnership with GoPNG central agency and sector partners. PALJP planning, budgeting and implementation will be undertaken on an annual basis through GoPNG's systems and processes, which themselves will be the subject of significant support under Component 1. Strategic direction of PALJP will be supported by a high level law and justice adviser engaged directly to AusAID, with additional assistance and resources in key areas supplied through an implementation service provider.

Success under PALJP is inextricably linked to PNG's own achievements in meeting its law and justice sector goals and, in particular, depends on the effectiveness of GoA's contribution to that progress. PALJP support for improved performance monitoring in the sector is critical in this context, as reliable evidence of sector progress is essential to assessing the performance of the PALJP. AusAID will work in partnership with the Department of National Planning and Monitoring and sector partners to track the effectiveness of the PALJP on an annual and ongoing basis, as part of the joint management arrangements mentioned above. This will include regular meetings to monitor and address key risks, as necessary. Biennial contribution analysis of GoA's support under PALJP will ensure that regular, independent advice is available to both governments about the effectiveness of Australia's support to the sector.

The barriers to improved law and justice outcomes in PNG are multi-faceted and linked to a range of broader, but interdependent constraints that are not confined within sectoral boundaries. In this context, assistance through the PALJP must be viewed as part of a larger effort. To complement the sector's focus on increasing local level impact, PALJP is designed to operate in close collaboration with other parts of the GoA aid program, with GoA partners such the Australian Federal Police, and other donors. Such collaboration is essential to bolster (and avoid duplication of) efforts within central agencies, at sub-national levels of government, with non-government partners and at the community level, where a range of significant and targeted programs of assistance are in place and contributing to common objectives.

The diagram in Figure 1, below, provides a schematic overview of the proposed PNG-Australia Law & Justice Partnership showing policy frameworks, resources and implementing partners. (Note: the PNG Long Term Development Strategy and PNG-Australia Partnership for Development are both forthcoming at the time of writing).

Figure 1 PALJP schematic overview

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1. Analysis and strategic context

1.1. Law and justice in PNG

Law and order problems in PNG are complex and relate to the broader political, economic and cultural transformations occurring across the country. Marginalisation of a significant proportion of PNG's young and rapidly growing population through increasing urbanization and a lack of formal job opportunities is reducing the influence of traditional social control mechanisms in some areas and increasing unrest. Crime and violence have become features of every-day life, particularly in urban areas, where theft, sexual and other physical assaults are commonplace. PNG also faces endemic low level conflict, such as tribal fighting in the Highlands region. Major resource projects, often involving substantial social and environmental impacts, are another source of tensions within and between communities.

Maladministration and corruption are commonplace across all levels of government and public life in PNG. These issues are to be understood in the context of PNG's complex cultural setting, weak budgeting, planning and implementation capacity across the public sector, the politicization of the bureaucracy and the relatively limited civil-society capacity to demand accountability and transparency. Those in formal employment are also vulnerable to corruption due to the prevalence of unregulated micro-loan services targeting public servants, which can have a severe impact on take-home pay, affecting their ability to meet the high cost of living in urban environments and pressures to support and participate in cultural activities and obligations.

Weaknesses within key accountability and oversight institutions, including those in the law and justice sector, contribute to the state's inability to enforce high standards of integrity through modes of deterrence. In the case of the law and justice sector, a lack of institutional integrity within agencies is detrimental not only to the effective performance of core duties, but also undermines the specific roles of these agencies in detecting and prosecuting instances of fraud and corruption, particularly in the case of significant, high profile cases.

It is also important to understand issues of gender as they relate to PNG's law and justice context. The generally poor political, economic and social status of women in PNG is also manifest within the law and justice sector and its operations. Women are grossly underrepresented in the sector (particularly in management and decision making positions), women have less access to the justice system than men, and women frequently receive inequitable treatment before the law, whether in the formal or traditional systems, on the basis of their gender. In addition to the problems faced by women, it is young men that commit the majority of crimes. While women perpetrate some crimes, they are more commonly victims. The different experiences of men and women in the justice system must also be borne in mind when considering the connection between law and justice and poverty.

1.2. Relationship to poverty and development goals

Law and order problems in PNG are both a cause and a consequence of poverty. The prevalence of crime, violence and conflict increases poverty at the individual, family and community level by inhibiting participation in social and economic networks, interrupting the availability of basic services, and through the loss of assets such as land, crops, farm animals and housing. Weaknesses in the law and justice system prevent poor people from seeking adequate redress in criminal and civil matters, and

from protecting their personal property and livelihoods. Such weaknesses have a significant dampening effect on all economic activity, greatly reducing the goods and services that functioning markets could bring to the poor. The poor also suffer from the effects of corruption and a lack of public accountability, both at the bureaucratic and political levels: public sector resources are diverted, service delivery is compromised and participation in politics and decision-making is restricted. The destructive human and social impact brought about by the consequences of a weak law and justice system also further undermines state legitimacy, as government services are inadequate to ensure a basic level of safety and security for citizens.

Longer-term and sustainable improvements to law and justice outcomes in PNG are mutually dependent on improvements being made across a range of under-lying socio-economic areas (such as access to basic government services like health and education, increasing employment opportunities, a more robust and inclusive political process, and the status of women). However, the performance of the law and justice system is nonetheless critical to the rule of law and access to justice, particularly by the poor and vulnerable. Without development in these areas, including focused efforts to improve service delivery to poor, rural and remote areas, long-term poverty reduction, sustained and broad-based economic growth, and the achievement of the Millennium Development Goals will remain beyond reach in PNG.¹

1.3. PNG's reform agenda

The Government of PNG (GoPNG) has embarked upon a new and innovative approach to improving law and justice. This approach is both evolving and ambitious. It recognises that in order to effectively address the root causes as well as the impacts of law and justice problems in PNG, law and justice agencies must work together as a coherent sector. More importantly, the approach recognises that law and justice objectives will only be met provided the formal, informal and traditional justice systems work effectively in a complementary manner. This requires justice sector agencies to build and maintain effective partnerships with a range of stakeholders, including central agencies and sub-national levels of government, non-government organisations, private enterprise and communities.

At the highest level, PNG's *Medium Term Development Strategy* (MTDS) identifies law and justice as one of seven expenditure priorities for GoPNG. At the sector level, PNG's objectives are articulated in the *National Law & Justice Policy* (NLJP, 2000) in the form of three interrelated pillars: improved functioning of the formal law and justice system, including its links to informal and traditional justice systems; improved sectoral coordination and resource use; and increased focus on crime prevention and restorative justice.

In recent years, GoPNG has clarified its priorities in law and justice through the *Sector Strategic Framework* (SSF, 2005), which sets out the sector's visions of "*a just, safe and secure society for all*". The SSF identifies five goals in support of its vision: improved policing, safety and crime prevention; increased access to justice and just

¹ For more detailed analysis of poverty in PNG, including its rural and urban dimensions, see PNG-Australia Development Cooperation Strategy 2006-2010, Poverty Analysis, and on the relationship between poverty and law and justice, see, for example, AusAID, *Law & Justice Sector Program, Program Design Document, Volume II Analysis Papers* 2004, AusAID, *Law & Justice Assistance and Poverty Reduction in PNG*, Desk Study 2002.

results; improved reconciliation, reintegration and deterrence; improved accountability and reduced corruption; and improved ability to deliver law and justice services.

Most recently, PNG's *White Paper on Law & Justice* (PNG White Paper, 2007), further specifies critical reform areas for the sector, particularly to improve the Government's Law Offices (ie Offices of the Solicitor-General, State Solicitor, Public Prosecutor and Public Solicitor), enhance the effectiveness of the judiciary, boost measures to address corruption and target weaknesses in the criminal justice system. The development of this policy foundation is a key achievement for PNG but implementing it remains a core challenge.

The sector's achievements in building a stronger, more cohesive approach reflect the ongoing commitment to the law and justice policy framework in PNG, particularly at the bureaucratic level. The strength of PNG's ownership of and commitment to their law and justice reform agenda, combined with the desire for positive change at the community level, provides the foundation for further progress in future.

Further information regarding the law and justice context in PNG, including an overview of key challenges to the effective functioning of the law and justice sector, PNG's law and justice policy, the sector's institutional arrangements and funding trends, is contained in Annex 1.

1.4. Australian assistance to date

The Government of Australia (GoA) has provided assistance to PNG's law and justice sector since the late 1980s, with the initial focus on strengthening the core functions of individual law and justice agencies. Since early 2003, this support has moved to a more flexible approach which recognises the critical interdependencies across the sector, and the important role of informal justice systems and communities. This new approach built on lessons learned about aid effectiveness that were drawn from AusAID's experience during earlier project-based assistance in the sector, as well as from experience across the broader aid program in PNG and international partners. Assistance is currently provided through three mechanisms:

- Law & Justice Sector Program (LJSP): which provides technical advice and direct funding for activities planned and budgeted by PNG;
- Justice Advisory Group (JAG): which supports the sector to monitor its performance and assists AusAID to monitor the LJSP; and
- Strongim Gavman Program - formerly known as the Enhanced Cooperation Program (ECP): which provides targeted advisory and inline support, particularly in areas focused on anti-corruption.

The current approach is grounded in fundamental principles of aid effectiveness, most notably, supporting PNG to implement its own policies and priorities, and maximising support for and use of PNG systems in delivering Australian assistance. Under this approach, Australia has made a significant contribution to the sector's achievements in recent years. A number of important lessons about the effectiveness of this approach have been learned along the way, as set out below.

1.5. Lessons learned and sector achievements

What's Worked

Review and analysis of Australia's current phase of assistance to the law and justice sector has identified significant changes in the operations and practices of various law and justice agencies and their sector partners as a direct result of the sector approach to law and justice undertaken by GoPNG in recent years. Australian support was found to have made a clear contribution to this outcome.² Evidence of progress by the sector can be found in a range of areas across the SSF Goals, including:³

Goal 1 – Improved policing, safety and crime prevention:

- Increased sector focus, GoPNG funding and local stakeholder participation in initiatives targeting community based crime prevention, particularly in pilot locations. For example, the establishment of a high profile crime prevention program in Port Moresby is helping youths to find employment and other alternatives to crime and bringing law and justice agencies like the police together with the local government, businesses and communities to address shared law and order concerns;
- Restoration of the rule of law in Bougainville through rebuilding police stations, courts and prisons, recruiting and training 100 police officers, improved collaboration across law and justice agencies and the Bougainville administration and increased resources and focus on community-based crime prevention and awareness programs;
- Improved legal and support services for victims of domestic violence and sexual assault and increasing awareness of HIV and AIDS within the sector, particularly within the police, village courts and correctional services;

Goals 2 – Improved access to justice and just results:

- Improvements in multi-agency criminal case management, including new Court User Forum processes and registry practices, resulting in a reduction in the backlog of criminal cases, including a 67% reduction in the criminal case backlog in the Waigani (National Capital) National Court;
- A dramatic decrease in the civil case backlog facilitated through a major review of over 17,000 civil case files, which identified that a much larger number of cases had actually been dealt with (4670 rather than 1310) and that 65% of the backlog had no documents filed – that is, the backlog was smaller than originally thought;
- Improved access to justice for juveniles, with an increase in the number of juvenile courts (currently nine with two more under construction) and police juvenile reception centres constructed in four provinces;

² Refer: GoA, *PNG Law & Justice Sector – Approaches to Capacity Building 2007* (Lyon); Government of Australia, *AusAID Assistance to PNG's Law and Justice Sector (2003-2007): Monitoring and Evaluation 2007* (Kenway); GoA, *AusAID assistance to Papua New Guinea's law and justice sector (2003-2007): lessons learned – desk review 2007* (Armytage); GoA, *PNG Law and Justice Sector Review and Contribution Analysis* December 2006 (AusAID).

³ Law and Justice Sector Program, Annual Reports, 2006 and 2007.

- Improved efficiency of the district courts, demonstrated through positive customer service survey results in target locations, a significant increase (eg 170% in 2007) in the number of cases registered with district courts, demonstrating improved staff performance and successful recruitment of new magistrates (eg six in 2007 including three women), following many unsuccessful attempts that had previously led to declining number of magistrates;
- Increased appointment and training of women village court magistrates (eg 18 in 2007) and reinvigoration of training programs for village court officials and land mediators, including on issues of gender equality, HIV and AIDS and gender-based violence (eg over 1000 village court officials and 44 land mediators received training in the Eastern Highlands province in 2007, many of them for the first time in 15 years);

Goals 3 – Improved reconciliation, reintegration and deterrence:

- Improvements in managing offenders which has lead to a 31% increase in the used of community orders instead of imprisonment. Improvements have been made to juvenile justice, leading to a 62% reduction in the number of juveniles held on remand since 2001 and a 42% reduction in the use of imprisonment in juvenile cases;
- Medical and health services for prisoners have been improved with the training of medical orderlies at seven prisons including in HIV and AIDS Voluntary Counselling and Testing;
- Physical improvements to prisons have resulted in more secure and humane conditions for prisoners, particularly women and children (eg a major prison in Lae has been refurbished, including construction of female and juvenile compounds, 100-person dormitory and an industrial compound);

Goal 4 – Improved accountability and reduced corruption:

- Increased sector capacity to detect and investigate corruption cases due to stronger cross-agency coordination and collaboration, leading to an increasing number of Leadership Tribunal cases (corruption or misconduct in office) being referred by the Ombudsman Commission each year;
- The National Anti-Corruption Alliance operations have commenced, leading to this coalition of agencies working together to investigate cases of corruption in the Southern Highlands administration, which has resulted in the arrest of over 50 public officials to date;
- Improvements in managing legal claims against the state, including for example, a 21% decrease in the number of claims filed against the state in 2007 compared to 2006 and a 42% decrease from 2005, and only 2 default judgments in 2007 compared to 12 in 2006, resulting in a 95% reduction in claims paid out by the state in default judgments (saving K7 million). New case management procedures have also led to greater capacity in the Solicitor General's Office to detect fraudulent claims against the state and improved collaboration with the Finance Department and National Court has led to more rigorous procedures that have saved the state over K80 million;

Goal 5 - Improved ability to provide law and justice services:

- A growing sectoral identity among a range of stakeholders, with a significant shift from an agency-based approach to an integrated and coordinated sector approach, including the development of a sound sectoral policy framework that is the basis of all agency level planning and budgeting;
- An increase in sector-based policy development (eg Sector Gender Strategy, Sector Housing Policy), stronger and more systematic engagement by the national agencies with selected provincial governments as part of a newly developed Provincial Engagement Framework (PEF);
- Improved public accountability for performance as a result of increased annual and quarterly reporting at the agency and sector level, and improved planning and budgeting practices, leading to consistent budget increases from the PNG Government to the sector.

Capacity Building Approaches

A review of the capacity building approaches underlying the current program of assistance found that it was working effectively, with particularly strong features being:

- The positioning of the GoPNG policy framework at the heart of Australia's assistance and maximising integration with PNG systems and processes, particularly planning, budgeting and financial management, which has fostered strong PNG ownership and provided opportunities for system efficiencies;
- An integrated focus on systemic issues, which has avoided a narrow, technocratic approach and brought attention to the functions that underpin service delivery. To support the inter-agency nature of the sector's reform priorities, technical assistance has been provided on a shared basis across individual agencies and multi-agency coordination mechanisms, avoiding the risks of dependence and excessive focus on individuals that often arises in traditional adviser-counterpart models; and
- The use of flexible and tailored responses in support of both the formal and informal justice systems, which has recognised the complexity of the law and justice sector in PNG and the diversity of capacity constraints within it.

Work in Progress

Notwithstanding these developments and achievements noted above, there are a number of areas within the current approach that have not worked as effectively and/or where they have proven effective in supporting reform, they nonetheless remain fragile. As such, these areas will require continuing and further attention to ensure the future success of GoA's assistance to the sector. Areas of strategic importance that should be considered work in progress include:

- *Performance targets and assessment:* Agency and sector capacity to set clear performance targets, to collect performance data and to use this information to drive management and focus on the achievement of results over short, medium and long term timeframes. Clearly linking changes at the institutional or organisational level to local level outcomes or impact on the ground remains a challenge (which in turn has limited the ability of the aid program to measure its contribution to outcomes). The approach under the current phase of providing support to agency and sector level monitoring and evaluation capacity through

two separate delivery mechanisms, while providing contestability of advice, may have contributed to a lack of integration of these efforts and undermined the sector's ownership of emerging tools such as the sector's performance management framework.

- *Alignment of resources:* In the context of PNG's public sector reform agenda, the overall quality of the sector's budget and planning processes, including the alignment and relative balance of resources allocated under recurrent, development and supplementary budgets, the extent to which policy is influencing budget outcomes, and coordination of national level budget processes and outcomes with those at sub-national levels of government, with a particular challenge being sector infrastructure development and maintenance.
- *Capacity building, leadership and local ownership:* Approaches to capacity building (including the effective use of technical assistance, advisory positions and in-line placements), particularly in dealing with longer term workforce planning issues and capacities at sub-national levels; supporting sector leadership and change management, particularly in critical overarching policy areas like gender, HIV and anti-corruption; and building local ownership of the reform agenda, particularly, for example, the integration of the functions of emerging sector coordination mechanisms like the Law & Justice Sector Secretariat and the Community Justice Liaison Unit into GoPNG's budgetary and institutional frameworks.
- *Relationships with key partners:* Ability of agencies and the sector as a whole to engage effectively with central agencies on public sector reform priorities, such as critical HR, payroll and budget constraints, with other line agencies, such as the departments of health, education and community development, to collaborate on initiatives to address underlying social issues and crime prevention, as well as with provinces, districts and communities to focus on local-level service delivery, the effective functioning of informal and traditional justice systems and approaches to crime prevention.
- *Support for policing:* Legal and political challenges linked to the development of the ECP have resulted in very limited engagement with the RPNGC since early 2005. Given that the most basic lesson learned about assistance to this sector is the fundamental importance of an integrated approach, Australia's re-engagement with the RPNGC will be critical to the overall success of future support to law and justice. *Given its significance, an overview of the history of support to the police, is set out in Annex 2.*

1.6. PNG-Australia development partnership

Since the commencement of the current phase of assistance to the law and justice sector, the relationship between GoA and GoPNG in managing the aid program has evolved, as demonstrated by the *Joint Aid Review* in 2004 and the completion of the *PNG-Australia Development Cooperation Strategy 2006-2010* (DCS). The DCS now provides the overarching framework within which GoA's support to the law and justice sector will operate and should be understood.

The objective of the DCS is to support PNG to reduce poverty and promote sustainable development through support for the GoPNG's efforts to implement its MTDS (and

accompanying *Medium Term Resource Framework, Fiscal and Debt Strategies*). The DCS sets out a specific focus on four core pillars:

- Improved governance and nation building;
- Sustainable broad-based economic growth and increased productivity;
- Improved service delivery and stability; and
- Strengthened, coordinated and effective response to the HIV and AIDS epidemic.

The DCS is based upon several guiding principles, which inform its implementation. These principles include a focus on aid effectiveness, particularly:

- Strategic alignment of PNG and donor resources;
- Integration with and building capacity of PNG systems; and
- Effective partnerships.

In response to GoA's recent statements on the overarching policy issues of gender equality and anti-corruption, the DCS will be supported by the following documents:

- *PNG Aid Program Gender Mainstreaming Framework* (forthcoming at the time of writing); and
- *Strengthening Anti-Corruption Systems in the PNG Aid Program, an Anti-Corruption Plan 2007-2010*.

1.7. A new phase of assistance to law and justice

In August 2007, GoA and GoPNG endorsed a *Framework for Australian Assistance to PNG's Law & Justice Sector* (Framework Paper). In this Framework Paper both governments have agreed that the strategic objective of Australia's assistance in the law and justice sector will be to support PNG to achieve its law and justice objectives. In this way, Australia's support in this sector will contribute to the higher level development objectives of both governments as set out in the DCS and PNG's MTDS.

The Framework Paper provides that GoA assistance to the law and justice sector should focus on building local capacity, with the specific nature of support determined on an annual and rolling basis using a joint and transparent process. The approach should address the key elements of partnerships and policy dialogue; performance results and mutual accountability; and management of risk, and is to be guided by principles articulated in the *Paris Declaration on Aid Effectiveness* (Paris Declaration), the PNG Commitment on Aid Effectiveness 2008, the DCS and other relevant GoA/GoPNG policies. Particularly important principles are the need for an integrated approach to the law and justice sector, an understanding of and sensitivity to local context, and a renewed emphasis on supporting gender equality.

The Framework Paper and related policies and principles noted above, form the basis of the design of the new PNG-Australia Law and Justice Partnership (PALJP), which is described in the following sections.

2. Proposed Approach

The PALJP approach is fundamentally grounded in the principles of integration and alignment with PNG's law and justice sector policy framework, systems and processes.

For this reason, this design focuses on resource modalities; the mechanisms by which resources to the sector are transferred and applied to the agreed reform agenda. In addition, the approach is designed to strengthen the relationships and management processes required to ensure GoA assistance to the law and justice sector is effective and contributing to the overarching development cooperation objectives of both governments. The following sections outline key aspects of the PALJP approach, including sectoral integration, capacity building, performance incentives and drivers of change, overarching policy issues, sustainability and forms of aid.

2.1. Sectoral integration

As agreed in the Framework Paper, the PALJP is designed to maintain and build on established relationships and aid delivery mechanisms that GoA and GoPNG have been developing over several years. The key characteristics of this approach can be summarised as follows:

- *Sectoral view of law and justice:* both governments recognise that solving problems in one part of the justice system will only be effective if the needs or consequences in other parts of the system are also addressed, and only if local communities and informal systems are treated as integral parts of the overall system.
- *One policy framework:* All GoA resources to the sector will be allocated in accordance with the priorities and strategies set out in the agreed GoPNG policy framework.
- *One resource envelope:* GoA's contribution will be treated as one element of the overall resource envelope available to the sector and will complement and strategically align with GoPNG resource allocations made through development, recurrent and/or supplementary budgets.
- *One system for planning, budgeting and implementation:* Wherever possible, decisions about allocation and expenditure of GoA assistance will be made as part of the sector's existing annual planning and budget cycle. Implementation will occur through local systems, the capacity of which will be supported to improve prioritisation, operational level coordination and pace of service delivery.

This approach involves significant integration with PNG systems and processes, and as such, enjoys a high degree of PNG ownership and leadership. This design seeks to build on the momentum of the current phase and consolidate achievements in the law and justice sector that have been supported under previous programs.

In recognition of lessons learned to date, and in line with the overarching objectives of the DCS, GoA and GoPNG have agreed to place an increased emphasis on supporting improved service delivery at the local level. This will be achieved through greater attention to sector partnerships, both within PNG and in the region, and an increased emphasis on performance management and results. This design also supports a renewed focus on gender equality, in recognition of the significance of gender issues for achieving progress in this sector and development more generally.

The PALJP will operate within the context of the broader GoA-GoPNG bilateral relationship. PALJP is intended to facilitate a whole-of-government approach and will draw on strengthened processes for coordinated GoA engagement in the sector, in relation to the development cooperation program and more broadly. Support provided

under the PALJP is just one element of GoA's overall development assistance program to PNG. For this reason, the PALJP will complement and, in turn, will work in close collaboration with the other elements of the Australian aid program in PNG and the Pacific region more broadly.

2.2. Capacity building

The PALJP approach gives primary importance to PNG leadership and ownership of the capacity building process. This design also recognises that capacity building is a long term endeavour that needs to be managed in light of competing demands for improvements in the short term. In this context, PALJP will support PNG-led efforts to build capacity at individual, organisational and institutional levels, using a range of tools and resources, depending on particular needs and objectives. A concerted effort will also be made to ensure a greater emphasis on building capacity *beyond* national agency headquarters in Port Moresby and within informal/traditional justice systems and non-government stakeholders.

Areas of focus

Both governments have agreed that capacity building efforts supported through PALJP will be undertaken in accordance with PNG's broader public sector reform strategy and will include a focus on leadership, management and coordination; strategic policy development; and systems and logistical requirements for improved local-level service delivery. In line with GoPNG-GoA overarching policy objectives, particular emphasis across all areas will be on building the sector's capacity to address gender equality and HIV and AIDS in an integrated and practical manner.

Resource needs and alternatives to TA personnel

Although TA personnel are just one tool for supporting capacity development under PALJP, they will play a significant role, particularly in boosting capacity for short term change and in guiding, mentoring and facilitating the sector's longer term reform efforts. However, TA personnel are also often the default choice for supporting capacity building efforts, even though there may be more effective alternatives available. PALJP will support the sector to undertake more detailed analysis of particular resource needs and objectives at the planning stage, including whether there are underlying structural or management issues that will require resolution in the longer term to ensure that the most effective response is delivered.

To complement this process, PALJP will support strategic consideration of larger workforce planning issues associated with the chronic capacity shortage in middle management and an ageing workforce, most notably in the large agencies of police and correctional services. PALJP will support the sector to make use of innovative solutions that draw on, for example, secondment, on-the-job training and resource sharing opportunities within the sector, broader GoPNG workforce capacity initiatives, other bilateral and regional programs, and external partnerships with PNG institutions. Institutional partnerships between the sector and relevant institutions in Australia and the region will be further encouraged as a tool for building local capacity, recognising the need for such partnerships to be demand driven and mutually beneficial to the institutions concerned.

More effective use of TA personnel

Where TA personnel are engaged as part of the sector's capacity building efforts, PALJP will support more explicit and detailed consideration of how these resources can be made most effective, particularly in supporting sector stakeholders operating outside Port Moresby and improved accountability for performance. This will require clear agreement and articulation of roles and responsibilities, a focus on attracting the right people with the right skills, and moving toward greater GoPNG responsibility for management. All TA personnel will have an explicit responsibility to integrate principles of gender equality and mainstreaming as part of their capacity building approach and will be required to participate in ongoing professional development programs provided by the PALJP Implementation Service Provider (ISP). These programs will include a focus on approaches to capacity building, overarching policies issues, cross-cultural and Tok Pisin skills.

PALJP will support a clearer understanding of the types of technical assistance available to sector stakeholders, including information about the relative costs and benefits of each option (eg international/regional/local, paid/volunteer, highly experienced/young professional, short/long term). Generally, TA personnel will be expected to provide indirect support, focusing on facilitation and mentoring. However, where stakeholders identify the need for a more direct approach, this will be agreed transparently, as part of the sector's planning processes, documented clearly in TA personnel work plans and communicated to all relevant stakeholders.

Building on the current approach PALJP seeks to move beyond the more traditional "counterpart model" in order to take a more strategic and flexible approach and one that reinforces the benefits of inter-agency cooperation and coordination. PALJP will support access to local expertise, with TA personnel sourced from outside PNG only where the required skills and experience are unavailable in PNG or where the pool of expertise is already fully engaged within existing justice sector requirements.

Coordination and collaboration

Effective collaboration and coordination across law and justice agencies, with central agencies and with other sector partners, will be important if the capacity building objectives of the law and justice sector are to be achieved. Such an approach is critical to ensure cross-government policy coherence and to enable the law and justice sector to participate in and influence the direction of key GoPNG reform initiatives. The PALJP will support the sector to coordinate the development of coherent responses across sector agencies and with other partners including all levels of government, the community sector and other donors.

Similarly, GoA support for capacity building efforts within the law and justice sector are just one element of the aid program's overall support to these issues. Significant and targeted assistance provided through other GoA funded programs and by other donors in support of capacity building efforts within sector partners at the central, sub-national, non-government and community levels, will be fundamental and complementary to the sector's efforts and will be actively factored in to the planning of PALJP support in order to avoid duplication and/or dilution of focus and to maximise the impact of collective efforts.

2.3. Performance incentives and drivers for change

The PALJP will support performance incentives and drivers for change in the law and justice sector in a manner that is consistent with and complementary to the overarching Performance Review and Dialogue Process under the DCS.⁴ In accordance with fundamental principles of aid effectiveness, PALJP will focus on building PNG's capacity to implement locally developed and locally led approaches to improving performance. This recognises that performance in the law and justice sector, as elsewhere across the public service in PNG, is not simply a lack of resources or capacity. Rather it is likely to be linked strongly to socio-cultural and/or political factors.

Consistent with both GoPNG and GoA policy, PALJP will also support a much stronger emphasis on the empowerment of women and implementing the sector's gender strategy, as a critical success factor in boosting sector performance and the achievement of PNG's law and justice objectives.

GoA's ability to constructively influence reform efforts in the sector will be boosted by the proposed process of sector-specific joint policy dialogue that will provide strategic direction to the PALJP and a transparent process for dialogue on substantive policy priorities of mutual interest to both governments.⁵

Supply side incentives

PALJP will address "supply side" incentives (ie drivers of performance that are internal to the law and justice sector) by supporting a stronger focus on performance, results, and evidence-based decision making at both agency and sector levels. PALJP will also support improved capacity to manage and encourage good performance, with an emphasis on *how* reform can be achieved, rather than simply focusing on what reforms need to happen. In this context, PALJP will foster greater consideration of approaches that work constructively with cultural norms and obligations, make use of improved individual/institutional status and recognition, build transparency and merit-based promotion and professional development opportunities, and draw on the experience of successful managers and leaders from within the sector to act as mentors.

Demand side incentives

On the "demand side" (ie the needs and expectations arising from central agency, provincial and community stakeholders), PALJP will support the sector at a range of levels in collaboration with other GoA programs, working with:

- *Central agencies:* supporting improved engagement and dialogue between the sector and central agencies on agreed priorities and performance targets linked to the budget process, fostering greater commitment from senior managers in driving agency/sector performance, including via improved reporting;
- *Sub-national government:* supporting the development and implementation of the sector's PEF, with an emphasis on mutual accountability for law and justice

⁴ The PRD process includes an annual performance grant (currently \$30 million) that can be used by GoPNG to support emerging public sector reform priorities and/or to provide top up funding to particular sectoral programs that are performing well and would benefit from expansion/acceleration.

⁵ The proposed sector-specific policy dialogue process is discussed in more detail in the Framework Paper.

objectives at the local level, budget transparency, and clearer understanding and agreement about roles and responsibilities; and

- *Communities:* supporting increased community and non-government participation and empowerment in the law and justice system, including a stronger understanding within communities about the respective roles and responsibilities of government and non-government stakeholders in providing peaceful communities and access to justice.

2.4. Overarching Policy Issues

There are a number of overarching, or cross-cutting, policy issues which have an impact on law and justice sector performance either directly or indirectly and, as a consequence, are of particular relevance to this design. This section sets out key overarching policy issues, summarises the approach PALJP will take in supporting the sector to address these issues and highlights what GoA, AusAID and the PALJP ISP will do to contribute to these efforts.

More information about the overarching policy issues discussed below, including the proposed PALJP approach in dealing with these issues is set out in Annex 3.

Key issues

In light of the objectives and commitments articulated in the respective policy frameworks of both governments and jointly in the DCS, overarching issues of mutual interest that are of particular significance to the law and justice sector include: *gender equality, HIV mainstreaming, anti-corruption, community and sub-national engagement; and implementation of restorative justice*. Without attention to these issues by both governments, the likelihood of PNG achieving its law and justice objectives is low.

Some of these issues are being addressed by GoPNG at a whole-of-government level, for example, GoPNG's response to HIV and AIDS articulated in PNG's *National Strategic Plan for HIV/AIDS* and the *HIV/AIDS Management and Prevention Act 2003*. Others are seen to be primarily the business of the law and justice sector, such as the implementation of restorative justice approaches in accordance with the NLJP, for which the sector will ultimately be held accountable for progress. All of the issues identified, however, will require an agreed and coordinated response from the sector as a whole, as well as from individual agencies, if they are to be addressed affectively.

Supporting local responses

Given this context, the PALJP design proposes a range of different approaches to support the sector in addressing critical overarching policy issues, reflecting the complexity of these issues and the need to tailor responses to the particular context. In providing support to the law and justice sector, PALJP will collaborate with other GoA-funded programs working in relevant areas and will draw on AusAID's in-house advisory expertise supporting the aid program in PNG. The focus of PALJP's approach, however, remains on strengthening and supporting the sector's capacity to develop and implement its *own* responses to these and other emerging issues, rather than seeking to apply externally developed or derived solutions. PALJP will also support the sector to strengthen systems and processes for tracking progress in addressing key over-arching policy issues as part of broader performance monitoring and reporting efforts (refer section 5.1, below, for more detail).

Areas of GoA responsibility

This design also pays particular attention to areas within GoA's more direct control and responsibility, to ensure that GoA's own response to overarching policy issues is effective and beneficial. For example, GoA management arrangements and approaches will be strengthened to ensure that adequate and effective resources are applied in key areas. The proposed sector-specific joint policy dialogue will also provide an avenue for high-level discussion of the sector's progress in addressing overarching policy issues and the effectiveness of the PALJP approach in supporting these efforts.

In this context, and to encourage a greater sense of mutual accountability, several of the overarching policy issues identified above (ie gender quality, anticorruption, HIV mainstreaming) are also given overt attention in this design on the basis of their particular significance to GoA's aid effectiveness commitments agreed with GoPNG and highlighted in the DCS and elsewhere. These issues will be treated as enabling themes for PALJP. Key processes and actions that are considered critical to PALJP's approach in these areas will be tracked as part of the PALJP monitoring and evaluation framework (refer section 5.2, below for more detail).

2.5. Sustainability

AusAID has supported PNG's law and justice sector on an agency specific basis over a number of years. These projects focused on improvements in the core institutional functions of various agencies as well strengthening specific technical areas and, in some cases, restoring basic infrastructure. However, while they fostered the development of a strong relationship between the Australian aid program and the law and justice sector, sustainability of project outputs and outcomes remained a problem. Without constant support many of the improvements introduced have not lasted.

In 2003 GoA moved to a sector-based, programmatic approach to law and justice, which was consistent with GoPNG's (then recently developed) law and justice policy, recognised the interdependence of law and justice agencies, and sought to address the limitations of project-based assistance. Reviews in 2006 and 2007 indicated significant benefits flowing from this approach but also identified areas that remained particularly fragile or critical to the success of future development assistance and GoPNG achieving sustained progress against its law and justice objectives (refer section 1.5, above).

In this context, and in seeking to address the question of sustainability, PALJP has been developed around the measures of aid effectiveness identified in the Paris Declaration and reflected in the DCS. In particular, the fundamental basis for PALJP's capacity building approach is the principle of PNG ownership and leadership of its development agenda for the law and justice sector. PALJP supports this principle through joint management processes integrated with PNG's annual budget cycle, coordinated (or, where possible and agreed, pooled) GoPNG and GoA funding within PNG's Development Budget, and a commitment to use and strengthen PNG's systems wherever possible. Although integration with PNG systems will be differentiated according to the level of capacity within particular areas, opportunities for deeper integration will be identified (in light of ongoing and concurrent capacity building efforts) and implemented as early as possible to help enhance the likelihood of sustainability. These issues will be closely monitored as part of PALJP risk management and aid effectiveness measures.

It is acknowledged that GoA assistance provided to PNG under PALJP (and, indeed, GoPNG's own expenditure under the Development Budget) is likely to contribute to

misalignment across development and recurrent cost financing. This, in turn, results in ongoing uncertainty about the overall cost (and therefore affordability) of law and justice service delivery in the longer term. These issues are exacerbated by the nature of PNG's reform agenda in law and justice, including the difficulties in predicting the likely pace of change and the ultimate contribution of sector partners (including sub-national levels of government, NGOs and communities) to sustainable service delivery in the longer term. In this context, this design recognises that in order to make progress in reform and to build momentum behind service delivery improvements as they emerge, contributions to the development budget may be used to supplement recurrent budget allocations over the short to medium term.

However, PALJP will support more systematic monitoring and analysis of expenditure trends and service delivery standards. This support will emphasise strengthening core policy, planning, budgeting and M&E processes to improve transparency and build a better understanding of affordable service delivery standards for the longer term and the corresponding resource needs within the sector. In the short term, this assistance will support improved budget integration and coherence across the entire resource envelope, particularly regarding the relative allocation of resources across the development, supplementary and recurrent budgets. These efforts, combined with more robust sector performance data, will feed into the development of GoPNG's broader medium term fiscal strategies and public sector investment planning, and will inform GoA-GoPNG dialogue on these issues under the auspices of the DCS.

Ultimately, the longer term viability of achievements against PNG's law and justice objectives, particularly in relation to the different needs of women, men and children, will depend on positive relationships and collaboration within the formal sector, between the formal and informal systems of justice, and with communities. The success of these efforts will, in turn, depend on PNG's ability to address critical overarching issues of gender equality, anti-corruption and HIV mainstreaming. PNG's policy framework recognises these issues as the key challenges to be addressed. As such, by aligning PALJP directly with PNG's own objectives, and by ensuring the effectiveness of GoA's contribution to the sector's efforts is carefully monitored, it is likely that PNG's capacity to meet its objectives under its own resources will be progressively realised. However, in light of PNG's development context, particularly broader issues regarding population demographics, the current capacity shortage at the middle management level across the public service and the complex challenges of decentralised service delivery, a medium to long term development partnership is likely to be necessary.

2.6. Forms of Aid

As noted above, PALJP is building on an established relationship between GoA and the law and justice sector in PNG, which includes a range of supporting processes and systems that have been built up over several years. Many of these processes and systems are aligned or integrated with PNG's systems and are subject to ongoing refinement and improvement under the current phase of assistance. Based on the demonstrated effectiveness of the overall approach, and in accordance with the overarching principles of the DCS, both governments have agreed that the forms of aid currently used to support the sector should continue under PALJP. The key components of the PALJP forms of aid are summarised as follows:

- *Aid delivery approach:* PALJP adopts a sector-based program approach that supports PNG to implement its law and justice policy priorities, as set out in PNG's MTDS, NLJP and SSF, and informed by PNG's White Paper on Law and Justice.
- *Resource transfer mechanisms:* All resources under PALJP will be documented in GoPNG's Development Budget, in accordance with GoPNG's financial management regulations and as agreed by GoA and GoPNG on an annual and rolling basis. PALJP resources will be transferred to the sector both directly, by transfer from AusAD into the existing GoPNG law and justice sector imprest account mechanism, and indirectly, through contractual payments made by AusAID to the PALJP ISP or to other third party contractors engaged to support PALJP implementation and review processes. GoA direct funding will be coordinated (or, where possible and agreed between GoA and GoPNG, pooled) with GoPNG's own contribution to the Development Budget and administered using GoPNG public financial management mechanisms, with significant and ongoing support to those mechanisms provided under PALJP to ensure transparency and accountability. These arrangements, including approaches to risk management, are discussed in more detail under sections 4 and 5, below.
- *Legal instrument for implementation and management:* PALJP will operate under the auspices of a Memorandum of Subsidiary Arrangement between GoA and GoPNG, in accordance with the requirements of the PNG-Australia Development Cooperation Treaty. At an operational level, PALJP will be administered through the existing GoPNG law and justice sector imprest account mechanism trust instruments, established under GoPNG's public financial management legislation, through a contract between AusAID and the PALJP ISP and/or through other contracts between AusAID and third parties required to support PALJP implementation and review processes.

3. PALJP Description

3.1. Objectives

Longer term vision (10-20+ years):

The PALJP will operate in the context of PNG's longer term vision in the law and justice sector for *a just, safe and secure society for all*. In support of this vision, PNG's National Law & Justice Policy (NLJP) establishes three interrelated themes to guide the sector's reform efforts: improved functioning of the formal law and justice system, including its links to informal and traditional justice systems; improved sectoral coordination and resource use; and increased focus on crime prevention and restorative justice.

Medium term objective (5-10 years):

PNG has identified the law and justice sector as one of seven expenditure priorities for achieving its three MTDS objectives of: good governance; export-driven economic growth; and rural development, poverty reduction and empowerment through human resource development. At the sector level expenditure is guided by the NLJP and more specifically the SSF and its five goals and related strategies (refer section 3.2, below, for a list of the SSF goals and strategies).

In response to this policy framework, GoA is supporting PNG to meet its MTDS objectives, with a focus on four core areas as set out in the DCS: improved governance and nation building; sustainable broad-based economic growth and increased productivity; improved service delivery and stability; and strengthened, coordinated and effective response to the HIV and AIDS epidemic. In the law and justice sector, the broad parameters for GoA assistance over the medium term have been agreed and are set out in the Framework Paper with the strategic objective being *to support PNG to achieve its law and justice objectives, particularly its five sector goals*.

Short term objective (5 years):

The PALJP will support the law and justice sector for a period of five years. In this timeframe PALJP aims:

*to support the law and justice sector to achieve measurable progress against its sector goals, including to refine relevant strategies further over time.*⁶

Beneath this objective PALJP is structured around two components. Each component targets an outcome and specific result areas that are derived directly from PNG's SSF. The components are comprised of various resource streams, which are described in detail below.

As noted above, PNG's law and justice sector reform agenda has been in place and underway for some years, becoming more concerted with the development of the NLJP in the late 1990s. In this context, the achievement of the PALJP objectives, outlined above and in further detail below, will be measured against a baseline of the sector's progress to date. Information about the current state of sector performance will be collated and articulated in the form of a baseline performance data report, to be compiled as a priority task at the outset of the PALJP (refer section 5, below, for further detail about performance monitoring).

The diagram in Figure 2, below, outlines how each element of the PALJP fits together.

⁶ The PALJP objective will contribute to the objectives of the DCS, most directly to pillars one and three (improved governance and nation building, and improved service delivery and stability) and, more indirectly, to pillar two (sustainable broad-based economic growth and increased productivity). In the case of DCS pillar four (strengthened, coordinated and effective response to the HIV and AIDS epidemic), the PALJP contribution is more particular, in that it will flow primarily from support for PNG's SSF Goal 5, Strategy 4 (ie *integrate HIV/AIDS response into the sector and agencies*).

Figure 2 PALJP elements

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3.2. PALJP Components

The PALJP is made up of two components, both of which contribute to the achievement of the PALJP objective, and in turn, the overarching DCS objectives.

Component 1 is focused on support for SSF Goal 5, which targets core capacities for driving change within the sector. SSF Goal 5 is particularly important because it underpins the achievement of progress against each of the other four sector goals. This component provides for strategic resource commitments in three streams: sector coordination mechanisms; public administration and sector policy; and agency-based change management. Details about the exact size and budget for these commitments, including relevant outputs, will be documented each year in the sector's Development Budget, subject to any modification that may result from ongoing performance review and evaluation processes.

Component 2 provides for a flexible resource contribution to be made on an annual basis in support of service delivery priorities across the sector. The details of activities to be funded by this contribution will be determined annually through PNG's planning and budgeting process. As is the case with the resource commitments made under Component 1, this contribution will jointly determined in accordance with the principles and processes set out in this design, with the details being documented in PNG's Development Budget.

In most cases the support provided under Component 1 will also contribute to the implementation of activities being supported under Component 2. In that sense, the two components should be seen as complementary and interdependent in their contribution to the objective of PALJP.

Component 1: Capacity for Driving Change

Outcome: Increased sector capacity to implement strategies for achieving SSF Goal 5.

Result areas (based on SSF Goal 5 Strategies):

SSF Goal 5: Improved ability to provide law & justice services

1. Formal agencies are strengthened to use resources properly
 - Control systems and processes are strengthened
 - Agencies are reorganised to meet service priorities
 - Performance monitoring and reporting is occurring at sector and agency level
2. Civil society capacity to contribute to sector development is supported and built
 - Civil society participation in planning and policy development is encouraged and strengthened
 - Civil society service delivery capacity is strengthened
3. Enhanced sector cooperation and coordination is fostered and built
 - Law and justice agencies are working cooperatively within government, within the sector and with communities
 - Agencies are supporting the implementation of a 'bottom up' planning philosophy
 - Provincial and local level government engagement is encouraged and developed
4. HIV/AIDS responses are integrated into the sector and agencies
 - Lessons and experiences are being captured
 - Appropriate responses to the epidemic are being developed and promoted

The three resource streams of Component 1 are inter-related and have been agreed between both governments as critical areas for support over the life of PALJP:

i) Sector coordination mechanisms

Under this resource stream support will be provided to build the capacity of the sector's coordination mechanisms, namely the National Coordinating Mechanism (NCM), Law and Justice Sector Working Group (LJSWG), Law and Justice Sector Secretariat (LJSS), the Activity Management Teams (AMTs) and the Community Justice Liaison Unit (CJLU).

A summary of these mechanisms, including their key roles and responsibilities, is set out in Annex 4.

Assistance proposed under this stream of Component 1 recognises the critical role of the sector's coordination mechanisms in driving improved service delivery in the law and justice sector, and in addressing key reform priorities under the GoPNG public sector reform strategy and in areas such as gender equality, HIV mainstreaming, sub-national and community engagement, and restorative justice. The roles, responsibilities and operations of these mechanisms are being clarified and strengthened each year. However, this process of evolution is far from complete and ongoing support is needed to build their capacity to a sustainable level.

In the case of the LJSS and CJLU, particular attention is needed to resolve the current uncertainties about their longer term institutional status to ensure that, over time, the critical functions being performed by these bodies are given sufficient bureaucratic recognition and financial support, whether through the current LJSS and CJLU structures or through such other arrangements as GoPNG ultimately decides.

Assistance under this stream will include ongoing financial support for the operational requirements of the sector's coordination mechanisms, including personnel and administrative costs, as agreed through the sector's annual planning and budgeting processes. This assistance, together with support provided under the other resource streams within this Component, will support the sector's efforts to further clarify respective roles and responsibilities across these mechanisms, to build the capacity of sector representatives and other personnel to perform their required functions, and to progressively embed these mechanisms and/or their functions within the PNG bureaucracy in accordance with the relevant policy direction determined by GoPNG, as noted above.

Over the life of the PALJP, and in accordance with GoPNG's public sector reform commitments, it is anticipated that GoPNG will increasingly meet the recurrent operational costs of these mechanisms. As part of that process, the PALJP will support the sector, as required, to regularly review the functioning of its coordination mechanisms to ensure they are performing effectively and contributing to improved service delivery, given the GoA/GoPNG investment being made.⁷ Progress in this regard will be jointly monitored as part of the PALJP aid effectiveness processes (see section 5, below).

⁷ PALJP recognises the critical role of DNPM as a participant in sector coordination mechanisms, particularly in relation to management of the aid program and the Development Budget more broadly. However, as its role is not limited to the law and justice sector alone, consideration of any specific GoA assistance to support capacity development objectives within DNPM will occur in accordance with broader aid program strategies and agreement.

ii) Public administration and sector policy

This resource stream will provide ongoing support for the Core Support Team (CST) mechanism. The CST provides on-call technical assistance to the sector in core areas of public administration and sector policy, which are recognised as critical to the achievement of the SSF goals and implementation of the GoPNG public sector reform strategy. The CST is a shared sector resource, available to agencies and/or AMTs on an as needs basis. The CST operates in a way that moves beyond the traditional “counterpart model” to ensure a more strategic and flexible approach. The benefit of this approach is to provide on-call, top-up capacity development assistance, with greater continuity and strategic coherence than would be provided by a series of ad hoc, short term consultancies.

At the outset of the PALJP, and thereafter on a regular basis, GoA and GoPNG will jointly review the CST composition (ie the range of skills and expertise required) as part of the sector’s annual planning process. Initially, key areas of expertise that will be provided though the CST include: planning and budgeting (including issues of decentralisation and intergovernmental financing); financial management; human resources management and workforce planning; asset and infrastructure management, and information management. In addition, specialist CST resources are needed in the areas of sub-national and community engagement, performance monitoring, gender equality and HIV mainstreaming in order to strengthen sector capacity in these areas. This expertise will complement and boost efforts across all aspects of PALJP assistance to address these issues in a comprehensive and mainstreamed manner. Variation in composition and size of the CST will be agreed on an annual basis through PNG’s planning and budgeting process.

As part of the initial CST review process, CST management arrangements will also be addressed (eg clear and transparent tasking arrangements, increasing GoPNG involvement, improved accountability for performance) together with issues regarding the physical location of CST advisers (eg opportunities for greater integration with sector agencies, the LJSS and/or sub-national partners). CST management arrangements will support constructive, team-based relationships within the CST, and between the CST and other technical assistance personnel – particularly the agency-based change management positions (see below). CST management arrangements will also facilitate a deliberate and increased use of CST advisers to support capacity building in locations outside Port Moresby.

A generic position description for CST positions is included in Annex 5.

iii) Agency-based change management

This resource stream is designed to complement the CST by providing dedicated advisory support based within the key sector agencies to strengthen agency change management capacity in order to drive improvements to service delivery at the local level. This recognises the integral role of individual agencies in contributing to achievement of the sector’s overall reform priorities, as well as the broader GoPNG public sector reform agenda. The effectiveness of internal management functions within agencies is currently a significant capacity constraint across the sector, which this resource stream aims to address.

In particular, the agency-based change management positions will support improvements in each agency’s utilisation of and participation in sector coordination processes, engagement with central agencies, and, most importantly, cross-agency

initiatives, inter-sectoral collaboration, sub-national operations and community partnerships. These advisers will work collaboratively with the CST and in doing so will also contribute to the coordination and consolidation of capacity building efforts being supported under Component 2. GoA will work jointly with the sector at the outset of PALJP to clarify agency-specific requirements, including management arrangements, in order to establish these long-term positions as a priority, through a clear and transparent process. Once determined on a case-by-case basis, the specific roles and responsibilities for each agency-based change management position will be articulated and agreed with relevant GoPNG partners on an annual basis in a rolling work plan for the position, which will also form the basis for improved and more transparent accountability processes.

A generic position description for agency-based change management positions has been included in Annex 5.

Component 2: Service Delivery Priorities

Outcome: Increased sector capacity to implement strategies for achieving all SSF Goals.

Result areas (based on SSF Strategies):

SSF Goal 1: Improved Policing, Safety & Crime Prevention

1. A professional police service is being rebuilt that meets all legitimate community expectations
 - Structures to improve police accountability and discipline are strengthened
 - Community is involved in determining policing priorities
 - Core operational and administrative practices are improved
2. Support for community based crime prevention is increased
 - Support for local based initiatives is increased
 - Coordinated engagement with formal sector is promoted
3. Select high priority initiatives are supported
 - Urban safety is improved, especially Port Moresby
 - Highway and resource project safety is improved, especially in the Highlands
 - Number and use of guns is reduced
 - Family and sexual violence is reduced

SSF Goal 2: Increased Access to Justice & Just Results

1. Obstacles that prevent access to just results are removed
 - Community awareness of legitimate human rights & the operation of the legal system is enhanced
 - Key laws are simplified
 - Access to legal, paralegal and community based advocacy services improved
 - Cases in courts and commissions are resolved quickly and fairly
2. Locally based non-violent dispute resolution is strengthened
 - Mediation and customary practices that restore harmony in relationships between people and within communities is recognized, reinforced and supported
 - Village Courts are strengthened to resolve cases quickly and fairly
 - Magistrates are supported to work regularly in each district
 - Increasing capacity to resolve land disputes receives strong focus
3. Robust and independent courts and commissions are strongly supported
 - Independent judges, magistrates, state law officers and Ombudsmen are guaranteed
 - Courts and commissions are support to maintain due process and fairness

SSF Goal 3: Improved Reconciliation, Reintegration & Deterrence

1. Communities are encouraged and supported to reconcile offenders and victims in a non-violent manner
 - Capacity to support victims of crime is built

<ul style="list-style-type: none"> - Rehabilitation initiatives, including diversion, are developed and promoted - Integration of offenders into their communities is supported <p>2. Alternatives to imprisonment are provided for less serious crimes and those awaiting trial</p> <ul style="list-style-type: none"> - New national sentencing policies are promoted - Increased use of alternatives to imprisonment is supported <p>3. A national correctional system is maintained for persons who are a risk to society</p> <ul style="list-style-type: none"> - Serious offenders are humanely and securely contained - Rehabilitation and reintegration for detainees is provided
<p>SSF Goal 4: Improved Accountability & Reduced Corruption</p> <p>1. Accountability for corruption and the abuse and misuse of power is ensured</p> <ul style="list-style-type: none"> - Leadership, accountability and criminal laws are regularly reviewed and improvements proposed - Abuse of power and corruption by officials when dealing with the public is reduced - The capacity of the state to detect, investigate, expose and prosecute corruption and the abuse & misuse of power is increased - Anti-corruption laws are enforced - Awareness and education about ethics, leadership values, roles and responsibilities are increased <p>2. Civil society oversight of public administration is encouraged</p> <ul style="list-style-type: none"> - Support civil society activities that expose corruption & the abuse & misuse of power - Encourage agencies to respond openly to public scrutiny <p>3. Claims against the state are reduced</p> <ul style="list-style-type: none"> - Opportunities for claims to be made against the state are reduced - Agency capacity to defend claims is improved
<p>SSF Goal 5: Improved Ability to Provide Law & Justice Services (refer above for list of Goal 5 Strategies).</p>

The following four resource streams of Component 2 are not intended to be exhaustive. Rather, they describe an indicative range of areas that GoA's contribution might support in any given year, depending on priorities agreed through the annual planning and budgeting process:

i) Sub-national and community engagement

Effective sub-national and community engagement is at the heart of improved service delivery in the law and justice sector. Increased and more effective coordination and collaboration between the national law and justice agencies and their regional offices, and between sector agencies, other central and line agencies, sub-national level governments, non-government organisations and communities is critical if the objectives of the law and justice sector are to be achieved.

GoA assistance under this Component will support the sector's efforts to clarify and agree roles and responsibilities of all stakeholders, improve planning and budgeting coordination across the different levels of government, and to orient reform and capacity building activities more strongly toward local level impact. Support for activities aimed at improved functioning of informal, traditional and community-based justice systems will be particularly important. In this context, targeted resources toward implementation of the sector's PEF, including the provincial pilots program, and the operations of the CJLU will be critical elements of this Component.

Further and more detailed discussion about sub-national and community engagement, including its integral role within the PALJP approach and the related issue of implementation of restorative justice, can be found in Annex 3.

Assistance to Special Case Provinces

Under Pillar 3 of the DCS, GoA and GoPNG have agreed that the aid program will provide support for special case provinces, particularly where stability is at risk. The DCS provides that support of this kind will be delivered utilising existing aid program mechanisms. The Autonomous Region of Bougainville is currently the main region where GoA is providing differentiated support.

In Bougainville, GoA assistance is focused on promoting sustainable peace through support for improved public administration and essential service delivery. In the law and justice sector, GoA has been supporting the re-establishment of law and justice service delivery under the auspices of a joint strategy agreed between GoA, GoNZ, GoPNG and the ABG. Particular activities are determined each year as part of the ABG's planning and budgeting process, which feeds into and is endorsed by GoPNG, through inclusion in the sector's Development Budget.

The joint strategy for Bougainville was reviewed and revised in 2007 and will provide the basis for GoA's contribution under the PALJP during the next phase of assistance. The strategy continues to recognise the ABG's lead role, through the Bougainville Law & Justice Working Group, in determining law and justice priorities in Bougainville and aims to support the development of the ABG's capacity to address those priorities. The effective functioning of the formal law and justice system remains an important focus, as is the strengthening of partnerships between the formal system, NGOs and communities to support crime prevention and restorative justice.

The flexibility of this Component means that GoA support to law and justice in Bougainville can be modified as required and agreed by all stakeholders as part of regular planning and budgeting processes and in accordance with the ongoing evolution of Bougainville's political and economic context. Similarly, this Component can be used to accommodate any future agreement between GoPNG and GoA to direct specific assistance to other regions, should this become necessary.

ii) Partnerships with Australian and regional institutions

Under this Component, GoA assistance will also support the law and justice sector to consider opportunities for developing and maintaining partnerships with appropriate agencies, institutions and organisations in Australia and across the region. For example, the institutional twinning initiative between the PNG Ombudsman Commission and the Commonwealth Ombudsman (CO) is one such partnership that GoA assistance will continue to support, subject of course, to the ongoing agreement of both institutions.

Future engagement by the Australian Federal Police (AFP) as a key partner of the Royal PNG Constabulary (RPNGC) will also be supported, as required, through this Component. In this regard, and as at the time of writing, AusAID and the AFP are currently considering options for future support to the RPNGC. It is expected that any future assistance will be provided in support of GoPNG's reform agenda for the RPNGC, as articulated in PNG's *Police Review* of 2004 and that such assistance will be fully integrated with PNG's broader law and justice sector policies and the delivery mechanisms agreed under the PALJP.

Another key partnership that PALJP will support the sector to develop is with the Commonwealth Attorney-General's Department (AGD). Currently, AGD is working with the sector through its coordination of the law and justice (non-policing) component of the Strongim Gavman Program (formerly the ECP), as well as through a variety of institutional linkages relating to issues of regional interest such as anti-money laundering, extradition, mutual assistance and model legislation.

While the details of AGD engagement and support to the sector will continue to be determined and agreed with PNG partners on an annual and rolling basis, as part of

efforts to foster greater collaboration and coordination, PALJP will support PNG to better integrate initiatives undertaken in partnership with AGD as part of existing and ongoing reform strategies and activities.

All GoA agencies involved in supporting law and justice in PNG, including through partnerships supported under PALJP, will work closely together and with GoPNG partners to ensure that governance and management arrangements in respect of their institutional partnerships are coordinated, coherent and consistent with the principles set out in the Framework Paper and this design.

iii) Procurement of Goods and Services

To complement support under Component 1, which targets agency and sector capacities in core systems and processes, change management and coordination, Component 2 will be able to provide direct financial assistance to address critical logistical constraints impeding improved service delivery. This might include funding for procurement of goods (eg facilities/infrastructure) or services (eg technical legal/ justice expertise/ advice, audit/management, research/ review/ evaluation) in support of priority activities. Assistance provided through the CST under Component 1 to strengthen financial management systems, will ensure that support for procurement under this Component is utilised in an efficient and accountable manner.

Assistance of this kind will be provided in and through PNG systems, and targeted toward core law and justice functions and improvements to service delivery at the local level, particularly where sector agencies are working in partnership with local level government and communities in “frontline” areas such as village courts, land mediation and community policing.

Given the recent increases in GoPNG investment earmarked for law and justice sector infrastructure development, GoA assistance will focus on supporting PNG to maximise the benefit of these resources. This assistance will be provided primarily through the CST under Component 1 and will be targeted both at the strategic level - to support improved coordination in planning and prioritisation of needs - and at the operational level - to develop management capacity within the sector and to improve partnerships with central agencies (including the Central Supply & Tenders Board), sub-national levels of government, the building industry and community stakeholders. As part of GoPNG/GoA dialogue throughout the annual planning and budgeting process, greater and specific attention will be given to the establishment of a holistic (ie GoPNG and donor) financing strategy for sector infrastructure.

Access to Technical Assistance Personnel

In situations where the sector’s own procurement systems are unable to provide the sector’s technical assistance (TA) personnel requirements in a timely manner, GoA’s contribution under this Component may also be directed to engage the Implementation Service Provider’s (ISP) services in sourcing, mobilising and managing TA personnel to support the implementation of priority activities.

Consistent with the PALJP capacity building approach, where TA personnel are engaged by the sector under this Component, careful attention will be given to increasing the accessibility of this expertise for sector partners operating at the sub-national level, with a particular focus on key areas of local level service delivery such as village courts, land mediation and community policing.

As set out in section 2.2 above, expenditure of this kind will also be guided by a clear understanding of the types of TA personnel available to sector stakeholders, including information about the relative costs and benefits of each option (eg international/

regional/ local, paid/volunteer, highly experienced/young professional, short/long term). Support provided under Component 1 in the areas of planning, budgeting and human resource management, together with support services from the ISP, will assist the sector to develop improved practices in this regard.

Strategies will be developed to increase the extent to which GoPNG is involved in management of TA personnel, including needs identification, drafting terms of reference, recruitment processes and performance management. This will be done in a manner that makes use of or at least replicates, where system weakness prevents their use, existing GoPNG procurement processes and resource/personnel management arrangements. Approaches will need to be differentiated, based on clear identification of demand from and capacity of the agency or coordination mechanism in question, with the intention of moving towards greater GoPNG management of TA personnel over time as systems are strengthened.

In this way, this design envisages a reduction in expenditure on ISP procured TA personnel over time, with a corresponding shift to expenditure on direct procurement of technical/ advisory services by GoPNG.

3.3. Duration and Budget

PALJP will operate for a 5 year period commencing in 2009. A subsequent phase of assistance will be developed under the parameters of the Framework Paper's 10 year outlook and subject to evolving priorities under the DCS and the overarching PNG-Australia Partnership for Development (forthcoming at the time of writing). Based on current absorptive capacity and expenditure priorities across GoA's overall program of assistance to GoPNG, the proposed budget for PALJP is up to \$30.7 million per year, to a maximum of \$153.5 million over five years. This may be subject to change, particularly in light of any future partnership arrangements developed between the AFP and the RPNGC. Any change to the budget will be by agreement between both governments and will be reflected accordingly in all PALJP legal instruments and the GoPNG Development Budget.

4. PALJP Governance and Management Arrangements

The governance and management arrangements for the delivery of GoA assistance to the law and justice sector are critical to ensure its effectiveness. The extent of PALJP integration with PNG systems and processes necessitates a cooperative approach between both governments and requires an awareness of the fiduciary risks associated with the use of these systems. Such an approach is consistent with the Paris Declaration and the principles of partnership and collaborative management of the aid program set out in the DCS. Given the varying management capacities with the sector and GoPNG more broadly, PALJP support to GoPNG's management arrangements, particularly under Component 1, will be critical not only to the implementation of SSF Goal 5, but also to enable effective management of the aid investment.

There are four key elements underpinning the PALJP governance arrangements:

- GoA arrangements and resource implications;
- GoPNG arrangements and PALJP support;
- GoA-GoPNG relationship and joint processes;
- PALJP ISP management arrangements and support.

Each of these elements will be discussed in more detail in the following sections (see also Figures 3, 4 and 5, below).

4.1. GoA arrangements and resource implications

GoA governance and management arrangements for the PALJP will operate at three different levels: whole of government, whole of aid program, and AusAID's law and justice team.

Whole of government

Whole of government decisions about the nature and focus of GoA assistance will be made as part of the sector-specific joint policy dialogue process. Participation of AusAID's whole-of-government partners in this process will be supported by strengthened governance arrangements within Australia to ensure effective coordination and coherence across all elements of GoA assistance to the law and justice sector.

Whole of aid program

Whole of aid program coordination, collaboration and coherence, particularly in relation to areas of overlapping assistance and common objectives, will be managed as a key role of AusAID Port Moresby. To support cross-program coordination and learning, communication and engagement will be encouraged among technical assistance personnel, GoA officials working under other programs, and AusAID development specialists at national and sub-national levels. AusAID's partnership with DNPM's Aid Coordination Division will provide strategic guidance in this area.

AusAID's law and justice team

AusAID's law and justice team will work closely with GoPNG counterparts in the sector, including NCM, LJSWG and LJSS, and in central agencies such as Treasury, Department of National Planning and Monitoring (DNPM) and Department of Provincial and Local Government Affairs (DPLGA) to jointly manage GoA assistance to the sector at the operational level. Given its contractual relationship with the PALJP ISP, AusAID will have primary responsibility for the management of the ISP, working in close collaboration with sector partners.

AusAID will supplement its in-house team with a Law and Justice Adviser, to provide advice and support to both GoA and GoPNG. The Adviser, to be known formally as the PNG-Australia Law & Justice Adviser, will be co-located initially with the PALJP ISP office in Port Moresby, but will work closely with the agency heads, the LJSS, DNPM colleagues and other sector partners. The Adviser will be responsible for strategic management of the PALJP ISP on behalf of AusAID, reporting to the AusAID First Secretary, Law & Justice and working closely with AusAID's designated Senior/Principal Program Officer, Law and Justice as activity manager for the PALJP ISP. Although the Adviser will be contracted directly to and managed by AusAID, the appointment to the position will be endorsed by both governments.

The position description for the PNG-Australia Law & Justice Adviser, and the relationship between this position, the AusAID law and justice team and the PALJP ISP Management Team, is contained in Annex 6. Further information about PALJP ISP management arrangements is set out in section 4.4 below.

4.2. GoPNG arrangements and PALJP support

GoPNG has a number of structures and processes in place to support and monitor improved service delivery within the law and justice sector. Cross-government oversight of the sector is undertaken at the political level by the Ministerial Law and Justice Committee, while at the bureaucratic level critical central agency partners are Treasury and DNPM given their respective responsibilities for recurrent and development budgets. DPLGA and the Office of Rural Development also have important roles to play in sub-national coordination and service delivery.

Within the sector the NCM, LJSWG and the AMTs are critical management mechanisms. The CJLU is assisting law and justice agencies to manage the sector's commitment to build relationships with non-government stakeholders and informal justice systems. The sector has also established the LJSS to support the functioning of these mechanisms, particularly in relation to the coordination of the annual sector planning and budgeting cycle and the monitoring of implementation.

A summary of these mechanisms, including their key roles and responsibilities, is set out in Annex 4.

In addition to their importance to improved service delivery, the sector's management mechanisms are critical to the joint management of PALJP. These mechanisms provide the systems and processes through which GoA assistance will be transferred to the sector, accessed for the purposes of implementation and assessed for effectiveness. While these mechanisms have evolved and strengthened over the past five years, ongoing attention is needed to embed key systems and processes within the PNG bureaucracy and to build the capacity of these systems to work effectively.

GoA's engagement with these mechanisms as part of the PALJP joint management arrangements will support this process of maturation and will complement the comprehensive capacity development support to be provided under Component 1. Corresponding support being provided through other programs to the sector's partners at the national/central level, at sub-national levels of government and in the non-government sector and communities will also support improved management of law and justice service delivery.

4.3. GoA-GoPNG relationship and joint processes

Planning and implementation

Joint GoPNG-GoA management of PALJP will occur at different levels. Strategic level decisions about changing priorities for GoA assistance will be made in the context of a joint policy dialogue between the two countries. This process will involve development of a sector-specific policy dialogue process to complement broader bilateral engagement processes such as the annual ministerial forum and high level aid consultations. It will be an iterative and evolving process and will include a range of GoA whole of government partners as appropriate. This dialogue will foster a closer and more robust understanding between both governments in relation to law and justice issues in PNG and each government's respective policy priorities.

Decisions to determine the precise nature of GoA assistance and where it will be targeted will be undertaken jointly and transparently, on an annual and rolling basis as part of GoPNG's planning and budgeting cycle. Decisions will be made in the context of the joint policy dialogue outlined above and will take into account assessments of

sector performance and aid effectiveness, including previously agreed timelines and performance targets.

The timing of key joint GoPNG-GoA management processes will be planned around key decision making points within PNG's budget cycle timeline. In that context, two formal GoPNG-GoA strategic coordination meetings involving AusAID (and other GoA partners as appropriate) and the NCM will take place each year as follows:

- *Second quarter strategic coordination meeting:* Discussion of performance trends from previous years, including the effectiveness of GoA's contribution, as documented in the Annual Review of Aid Effectiveness (refer section 6, below). This will inform discussion about priorities for the annual planning process about to commence and the likely ceilings for GoA and GoPNG contributions to the next year's budget. AusAID and DNPM will also seek NCM endorsement for their proposed aid effectiveness work plan for the coming year; and
- *Fourth quarter strategic coordination meeting:* Review of progress in implementing the current year's budget and discussion of the outcome of the budget process just completed. This will include endorsement of the agreed program of GoA assistance for the following year, as documented in PNG's Development Budget and the PALJP Annual Statement of Contribution (refer below).

AusAID (on behalf of GoA) will meet with LJSWG prior to both PALJP strategic coordination meetings with the NCM in order to prepare and agree on a proposed approach. Outside these formal processes GoA (ie primarily AusAID) participation in the sector's coordination processes will be as an observer only, unless specifically invited by the sector or requested by GoA for a particular purpose.

Figure 3, below, outlines the respective governance and management arrangements for both governments, while Figure 4 sets out the joint processes, outcomes and reporting.

Figure 3: Governance and management arrangements

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Figure 4: Joint management processes and outcomes

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Financial management arrangements

Consistent with the NCM's policy guideline for the 2008 budget process, GoA's direct funding contribution to the Development Budget will be coordinated, and subject to ongoing annual agreement by GoA and GoPNG, pooled with GoPNG (and, if possible, other donor) contributions to the sector. AusAID will transfer GoA's direct funding contribution into the sector's imprest mechanism through the central imprest account, with subsequent disbursements to agencies, the CJLU and sub-national partners carried out under the management and direction of the LJSS and its finance team, in accordance with DNPM processes, the sector's Imprest Account Procedures Manual and PNG's public financial management legislation.

GoA funding required for contractual payments by AusAID to the PALJP ISP for delivery of services under the PALJP contract, including for the cost of PALJP TA personnel contracted through the PALJP ISP and the ISP's profit and management costs, will be recorded in the Development Budget on an annual basis, but will be paid directly to the PALJP ISP. This will also be the case for any payments to third parties engaged by AusAID to support joint management and review processes (including, for example, funding required for implementation of the AusAID-DNPM Aid Effectiveness Work Plan – see section 5, below, and Annex 8 for more detail).⁸

In situations where proposed Development Budget activities do not fall within OECD Official Development Assistance criteria (ie activities that do not target the promotion of the economic development and welfare of PNG as the main objective),⁹ GoA and GoPNG will agree on a mutually acceptable arrangement, within the parameters of the sector's financial management mechanisms to ensure that GoA funding is not allocated to such activities.

Financial management of PALJP will require close collaboration between DNPM (as GoPNG's manager of the Development Budget process), the LJSS and AusAID in order to meet the financial management requirements of both governments. With the support of the PALJP ISP, AusAID and DNPM will jointly monitor expenditure and ensure coordinated release of funds by both governments to the sector. Given the significance of the joint commitments made under Component 1 above, unless otherwise agreed, priority will be given to using GoA funds to meet those commitments, in the event that GoPNG's contribution to the Development Budget declines significantly at some future stage.

GoA will continue to provide its direct funding contribution to the Development Budget by direct transfer from AusAID into the system of interconnected imprest accounts already established within the sector in accordance with GoPNG's public financial management legislation and the law and justice sector's Imprest Account Procedures

⁸ GoA funding under Components 1 and 2 will be included in the development budget through the sector's annual planning and budgeting processes (including DNPM's Project Formulation Document (PFD) requirements). GoA funding for the PALJP ISP's profit and management costs will be a fixed amount and will be recorded in the development budget, however will not require a PFD. Similarly, GoA's contribution to costs associated with joint management of PALJP, including costs associated with implementation of the PALJP M&E Framework, will be agreed with DNPM on an annual basis and recorded in the development budget. However, as these will be fixed GoA-GoPNG joint management costs, separate from GoA's contribution to the sector under Components 1 and 2, a PFD will not be required.

⁹ For more information, refer DAC STATISTICAL REPORTING DIRECTIVES, DCD/DAC (2007) 34, particularly paragraphs 39 (Security Expenditure) and 44 i) (Police Training).

Manual. AusAID, DNPM and LJSS, with support from the PALJP ISP, will ensure that these systems are updated to reflect any changes to the management and accountability requirements of either government on an ongoing basis.

Particular attention will be given to ensure that any allocation of GoA funding through the Development Budget directed toward sub-national levels of government is undertaken by the sector in a manner consistent with GoPNG inter-governmental financing arrangements, using relevant GoPNG systems wherever possible, and in close consultation and collaboration with key partners at the national, provincial and district levels of administration. PALJP capacity building assistance under Component 1 will provide support for strengthening the operation of these systems and processes.

In recognition of the fiduciary risk associated with this approach, AusAID, in close consultation with DNPM and sector partners, will commission independent audits of the sector imprest accounts on an annual basis, as part of the annual aid effectiveness review process. This will complement and bolster the regular internal audits undertaken by the LJSS, as well as any external audit processes commissioned by individual law and justice agencies and/or undertaken by PNG's Auditor-General. The PALJP ISP's financial management services will also support AusAID and DNPM to ensure early identification of non-compliance and/or fraud, in accordance with the respective accountability requirements of both governments.

Figure 5, below, shows the sector's management, coordination and funding flows, including GoPNG and GoA contributions.

Figure 5: Management, coordination and funding flows

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Management documentation and reporting

Each year, upon conclusion of the Development Budget process, AusAID will (with assistance from the PALJP ISP management team) submit to DNPM a statement of the agreed program of GoA assistance to the sector for the following calendar year, to be known as the PALJP Annual Statement of Contribution. A preliminary draft of this statement will be developed in June of each year, in light of the draft Development Budget prepared by the sector for submission to central agencies in July.

In contrast to practice during previous phases of assistance (eg involving the production of very detailed Annual Program Plans), the Annual Statement of Contribution will be a succinct summary (no more than 20 pages in total) of the key elements of GoA support for the following year, highlighting key aspects of GoA's partnership with DNPM and the sector. It will summarise proposed inputs against each PALJP Component, including, in particular, a summary of key activities planned as part of any institutional partnerships (eg with the AFP, CO, AGD), the PALJP ISP inputs in line with the ISP contractual requirements and the agreed financing strategy for sector infrastructure. A summary of expected progress against the PALJP objective and outcomes, as well as key actions and processes to be undertaken against the PALJP Enabling Themes, will also be included. The Annual Statement will avoid repeating detailed information found in the GoPNG Development Budget documentation (or elsewhere) about the nature and scope of proposed expenditure initiatives.

Should any additional information or documentation be required throughout the year to satisfy the management requirements of either government, AusAID and DNPM will agree how best to access and present this material in a manner that minimizes the impact on GoPNG partners (ie particularly where information is not readily accessible through existing GoPNG systems and processes).

The PALJP Annual Statement of Contribution will be presented to the NCM for endorsement at the fourth quarter GoA-GoPNG strategic coordination meeting and will be used as the basis for monitoring PALJP effectiveness. AusAID and DNPM will jointly monitor PALJP effectiveness in accordance with the processes set out in the PALJP Monitoring & Evaluation Framework. More information about PALJP approach to performance measurement and aid effectiveness, including roles, responsibilities, related documentation and reporting, is contained in the following section 5, below.

Figure 6, below, shows the GoPNG budget and monitoring and reporting cycles and highlights key PALJP management steps within these cycles.

Figure 6: GoPNG budget, monitoring and reporting cycle, with PALJP management steps

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Other donors

In accordance with the principles of the Paris Declaration, the PNG Commitment on Aid Effectiveness and the approach set out in this design, GoA will work cooperatively with other donors already involved (eg UNICEF, UNDP, NZAID) or potentially interested (eg World Bank) in supporting law and justice in PNG. Given the limited involvement of other donors in this sector to date, careful management and leadership by PNG will be essential should new donor partners seek involvement in future. In this context, PALJP will support the sector to integrate and align the contributions of other donors with key sector processes and budget cycle requirements.

4.4. PALJP ISP management processes and support

The management of GoA assistance to the law and justice sector will also be supported by an Implementation Service Provider (ISP). The role of the ISP is to ensure appropriate support to both governments, furthering the development of an effective GoPNG-GoA partnership within the sector. The ISP will not supplant either government partner in key decision making and management processes nor set up separate or parallel systems contrary to GoA's commitment under the DCS to use and support PNG systems wherever possible.

ISP services

The ISP will support GoA and GoPNG's joint management of PALJP by providing services in the following areas:

- *ISP strategic level management:* providing a well-resourced Management Team:
 - to support the PALJP approach as articulated in this design, with strong understanding and expertise in the role and operations of formal and informal justice systems, as well as particular capabilities in the areas of capacity building and change management, gender and HIV mainstreaming, and the measurement of aid effectiveness; and
- *ISP operational level management:* providing efficient and effective systems and processes in three key areas:
 - *Financial management and procurement:* to support management of and accountability for aid program funds, including satisfaction of specified ISP responsibilities to ensure compliance with fraud control policies and audit requirements, and procurement of resources required for provision of ISP services;
 - *Human resource management:* to support recruitment, management and ongoing professional development of TA personnel and ISP staff, particularly regarding approaches to capacity building and overarching policy issues, cross-cultural and language skills, and involving PNG sector colleagues wherever possible and appropriate; and
 - *Performance monitoring and assessment:* to support PALJP performance management, learning and accountability for aid effectiveness.

ISP management and lines of accountability

The ISP Management Team will work closely with and under the strategic direction of AusAID. In particular, the PNG-Australia Law and Justice Adviser will be the primary contact point for the ISP Management Team and will be responsible for strategic level

direction and management of the ISP on behalf of AusAID. AusAID's designated Senior/Principal Program Officer, Law and Justice, will be the primary contact point on issues relating to PALJP ISP contract management (including approval of milestones, financial management and management of ISP contractor performance processes).

Rather than specifying position descriptions for the ISP Management Team, this design focuses on the key management functions and resources required to support GoA-GoPNG's joint management of PALJP. As part of the tender process, prospective bidders will be required to propose a detailed ISP management structure, including position descriptions for key roles and proposed management processes that will enable the ISP to perform the management functions required by this design. Recruitment of personnel to the agreed ISP Management Team positions will be undertaken jointly by AusAID and GoPNG representatives, after the successful PALJP ISP has been selected, with the support of, and using, the ISP's recruitment services.

A summary of required ISP management functions is contained in Annex 7. More information about PALJP approach to performance measurement and aid effectiveness, including the particular roles and responsibilities of the PALJP ISP and the related PALJP ISP contractor performance processes, is contained in section 5, below. Further detail about the role of the ISP and the ISP services will be provided in the PALJP ISP contract scope of services.

5. Performance, results and mutual accountability

An important principle of the GoPNG-GoA partnership under the DCS is mutual responsibility and accountability for achievement of development results. This requires both governments to ensure that all resources, both GoPNG and donor, are used efficiently, effectively and for their intended purpose and that critical financial and operational risks are jointly managed. As part of the overall joint PALJP management arrangements set out above, GoA will work in partnership with GoPNG to assess PALJP performance and its contribution toward the sector's progress in meeting its goals.

This section outlines the PALJP approach to performance monitoring and accountability including: key processes by which GoPNG measures sector performance and how PALJP will continue to strengthen and support these processes; joint AusAID-DNPM processes for measuring aid effectiveness, including PALJP ISP performance monitoring and reporting processes; and management of risk.

5.1. Measuring law and justice sector performance

GoPNG arrangements

There are a range of formal accountability and management requirements of relevance to PNG's law and justice sector agencies. These obligations, which are set out within PNG's National Constitution, the public financial management and public service management legislation, and various enabling acts relating to specific institutions, provide the formal basis for monitoring and reporting in the sector.

Although reporting requirements are focused on individual agencies, PNG's law and justice policy calls for greater coordination and collaboration across law and justice agencies to meet common objectives. The sector has developed a Performance Monitoring Framework (PMF), which provides the mechanism for assessing progress

against PNG's five sector goals and is the basis for the sector's Annual Performance Report.

Sector level reporting draws on and is complemented by agency level reporting (quarterly and annual) on recurrent, development and supplementary budget implementation and on annual/corporate plan implementation. At the agency level, reporting is increasingly occurring on a sectoral basis, with information and analysis of development budget expenditure now amalgamated and managed through relevant sector coordination bodies.

Despite significant improvement in agency and sector level monitoring and reporting, these developments are still at an early stage. The availability and quality of performance information is improving each year, however, there is still very little information about progress against higher level objectives and limited evidence of local level impacts. A performance based culture is yet to develop within the sector particularly at management levels, there is very limited demand for performance information from external stakeholders, and monitoring and reporting systems are of variable quality. Increased and more systematic attention, particularly at senior levels, will be critical to build momentum and see real progress in the development of monitoring, evaluation and reporting capacity within the sector.

PALJP support

The law and justice sector's monitoring and evaluation processes have been the subject of significant GoA support, particularly in the form of technical assistance to strengthen systems and processes both at the agency and sector level, as well as support for the establishment and subsequent operation of the sector coordination entities that are driving reform in these areas.

However, in light of ongoing challenges of weak agency and sector capacity combined with the increasing demand for performance information from both governments, the PALJP will support an even greater focus on building capacity of the sector's monitoring, evaluation and reporting systems. This will be provided as part of PALJP's capacity building support, particularly as set out above under Component 1 and will include:

- *More systematic and practical approach:* PALJP assistance will be targeted across agency, sector and central agency levels, with support focused on ensuring a whole-of-budget approach (ie greater integration of performance monitoring and reporting across development, recurrent and supplementary budgets); improved assessment of service delivery standards, local level impact and change; and increasing the accessibility of performance information and reporting to stakeholders both within and outside government.
- *Building demand, coordination and coherence:* PALJP will assist the sector to strengthen engagement with partners at the ministerial (ie Ministerial Law & Justice Committee), central agency (ie Central Agency Coordinating Committee, DPLGA, DNPM, Treasury), sub-national (ie provincial and district administrations) and community (ie CIMC, NGOs) levels to better understand and meet the information needs of key sector stakeholders; to clarify roles and responsibilities; to improve the accuracy and availability of performance data; and to track progress at local levels more effectively.

- *Innovation, learning and change:* PALJP will support the sector's efforts to use performance management processes more effectively to inform and drive budget, planning and service delivery. PALJP will also support the sector to both address and contribute to the collective understanding of critical overarching policy issues, as they relate to law and justice. For example, PALJP will support the sector to track progress against key policies such as the sector's Gender Strategy, including increasing the collection and use of sex and age disaggregated data and data related to gender equality, as well as information about the impact of HIV and AIDS within the sector and the effectiveness of the sector's responses.

Importance of independent advice

In addition to providing capacity building resources, PALJP will also support the sector in planning for, accessing and managing external and independent evaluation and advisory services. This might include support for partnerships with local research institutions and the use of private consultancies – in both cases drawing and building on established relationships of this kind within the sector. This will be critical to enable the sector to further develop and refine the functioning of its Performance Monitoring Framework and related assessment tools. PALJP will work closely with the LJSS and DNPM to determine and plan for particular requirements on an annual basis, including:

- Any additional services required to support the LJSS and/or DNPM in undertaking Community Crime Surveys;
- Support for the sector to undertake targeted, longitudinal impact studies in selected SSF result areas:

A note on Impact Studies:

As part of capacity building assistance in the area of monitoring and evaluation, PALJP will support the sector to develop and undertake a program of impact studies to supplement and complement the current sector PMF processes. Subject to capacity constraints and priorities identified through sector planning processes, up to three targeted impact studies might be undertaken per year, on a rolling basis (ie ideally, to enable one study to be at the reporting stage approximately every six months). These studies will be carried out in a participatory manner, under the direction of the sector and at a pace that takes proper account of the range of competing demands on the available time and resources of key stakeholders.

PALJP will support the sector to determine appropriate areas of focus for the impact studies, as part of the sector's annual planning process in the area of sector monitoring and evaluation and in consultation with DNPM and sector partners. Possible areas of focus might include an agreed sample of SSF strategies, with a view to building an evidence base to demonstrate progress against the three NLJP pillars over time. The impact studies will draw on and complement existing and emerging sector and agency data about local level impact, including the community crime surveys. The sector is likely to require specific external resources to undertake the impact studies (eg two independent technical experts, preferably one local and one regional/international, with one having an explicit gender focus), which PALJP will support, as required. AusAID and DNPM will also support the sector to undertake this work, as required.

- Independent reviews of the sector's annual development budget process; and
- Any additional services required to support the sector to produce its Annual Performance Report.

5.2. Measuring aid effectiveness

The monitoring, review, evaluation and reporting of the effectiveness of PALJP will be undertaken jointly with GoPNG, primarily by AusAID in partnership with relevant divisions of DNPM and in accordance with the respective management and accountability responsibilities and requirements of both governments. AusAID (and other GoA partners as appropriate) will also meet regularly with the sector itself, particularly the NCM, LJSWG and the LJSS, to discuss overall sector performance and the effectiveness of GoA assistance. Information and dialogue about aid effectiveness within the law and justice sector will feed into the broader Performance, Review and Dialogue process between AusAID and DNPM within the framework of the DCS.

The Monitoring and Evaluation Framework contained in Annex 8 sets out the overall structure and flow of PALJP performance monitoring, evaluation and reporting processes and provides the key specifications of each element, including roles and responsibilities (refer also to Figure 6, above).

The PALJP approach to measuring aid effectiveness will have a number of key elements.

Enabling themes for aid effectiveness

In support of the PALJP objectives, six enabling themes have been identified as critical to the overall effectiveness of the PALJP. These themes have been selected on the basis of either their significance as DCS guiding principles (ie strategic alignment of PNG and donor resources; integration with and building capacity of PNG systems; and effective development partnerships) or as areas of critical overarching policy for both governments (gender equality, anticorruption). HIV mainstreaming has also been attributed special significance as an enabling theme for PALJP, given its particular importance in the PNG development context (as demonstrated by its status as one of the four DCS pillars).

A range of key processes and actions that make up the PALJP design, including the management and performance monitoring arrangements, will be critical for ensuring the enabling themes are appropriately addressed. These processes and actions are summarised against relevant Enabling Themes in the PALJP Monitoring and Evaluation Framework (see Annex 8) and will be tracked throughout the life of PALJP, as the basis for assessment of the effectiveness of GoA's contribution to progress made by the sector against PNG's law and justice objectives.

Based on the lessons learned during the current phase, particularly the key challenges facing the sector, and in light of the likely timeframes for the sector to meet its longer term goals, effective PALJP performance or progress against these processes and actions will serve as intermediate measures of success.

Two levels of analysis

The PALJP Annual Statement of Contribution will form the basis of assessments of aid effectiveness in the law and justice sector. These assessments will contain two levels of analysis: the sector's progress against its own objectives; and PALJP's contribution to that progress. Analysis of the PALJP contribution will include assessment of PALJP performance against the PALJP Enabling Themes, and the quality of the PALJP ISP's performance against its contractual requirements, including as further specified on an annual basis in the PALJP Annual Statement of Contribution. A deliberate strengths-based approach will be adopted throughout all analysis.

Reliance on the sector's performance data

AusAID and DNPM, with support from the PALJP ISP, will work collaboratively with sector colleagues in order to understand and access relevant sector performance data. Information available through sector mechanisms will be supplemented as required with additional evaluation activities, such as targeted assessment of capacity development achievements or other impact evaluations undertaken by the sector.

Annual aid effectiveness reviews

AusAID and DNPM will undertake an Annual Review of Aid Effectiveness during the first and second quarters of each year (commencing upon completion of the first year). The findings of this process will feed into reporting and accountability requirements of both governments and will inform the planning and budget cycle for the following year. On the GoA side, performance information obtained through this process will be fed into the PNG country program's Annual Performance Report and annual Quality at Implementation reporting requirements. Upon completion of the fifth year the Annual Review of Aid Effectiveness will serve as the Activity Completion Report, which will feed into the Independent Completion Report (see below).

Regular independent reviews

Upon completion of years two and four, AusAID and DNPM will supplement the Annual Review of Aid Effectiveness by commissioning an independent review of PALJP's contribution to sector progress, to be known as the Biennial Independent Contribution Analysis. This will provide an independent perspective and advice to both governments about the effectiveness of PALJP. The analysis will include a particular focus on the effectiveness of PALJP's capacity building approaches at individual, organisational and institutional levels, as well as the nature and extent of PNG ownership of the reform process in the law and justice sector. An Independent Completion Report will also be prepared upon completion of the fifth year of PALJP to assess overall impact of PALJP and to inform any subsequent phase of assistance to the sector.

PALJP ISP performance monitoring and reporting processes

As set out in the PALJP Governance section above, the PALJP ISP will support GoA-GoPNG joint management of PALJP by providing performance monitoring and assessment expertise at a strategic level and, at the operational level, by the implementation of systems and processes to ensure effective and ongoing PALJP ISP performance management, learning and accountability for aid effectiveness.

Previous practice of the ISP monitoring and reporting on the aid program's contribution to sector achievements will be repositioned and refined to ensure that such reporting focuses primarily on the quality and scope of the PALJP ISP's contribution as against the contractual requirements, including as further specified on an annual basis in the PALJP Annual Statement of Contribution.

PALJP ISP performance reporting will be streamlined, appropriately pitched to meet the expectations of both GoA and GoPNG audiences and will feed directly into the joint GoPNG-GoA aid effectiveness review process. PALJP ISP performance reporting will be used as a source for AusAID/DNPM reporting, and will represent the views of the PALJP ISP. This reporting and the PALJP ISP's performance more broadly, will be independently verified and assessed as part of the Annual Review of Aid Effectiveness and the Biennial Contribution Analysis.

Aid Effectiveness Work Plan

In the last quarter of each year, AusAID and DNPM, in close consultation and collaboration with other sector partners and with support from AusAID's in-house M&E expertise and the PALJP ISP Management Team, will produce an annual aid effectiveness work plan setting out the key PALJP monitoring and evaluation processes for the coming calendar year. This will include agreed responsibilities of AusAID and DNPM, proposed involvement of sector partners, timing of key tasks and required resources. The work plan will prioritise and schedule tasks in a manner that takes proper account of the organisational and operational capacities and constraints of all stakeholders and will be approved by the NCM at the quarter four strategic coordination meeting. The budget for implementation of the agreed work plan will be administered by AusAID, but will be recorded within the sector's Development Budget each year.

5.3. Management of Risk

GoPNG and GoA, with support from the PALJP ISP, will jointly monitor and manage risks affecting PALJP. Analysis of information provided through sector and central agency performance monitoring and reporting systems and ongoing assessment of aid effectiveness, as set out above, are the primary means by which this will occur. Appropriate strategies to adapt to changes in the operating environment will be developed as required, as part of the close working relationship between both governments underpinning all PALJP operations. The main risks facing the PALJP and the proposed management responses are summarised below:

Macro level instability and external shocks

- *Risk:* International economic downturn, domestic or regional political instability, conflict, health pandemics, natural disasters and/or other climate-related events, lead to a reduction in growth and/or a significant shift to short term priorities, and as a result reduces GoPNG capacity to fund and implement law and justice reforms.
- *Response:* The sector-specific policy dialogue, together with high level consultations on the aid program, will include consideration of macro-level shocks and the need for modification of aid program assistance. PALJP support for planning, budgeting, together with increased coordination and partnership among sector stakeholders will also improve the sector's capacity to respond more effectively to external shocks, including strategic reprioritisation of available resources as required.

Political/bureaucratic commitment for PNG's law & justice policy framework

- *Risk:* GoPNG bureaucratic and political commitment to the sector's program of reform is reduced and/or the role of key sector partners changes significantly as part of broader public sector reform processes, implementation of sector initiatives is negatively affected and policy priorities of both governments become less well-aligned.
- *Response:* PALJP will support sector partners to build and maintain political and bureaucratic commitment by supporting the implementation of priority reform initiatives and addressing new policy priorities as they emerge. In doing so, PALJP will seek to support reform champions and their efforts to build a solid

base of commitment across government, at sub-national levels and within communities. PALJP support to strengthen planning and budgeting processes will assist the sector to assess the technical and financial feasibility of proposed initiatives to increase the likelihood of success and thereby bolster ongoing commitment from stakeholders. Support for improved performance monitoring and reporting will be critical to these efforts. The alignment of GoPNG and donor resources, as well as the effectiveness of the GoA-GoPNG development partnership, are identified as two of the six PALJP enabling themes. Key actions and processes in support of these themes will be tracked as part of ongoing assessment of aid effectiveness (refer Annex 8 for further detail).

Status of critical sector coordination mechanisms

- *Risk:* The longer term status of the sector's coordination mechanisms, particularly the LJSS and the CJLU, within PNG's policy, bureaucratic and budgetary frameworks remains unresolved, resulting in ongoing dependence on donor funding to sustain core operational costs, uncertainties about the roles and responsibilities of these mechanisms and their relationship to sector and central agencies and, consequently, a negative impact on the sector's reform efforts and the effectiveness of GoA's assistance.
- *Response:* PALJP assistance provided under Component 1 will be critical to the mitigation of this risk. This assistance will be responsive to changes in the policy and operating environment, with detailed requirements for GoA support under Component 1 being agreed on an annual basis through PNG's planning and budgeting process. In this context, PALJP will support the sector to access the required coordination, facilitation and implementation support functions currently performed by the LJSS and the CJLU, adjusted and targeted as necessary in light of future GoPNG policy decisions about the sector's institutional arrangements and their relationship to the roles of key central agencies such as DNPM, Treasury and DPLGA. PALJP support for regular reviews of the functioning of the sector's coordination mechanisms to ensure they are performing effectively and contributing to improved service delivery, will also be important to the management of this risk, as will support for improved alignment and integration of development and recurrent budget expenditure.

Use of and integration with PNG systems

PNG systems becoming overwhelmed, dominated or distorted

- *Risk:* PALJP's integrated approach results in too much focus on issues relating to GoA's resource contribution, rather than addressing the coordinated management of all resources to the sector. For example, attention given to the performance management of aid program funded TA personnel may distract attention away from a focus on the management of agencies' own staff. Similarly, attention to development budget expenditure may distract attention away from expenditure under recurrent and supplementary budgets.
- *Response:* PALJP will minimise transaction costs associated with joint management of the PALJP. For example, GoA engagement with sector management mechanisms will be strategic and planned around key decision-making points within PNG's budget cycle timeline. All PALJP support,

particularly under Component 1, will adopt a whole-of-budget approach in strengthening the sector's systems and processes to make effective use of all available resources. GoA-GoPNG cooperation and collaboration in the joint management arrangements for PALJP will ensure emerging issues are identified early and alternative arrangements will be developed and agreed should particular processes prove to be problematic or ineffective. Integration with and building capacity of PNG systems, as well as an effective GoA-GoPNG development partnership, are identified as two of six PALJP enabling themes. Key actions and processes in support of these themes will be tracked as part of ongoing assessment of aid effectiveness (refer Annex 8 for further detail).

Financial mismanagement, fraud and corruption

- *Risk:* The use of PNG's financial management systems as the primary conduit for the delivery of assistance to the law and justice sector leads to misallocation, misappropriation and/or fraudulent use of GoA and GoPNG funding.
- *Response:* PALJP will support and strengthen agency and sector level planning, budgeting, financial management and accountability capacity, including internal audit and fraud control functions. To complement these efforts, AusAID and DNPM will work closely together (with ISP support) and with sector partners to monitor key budget and financial management processes to ensure that all resources are used efficiently, effectively and for their intended purpose. Particular attention will be given to monitoring and managing changes, particularly deterioration, in the capacity of the sector's financial management systems and their reliability from a GoA risk management and accountability perspective.
- GoA will negotiate increased oversight of targeted resources to bolster particular processes should concerns emerge and will work closely with PNG to ensure that all appropriate administrative and, where necessary, legal processes are undertaken in cases of financial mismanagement or suspected fraud. AusAID, in close consultation with DNPM and sector partners, will also commission independent audits of the sector imprest accounts on an annual basis, as part of the annual aid effectiveness review process. Anticorruption is identified as one of six PALJP enabling themes. Key actions and processes in support of these themes will be tracked as part of ongoing assessment of aid effectiveness (refer Annex 8 for further detail).

Insufficient and inadequate attention to address gender inequality, gender-based violence and disempowerment of women

- *Risk:* Ongoing gender inequalities, gender-based violence and disempowerment of women perpetuated by the modes of operation of both the formal and informal justice system are not addressed and undermine reform efforts within the justice system, as well as broader development objectives.
- *Response:* PALJP will adopt a mainstreaming approach to gender-related issues to ensure that all aspects of GoA support include consideration of gender equality, gender-based violence and disempowerment of women (particular details and examples of this approach are set out in Annex 3). PALJP will also provide support for specific gender-focused activities undertaken within the sector in pursuit of the sector's Gender Strategy and SSF objectives. Specialist support in gender mainstreaming will be provided as part of the Core Support

Team to bolster the sector's efforts in implementing its Gender Strategy and SSF Goal 1, Strategy 3: Reduce family and sexual violence, including monitoring and reporting on progress.. Gender equality is identified as one of six PALJP enabling themes. Key actions and processes in support of these themes will be tracked as part of ongoing assessment of aid effectiveness (refer Annex 8 for further detail).

Insufficient and inadequate attention to impact of HIV and AIDS

- *Risk:* Although the impact of HIV and AIDS on sector performance is as yet unknown, given its growing prevalence in PNG, this may emerge as a risk over the lifetime of PALJP. Anecdotal evidence already exists to suggest that stigma and discrimination against people living with HIV and AIDS is occurring within community and informal justice systems, and certain agencies within the justice system, such as police, correctional services, village courts and magisterial services, are considered particularly vulnerable due to the nature of their operations.
- *Response:* PALJP support for HIV mainstreaming will strengthen the sector's capacity to identify and implement appropriate responses, including a focus on improved data collection and analysis, and the operations of particularly vulnerable agencies. Specialist support in HIV mainstreaming will be provided as part of the Core Support Team to bolster the sector's efforts in HIV mainstreaming and other responses, including monitoring and reporting on progress. HIV mainstreaming is identified as one of six PALJP enabling themes. Key actions and processes in support of these themes will be tracked as part of ongoing assessment of aid effectiveness (refer Annex 8 for further detail).

Increasing complexity and uneven capacities undermine efforts to increase local level impact

- *Risk:* As implementation of PNG's law and justice sector reforms progresses and the emphasis shifts from Port Moresby-based sector coordinating bodies and agency head offices to regional offices, sub-national levels of government and the community, management of the reform process (including PALJP) will become correspondingly more complex and the demands on key partners more multi-faceted. The capacity of sector partners is likely to be more variable, and may present problems for law and justice sector agencies in implementing specific reforms.
- *Response:* PALJP's capacity building approach and treatment of overarching policy issues, including sub-national and community engagement, will support the management of this risk. In particular, PALJP will support sector agencies to build more productive relationships with partners working outside Port Moresby, including in areas such as planning and resource allocation, implementation of the sector's PEF and the operations of the CLJU. Specialist support in planning and budgeting (including issues of decentralisation and intergovernmental financing) and in sub-national and community engagement will be provided as part of the Core Support Team to bolster the sector's efforts in these areas.
- PALJP will also collaborate with GoA (and other donor supported) programs that are focused on building the capacity of key stakeholders in central agencies, at sub-national levels of government, and across NGOs and communities. Such

collaboration will support the sector to ensure increased consideration and dialogue with key partners about local level and non-state capacities and priorities as part of the sector's efforts to improve service delivery at the local level. Support for strengthening performance monitoring within the sector to increase the focus more clearly on local level impact will also be critical to these efforts. Ongoing reviews of aid effectiveness, including the effectiveness of the ISP support to overall management of PALJP, will also be fundamental to the management of this risk.

Performance and effectiveness of TA personnel

- *Risk:* TA personnel used by the sector as part of PALJP adopt capacity building approaches that are unsatisfactory and not in accordance with the PALJP design, undermining the overall effectiveness of the PALJP.
- *Response:* The PALJP ISP's recruitment strategy will be implemented in partnership with GoA and sector partners. Ongoing strategic management of TA personnel is a core element of the ISP's support services, including the provision of professional development programs targeting capacity building, gender, cross cultural and language skills, and will be monitored as part of the ongoing assessment of aid effectiveness (refer Annex 8 for more details). Operational level management of PALJP TA personnel will progressively enable greater direct involvement by GoPNG partners, particularly to ensure improved accountability for performance. PALJP support, particularly under Component 1, will encourage the sector to consider more appropriate and effective alternatives to the use of TA personnel and to avoid a default and/or over reliance on advisory assistance. As part of this approach, PALJP will support the sector to address significant underlying, long term capacity constraints relating to, for example, workforce planning, the current dearth of capacity across middle management, and the capacity constraints within NGOs and informal justice systems that currently inhibit their involvement in demanding and supporting the delivery of justice services at the local level.

Donor, cross-program and GoA whole-of-government coordination

- *Risk:* Ineffective donor, cross-program and GoA whole-of-government coordination and cooperation leads to duplication and/or dilution of focus across respective areas of activity and/or an overburdening of PNG partners with donor requirements, which in turn undermines the sector's reform efforts and the effectiveness of the PALJP.
- *Response:* PALJP will support the sector to strategically align and, wherever possible, integrate the contributions of other donors through the use of the sector's planning, budget and implementation processes. Coordination and coherence across the GoA aid program and with other donors, particularly in relation to areas of overlapping assistance and common objectives, will be managed as a key role of AusAID Port Moresby in partnership with DNPM and in accordance with the PNG Commitment on Aid Effectiveness. GoA governance and management arrangements will further strengthen coordination and coherence across all elements of GoA assistance to the law and justice sector, including any future and expanded engagement from key partners such as the AFP, AGD and CO.

Transition from current LJSP and JAG managing contractors to new ISP

- *Risk:* Inadequate planning and poor communication with stakeholders leads to uncertainty and confusion about the transition from the current LJSP and JAG managing contractors to the new ISP approach set out in this design, undermining the confidence of key stakeholders and causing disruption to the work of the sector.
- *Response:* AusAID Port Moresby will play a key role in managing the transition from the current phase of GoA assistance to the next. A detailed transition plan (forthcoming at the time of writing) will outline key actions and timelines, as well as roles and responsibilities of the AusAID team, including the PNG-Australia Law & Justice Adviser, as well as current and future contractors, to ensure a smooth process, with minimal transaction costs and disruptions for PNG stakeholders in particular. Key issues and elements of the transition arrangements are set out in the following section.

6. Transition Arrangements

6.1. Key changes, new features and enhancements

The commencement of the next phase of GoA assistance to the law and justice sector brings with it a range of changes, new features and enhancements, building on and learning from experiences under the current phase of assistance. This new approach has been articulated in detail throughout this design, however, in the context of transition, the most significant areas of change are summarised below.

- *GoPNG-GoA partnership:* A stronger GoPNG-GoA partnership approach to the management of GoA's assistance to the sector, including enhanced strategic direction and advice for both governments provided by a high level law and justice adviser engaged directly to AusAID, a succinct annual statement of GoA's contribution to the sector to complement GoPNG's more detailed Development Budget documentation, and a more collaborative approach to performance management of GoA's contribution to the sector (see below).
- *Coordination and collaboration:* Clearer alignment with DCS objectives and management processes, and increased attention to coordination, collaboration and coherence across other parts of the GoA aid program, with GoA partners such the Australian Federal Police, and with other donors, to consolidate (and not duplicate) efforts within central agencies, at sub-national levels of government, with non-government partners and at the community level, where a range of significant and targeted programs of assistance are in place and contributing to common objectives.
- *The role of the ISP:* A more integrated and streamlined approach to the delivery mechanisms for GoA assistance to the sector, including a single ISP operating in support of the PALJP, with strategic level expertise in the critical areas of change management and capacity building, gender and HIV mainstreaming, and the measurement of aid effectiveness and, overall, a low ISP profile within the sector, including the positioning of the ISP's Port Moresby office.
- *Capacity building approaches:* Continuity and consolidation of successful capacity building approaches, including the continuation and enhancement of the sector's Core Support Team and the introduction of dedicated advisory

positions within agencies to strengthen agency capacity to manage and drive change, particularly at the sub-national level.

- *Overarching policy issues:* A stronger focus and mainstreamed approach to overarching policy issues, particularly gender equality, HIV and AIDS, sub-national and community engagement and anti-corruption, including increased resources in these areas within the Core Support Team and more explicit focus on the effectiveness of GoA's own approach to these issues within the PALJP monitoring and evaluation framework.
- *Use of TA Personnel:* More strategic and effective use of TA personnel, including increased GoPNG management of TA personnel, greater attention to capacity constraints faced by sector partners outside government and outside Port Moresby, support for more detailed consideration of underlying managerial, structural and workforce planning issues and, in this context, the use of appropriate and cost-effective alternatives to international TA personnel.
- *Performance, results, accountability:* Increased and more integrated support for performance monitoring at the agency, sector and central agency levels, including technical and other assistance being provided through one program mechanism rather than two, with a focus on supporting improved accountability for results and impact at the local level, greater participation of sub-national and non-government partners in performance monitoring and accountability processes and increased capacity of sector agencies and coordination mechanisms to plan for, access and manage independent performance assessment expertise and advice.
- *Measuring aid effectiveness:* Increased AusAID and DNPM collaboration, working with sector partners, to track the effectiveness of GoA's assistance to the sector, including a jointly agreed annual aid effectiveness work plan to guide the implementation of the PALJP monitoring and evaluation framework, annual reviews of aid effectiveness, and independent contribution analysis of GoA's support to the sector carried out every second year.

6.2. Managing the transition

Within the broader policy parameters of the NLJP and the DCS, GoPNG's annual planning and budgeting cycle will provide the primary operational framework for implementing the PALJP. In this context, the PNG planning and budget cycle will also guide the process of the transition from GoA's current program of support to the law and justice sector to the next phase under the PALJP. In line with existing practice, GoA will agree with GoPNG the quantum of aid program assistance to be available in the 2009 calendar year, as part of the 2008 planning and budget process. This assistance will be allocated and planned using existing aid program mechanisms and support.

In order to carefully manage risks associated with the transition to the PALJP, the introduction of new processes and approaches in accordance with this design, including mobilisation of the PALJP ISP, will occur in a phased way, commencing in late 2008. Appropriate contractual and other arrangements will be made to ensure continuity of assistance into 2009 in accordance with the agreed Development Budget for that year, including any TA personnel identified for engagement on behalf of the sector for 2009.

The 2009 planning and budget process will be significant in that it will be the first opportunity for the sector to plan for and implement changes to its approach with the

support of the new PALJP ISP and governance arrangements. AusAID will work closely with DNPM, the sector and the current managing contractors throughout 2008 and early 2009, in accordance with an agreed Transition Plan (forthcoming at the time of writing) to ensure a smooth transition from the current phase of assistance to the next. The PNG-Australia Law and Justice Adviser, once appointed, will also have a key role in supporting this process and in managing associated risks.

At the operational level an orderly transition will be essential if the gains made in past years are not to be compromised. AusAID will work with sector partners and the future PALJP ISP (once contracted) to ensure that key management processes are in place to enable uninterrupted support to the sector, in accordance with the agreed 2009 Development Budget. The future PALJP ISP will be required to work with any existing TA personnel whose positions are to be carried forward as part of the 2009 Development Budget to ensure appropriate management and contractual arrangements are in place for 2009. The recruitment of any new TA personnel, as identified in the 2009 Development Budget (including new positions agreed to as part of Component 1 of this design), will be a priority task for the PALJP ISP upon commencement in late 2008.

AusAID will also work with sector partners, particularly DNPM and the LJSS, regarding the location of the PALJP ISP Port Moresby office. Current arrangements, under which the managing contractor is co-located with the LJSS, will be reviewed as part of mobilisation of the PALJP ISP. Future arrangements will be negotiated and agreed, based on cost effectiveness, the need for an appropriately reduced profile for the PALJP ISP and, most importantly, taking account of the operational requirements of the LJSS, DNPM and other partners.

Key steps relating to the transition to new PALJP performance assessment arrangements include:

- *Baseline:* Information about sector performance currently available through the PMF, analysis undertaken as part of the Independent Completion Report (to be conducted upon completion of the current phase) and relevant evaluative data collected during 2008 (including the results of the proposed capacity mapping exercise and forthcoming review of progress in implementing the sector's Gender Strategy) will provide a baseline against which the effectiveness of future aid program assistance will be measured. The establishment of the baseline for the PALJP MEF will be a priority task for AusAID, DNPM and the PALJP ISP upon commencement of the next phase and will be articulated in the first AusAID/DNPM aid effectiveness work plan.
- *Confirming roles and responsibilities:* Another important task for AusAID, DNPM and the PALJP ISP at the outset of the next phase will be to review and confirm the proposed processes for monitoring aid effectiveness, including the respective roles and responsibilities of both governments and those of the ISP. The cost estimates for implementation of the AusAID/DNPM aid effectiveness work plan will be included in the Development Budget from 2009 onwards.
- *Future assistance for sector level M&E functions:* As part of the process of increasing integration of current JAG-supported monitoring and evaluation functions into GoPNG bureaucratic systems, and to enable GoA support for capacity building in the area of monitoring and evaluation to be provided in a more integrated and streamlined manner both within and across sector agencies

and in relation to both agency and sector-level performance monitoring and reporting processes, PALJP will support the sector from 2009 onwards to carry out functions that were previously supported by the JAG. To that end, AusAID, DNPM and sector partners will work together throughout 2008 to ensure that specific sector-level monitoring and evaluation functions are articulated within relevant planning and budgeting documents. The scope and cost of JAG operations in 2008 will be used as a guide for the purposes of initial planning and budgeting preparation. Careful attention will be given to support the sector to access and manage any external expertise required to undertake independent assessment and review processes as agreed and specified by the sector through its annual planning processes.

Annex 1 – Contextual Information ¹⁰

Key challenges to the effective functioning of the law and justice sector

Developing an appropriate system

PNG inherited its formal system of law and justice at Independence in 1975. Many statutes and systems were taken from Australian models, particularly from the Queensland jurisdiction. This system was overlayed onto an active and vibrant system of restorative justice and traditional ways of dealing with law and order issues. While PNG has attempted to develop and adapt both the formal and informal systems to meet its law and justice needs, the formal system remains weak, essentially urban-based, its reach constrained by geography and lack of resources.

Informal (including traditional) mechanisms for the settlement of disputes vary in effectiveness, and the formal and informal elements of the system do not always work smoothly together. Both formal and informal systems of justice in PNG reflect social inequalities in their application and in many cases provide inadequate protection for the vulnerable. However, it must be recognised that achieving progress in developing an effective law and justice system in PNG is not simply a matter of more resources. The real challenge is to develop strategies and approaches that are appropriate to the circumstance of PNG. The significance of this point was recognised as early as 1984 in the seminal Clifford Report:

The possibility that existing services may be defective or inefficient – not because they are starved of resources – but because they are either irrelevant to the situation in Papua New Guinea or are refusing to work with communities, does not seem to have detained people long. (Clifford, Morauta & Stuart, *Law and Order in Papua New Guinea*, INA & IASER, September 1984, p125).

Gender

Social indicators in PNG indicate that overall women are not reaping equitable benefits from development efforts. PNG has made national commitments which call for respect and dignity for women; however a national gender policy has not been systematically implemented. While issues of gender discrimination, gender equity and equality are crucial to the administration of justice at every level, particularly given the cultural context in PNG and the prevalence of violence against women, these issues are not yet considered in the day to day activities of most agencies. Although the sector has developed a gender strategy, its implementation is at an early stage and there is still insufficient leadership and commitment to bring about significant change. Given the predominance of men in leadership and other positions of authority within the sector, specific strategies for engaging men and involving them as advocates for change will be essential for achieving progress. Issues of gender inequality, particularly gender-based violence, are also significant factors underlying vulnerabilities to the spread of HIV and must also be addressed in that context (see below).

Further discussion of gender equality issues is contained in Annex 3 – Overarching Policy Issues.

Effective partnerships between formal and informal systems, government and non-government stakeholders

PNG is in a unique situation in that the justice system is grounded in, and in fact relies on, many viable informal (including community and traditional) mechanisms. For example, village leaders play a vital role in mediation of conflicts at the local level, while community groups and NGOs work with local governments on crime prevention activities and support prison operations by providing prisoner rations and helping to reintegrate offenders. The village court system also performs a valuable role in providing accessible justice and resolving disputes at the local level throughout PNG and, along with community policing, is the primary interface between the formal and informal systems.

Although equitable access and inconsistent/inappropriate application of jurisdiction remains a significant concern, village courts nonetheless deal with over 600,000 disputes per year, and contribute vitally to preventing the escalation of local disputes into more serious law and order problems, including in the area of land mediation. However, as part of the challenge of decentralised service delivery (see below), there is

¹⁰ For further contextual analysis, refer *PALJP Design - Issues Papers* (2007).

a need for improved partnerships between the formal and informal systems, greater understanding and collaboration between the formal justice sector agencies, NGOs and local communities, and a focus on strengthening the capacity of both government and non-government stakeholders to play their respective roles. It is also critical that negative aspects of informal systems, including gender inequality, are addressed carefully as part of the broader reform process. An equitable and effective partnership between formal and informal justice mechanisms is the touchstone of PNGs' law and justice policy and is fundamental to understanding the nature of a sustainable and appropriate law and justice system for PNG.

Further discussion of the relationship between formal and informal justice systems and restorative justice is contained in Annex 3 – Overarching Policy Issues.

HIV and AIDS

The HIV and AIDS pandemic in PNG is a significant challenge facing the PNG government and the community more broadly. The law and justice sector needs to be able to adapt its core business to cope with the realities of HIV and AIDS; to understand and demonstrate how HIV impacts on the sector's performance; how the sector's work might promote or reduce the spread of the virus; and what opportunities exist within the sector's mandate to contribute to prevention, care and impact-mitigation efforts. While the sector has commenced work on policy development and training, moving beyond policy and awareness-raising to more systemic change remains a key challenge.

Gender inequality in PNG is an underlying cause of HIV vulnerability, along with high rates of violence against women including sexual assault, low literacy levels and a tendency for men to have multiple sexual partners, both male and female. Effective prevention, treatment and care require a greater focus on addressing the social determinants of vulnerability and the gender specific barriers to accessing and maintaining treatment. The vulnerability of women and girls should receive particular attention in educational, preventative and management initiatives. In this context, the sector's efforts to address HIV and AIDS should be seen as inextricably linked to progress in addressing issues of gender inequality in the justice system, including the sector's responses to gender-based violence.

Further discussion of HIV and AIDS issues is contained in Annex 3 – Overarching Policy Issues.

Decentralised service delivery

The 1995 Organic Law reforms to devolve powers from the national level had limited direct impact in this sector, other than to devolve responsibility for village courts to provincial governments. However, there has been subsequent confusion over relative roles and responsibilities, particularly in relation to funding. Some provincial governments have actively supported both village courts and the National Government functions of policing and prisons; others have not. Recent years have also seen confusion over relative powers and jurisdictions, with some provinces actively legislating on a raft of matters with little national oversight. The law and justice sector, in the context of broader reform efforts by GoPNG (such as the Provincial Performance Improvement Initiative and the work of the National Economic and Fiscal Commission in the area of intergovernmental financing), has a renewed focus on provincial engagement and local level service delivery as part of its current policy agenda. These efforts are aimed at building service delivery capacity at provincial and district levels, including clearer delineation of respective roles and responsibilities, greater coordination and collaboration between levels of government and improved transparency and accountability within intergovernmental financing.

Further discussion of issues relating to community and sub-national engagement is contained in Annex 3 – Overarching Policy Issues.

Public Administration and Institutional Governance

Weak institutional capacities are not limited to the law and justice sector, but reflect fundamental weaknesses of governance and public administration that hamper service delivery across all sectors. These are exacerbated by an uneven level of political will to commit the necessary resources, leadership and determination to give effect to the requisite reforms. Key constraints affecting the law and justice sector agencies include:

- uneven leadership, commitment to reform and management capacity;
- weak planning, budget, financial and procurement systems leading to poor resource allocation and creating vulnerability to corruption;

- poorly targeted, and in many cases insufficient recurrent budget allocations and poor alignment of recurrent and development budgets;
- limited coordination and coherence across the formal agencies, and between formal and informal justice systems;
- limited community support for and participation in the formal sector, and weak capacity within civil society to hold government accountable for service delivery;
- weak capacity in the collection, management and analysis of performance information, as well as limited communication of information about impact.

GoPNG is addressing these constraints through a range of programs targeting key elements of the its public sector reform agenda, including the Public Sector Workforce Development Initiative, Public Expenditure Review and Rationalisation, Financial Management Improvement Program, Provincial Performance Improvement Initiative (PPII) and District Services Improvement Program (DSIP).

Financing of the Law and Justice Sector

GoPNG funding to the sector has remained relatively stable as an overall percentage of government spending over the last five years (around 8-9%, including donor contributions, but excluding principal debt repayments and interest costs). Most agency budgets are directed to salaries, allowances and utilities, with little (if any) money remaining for goods and services. A functional and expenditure review of the sector was completed in 2002, but it has had little impact in shaping policy since its endorsement by GoPNG. A clear understanding of the overall cost of an appropriate and sustainable law and justice system for PNG is yet to emerge. In this context, the ability of GoPNG and donor partners to identify expenditure requirements for the sector over the medium to long term is limited.

However, the strengthening of planning and budgeting coordination across the sector in recent years (including the development of a Sector Strategic Framework and Performance Monitoring Framework, and the consolidation of sector policy and implementation coordination processes) has resulted in improved targeting of resources, and has coincided with a significant increase in real terms to GoPNG's budget allocation to the sector (41% increase to the recurrent budget, and 69% increase in total resources, ie from all funding sources, for the period 2003 to 2008).

As a result of windfall gains in GoPNG's revenue due to the resources boom, recent years have seen significant increases in allocation of funding through supplementary budgets. This funding is being targeted toward sector infrastructure and district level service delivery. Given existing capacity constraints within the sector, particularly at sub-national levels, the effective expenditure of these funds presents a significant challenge. The use of supplementary budgets further complicates attempts to align expenditure across the development and recurrent budgets, as long term planning is affected and recurrent budget allocations are unable to accommodate widely fluctuating capital expenditures.

Total budget for the law and justice sector in 2008 is K551m (K354m recurrent and K197m development), which represents about 8.3% of the total budget (including donor contributions but excluding interest/debt repayments). Specific agency allocations for 2008 are shown in the table below at the end of this Annex. Of the K197m development budget, K89m is GoPNG funding provided for sector infrastructure at the national and district levels and will be spent over a period of years. GoA's contribution to the sector in 2008 is K77m, which is about 14% of total sector funding.

Law and Justice Sector Institutional Policy Framework

Institutional framework

Currently, the law and justice policy mandate for the sector derives from the *National Law and Justice Policy* (NJLP), which was endorsed by PNG's National Executive Council (NEC, Cabinet) in 2000. The National Coordinating Mechanism (NCM) was established in early 2003 to oversee implementation of the NJLP. It is comprised of the law and justice agency heads (Chief Justice, Chief Magistrate, Chief Ombudsman, Attorney-General and Secretary of the Department of Justice, Police Commissioner, Correctional Services Commissioner) and constitutional office holders (Public Prosecutor, Public Solicitor), and is currently chaired by the Secretary of Department of National Planning & Monitoring (DNPM). At the political level, PNG has also introduced a Ministerial Law and Justice Committee to provide strategic oversight to the sector.

The NJLP was developed by the Law and Justice Sector Working Group (LJSWG), a committee of senior law and justice agency officials, including senior representatives from DNPM, PNG's Consultative Implementation and Monitoring Council, the Law and Justice Sector Secretariat (see below) and the sector's Community Justice Liaison Unit. The LJSWG is responsible for implementing the decisions of the NCM. It advises the NCM on sector development issues and progress and, with the support of the Law and Justice Sector Secretariat (established in 2005), is the main vehicle for driving PNG's sector approach to law and justice.

Summary profiles for each of the law and justice agencies, as at February 2008, are contained in the table following at the end of this Annex.

Beyond the law and justice agencies and sector institutions, the implementation PNG's law and justice system requires the involvement of a range of other partners and stakeholders, most notably:

- communities and community-based informal and traditional justice systems;
- PNG National Government agencies (including central agencies, particularly the DNPM, Department of Provincial & Local Level Government Affairs (DPLGA), Treasury and the Department of Personnel Management, and relevant line agencies, including the Community Development, Education and Health Departments and the National AIDS Council Secretariat);
- PNG provincial and local level governments, provincial and district administrations;
- PNG NGOs, CBOs, churches, the private sector and academic community; and
- various regional bodies involving PNG representation (eg PILON, Pacific Islands Chiefs of Police, Pacific Judicial Conference, Pacific Regional Heads of Prison Meeting).

Policy framework

The NLJP attempts to address law and justice objectives through a focus on improving the formal and informal sectors, and advocating better coordination between all parts of the justice system. It reaffirms the importance of keeping critical institutions such as police, corrections and courts functioning effectively. However, it recognises the limitations of state institutions in PNG and therefore promotes crime prevention and more informal, restorative justice approaches. The NLJP has three pillars, each with an overarching purpose as follows: improved functioning of the formal law and justice system, including its links to informal and traditional justice systems; improved sectoral coordination and resource use; and increased focus on crime prevention and restorative justice.

The *Sector Strategic Framework* (SSF) was finalised in 2005 and articulates with greater specificity how the NJLP is to be implemented. The SSF vision is for *a just, safe and secure society for all*, based on strong and vital roles for community and state-sponsored justice approaches, and effective partnerships between stakeholders, especially civil society, government and business. The vision is supported by five goals: improved policing, safety and crime prevention; increased access to justice and just results; improved reconciliation, reintegration and deterrence; improved accountability and reduced corruption; and improved ability to provide law and justice services. The sectoral goals highlight key directions for the sector, but their overall scope is also necessarily broad, reflecting the generality of issues and the diversity and interrelationship of stakeholders represented in the sector. An additional complexity arises from the independence required of the sector members in carrying out their constitutional roles. In order to provide further operational focus, a set of sector strategies and sub-strategies have been identified.

In March 2007 PNG's NEC approved a new *White Paper on Law and Justice* (PNG's White Paper). PNG's White Paper endorses the NLJP and articulates a comprehensive reform agenda to drive the implementation of the SSF over the medium term. While it draws largely on the reforms already occurring or identified as needed in the sector, the utility of PNG's White Paper is in garnering ministerial level backing, and thereby bolstering PNG's overall commitment to this agenda. Key elements of the White Paper include:

- reforming the justice ministry, primarily to separate key legal functions from justice administration and policy functions;
- strengthening the judiciary, through changes to judicial tenure, creation of a permanent Supreme Court and establishment of a dedicated Land Division within the District Court;

- a focus on fraud and corruption, including strengthening the State Solicitor's office, increasing resources to the Ombudsman Commission, and improving coordination between the police, the Ombudsman Commission and the Public Prosecutor; and
- criminal justice reform, including updating bail and sentencing laws and strengthening police investigations and prosecutions.

The law and justice sector will monitor progress in improving service delivery over the next ten years as it seeks to realise the five goals that are outlined in the SSF. To do this, it has developed a Performance Monitoring Framework (PMF), which contains a set of performance measures, drawing on data from civil society, business, and the sector agencies themselves. Performance monitoring and reporting at the sector level will complement annual reporting undertaken at the agency level, as well as reporting from districts and provinces through DPLGA, and will feed into emerging whole-of-government performance frameworks.

Table: law and justice agency profiles (as at February 2008)

Agency	Staff	Structure	Annual Budget – 2008 Appropriations	Notes
Royal PNG Constabulary	4776 officers, 138 civilians, 170 casual on strength (7.03% women, 6300 approved ceiling, 5440 funded). Over 4,500 reserve and auxiliary police	Commissioner, 2 Deputy Commissioners, 11 Assistant Commissioners 6 regional commands under Assistant Commissioners (Southern, Islands, Highlands, Momase, Bougainville, NCD/Central) 5 PHQ Commands under Assistant Commissioners (Crimes, Policy and Planning, Logistics, Public Safety, Human Resources) 20 Provincial Police Commanders, one per province Approx. 400 police stations, over 4000 residences	GoPNG Rec: K182,030,400 GoPNG Dev: K4,381,121 Total GoPNG: K186,411,521 Total Donor: K7,447,849 TOTAL: K193,859,370	188 recruits graduated in 2006 and 2007. 300 are planned for recruit training in 2008. The two year Cadet Officer Course is being revived and will commence in 2008. Aux/reserve numbers currently under review in line with Police Administrative Review Recommendations.
Correctional Services	1,335 on strength (12% women) 1320 uniformed and 15 civilians	A Commissioner, 2 Deputy Commissioners and 6 Assistant Commissioners 18 operational Institutions (vary in size/no. detainees) 4 institutions classified as Regional (Southern - Bomana, Momase - Buimo, Islands – Kerevat, Highlands - Baisu) 7 operating rural lockups jointly managed by CS and provincial governments CS HQ (Port Moresby), Training Centre (Bomana)	GoPNG Rec: K55,227,000 GoPNG Dev: K3,317,246 Total GoPNG: K58,544,246 Total Donor: K4,047,578 TOTAL: K62,591,824	CS is a State Service under PNG's Constitution and, along with the defence force and the police, is also a disciplined service, with 17 seniority ranks in its officer structure. Over 4,000 prisoners as at January 2008 (34% remandee).
Department of Justice & Attorney General	249 on strength (336 approved staff ceiling, 64 unfilled, mostly legal officers) Includes: 46 lawyers (50% women) on strength in the Office of the Public Solicitor 22 lawyers (22% women) on strength in Office of the Public Prosecutor 16 lawyers (45% women) on strength in Solicitor General's office 12 lawyers (33% women) on strength in State Solicitor's Office 41 staff on strength in the Community	The Attorney General is the Principal Legal Adviser to the Government. DJAG services are delivered out of several head office locations in Port Moresby and regional centres. Constitutional and statutory officers: Public Prosecutor; Public Solicitor; Solicitor General; State Solicitor; Public Curator Statutory bodies and functions: Community Courts manages the system of village courts and village peace officers (over 1000 village courts with about 10,000 officials), administered by DJAG but funded by provincial government.	GoPNG Rec: K34,225,200 GoPNG Dev: K2,495,450 Total GoPNG: K36,720,650 Total Donor: K6,431,975 TOTAL: K43,152,625	The Attorney General, the Public Prosecutor and the Public Solicitor are the three Constitutional Law Officers of PNG. They are created under the PNG Constitution and are not subject to direction or control by any person or authority The Minister for Justice is the political head of the judicial arm of Government. If the Minister is a non-lawyer, the administrative head of the Department (the Secretary) is also the Attorney General.

	Based Corrections (46% women) 8 staff on strength in the Village Courts Secretariat (25% women) 15 staff on strength in the Public Curators office (27% women) 9 staff on strength in the Land Titles Commission and National Lands Commission (22% women)	Community Based Corrections probation service and parole board. Constitutional and Law Reform Commission. Land Titles Commission and National Lands Commission.		The Judicial and Legal Services Commission is established by the Constitution to oversee the appointment of judges, magistrates and the other constitutional officers.
National Judicial Service (NJS) including National Judicial Staff Services (NJSS)	22 judges on strength, 3 acting (1 woman, 25 judges approved ceiling 438 staff on strength in NJS(S) (162 women, 560 established) Includes: 174 staff in the Registrar's Office 164 staff in NJSS 15 casuals 85 unattached officers	NJS includes the Supreme and National Courts and the Court Registrars, is based in Waigani. 7 other courts at the provincial level are serviced by resident judges and a further 7 venues across PNG are serviced by circuit judges. NJS provides secretarial, legal and clerical support, including library, deputy sheriff, database, archives and court reporting services, attendants, interpreters, security and other support staff. NJSS supports the courts, consists of the Secretary, Deputy Secretary and support divisions such as HR, training, security, IT, planning and finance.	GoPNG Rec: K44,000,000 GoPNG Dev: K2,352,523 Total GoPNG: K46,352,523 Total Donor: K3,761,049 TOTAL: K50,113,572	3 judges currently being recruited. Recruitment for unfilled NJS(S) positions is suspended pending legal action by unattached officers against NJSS. Some officers have been reassigned positions and therefore withdrawn their action, with the remainder to be retrenched if positions are not found.
Magisterial Services	104 magistrates on strength (15% women, 150 establishment, of which 121 are funded) 311 support and registry staff on strength (45% women, 385 establishment) 79 headquarters staff on strength (22% women, 107 establishment)	Magisterial Services is responsible for the operation of the District Courts and is headed by the Chief Magistrate. There are currently 70 District Court establishments across PNG, with about 400 other gazetted court locations.	GoPNG Rec: K23,867,300 GoPNG Dev: K2,286,221 Total GoPNG: K26,153,521 Total Donor: K2,955,843 TOTAL: K29,109,365	Recruitment program for Magistrates ongoing. Proposal to appoint second Deputy Chief Magistrate. Proposal to increase the number of Grade 5 Magistrates from 26 to 50 in line with the introduction of an increased lands jurisdiction for the District Courts (ref White Paper).
Ombudsman Commission	147 officers (40% women) Approved ceiling of 150 staff	Ombudsman Commission is headed by the Chief Ombudsman and 2 Ombudsmen Head office located in Port Moresby, 3 regional offices.	GoPNG Rec: K11,500,000 GoPNG Dev: K868,185 Total GoPNG: K12,368,185 Total Donor: K1,319,308 TOTAL: K13,687,493	Additional 19 positions resulting from recent Comprehensive Management Review to be recruited in 2007/08.

Annex 2 - Support to the RPNGC

The aid program's RPNGC Development Project was a significant project, running for 17 years over three phases and supporting some notable improvements in the RPNGC's capacity and performance. However, it is now recognised that the investment of \$10m per year (on average) through this project, primarily to provide technical and infrastructure assistance, was in itself insufficient to address the chronic institutional, structural and leadership problems confronting the RPNGC.

GoPNG funding for the RPNGC is currently at around 39% (K186m) of all GoPNG funding to the law and justice sector in PNG. This amount has increased in real terms since 2003 (37% over the period 2003 - 08), mainly driven by recent increases in supplementary funding resulting from windfall gains in GoPNG revenue.

Previous Australian assistance to the RPNGC

Between 1988 and early 2005 the GoA provided assistance to the RPNGC (over \$170m), largely through the RPNGC Development Project. Support included technical assistance, infrastructure (capital works and maintenance), and provision of training and equipment. Support focussed on a selection of priority areas, noting that project resources were relatively limited (eg average support was around \$10m pa, with the average cost of supporting one international adviser in PNG at around \$200k pa. This can be compared to the initial budget for the policing component of the ECP, which was around \$800m over 5 years – more than \$100m per year).

The greatest impacts under the police project were in areas where project resources were focussed and sustained - such as specialist policing and administrative support. For example:

- *Prosecution*: nationwide, successful prosecutions increased from 66% of the total in 1993 to 75% by 1998 (although the success rate in Australia exceeds 95%, these results were considered more than acceptable for a country at PNG's stage of development);
- *Logistics and infrastructure*: improved Building & Assets Management System with a rolling maintenance and refurbishment plan, more transparent and accountable management systems.

Other notable outputs included: delivery of police training to over 20,000 attendees; introduction of basic tools and systems such as duty rosters, filing systems, and standard forms; establishment of a HR database and accounting system; and improvement of the police training college.

Poor sustainability of improvements

However, sustainability of project outputs and outcomes has been a critical problem and without constant support, many improvements have not lasted. For example, Police Manuals updated and improved under Phase I of the project were soon out of date once direct project support ceased. Similarly, the project supported the introduction of a fingerprinting system under Phase I, which declined once assistance was withdrawn. Police stations ran out of ink for the pads and had no resources to replace them. In both cases, further support was required in this area under Phase III.

Key challenges - lack of leadership and political will

The RPNGC faces the same fundamental challenges as all law and justice agencies, including the need to grapple with the tensions between local systems of social control and the State system. The continued poor performance of the RPNGC is also linked strongly to a lack of institutional and broader government commitment to police reform. Until the appointment of former Minister for Internal Security, Kimisopa, improving the RPNGC was not a GoPNG priority. Very high turnover of management staff has also been an issue. For example, during Phase II of the police project there were 3 Commissioners, at least 4 acting Commissioners, and 6 Deputy Commissioners. This volatility and lack of commitment at senior levels made sustainable reform extremely difficult. These were also issues that were beyond the scope of the police project to address. It was in recognition of the need to engage more closely and directly on issues of police leadership and management, that the ECP policing component was initially established.

A platform for future reform and leadership - PNG Police Review

In February, 2004, the then Minister for Internal Security, Bire Kimisopa, appointed a committee to review the administration and operation of the RPNGC as well as the fundamental nature of policing in PNG. This move was in response to continued complaints about police effectiveness and the abuse and

misuse of police powers. The review was seen as important in the context of GoPNG's overall reform agenda, in recognition of the importance of law and order to the enabling environment for economic growth and was possible because the then Minister was new and committed, and the Commissioner at the time was enjoying a relatively long term in office.

With Australian support, former AFP Commissioner Mick Palmer was appointed to the review committee. The aid program also funded the involvement of a team of experts, nominated by Mr Palmer. Although largely un-costed and expansive, the Police Administrative Review provides a comprehensive platform for RPNGC reform and has been endorsed by PNG's NEC (Feb 2005). Key recommendations from the review include:

- Community policing to become the primary focus and underlying philosophy of policing;
- Senior officers to be held personally responsible and accountable for Discipline Code compliance (including a proposed amnesty process to openly address past misconduct);
- Employment status and functions of reserve/auxiliary police to be reviewed, administrative positions to be "civilianised" (68% of regular police are in operational roles, cf 93% in NSW);
- Basic operational effectiveness to be restored (eg manned enquiry desk at all stations, accountable rostering practices and reporting for duty regimes, enforce rules for vehicle use); and
- Budget processes and resources to be addressed (starting with effective use of existing funds).

The current mandate for aid program support

Following the conclusion of the third and final phase of the RPNGCDP in 2005, it was agreed that the aid program should discontinue direct support for the police. This was largely in recognition of the scale of assistance that was to be provided under the ECP. It was also to enable the AFP to provide focused policing assistance under the ECP, whilst the aid program would continue to strengthen the rest of the law and justice sector. Notwithstanding the withdrawal of the ECP policing component in mid-2005 (as a result of the PNG Supreme Court finding in the Wenge case), the Ministerial direction remained in place as the basis for current aid program support to policing in PNG.

The aid program's revised mandate to support the RPNGC "indirectly" recognised the integral role of the police in the law and justice sector. It also acknowledged the logic and efficiencies of supporting core governance and administrative functions, as well as other priority sector issues, on a cross-agency basis. Current assistance to the police under the aid program is intended to facilitate the RPNGC's involvement in the sector's reform agenda by focusing on sectoral initiatives (such as the development and implementation of sector policies on gender and HIV and AIDS, and training in new juvenile justice laws) and core issues of governance and public administration that are common to all agencies (such as planning, budgeting, and financial management capacity). The aid program also funds four adviser positions within the RPNGC on an ongoing, but interim basis.

Current aid program support to the RPNGC has enabled ongoing, base level, support for core institutional functions and has sought to encourage RPNGC participation and commitment to the broader law and justice sector reform efforts. It has also provided a point of entry for the current process of GoA re-engagement with the police. AusAID and the AFP will work in partnership with the RPNGC and the sector more broadly, to determine the size and scope of future GoA support to the RPNGC, consistent with the overarching GoA framework provided by the PALJP.

Annex 3 - Overarching Policy Issues & PALJP approach

Gender equality and gender mainstreaming

PNG's National Constitution provides for equal rights for all citizens and declares as unlawful any custom that is inconsistent with the Constitution or "repugnant to the general principles of humanity". PNG has also adopted a National Women's Policy in 1990 and, in 1995, adopted a 10 year Platform of Action, which was a national statement on the situation of women intended as a planning framework for future strategies. PNG has ratified the Convention on the Elimination of Discrimination Against Women and is a signatory to the Convention on the Rights of the Child. However, despite national commitments which call for respect and dignity for women, a national gender policy has not yet been systematically implemented. Further, social indicators in PNG suggest that overall women are not reaping equitable benefits from PNG's development agenda. In fact, PNG sits at 145 out of 177 countries on the UNDP Gender and Development Index. This position has fallen from 123 in 2005, meaning gender equality is not improving in PNG, but going backwards.

Issues of sex discrimination, gender equity and equality are crucial to the administration of justice at every level, particularly given the cultural context of PNG and the prevalence of violence against women. In 2005, the law and justice agencies adopted a gender strategy to articulate more clearly their priorities for addressing issues of gender in the sector. The sector has also highlighted the reduction of family and sexual violence as a 'high priority initiative' under SSF Goal 1, Strategy 3. The Law and Justice Gender Strategy identifies seven strategic objectives:

1. To develop policies and practices that will enable men and women to participate equally as employees in the law and justice sector;
2. To develop and implement a human rights approach to service delivery throughout the sector;
3. To develop sector-wide knowledge and involvement in the prevention and management of HIV and AIDS;
4. To strengthen the relationship between sector agencies and civil society organizations in order to promote non-violent conflict resolution;
5. To increase women's access to the formal justice system;
6. To monitor women's experiences of restorative justice initiatives and encourage gender equitable practices; and
7. To enhance PNG's capacity to provide detailed information on the situation of women and men before the law.

The development of the sector's gender strategy is a significant achievement in its own right. However, the relatively limited evidence of progress in implementation of the strategy since its inception and the magnitude and severity of the issues involved, highlight the need for greater effort and a sustained focus on the part of all stakeholders.

All Australian development assistance should be provided in a manner that advances gender equality and empowers women, particularly through supporting country-led priorities for gender empowerment, engaging with both men and women to advance gender equality, strengthening accountability mechanisms and supporting the collection and analysis of information to increase gender equality and improve results (refer *Gender equality in Australia's aid program – why and how* (2007)).

PALJP will continue to support the sector to address family and sexual violence under SSF Goal 1, Strategy 3 and to implement and monitor its Gender Strategy, including its focus on equal participation in decision-making processes, equal rights within the justice system and equal access to justice services. Given the predominance of men in leadership and other positions of authority within the sector, PALJP will also encourage the development of specific strategies for engaging men and involving them as advocates for change. Each of these steps will be necessary to achieve all the SSF Goals but particularly Goal 1, Strategy 3 (reduce family and sexual violence).

PALJP will provide increased and practically-focused gender expertise over the life of the program as a critical capacity building resource for the sector, working closely with the relevant Activity Management Team and other reform champions. In adopting a gender mainstreaming approach, PALJP will support the sector to consider its comparative advantage in addressing gender issues, to build strategic partnerships with external stakeholders to support their efforts, and to identify entry points using existing

structures, processes and resources, wherever possible. This approach will include support for specific, gender-focused activities undertaken within the sector in pursuit of the Gender Strategy and SSF objectives. Examples of the PALJP approach include:

- assistance to the implementation of the sector's Provincial Engagement Framework (PEF) will support integration of the sector's Gender Strategy objectives, including, for example, support through the CJLU to strengthen advocacy and engagement by NGOs targeting gender-based violence and non-violent conflict resolution, in collaboration with the GoA-funded Democratic Governance Program;
- assistance to planning and budgeting will support increased development of practical approaches to implementation of the sector's Gender Strategy that target the removal of barriers to gender quality and securing appropriate funding for these activities (particularly for partnerships with informal justice systems and implementation of restorative justice approaches discussed further below);
- assistance to monitoring and evaluation will support the incorporation of gender indicators into the SSF PMF (particularly to measure progress in implementation of the sector's Gender Strategy) and increasing collection and use of sex/age disaggregated data and data relating to gender equality; and
- assistance to strategic planning and policy development in the area of sector infrastructure will support increasing linkages between infrastructure development and gender equality.

Regarding internal management and resource issues, all PALJP TA personnel will be recruited on the basis of demonstrated understanding and ability to integrate principles of gender equality and gender mainstreaming as part of their capacity building approach, will have explicit gender mainstreaming objectives within their respective work plans, and will be provided ongoing professional development opportunities focused on issues relating to gender equality and empowerment of women. Special attention will be given to PALJP personnel working in the areas of gender violence and gender advocacy, as this work is typically socially and emotionally demanding. The PALJP ISP will also be required to put in place clear workplace policies, codes of conduct and protocols regarding gender equality issues, including gender discrimination and harassment.

PALJP will draw on the expertise of AusAID's gender adviser (appointment forthcoming at time of writing) and the ISP's management team, which will include specific skills and expertise in relation to gender equality and gender mainstreaming. Strategic guidance will also be provided by the PNG Aid Program's Gender Mainstreaming Framework and key external sources, such as the GoA Office for Development Effectiveness report *Violence Against Women in Melanesia and East Timor: A Review of International Lessons* (both forthcoming at the time of writing). GoA - GoPNG sector-specific policy dialogue will support these efforts by providing an avenue for high level discussion of the sector's progress in implementing its Gender Strategy.

Given the significant causal relationship between gender inequality and HIV vulnerability, including through high rates of violence against women and sexual assault, PALJP support to the sector's efforts to address gender inequality and gender-based violence will be provided in close collaboration with support for HIV mainstreaming across the sector. This is discussed further in the following section.

HIV mainstreaming

The widespread impact and generalised nature of the HIV and AIDS epidemic in PNG highlight a significant challenge for the PNG government and wider community. This is reflected in GoPNG's policy and legislative framework, particularly in the *National Strategic Plan for HIV/AIDS 2006-2010* and the *HIV/AIDS Management and Prevention Act 2003*. GoPNG has also recognized the strategic significance of this issue within the law and justice sector by including a specific strategy under SSF Goal 5, Strategy 4 – *integrate HIV/AIDS responses into the sector and agencies* - and providing further guidance in the PNG White Paper on Law & Justice.

The sector has sought to address these issues through policy development, training and awareness raising, with priority being given to those groups that are considered to be particularly vulnerable as a result of operational situations, such as those found in policing and correctional services. For example, detainees in correctional institutions nationwide have received information about sexual transmission, transmission by injection or transmission by other means. Both the RPNGC and Correctional Services have engaged with specialist community and government agencies and the National AIDS Council in awareness training and the redesign of operational procedures.

However, in order to adapt its core business to cope with the realities of HIV and AIDS, the law and justice sector needs to understand what impact HIV has on the sector's performance, how the sector's work might promote or reduce the spread of the virus and what opportunities exist within the sector's mandate to further contribute to prevention, care and impact-mitigation efforts. These efforts will require a greater focus on addressing the social determinants of vulnerability, particularly the prevalence of gender-based violence. The vulnerability of women and girls must receive particular attention in any educational, preventative or management responses undertaken within the sector.

Much of the PALJP approach to supporting HIV mainstreaming within the law and justice sector mirrors what is proposed in relation to gender equality issues discussed above. However, these will be summarised again for completeness and to emphasise again the interdependencies between strategies addressing gender inequality and the spread of HIV in PNG.

PALJP will provide dedicated and practically-focused HIV mainstreaming expertise over the life of the program as a critical capacity building resource for the sector, working closely with the relevant Activity Management Team and other reform champions. PALJP will support the sector to implement SSF Goal 5, Strategy 4, as well as the strategy priorities outlined in the PNG White Paper, by focusing on its comparative advantage in addressing HIV and AIDS, building strategic partnerships with external stakeholders to support their efforts, and identifying entry points using existing structures, processes and resources wherever possible.

While all agencies need to address 'internal' mainstreaming issues relating to workplace policies, 'external' mainstreaming issues relating to the operations of the justice system have greater significance in some agencies over others. In this context, PALJP will support a particular focus on Correctional Services, the RPNGC, Magisterial Services and the Village Courts. Examples of the HIV mainstreaming approach that will be adopted under PALJP include:

- assistance to the implementation of the PEF will support integration of the sector's HIV mainstreaming objectives and responses;
- assistance to planning and budgeting will support increased development of practical responses to HIV mainstreaming, with a particular focus on key agencies such as Correctional Services, RPNGC, Magisterial Services and Village Courts;
- assistance to monitoring and evaluation will support increased collection and use of information, data and analysis about the impact of HIV and AIDS within the sector and the effectiveness of the sector's responses; and
- assistance to strategic planning and policy development in the area of sector infrastructure will support increasing linkages between infrastructure development and the sector's HIV and AIDS response.

Regarding internal management and resource issues, all PALJP TA personnel will be provided ongoing professional development opportunities focused on understanding and supporting HIV mainstreaming, including how to integrate principles of HIV mainstreaming as part of their capacity building approach. The PALJP ISP will be required to put in place clear workplace policies, codes of conduct and protocols regarding HIV and AIDS. PALJP will also draw on the expertise of the GoA funded HIV and AIDS Program (*Sanap Wantaim*) team. GoA/GoPNG sector-specific policy dialogue will support these efforts by providing an avenue for high level discussion of the sector's progress in implementing its response to HIV and AIDS.

Anti-corruption

The GoPNG MTDS currently contains explicit anti-corruption objectives and indicators under its Governance section. The PNG Government has also recognised corruption as a serious problem on several occasions in the last few years; most recently through a National Executive Council (NEC) decision of April 2006, which led to the commissioning of a National Anti-Corruption and Good Governance Strategy (forthcoming at the time of writing).

In March 2007 the NEC also approved a White Paper on Law and Justice (PNG's White Paper) which includes a particular focus on fraud and corruption, identifying strategies for a strengthened State Solicitor's Office, increased resources to the Ombudsman Commission and improved coordination between the police, the Ombudsman Commission and the Public Prosecutor. The White Paper also outlines plans to separate key legal functions from justice administration, to strengthen the judiciary and to introduce a range of criminal justice reforms. These initiatives set an ambitious agenda for the sector

but once implemented will greatly enhance law and justice governance, with a corresponding reduction in opportunities for corruption.

The PNG White Paper builds on the SSF, which identifies as one of five sector goals, *Improved accountability and reduced corruption* (Goal 4), with a range of specific strategies to achieve this. As part of these efforts, the law and justice sector has also adopted a 2005 commissioned study on how to improve integrity and address corruption (the “Barnett Report”) as a blueprint for addressing these issues in the sector.

Consistent with GoA’s anti-corruption for development policy for the aid program, *Tackling Corruption for Growth and Development*, and the PNG program’s *Anti-Corruption Plan 2007-2010* (forthcoming at the time of writing), the starting point for PALJP will be to support the sector’s priorities and plans to improve governance and tackle corruption, including the ongoing implementation of the Barnett Report and active participation in PNG’s whole-of-government efforts to develop and implement a National Anti-Corruption and Good Governance Strategy. Primarily, PALJP’s approach will be to support capacity building efforts across all law and justice agencies involved in combating corruption, including the operations of the National Anti-Corruption Alliance (NACA). In particular, PALJP will provide dedicated and practically-focused expertise in the areas of financial management, fraud control and accountability, and performance management, monitoring and reporting.

PALJP will also support stronger, externally driven demand for performance information and accountability in the law and justice sector by focusing on improved transparency, and broader and more equitable participation in sector’s planning and budgeting processes. PALJP will complement and work proactively with other GoA programs that are supporting demand-side functions of central agencies (eg Strongim Gavman Program - formerly known as ECP-, Economic and Public Sector Governance Program), sub-national levels of government (eg Sub-National Strategy) and communities (eg Democratic Governance Program).

In terms of protecting GoA funds from the risks of fraud and corruption, the extent of integration of GoA funding with GoPNG funding, systems and processes requires a joint approach. In this context, AusAID’s requirements to prevent and address fraud and corruption in the use of GoA funding provides a significant opportunity and entry point through which to influence, support and build the capacity of the GoPNG in strengthening accountability in the use of its own funds. To support these efforts, AusAID and DNPM will jointly monitor expenditure of GoA/GoPNG funding under the Development Budget (with particular attention to high-risk areas such as expenditure on infrastructure) in compliance with financial management, fraud control and accountability requirements of both governments. In doing so, AusAID/DNPM will draw on sector financial management and audit data from the LJSS, and the PALJP ISP’s internal financial management and audit processes.

AusAID and DNPM will also work closely with the LJSS to ensure that agreed imprest account procedures governing the use of PALJP funds are kept updated and compliant with the financial management, fraud control and accountability requirements of both governments. Financial management support services provided by the PALJP ISP will support GoA-GoPNG joint management and mutual accountability in relation to aid program funds.

In addressing anti-corruption, PALJP will draw on the expertise of AusAID’s Anti-Corruption Adviser (appointment forthcoming at time of writing) and will be supported by the GoA-GoPNG sector specific policy dialogue, which will provide a further avenue for high level discussion of the sector’s progress in implementing its anti-corruption objectives and the effectiveness of GoA support in this regard.

Sub-national and community engagement

Increased and effective sub-national and community engagement lies at the heart of improved service delivery in PNG’s law and justice sector, and forms the basis of PNG’s law and justice policy framework. Constitutional, geographic, cultural and economic factors mean that the reach of the national law and justice agencies into rural and remote areas of PNG where the bulk of the population resides is very limited. In this context, service delivery in the law and justice sector is necessarily a collaborative effort across all levels of government, NGOs, the private sector and communities themselves. This approach also reflects GoPNG’s decentralized approach to public sector governance and service delivery, including related reform programs, such as the PPII and DSIP, which aim to strengthen public administration capacity, coordination and collaboration across national and sub-national levels of government.

In light of the above, support for sub-national and community engagement will be integral to PALJP and its overall effectiveness. Given the sector’s current stage of evolution, there is an opportunity for PALJP

to act as a catalyst - to help translate the sector's strategies for increased local level impact into real world improvements in service delivery. To that end, PALJP assistance will be targeted in a range of ways.

Policy and strategy development

PALJP will support LJSWG and the LJSS in their efforts to refine the PEF, raise its profile in the sector and to use it as a tool for driving improved service delivery. Particular attention will be given to support the sector to address the longer term status of current geographic pilot programs (ie in Eastern Highlands Province, the Autonomous Region of Bougainville, and National Capital District) and community justice centres (ie in Kainantu and Wau/Bulolo). In this context, PALJP will support the sector to develop a clear policy framework to guide the sequencing and funding of future and expanded sub-national engagement efforts, drawing on lessons learned from experience to date, in line with broader GoPNG policy initiatives such as the PPII and the work of the NEFC, and in response to demand from provinces and districts. PALJP will also support the sector to further clarify and agree on roles and responsibilities for law and justice service delivery and financing through a sector-led process of advocacy and negotiation with relevant central agencies, including the NEFC, line agency partners and sub-national levels of governments.

Planning and budgeting

PALJP will support the sector coordinating bodies and agencies to strengthen annual planning and budgeting processes in order to deliberately and explicitly increase alignment with PEF strategies. This will include practical approaches to improving linkages with provincial and district level planning processes, budgets and priorities and to foster improved coordination and coherence across the full range of GoPNG financing mechanisms and to address bottlenecks in both intra-agency and inter-governmental budget implementation processes, particularly at the sub-national level. Supporting ongoing efforts to broaden participation of civil society stakeholders in sector governance mechanisms at all levels will also be important to improve accountability and to ensure that service delivery is responsive to the needs of communities and the different priorities of men, women and children.

Service delivery and local level impact

PALJP will support the sector to develop and manage sustainable and equitable solutions to critical human resource and logistical constraints affecting local level service delivery. This will include support for building effective working relationships between agency headquarters and their provincial offices, and between sector agencies and other service delivery partners. This will involve increasing the availability of TA personnel outside Port Moresby.

PALJP will complement support being provided to the GoPNG PPII under GoA's Sub-National Strategy, in order to strengthen provincial and district level coordination and capacity to address law and justice priorities (particularly crime prevention initiatives) in partnership with the national agencies and local communities. Support to strengthen and implement reforms (including removing barriers to gender equality) in critical local level services such as village courts, land mediation and community policing will also be a focus. In all cases assistance will be tailored to actual need in the local context.

Community Justice Liaison Unit

PALJP will support the Community Justice Liaison Unit (CJLU) in line with sector priorities and in accordance with current recommendations to refine and refocus its operations over time (and in the context of PALJP support for the sector to further integrate and embed sector coordination mechanisms, including the functions of CJLU, into the GoPNG institutional and budgetary framework). Particular attention will be given to: strengthening management arrangements; increasing focus on formal/ informal partnerships; greater integration of CJLU operations within the PEF strategies; consolidating relationships with other programs supporting NGOs and community groups; and forging new partnerships with churches and the private sector.

The GoA-funded Democratic Governance Program (forthcoming at the time of writing) will provide significant support to communities and NGOs through mechanisms that operate in partnership with, but externally to PNG government agencies. In this sense, it will provide an important balance to assistance provided through the CJLU, which *by design* is based within and working under a GoPNG mandate.

Effective engagement by law and justice sector agencies with community and sub-national stakeholders is essential to improve the functioning of the justice system overall. This is true not only in light of the legal, geographic and fiscal parameters of service delivery, but also the social and cultural factors that define

law and justice in PNG. It is *only* through such partnerships that stakeholders can hope to address critical concerns arising from PNG's policy focus on restorative justice, particularly those relating to gender equality, the prevalence of gender-based violence, the treatment of juveniles and land issues. GoA assistance will be provided in a manner that reflects the reality of law and justice systems in PNG and the foundational significance of these issues. This is discussed further in the following section.

Implementing restorative justice

The PNG justice system is grounded in and relies on many viable informal (including community-based and traditional) mechanisms that have as their objective restoration of peace and harmony not only among aggrieved individuals, but often more importantly, within and between communities. This objective is referred to as restorative justice and is the touchstone of PNG's law and justice policy. While informal systems have a key role to play in the implementation of restorative justice, it is also a fundamental tenet for the justice system as a whole. In order to play their part, the formal law and justice agencies need to adapt their core business and work in an integrated way with the communities they serve. In this context, an equitable and effective partnership between formal and informal justice mechanisms is essential for supporting a sustainable and appropriate law and justice system for PNG.

However, there are a range of capacity constraints relating to informal and traditional systems and non-government stakeholders which affect their ability to function effectively, including their ability to work in partnership with the formal system. In summary, the key issues relate to:

- heavy demand on NGOs despite limited funding (and its often ad hoc nature) and human resources;
- dependence on volunteer or low-paid workers within most community-based justice systems; and
- risks to the longer term viability of informal and traditional systems due to their reliance on more senior members of the community and the exclusion of women from the operations of these systems.

The huge variation and diversity of informal justice systems across PNG is a critical strength in terms of their vitality and viability. However, managing the tension between these strengths and the vulnerability of these systems to abuse in favour of the powerful is a core challenge for the sector. Unless these systems are supported to adapt and address concerns relating to gender inequality, family and sexual violence, stigma, discrimination, the treatment of vulnerable groups such as children or people living with HIV, and local belief systems such as sorcery, restorative justice will remain out of reach for most communities. The legitimacy of these systems is also heavily dependent on the appropriate exercise of jurisdiction and effective oversight by formal justice mechanisms.

The sector is grappling with how to address the implementation of restorative justice and has established a dedicated AMT to drive the agenda. However, given the policy significance of restorative justice and its relevance to all aspects of the sector's work, further effort is required to ensure adequate leadership and that in effect a mainstreaming approach is adopted to address these issues across the sector.

The development of an inclusive and equitable approach to restorative justice can only be undertaken through locally led dialogue and locally-driven processes for the identification of solutions and reforms. In this context, the role of external assistance should be to assist stakeholders in these efforts. In this context, PALJP support for capacity building across both formal and informal justice sector stakeholders, together with the support for key overarching policy issues, as described above, will be critical to enable the sector to address the issues associated with implementation of restorative justice.

In supporting these efforts, PALJP will operate collaboratively with other development assistance programs, most notably the GoA-funded Democratic Governance Program, which includes a strong focus on community level peace and harmony and the Sub-National Strategy, which is supporting capacity development within provincial and district administrations as part of GoPNG's PPII.

Emerging and other issues

The policy issues discussed above are intrinsic to enhanced service delivery within PNG's law and justice sector. However, not all overarching or cross-cutting policy issues identified by GoA/AusAID have the same resonance or relevance to PALJP. For example, under the *Commonwealth Environmental Protection and Biodiversity Conservation Act 1999* AusAID is required to ensure that matters affecting the environment to a significant extent are assessed and addressed in all programs of assistance. In this case it is not anticipated that the environmental issues associated with assistance under PALJP will be significant, and in the main will relate to the potential environmental impact of GoA-supported infrastructure development in the sector.

In a broader sense, there is potential for more significant impacts to emerge in this area, for example, should climate change result in increasing internal population displacement and/or social instability. The flexibility of the PALJP, particularly its integration with PNG's annual planning and budgeting cycle, means that it is well placed to support the sector to respond and adapt to emerging policy priorities of this kind. Ongoing PALJP support to strengthen core capacities across the sector will also enable the sector to respond more effectively to emerging issues and priorities. At a strategic level, GoA-GoPNG joint management processes and ongoing dialogue will provide guidance and direction to PALJP on these issues, in the context of the DCS and PNG program's broader response to the imperatives of GoA's recent *Environment Strategy for Australia Aid* (2007).

Annex 4 – Sector coordination mechanisms

National Coordinating Mechanism (NCM)

Established in early 2003 with NEC (Cabinet) approval and in accordance with the NLJP, the NCM links the law and justice sector with the Ministerial Law & Justice Committee. It oversees implementation of the NLJP, SSF and PNG White Paper on behalf of GoPNG. The NCM is comprised of the law and justice agency heads (Chief Justice, Chief Magistrate, Chief Ombudsman, Attorney-General/Secretary of the Department of Justice, Police Commissioner, Correctional Services Commissioner) and constitutional office holders (Public Prosecutor, Public Solicitor), and is currently chaired by the Secretary DNPM. The NCM meets regularly (at least quarterly) and provides strategic guidance to the sector in relation to policy development and implementation issues. The NCM's Audit Committee, provides high level oversight of financial management issues across the sector, particularly expenditure under the Development Budget.

Law and Justice Sector Working Group (LJSWG)

The LJSWG is a committee comprising senior operational and planning officials from the sector agencies, as well as senior representatives from DNPM, the Law and Justice Sector Secretariat (see below), the CJLU (see below) and PNG's Consultative Implementation and Monitoring Council. The LJSWG meets regularly (usually monthly) and is responsible for implementing the decisions of the NCM. It advises the NCM on policy development, sector performance and resource issues within the sector and, with the support of the Law and Justice Sector Secretariat (see below), is the main vehicle for driving the implementation of PNG's reform agenda at the operational level.

Law & Justice Sector Secretariat (LJSS)

The LJSS was established by the NCM in 2005 to provide a range of support services to the NCM, LJSWG and individual law and justice agencies. Currently this range of services includes policy implementation coordination (including the CJLU), sector-level monitoring and evaluation, media and communications and financial management (including internal audit). The LJSS is currently administratively attached to DNPM, however work is underway to further embed the functions of the LJSS within the bureaucratic structure of the sector, consistent with the PNG White Paper and broader GoPNG policy developments in the area of public sector coordination processes. While initially fully funded by GoA, GoPNG is increasingly taking over this responsibility. The absorption of all LJSS staff costs into the GoPNG recurrent budget is the first priority. Notwithstanding these efforts, there remain significant questions relating to the roles and responsibilities of the LJSS, particularly its relationship to DNPM and the appropriate size, scope and bureaucratic location of its operations in the longer term. These issues are the subject of ongoing debate, with GoPNG's policy preference still to be determined.

Activity Management Teams (AMTs)

AMTs, previously technical working groups, were formally recognised by the NCM in 2005 as a practical means for enabling improved operational level coordination and collaboration in implementing the sector's reform agenda. There are currently around 18 AMTs established across a range of corporate functions (eg HR, finance) and technical areas (eg fraud and corruption, restorative justice). AMTs are made up of agency representatives from across the sector, ranging from operational level staff through to senior managers, as well as representatives from other government agencies and civil society in some cases. There is significant variation in operations across the AMTs, however most meet monthly and report to the LJSWG, as required, on progress in implementation of multi-agency initiatives.

Community Justice Liaison Group (CJLU)

The CJLU was established by the NCM in 2004 to assist the law and justice agencies to strengthen their partnerships with non-government stakeholders and informal justice systems. This includes supporting increased involvement of civil society in policy development, planning and service delivery, particularly in relation to restorative justice and crime prevention measures, and the operation of a small grants mechanism. The CJLU is currently comprised of a national coordinator, a team of five project officers (two of whom are currently co-located within the provincial administration in pilot locations) and two support staff. To encourage collaboration, the CJLU head office is housed in the Department of Community Development. Like the LJSS, the CJLU is at a very early stage of its development, remains heavily dependent on Development Budget funding and its functions are yet to be fully embedded within GoPNG's institutional framework.

Annex 5 – PALJP TA Personnel - Generic Position Descriptions

Core Support Team Advisers

Context

GoA has supported PNG's law and justice sector for several years, initially through targeted institutional strengthening assistance to individual agencies and, after 2003, by means of a sector-based, program approach to law and justice. This shift in the delivery of GoA's assistance to the sector reflected the sector-wide, collaborative approach intrinsic to GoPNG's National Law and Justice Policy (NLJP) of 2000 and also recognised the interdependence of sector agencies.

In order to implement the NLJP, GoPNG has established a number of sector coordination mechanisms (NCM, LJSWG), multi-agency activity management teams (AMTs) and a Law and Justice Sector Secretariat (LJSS, including the CJLU) to ensure a sectoral focus to all policy and management activities and to foster stronger coordination and coherence in law and justice service delivery.

The Core Support Team (CST) comprises specialists in key public administration functions and policy areas and is designed to operate across the sector as a shared resource, available to individual agencies, sector coordination mechanisms and cross-sectoral management teams on as needs basis. This arrangement provides on-call capacity development assistance with greater continuity and strategic coherence than could be provided in other ways, and continues to reinforce the importance of addressing issues on a sector-wide basis. Increasingly, CST resources will be available and targeted to support capacity building efforts within regional offices of law and justice agencies, sub-national levels of government and non-government partners.

Key areas of expertise to be provided through the CST include: planning and budgeting; financial management; human resource management and workforce planning, asset and infrastructure management; and information management. CST expertise will also be required to strengthen sector capacity in performance monitoring and reporting, and to address the critical overarching policy issues of gender equality (including gender-based violence), HIV mainstreaming and sub-national and community engagement. This expertise will complement and boost efforts across all aspects of PALJP assistance to address these issues in a comprehensive and mainstreamed manner.

Terms of Reference

Working closely with the LJSS, relevant agency-heads and senior managers within agencies, sub-national levels of government and non-government partners, and in accordance with more detailed requirements agreed in individual CST adviser annual work plans and/or specific tasking notes, all CST advisers will:

- Working closely and in a collaborative and coordinated manner with relevant agency-based change management advisers, support sector agencies, coordinating bodies and other partners, including at the sub-national and community level, to build capacity within the sector to implement the NLJP and the SSF;
- Utilise the most effective capacity building approaches to ensure that institutional, organisational and individual capacity improvements are sustainable;
- Encourage and support the sector's efforts to improve coordination, coherence and partnerships among sector stakeholders, and to build mutual understanding and engagement with relevant systems and processes required by central agencies, at sub-national levels of government and within communities;
- Strengthen sector capacity to design, implement and manage practical and sustainable monitoring, evaluation and reporting systems to measure progress against sector goals, meeting the needs of central agency and other stakeholders and enabling greater assessment of local level impact for men, women, and children;
- Support sector coordination mechanisms, in particular the LJSS and AMTs, to:
 - undertake all aspects of their sector coordination roles, including planning and priority setting, monitoring, evaluation and reporting, information management and effective communication both within the sector and externally; and

- address service delivery challenges and overarching policy issues such as community and sub-national engagement, gender equality, HIV mainstreaming and restorative justice;
- Support law and justice sector managers and staff to participate effectively in sector coordination mechanisms and other forums, and to build relationships with other stakeholders, including non-government and community partners;
- Work proactively, in a collaborative manner with other GoA-funded programs, as well as other donors, to enable cross-program learning and coordination, and to ensure effective harmonisation of assistance to the law and justice sector;
- Integrate principles of gender equality and gender mainstreaming into capacity building approaches, recognising the particular role of men in driving change toward greater gender equality;
- Integrate principles of HIV mainstreaming into capacity building approaches; and
- Operate in accordance with the principles of aid effectiveness set out in the PALJP design, including using and supporting PNG systems, maintaining constructive working relationships within law and justice agencies, across the sector and with external stakeholders (including understanding and respecting the sector's internal governance protocols), maintaining constructive relationships with all other TA personnel and supporting overall GoA-GoPNG joint management of PALJP.

Skills, knowledge and experience

CST advisers will have the following skills, knowledge and experience:

- Demonstrated understanding of the role and functions of the justice system and its agencies in a modern democracy.
- Demonstrated understanding of the role and functions of traditional, customary or informal justice systems, particularly in a developing country context, would be a significant advantage, but is not essential.
- Demonstrated understanding of the range of capacity building approaches and their applicability to different contexts and needs.
- Demonstrated understanding and commitment to principles of gender equality and gender mainstreaming, including how these can be integrated into capacity building approaches.
- Substantial knowledge, skills and experience in the adviser's designated area of expertise and an understanding of its importance in effecting sustainable organisational change.
- Significant experience in a dynamic public sector or other major organisational environment.
- High level policy and analytical skills.
- High level interpersonal and communication skills, including the ability to convey concepts clearly and concisely.
- Demonstrated ability to develop constructive and supportive working relationships with colleagues and others.
- Experience in working successfully in a cross-cultural, multi-lingual environment, particularly in the Pacific, would be a significant advantage but is not essential. (Note: all PALJP TA personnel will be expected to attend ongoing professional development programs provided by the PALJP ISP addressing cross-cultural and Tok Pisin skills.)
- An understanding of HIV mainstreaming principles and how these can be integrated into capacity building approaches would be an advantage but is not essential. (Note: all PALJP TA personnel will be expected to attend ongoing professional development programs provided by the PALJP Implementation Service Provider addressing HIV awareness and principles of HIV mainstreaming.)

Agency-based Change Management Advisers

Context

GoA has supported PNG's law and justice sector for several years, initially through targeted institutional strengthening assistance to individual agencies and, after 2003, by means of a sector-based, program

approach to law and justice. This shift in the delivery of GoA's assistance to the sector reflected the sector-wide, collaborative approach intrinsic to GoPNG's National Law and Justice Policy (NLJP) of 2000 and also recognised the interdependence of sector agencies.

In order to implement the NLJP, GoPNG has established a number of sector coordination mechanisms (NCM, LJSWG), multi-agency activity management teams (AMTs) and a Law and Justice Sector Secretariat (LJSS, including the CJLU) to ensure a sectoral focus to all policy and management activities and to foster stronger coordination and coherence in law and justice service delivery.

These are supported by a Core Support Team (CST) of specialists in key public administration functions and policy areas to operate across the sector as a shared resource, available to individual agencies, sector coordination mechanisms and cross-sectoral management teams on as needs basis. This arrangement provides on-call capacity development assistance with greater continuity and strategic coherence than could be provided in other ways, and continues to reinforce the importance of addressing issues on a sector-wide basis. Increasingly, CST resources will be available and targeted to support capacity building efforts within regional offices of law and justice agencies, sub-national levels of government and non-government partners.

To complement and build on the work of the CST, both governments have now committed to the establishment of long-term change management positions within law and justice sector agencies. These positions will provide a dedicated resource to strengthen agency management, with a particular focus on agency participation in sector coordination processes, inter-sectoral collaboration, sub-national operations and cross-agency initiatives and will also contribute to the coordination and consolidation of capacity building efforts being supported under Component 2. Different approaches will be required within different agencies reflecting the range of organisational cultures and operational requirements across the sector.

Terms of Reference

Working closely with the Secretary and other senior staff of the home agency, and in accordance with more detailed requirements specified on an annual basis in rolling work plans, all agency-based change management advisers will:

- Support senior managers to participate effectively in sector coordination mechanisms and other forums, and to build relationships with other stakeholders including non-government and community partners, particularly to address service delivery challenges and overarching policy issues such as community and sub-national engagement, gender equality, HIV mainstreaming and restorative justice;
- Support and strengthen leadership and management capacity within the agency, focusing on planning and priority setting, decision making processes, performance management, information management and effective internal and external communication;
- Support the agency in identifying, planning and implementing appropriate responses to priority areas of reform, including any changes to agency functions, structures, systems and processes, with a focus on activities which are clearly linked to sector outcomes and achieving greater impact at local levels;
- Work with agency and sector partners, relevant GoPNG central agencies, the CST and other advisers to strengthen human and financial resource management within the agency in support of the reform program;
- Assist agency senior managers to identify and support reform champions, particularly in critical overarching policy areas such as gender equality and HIV mainstreaming, including among staff working at the sub-national level and in regional offices;
- Strengthen agency capacity to design, implement and manage practical and sustainable monitoring, evaluation and reporting systems to measure the effectiveness of agency activities, which are also consistent with central agency and sector requirements and enable greater assessment of local level impact for men, women and children;
- Utilise the most effective capacity building approaches to ensure that institutional, organisational and individual capacity improvements are sustainable, including to support an increased focus on longer term workforce planning issues, underlying management and structural issues, and the consideration and use of alternatives to TA personnel to address capacity constraints where appropriate;

- Work proactively, in a collaborative manner with other GoA-funded programs, as well as other donors, to enable cross program learning and coordination, and to ensure effective harmonisation of assistance to the law and justice sector;
- Integrate principles of gender equality, gender mainstreaming and HIV mainstreaming into capacity building approaches, recognising the particular role of men in driving change toward greater gender equality;
- Operate in accordance with the principles of aid effectiveness set out in the PALJP design, including using and supporting PNG systems, maintaining constructive working relationships within law and justice agencies, across the sector and with external stakeholders (including understanding and respecting the sector's internal governance protocols), maintaining constructive relationships with all other TA personnel and supporting overall GoA-GoPNG joint management of PALJP.

Skills, knowledge and experience

The adviser will have the following skills, knowledge and experience:

- Significant management experience in a dynamic public sector environment, including demonstrated experience in designing, implementing and managing programs of reform within the public sector.
- Substantial, broadly based knowledge and skills in HR management with an emphasis on the importance of HR management strategies in effective change management.
- Demonstrated understanding of the role and functions of the justice sector and its agencies in a modern democracy.
- Demonstrated understanding of the role and functions of traditional, customary or information justice systems, particularly in a developing country context, would be a significant advantage, but is not essential.
- Demonstrated understanding of the range of capacity building approaches and their applicability to different contexts and needs.
- Demonstrated understanding and commitment to principles of gender equality and gender mainstreaming, including how these can be integrated into capacity building approaches.
- High level policy and analytical skills.
- High level interpersonal and communication skills, including the ability to convey concepts clearly and concisely.
- Demonstrated ability to develop constructive and supportive working relationships with colleagues and others.
- Experience in working successfully in a cross-cultural, multi-lingual environment, particularly in the Pacific, would be a significant advantage but is not essential (Note: all PALJP TA personnel will be expected to attend ongoing professional development programs provided by the PALJP ISP addressing cross-cultural and Tok Pisin skills.).
- An understanding of HIV mainstreaming principles and how these can be integrated into capacity building approaches would be an advantage but is not essential (Note: all PALJP TA personnel will be expected to attend ongoing professional development programs provided by the PALJP Implementation Service Provider addressing HIV awareness and principles of HIV mainstreaming).

Annex 6 - PNG-Australia Law & Justice Adviser - Position Description

Context

GoA has supported PNG's law and justice sector for several years, initially through targeted institutional strengthening assistance to individual agencies and, after 2003, by means of a sector-based, program approach to law and justice. This shift in the delivery of GoA's assistance to the sector reflected the sector-wide, collaborative approach intrinsic to GoPNG's National Law and Justice Policy (NLJP) of 2001 and also recognised the interdependence of sector agencies.

In order to implement the NLJP, GoPNG has established a number of sector coordination mechanisms (NCM, LJSWG), multi-agency activity management teams (AMTs) and the Law and Justice Sector Secretariat (LJSS, including the CJLU) to ensure a sectoral focus to all policy and management activities and to foster stronger coordination and coherence in law and justice service delivery.

Following and building on a successful phase of support to PNG's law and justice sector (through the Law and Justice Sector Program and the Justice Advisory Group), Australia will provide support to PNG's law and justice sector through the PNG-Australia Law & Justice Partnership (PALJP). The PALJP will provide flexible and responsive support that will assist the PNG Government to achieve measurable progress against its policies and strategies for law and justice reform.

The PALJP will be jointly managed by the PNG and Australian Governments, who will work together in partnership to ensure that the PALJP contributes to progress in meeting law and justice outcomes. Both governments will engage in regular dialogue, particularly to discuss the performance and direction of law and justice reform in PNG and how the PALJP is supporting this.

To support both governments in this partnership, a high-level PNG-Australia Law and Justice Adviser is required. This Adviser will be responsible for ensuring that the PALJP is implemented in accordance with its design and in accordance with the policies and directions of both governments. The Adviser will provide advice to both governments on law and justice issues, including the PALJP, will be responsible for strategic management of the PALJP Implementation Service provider (ISP) on behalf of AusAID (working to the AusAID First Secretary, Law & Justice) and will broadly support the law and justice sector, particularly its coordination mechanisms.

Terms of Reference

The PNG-Australia Law and Justice Adviser provide advice and support to both the PNG and Australian Governments in managing the implementation of the PALJP. Key responsibilities include:

- Working closely with, and providing flexible support to, the law and justice agency heads, NCM, LJSWG, LJSS and CJLU, including providing advice and strategic guidance on law and justice issues as well as on the management and implementation of the PALJP;
- Working closely with and providing flexible support to the Australian Government, through AusAID, to support GoA engagement with the law and justice sector, management and implementation of the PALJP jointly with PNG;
- Working closely with the AusAID law and justice team and the PALJP ISP Management Team, providing strategic management and oversight of the PALJP ISP to ensure that it provides services in accordance with the objectives and principles of the PALJP design and the policies and needs of both governments. (Further detail on how this position works with the PALJP ISP is outlined below);
- Working closely with AusAID, DNPM, LJSS and the PALJP ISP, support the law and justice sector to monitor its progress in implementing its NLJP and Sector Strategic Framework and use performance information in decision-making processes including sector and agency policy and budget formulation;
- Support the policy dialogue and engagement between Australia and PNG on law and justice issues, particularly in relation to performance outcomes, gender and HIV mainstreaming, anti-corruption and other issues of strategic importance to both governments;

- Support the PNG and Australian governments to work with other parts of the Australian aid program and with other donor programs to enable cross-program learning and coordination, and to ensure effective harmonisation of assistance to the law and justice sector;
- Operate in accordance with the principles of aid effectiveness set out in the PALJP design, including using and supporting PNG systems, maintaining constructive working relationships within law and justice agencies, across the sector and with external stakeholders (including understanding and respecting the sector's internal governance protocols), maintaining constructive relationships with all other TA personnel and supporting overall GoA/GoPNG joint management of PALJP; and
- Work in a way that promotes gender equality, is sensitive to cultural and gender issues in PNG, promotes awareness of HIV and AIDS and promotes principles of good governance.

Skills, knowledge and experience

The PNG-Australia Law and Justice Adviser will have the following skills, knowledge and experience:

- Demonstrated understanding of the role and functions of the justice system and its agencies in a modern democracy.
- Demonstrated understanding of the role and functions of traditional, customary or informal justice systems, particularly in a developing country context, would be a significant advantage, but is not essential.
- Demonstrated understanding and commitment to principles of gender equality and gender mainstreaming, including how these can be integrated into capacity building approaches.
- Demonstrated knowledge, skills and experience of development assistance programs and demonstrated ability to apply the principles of aid effectiveness to the implementation of development assistance programs, particularly in the PNG context.
- Demonstrated understanding of the range of capacity building approaches and their applicability to different contexts and needs.
- Significant experience in a dynamic public sector or other major organisational environment including experience and understanding of reform processes and change management.
- High level policy and analytical skills.
- Exceptional interpersonal and communication skills, including the ability to convey concepts clearly and concisely and to understand and meet the needs of a large range of diverse stakeholders.
- Demonstrated ability to develop constructive and supportive working relationships with colleagues, counterparts and others.
- Experience in working successfully in a cross-cultural, multi-lingual environment, particularly in the Pacific, would be a significant advantage but is not essential. (Note: the Adviser will be expected to attend ongoing professional development programs provided by the PALJP ISP addressing cross-cultural and Tok Pisin skills.)
- An understanding of HIV mainstreaming principles and how these can be integrated into capacity building approaches would be an advantage but is not essential. (Note: the Adviser will be expected to attend ongoing professional development programs provided by the PALJP ISP addressing HIV awareness and principles of HIV mainstreaming.)

Working with the PALJP ISP

The management of GoA assistance to the law and justice sector through the PALJP will be supported by an ISP. The role of the ISP is to ensure appropriate support to both governments, furthering the development of an effective GoPNG-GoA partnership within the sector. The ISP will not supplant either government partner in key decision making and management processes, nor set up separate or parallel systems contrary to GoA's commitment under the PNG-Australia Development Cooperation Strategy to use and support PNG systems wherever possible.

The PALJP ISP management team will be responsible for the day-to-day management of the ISP including its staff and the technical assistance personnel that it recruits. The ISP management team will be responsible for the ISP meeting its responsibilities under its contract with AusAID including the provision

of services in three areas: human resource management; financial management and procurement; and performance monitoring and assessment.

The PNG-Australia Law and Justice Adviser will provide strategic management and oversight of the PALJP ISP on behalf of AusAID to ensure that the ISP fulfils its role in supporting the PALJP in accordance with the PDD, that its performance meets the expectations of both governments and is responsive to the emerging and evolving needs of both governments. In performing this role, the Adviser will report to and work under the direction of the AusAID First Secretary, Law & Justice.

The Adviser will *not* be directly involved in decisions related to the contract between the ISP and AusAID (this will be the responsibility of the AusAID First Secretary and Senior/Principal Program Officer). Nor will the Adviser be directly involved in performance management or day-to-day management of PALJP staff or TA personnel (this will be the responsibility of the ISP Management Team).

The PNG-Australia Law and Justice Adviser and the PALJP ISP management team, in cooperation with AusAID, will develop a set of engagement protocols at the outset of the PALJP to outline key roles and responsibilities, principles and ways of working, communication protocols, delegations, decision-making authorities and dispute-resolution procedures.

Working with the AusAID Law & Justice Team

The PNG-Australia Law and Justice Adviser will be contracted to and managed by AusAID in close consultation with the DNPM and other law and justice sector partners. The Adviser will be co-located initially with the PALJP ISP office in Port Moresby, but working closely with sector partners. The adviser will report to the AusAID First Secretary, Law & Justice and will work closely with AusAID's designated Senior/Principal Program Officer. AusAID's law and justice team will undertake a variety of key roles.

AusAID First Secretary, Law & Justice

With the support of an AusAID Senior Program Officer:

- Provide overall management and coordination of AusAID's assistance to the sector;
- Coordinate with GoA whole-of-government partners, including provision of reporting/briefing;
- Manage program coordination with the AFP;
- Engage with sector stakeholders as part of aid effectiveness processes;
- Facilitate GoA engagement with the sector, including policy dialogue;
- Manage the AusAID law & justice team.

AusAID Second Secretary/Development Program Specialist, Law & Justice

With the support of an AusAID Program Officer:

- Working with DNPM, support the development and implementation of the PALJP Aid Effectiveness Work Plan;
- Working with sector partners, support the strengthening of performance measurement and accountability;
- Working with the PNG-Australia Law & Justice Adviser and the Senior/Principal Program Officer, support continuous learning and improvement in the PALJP.

AusAID Senior/Principal Program Officer

Reporting to the AusAID First Secretary, Law and Justice:

- Undertake duties of AusAID Activity Manager for the PALJP ISP, including contract and financial management;
- Working with the PNG-Australia Law & Justice Adviser, support strategic oversight and management of the PALJP, including the PALJP ISP;
- Working with the AusAID Second Secretary and Program Officer, ensure aid effectiveness monitoring feeds into the management of the PALJP, including the PALJP ISP Management Team.

Annex 7 – PALJP ISP Management Functions

The PALJP ISP will perform the functions set out below in support of GoA-GoPNG joint management of PALJP and the bilateral relationship more broadly:

Strategic level management

Through the services of a well-resourced management team, comprising at least four full-time members located in PNG, with strong understanding and expertise in the role and operations of formal and informal justice systems, as well as particular capabilities in the areas of capacity building and change management, gender and HIV mainstreaming, and the measurement of aid effectiveness, provide the following:

- High level strategic and technical advice in relation to GoPNG-GoA joint management of the PALJP and its operations, including to support AusAID in developing the Annual Statement of Contribution;
- Open and effective communication with GoPNG/GoA in accordance with agreed communication protocols (note: the ISP should not have a separate voice in the sector, rather it should support GoPNG-GoA communications, as required);
- Flexibility and responsiveness to emerging GoPNG/GoA needs and priorities, with clear and agreed processes for implementing changes;
- Preparation, review and quality control of ISP-produced documentation, ensuring that is clear, succinct and in plain English;
- Leadership and direction to PALJP TA personnel and staff to ensure that ISP systems and processes are consistent with the aid effectiveness principles set out in the PALJP design, including the key actions and process indicators for the PALJP Enabling Themes;
- Identification and resolution of emerging risks associated with PALJP operations, including in relation to the performance of PALJP TA personnel and staff;
- Scheduling, mobilisation and management of all resources provided by the ISP, with particular attention to resources, including TA personnel, directed to locations outside the national capital; and
- Management of the ISP's head office support.

Operational level management

Provide efficient and effective systems and processes in the following key areas:

- *Financial management and procurement:* to support management of and accountability for aid program funds, including compliance with fraud control policies and audit requirements, and procurement of resources required for the provision of ISP services.
- *Human resource management:* to support recruitment, supervision and ongoing professional development of TA personnel and ISP staff, including:
 - Implementation of the agreed PALJP recruitment strategy.
 - Implementation of agreed performance management approaches for TA personnel, including a professional development program addressing gender and HIV mainstreaming, cross-cultural and language skills, and increased involvement of PNG sector colleagues in management and accountability processes wherever possible and appropriate.
 - Implementation of agreed capacity building approaches, including the provision of capacity building advice and tools to TA personnel and their PNG sector colleagues.
 - Facilitation of effective working relationships, including mentoring relationships where appropriate, between sector counterparts, PALJP TA personnel and ISP management staff.
- *Performance monitoring and assessment:* to support GoA/GoPNG to implement the PALJP monitoring and evaluation framework (including the development of the Annual Aid Effectiveness Work Plan), particularly by providing systems for tracking and reporting on ISP performance for the purposes of management, learning and accountability, and to inform ongoing assessment of the overall effectiveness of PALJP.

Annex 8 – PALJP Monitoring & Evaluation Framework

This Annex contains four sections: PALJP MEF Overview; PALJP MEF Enabling Themes – key action and process indicators; PALJP MEF aid effectiveness assessment processes – key elements; and PALJP MEF Timetable. For further information, refer section 5, above.

PALJP MEF Overview

	Vision/objectives	Indicators of success	Measurement/Reporting tools
Long term 10-20 yrs+	PNG's vision for law and justice: <i>a just, safe and secure society for all</i>	<i>Sustained</i> positive trends over time across a majority of PNG's law and justice sector goals and/or adequate level of satisfaction in macro level data relating to community, business, and government confidence in safety, security and justice systems.	<ul style="list-style-type: none"> GoPNG macro data (MTDS and other whole-of-government reporting, community/business crime perception surveys, selected sector PMF and agency data, CEDAW reporting) Third party reporting (eg MDG reporting, UN household surveys, TI reporting, Human Rights Watch, business surveys) Other relevant trend data reported through GoA supported programs (eg Sub-National Strategy, Democratic Governance, HIV and AIDS, Public Sector Governance)
Med term 5-10 yrs	Framework Paper objective: <i>to support PNG to achieve its law and justice objectives, particularly its five sector goals</i>	<ul style="list-style-type: none"> <i>Emergence</i> of positive performance trends over time across a majority of PNG's law and justice sector goals; and Analysis of PALJP MEF data over time suggests constructive contribution to those trends by GoA assistance under PALJP 	Independent Completion Report, drawing on: <ul style="list-style-type: none"> longitudinal analysis of sector performance reporting, agency annual reporting, sector impact studies; and longitudinal analysis of GoA/DNPM aid effectiveness reporting (annual aid effectiveness reviews and biennial independent contribution analyses)
Short term 5 yrs	PALJP objective: <i>to support the law and justice sector to achieve measurable progress against its sector goals, including to refine relevant strategies further over time</i>	<i>Evidence of progress</i> against a majority of PNG's law and justice sector goals (ie SSF PMF indicators); and GoA's contribution to the sector's progress against its goals has been assessed as effective, particularly: <ul style="list-style-type: none"> PALJP has performed effectively against the key process and action indicators for the Enabling Themes; and PALJP contractor performance has been of acceptable quality (eg compliance with contract requirements, particularly in core strategic and operational level service areas) 	<ul style="list-style-type: none"> Sector Annual Performance Report (annual reporting against sector SSF PMF), sector quarterly reports to DNPM/Treasury, agency annual reports, additional impact studies (to be supported by GoA, as required); and AusAID/DNPM PALJP aid effectiveness assessments, covering all GoA support to the sector and including biennial independent contribution analysis

PALJP MEF aid effectiveness assessment processes - key elements

Notes

This section outlines the key elements of the PALJP MEF aid effectiveness assessment processes: Annual Aid Effectiveness Review; Biennial Independent Contribution Analysis; and Independent Completion Report. Further detail about each process, including timing and resources, will be confirmed and agreed by AusAID and DNPM and articulated in an Annual Aid Effectiveness Work Plan, which will be approved by the NCM at the second strategic coordination meeting each year (refer section 4.3, above).

AusAID and DNPM will jointly manage the processes set out below, in consultation with sector partners and with the support of AusAID's in-house M&E expertise and the PALJP ISP Management Team. This will include the development of more detailed methodologies and terms of reference for specific processes, as well as ongoing collation of key findings and recommendations and agreed follow-up actions (if any), for the purposes of informing management decisions and the development of future aid effectiveness work plans.

AusAID will manage the process of engaging additional external resources, as required, for implementation of the Aid Effectiveness Work Plan, using existing AusAID procurement mechanisms. The estimated cost of implementing the Annual Aid Effectiveness Work Plan will be included in the plan and documented in the Development Budget.

Annual Aid Effectiveness Review

Content: Reporting on progress against the PALJP Annual Statement of Contribution, objective and outcomes, with a focus on five areas: summary of key findings and lessons learned; summary of sector progress against the SSF; summary of inputs delivered against each PALJP component; analysis of PALJP performance against the Enabling Themes; and an overview of ISP contractor performance. Every second year this process will be undertaken immediately prior to and will inform the Biennial Independent Contribution Analysis (see below).
Responsibility: AusAID and DNPM to jointly manage the process, including production of a review report, with PALJP ISP support as required.
Suggested resources: A nominated representative from both AusAID and DNPM <i>PLUS</i> two technical experts (preferably one local and one regional/international, with one having an explicit gender focus), a financial management/contracts expert and an AusAID Design Procurement & Advisory Group representative.
Methodology: The aid effectiveness review team will base its assessments on a range of primary and secondary information, using different sources to triangulate findings and adopting a deliberate strengths-based analysis. Key information sources and processes include: <ul style="list-style-type: none">• <i>PALJP Baseline Performance Data:</i> Information to be compiled by AusAID and DNPM, with support from the PALJP ISP, upon commencement of the PALJP (refer section 7, Transition Arrangements, above).• <i>Sector and agency performance reporting</i> including the sector's Annual Performance Report, sector and agency quarterly reporting to DNPM/Treasury, agency annual reports, and sector impact studies.• <i>Regular assessment of GoA partnerships</i> (eg Ombudsman twinning program, AFP/RPNGC partnership) in accordance with agreed performance processes developed between GoA partners and their PNG sector colleagues. Suggested resources: GoPNG/GoA partner representatives, with AusAID, DNPM and LJSS support as required.

<ul style="list-style-type: none"> • <i>Stakeholder consultations</i> in PNG and, as required, Australia (1-2 weeks in duration, as part of the overall review process). In those years where an Independent Contribution Analysis is also being undertaken (see below), stakeholder consultations will be appropriately managed to avoid unnecessary duplication with the latter process. • <i>PALJP ISP contractor performance assessment</i>, including the following elements: <ul style="list-style-type: none"> – <i>PALJP ISP Contractor Performance - Annual Assessment</i> to be undertaken as a sub-component of the Annual Review of Aid Effectiveness. Suggested resources (as noted above: a financial management/contracts experts and a representative from AusAID's Design Procurement & Advisory Group). – <i>PALJP ISP Contractor Performance - Annual Report</i>: An annual summary and analysis of ISP inputs and progress against ISP contractual requirements (including as further specified in the PALJP Annual Statement of Contribution). The report will be submitted to AusAID by the end of January each year, no more than 10-15 pages in length and will include: summary of key issues and lessons learned (if any); self-assessment of ISP performance in each of the core ISP service areas, with analysis linked to the PALJP Enabling Themes; and status of inputs (ie analysis of inputs tracking against PALJP ISP contract requirements). The report should include a 2 page Annex, including a Financial Summary (PALJP expenditure, linked to PNG reporting on Development Budget expenditure) and a Human Resources Summary (status of TA personnel positions and other PALJP staff). The ISP will prepare half yearly progress reports, in the same format, but no more than 5-10 pages in length, by the end of July; and – <i>PALJP ISP Contractor Performance – Monthly Updates</i>: Financial and HR status updates, submitted to AusAID monthly, in the format of the ISP Annual Report annexes, to feed into AusAID's financial management and reporting requirements. • <i>Quarterly PALJP aid effectiveness discussions</i>: AusAID, DNPM, ISP Management Team discussion of progress against the PALJP Annual Statement of Contribution, including key actions and processes against Enabling Themes, identification of emerging risks and ISP contractor performance (drawing on ISP Monthly Updates). Documentation will be limited to a 2 page record of meeting, summarising key issues discussed and/or actions agreed. No external resources required.
<p>Format: Report to be succinct and no more than 15 pages in length, structured around the five areas of analysis outlined above.</p>
<p>Timing: Review to be undertaken during quarters one and two of each year. Ideally, the review process will be timed to enable the report findings to serve as the primary data source for AusAID's annual Quality at Implementation reporting and PNG program's Annual Program Performance Statement (due each April) and, as appropriate, for PNG's law and justice sector Annual Performance Report. Upon completion of the fifth year the Annual Review of Aid Effectiveness will serve as the Activity Completion Report and will feed into the Independent Completion Report (see below).</p>

Biennial Independent Contribution Analysis

<p>Content: Detailed analysis and validation of the findings from previous Annual Reviews of Aid Effectiveness, with additional and specific attention to assess the effectiveness of the PALJP capacity building approaches at individual, organisational and institutional levels, including the nature and extent of PNG ownership of the reform process as it relates to law and justice. The analysis will highlight any issues or emerging lessons considered to be of strategic significance to PALJP, its design and ongoing operations.</p>
<p>Responsibility: AusAID and DNPM to jointly manage this process, with support from the PALJP ISP as required.</p>
<p>Suggested Resources: External technical expertise to cover as a minimum: capacity building evaluation; gender equality and mainstreaming; and PNG law and justice; PLUS a suitable representative from another donor (eg DFID, World Bank)</p>
<p>Methodology: The approach will draw on data from information and processes outlined above, will build on the methodology of the 2006 process. However, the approach will include a more specific focus on evaluation of capacity development, building on the capacity building assessment models being trialled under the current phase of assistance and including an analytical framework for assessing ownership (see eg <i>Capacity Development in Fragile States</i>, ECDPM Discussion Paper no 58D, Derick W Brinkerhoff, May 2007). Stakeholder consultations in PNG and Australia (as required) will be undertaken in a manner that complements and avoids unnecessary duplication with consultations undertaken as part of the</p>

preceding Annual Review of Aid Effectiveness process.
Format: Format should be consistent with the Annual Review of Aid Effectiveness (refer above), however, primary focus should be given to the assessment of the PALJP capacity building approaches.
Timing: Undertaken during quarters one and two of years three and five, immediately following the Annual Review of Aid Effectiveness.

Independent Completion Report

Content: In accordance with AusAID's guidelines and other requirements as subsequently advised
Responsibility: AusAID and DNPM to jointly manage this process, with support from the PALJP ISP as required.
Suggested Resources: External technical expertise to cover as a minimum: capacity building evaluation; gender equality and mainstreaming; and PNG law and justice
Methodology: In accordance with AusAID's guidelines and other requirements as subsequently advised
Format: In accordance with AusAID's guidelines and other requirements as subsequently advised
Timing: Undertaken in the quarter following completion of year five, to inform GoA/GoPNG decisions about future assistance and form part of baseline performance data for any subsequent phase.

PALJP MEF Enabling Themes - key process and action indicators

Notes

The six PALJP Enabling Themes have been selected as indicators of aid effectiveness for GoA support to the law and justice sector. They are derived from key principles under the DCS and other overarching development policies and commitments of both governments. Key processes and actions have been drawn from the PALJP design and listed against each enabling theme. Based on the lessons learned during the current phase, effective performance or progress against these processes and actions will serve as intermediate measures of success and will be used to demonstrate aid effectiveness.

PALJP performance against each Enabling Theme will be tracked on an ongoing basis by AusAID and DNPM as part of regular aid effectiveness assessment processes. The assessments against each Enabling Theme will draw on information from sector and agency performance reporting, PALJP ISP reporting, records of meeting from the regular AusAID, DNPM, PALJP ISP aid effectiveness meetings and consultation with sector stakeholders as part of the Annual Review of Aid Effectiveness.

Enabling themes	Key process and action indicators
Alignment of GoPNG and donor resources	<ul style="list-style-type: none"> GoA-GoPNG strategic level decisions about changing priorities and scope of GoA assistance to the law and justice sector are made: <ul style="list-style-type: none"> as part of the broader GoPNG-GoA dialogue under the DCS and are informed by the sector-specific policy dialogue process; and jointly and transparently, and are informed by ongoing assessment of sector performance, aid effectiveness and the relative GoPNG/donor contributions. GoA and GoPNG resources to the law and justice sector continue to be coordinated (or, where possible and agreed by GoA and GoPNG, pooled) under PNG's Development Budget and effectively target agreed sector priorities across the SSF goals, with Development Budget funding being used as a catalyst for increased focus on implementation of policies and plans at the local level, in collaboration with sub-national levels of government and particularly in key areas of local level service delivery such as village courts, land mediation and community policing. GoA and GoPNG resources allocated in support of sector infrastructure development are determined based on a clear and jointly agreed financing strategy that takes account of the volume of GoPNG funding earmarked for sector infrastructure under supplementary budgets and related GoPNG programs (eg DSIP), recurrent cost financing requirements, and relevant capacity constraints affecting implementation, particularly at the sub-national level. AusAID, DNPM and sector partners jointly track and analyse the nature and scale of total expenditure on law and justice across the development, recurrent and supplementary budgets, and, increasingly within sub-national level budgets and this analysis, combined with more robust sector performance data, is informing decisions about future budget allocations (GoPNG and donor) and the resources necessary to meet sustainable service delivery standards in the longer term. Core Support Team expertise in the area of planning and budgeting supports improved alignment between development, recurrent and supplementary budgets, for example, to enable progressive absorption of recurrent costs paid for under the Development Budget, such as the personnel costs associated with the functions of the Law & Justice Sector Secretariat and Community Justice Liaison Unit, into the Recurrent Budget. Core Support Team expertise in the area of monitoring and evaluation supports improved agency and sector capacity to identify clear performance targets for the short, medium and longer term, to track progress against both agency and sector level planning and budgeting targets and, in doing so, to take account of <i>all</i> resources in the sector (ie development, recurrent, supplementary, sub-national).

Integration with and building capacity of PNG systems	<ul style="list-style-type: none"> • PALJP is jointly managed (including monitoring and reporting on aid effectiveness) by GoA (primarily AusAID) and GoPNG (primarily DNPM and sector partners) consistent with and using relevant GoPNG systems wherever possible at both national and sub-national levels. • All PALJP assistance, particularly under Component 1, encourages and supports the sector's efforts to strategically address capacity constraints, strengthen leadership and change management (particularly to address overarching policy issues), and to build local ownership of the reform agenda, including for example: <ul style="list-style-type: none"> – increased focus on longer term workforce planning issues, understanding underlying management and structural issues, and consideration and use of alternatives to TA personnel to address capacity constraints where appropriate; – increased collaboration with other line agencies and GoPNG programs that target capacities at sub-national levels, within NGOs and communities; and – clarification of the roles and responsibilities of the LJSS and the CJLU and embedding their functions within the sector's institutional and budgetary framework over time, whether through the current LJSS and CJLU structures or through such other arrangements as GoPNG ultimately decides. • All PALJP assistance, particularly under Component 1, encourages and supports the sector's efforts to strengthen partnerships among sector stakeholders, particularly to improve coordination and coherence in planning and budgeting systems, and to clarify and build mutual understanding of relevant systems and processes within central agencies, at sub-national levels of government and at the community level, including for example: <ul style="list-style-type: none"> – increased engagement with central agencies on public sector reform priorities, such as HR, payroll and budget constraints; and – refinement of the sector's PEF (including the sector's geographic pilot program, community justice centres and the operations of the CJLU), raising its profile within the sector and with partners at the sub-national level and using it as a tool for driving improvements to service delivery at the local level. • Institutional partnerships supported by PALJP between PNG law and justice agencies with agencies, institutions and organisations in Australia and the region (including, for example, institutional twinning arrangements) are demand driven, mutually beneficial, clearly planned for and costed as part of the sector's annual planning and budgeting cycle and coordinated with other relevant GoA-funded initiatives. • All PALJP TA personnel positions are jointly planned and recruited with PNG sector partners, have clearly articulated roles and responsibilities and are progressively and increasingly managed by GoPNG partners. • All PALJP TA personnel positions include capacity building targets that are jointly determined with PNG sector partners, clearly articulated and used as the basis for assessing individual TA personnel performance. • The ISP management team provides effective capacity building expertise and encourages the use of and support for PNG systems, consistent with the PALJP capacity building approach articulated in this design. • The ISP supports the recruitment, management and ongoing professional development of TA personnel consistent with the PALJP capacity building approach articulated in this design, for example: <ul style="list-style-type: none"> – professional development opportunities for TA personnel are provided, including a strong focus on cross-cultural and language skills and involving PNG sector partners wherever possible and appropriate; – constructive relationships among all TA personnel are maintained; and • TA personnel are increasingly accessible to the sector and its partners in locations outside Port Moresby.
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Effective GoA-GoPNG development partnership	<ul style="list-style-type: none"> GoA governance arrangements enable effective GoA coordination and coherence, particularly among active partners (ie AusAID, AFP, AGD and CO), and GoA-GoPNG sector specific policy dialogue complements broader bilateral engagement processes in providing strategic guidance to PALJP implementation. AusAID and DNPM jointly manage the PALJP on behalf of both governments, including production of an annual statement summarising GoA assistance to the sector and an agreed annual work plan to monitor, review, evaluate and report on effectiveness of PALJP in the context of broader DCS PRD processes. The PNG-Australia L&J Adviser position supports effective engagement and stronger partnership between GoA, DNPM and sector partners. All GoA engagement with the law and justice sector is streamlined and coordinated in order to minimise any negative impact on the operations of the sector, in particular, it complies with the sector's internal governance protocols, is strategic and planned around key decision-making points in PNG's budget cycle. PALJP collaborates with other GoA-funded programs in PNG to enable cross-aid program learning and coordination, particularly to avoid duplication of effort and to strengthen GoA's development partnerships with central agencies through the Public Sector and Economic Governance Program, with NGOs and communities through the Democratic Governance Program and with sub-national levels of government through the Sub-National Strategy. PALJP collaborates with other donors to ensure effective harmonisation of assistance to the law and justice sector and supports the sector to strategically align and, wherever possible, integrate the contributions of other donors through the use of the sector's planning, budget and implementation processes. All ISP operations, including the ISP management team and TA personnel, support GoA-GoPNG joint management of PALJP.
Gender equality and gender mainstreaming	<p><i>In addition</i> to sector level assessment of overall progress in implementation of the Law & Justice Sector Gender Strategy and SSF Goal 1, Strategy 3: Reduce Family and Sexual Violence:</p> <ul style="list-style-type: none"> GoA - GoPNG sector specific policy dialogue includes a focus on the sector's progress in implementing its Gender Strategy and SSF Goal 1, Strategy 3 (reduce family and sexual violence). PALJP support for implementation of the sector's Gender Strategy works effectively with the relevant AMT and other reform champions in the sector, and recognises the particular role of men in driving change toward greater gender equality. PALJP support for implementation of the PEF supports integration of the sector's Gender Strategy objectives, including, for example, support through the CJLU to strengthen advocacy and engagement by NGOs targeting gender-based violence and non-violent conflict resolution, in collaboration with the GoA-funded Democratic Governance Program. The PNG-Australia Law & Justice Adviser facilitates effective collaboration between PALJP and AusAID's Gender Adviser. The ISP management team provides practical gender mainstreaming expertise and ensures a focus on gender mainstreaming within TA personnel management and professional development programs. The Core Support Team includes practically-focused expertise in the area of gender equality and mainstreaming (at least 2 dedicated CST positions) to support measurable progress in implementing the priority gender-related initiatives within the sector, both internally, in terms of developing and implementing workplace policies, and externally, in terms of adaptation of core business particularly in the priority areas of reducing gender-based violence and the implementation of restorative justice. All PALJP TA personnel positions understand and integrate principles of gender equality and gender mainstreaming in their capacity building approach, for example: <ul style="list-style-type: none"> assistance to planning and budgeting supports increased development of practical approaches to the implementation of the sector's Gender Strategy that target the removal of barriers to gender quality and securing appropriate funding for these activities; assistance to monitoring and evaluation supports the incorporation of gender indicators into the SSF PMF (particularly to measure progress in

	<p>implementation of the sector's Gender Strategy) and increasing collection and use of sex and age disaggregated data and data relating to gender equality; and</p> <ul style="list-style-type: none"> – assistance to strategic planning and policy development in the area of sector infrastructure supports increased linkages between infrastructure development and gender equality.
Anti-corruption	<p><i>In addition</i> to sector level assessment of overall progress in implementation of relevant sector goals and strategies, most notably SSF Goal 4: Improved Accountability and Reduced Corruption:</p> <ul style="list-style-type: none"> • GoA - GoPNG sector specific policy dialogue includes a focus on the sector's progress in implementing its anti-corruption objectives and supports improved collaboration, coordination and coherence across all GoA partners involved in supporting the sector's anti-corruption efforts (ie AusAID, AFP, AGD and CO). • AusAID and DNPM jointly monitor expenditure of GoA/GoPNG funding under the Development Budget (with particular attention to high-risk areas such as expenditure on infrastructure) in compliance with financial management, fraud control and accountability requirements of both governments, drawing on sector financial management and audit data from the LJSS, PALJP ISP financial management and data from AusAID-commissioned independent audits. • AusAID and DNPM, working with the LJSS, ensure that agreed imprest account procedures governing the use of PALJP funds are kept updated and compliant with the financial management, fraud control and accountability requirements of both governments and independent audits of the imprest accounts are commissioned on an annual basis as part of the Annual Review of Aid Effectiveness. • PALJP supports the sector's priorities and plans to improve governance and tackle corruption, including the ongoing implementation of the Barnett Report and active participation in PNG's whole-of-government efforts to develop and implement a National Anti-Corruption and Good Governance Strategy. • PALJP supports stronger, externally driven demand for performance information and accountability in the law and justice sector by: <ul style="list-style-type: none"> – supporting improved transparency, broader and more equitable participation as part of assistance to the sector's planning and budgeting processes; and – complementing and working proactively with other GoA programs that are supporting demand-side functions of central agencies (eg Strongim Gavman Program, EPSG, FMIP), sub-national levels of government (eg SNS) and communities (eg Democratic Governance Program). • PALJP capacity building support at both the agency and sector level includes: <ul style="list-style-type: none"> – CST expertise (at least 2 dedicated positions) and, as necessary, other resources in the area of financial management, fraud control and accountability; and – CST expertise (at least 2 dedicated positions) and, as necessary, other resources in the area of performance management, monitoring and reporting. • The PNG-Australia Law & Justice Adviser facilitates effective collaboration between PALJP and AusAID's Anti-Corruption Adviser. • The ISP financial management services support GoA - GoPNG joint management and mutual accountability in relation to aid program funds, including compliance with the financial management, fraud control and accountability requirements of both governments.
HIV mainstreaming	<p><i>In addition</i> to sector level assessment of overall progress in implementation of the sector's response to HIV and AIDS under SSF Goal 5, Strategy 4: Integrate HIV/AIDS responses into the sector and agencies:</p> <ul style="list-style-type: none"> • GoA - GoPNG sector specific policy dialogue includes a focus on the sector's progress in HIV mainstreaming efforts and implementation of its HIV and AIDS responses. • PALJP support for implementation of the sector's HIV mainstreaming objectives works effectively with the relevant AMT and reform champions in the sector. • PALJP support for implementation of the PEF includes a focus on integration of the sector's HIV mainstreaming objectives and responses. • The PNG-Australia Law & Justice Adviser facilitates effective collaboration between PALJP and the GoA funded HIV and AIDS program team.

	<ul style="list-style-type: none"> • The ISP management team ensures a focus on HIV mainstreaming within TA personnel management and professional development programs. • The Core Support Team includes practically-focused expertise in the area of HIV mainstreaming (at least 2 dedicated CST positions) to support measurable progress in implementing the priority HIV and AIDS initiatives within the sector, both internally, in terms of developing and implementing workplace policies, and externally, in terms of adaptation of core business particularly in the priority agencies of police, correctional services, village courts and magisterial services. • <i>All</i> PALJP TA personnel positions understand and integrate principles of HIV mainstreaming in their capacity building approach, for example: <ul style="list-style-type: none"> – assistance to planning and budgeting supports increased development of practical responses to HIV mainstreaming, with a particular focus on key agencies such as Correctional Services, RPNGC, Magisterial Services and Village Courts; – assistance to monitoring and evaluation supports increased collection and use of information, data and analysis about the impact of HIV and AIDS within the sector and the effectiveness of the sector's responses; – assistance to strategic planning and policy development in the area of sector infrastructure supports increased linkages between infrastructure development and the sector's HIV response.
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PALJP MEF timetable

Notes

This section sets out the key PALJP MEF processes and related reporting (including relevant planning documents) for each quarter over the life of the PALJP, including transitional arrangements at either end of the five year duration. Planning processes undertaken in the fifth year of PALJP implementation will be subject to planning and design processes for future GoA assistance to the law and justice sector.

PALJP ISP Contractor Performance Monthly Updates and Quarterly PALJP aid effectiveness discussions between AusAID, DNPM and the ISP will occur for the life of PALJP but are not shown in the table.

	2008	2009	2010	2011	2012	2013	2014
Q1		LJSP Annual Report (LJSP contractor) LJSP Activity Completion Report (LJSP contractor) LJSP Independent Completion Report PALJP Baseline Performance Data Report	ISP Contractor Performance – Annual Report Annual Aid Effectiveness Review (AusAID/DNPM)	ISP Contractor Performance – Annual Report Annual Aid Effectiveness Review (AusAID/DNPM) Biennial Independent Contribution Analysis	ISP Contractor Performance – Annual Report Annual Aid Effectiveness Review (AusAID/DNPM) AusAID to initiate planning/design process for future GoA support	ISP Contractor Performance – Annual Report Annual Aid Effectiveness Review (AusAID/DNPM) Biennial Independent Contribution Analysis	ISP Contractor Performance – Annual Report PALJP Activity Completion Report (AusAID /DNPM) PALJP Independent Completion Report <i>ISP demobilisation and transition</i>
Q2		Preliminary PALJP Annual Statement of Contribution	Preliminary PALJP Annual Statement of Contribution	Preliminary PALJP Annual Statement of Contribution	Preliminary PALJP Annual Statement of Contribution	Preliminary PALJP Annual Statement of Contribution	
Q3		ISP Contractor Perf – Half Yearly Update	ISP Contractor Perf – Half Yearly Update	ISP Contractor Perf – Half Yearly Update	ISP Contractor Perf – Half Yearly Update	ISP Contractor Perf – Half Yearly Update	
Q4	Annual Program Plan (LJSP/AusAID) Annual Aid Effectiveness Work Plan (AusAID/ DNPM) <i>ISP mobilisation</i>	Final PALJP Annual Statement of Contribution (AusAID) Annual Aid Effectiveness Work Plan (AusAID/ DNPM)	Final PALJP Annual Statement of Contribution (AusAID) Annual Aid Effectiveness Work Plan (AusAID/ DNPM)	Final PALJP Annual Statement of Contribution (AusAID) Annual Aid Effectiveness Work Plan (AusAID/ DNPM)	Final PALJP Annual Statement of Contribution (AusAID) Annual Aid Effectiveness Work Plan (AusAID/ DNPM)	Final PALJP Annual Statement of Contribution (AusAID) Annual Aid Effectiveness Work Plan (AusAID/ DNPM)	

Annex 9 – Design Process & Summary of consultations

Initial planning and preparation for this design began in October 2006. This included preparations for the analysis and review work that needed be done in the lead up to the design. It also included preparation of the contractual arrangements to extend the existing programs of support to enable a smooth transition to the PALJP. The design process followed a four-step process that covered: background research and analysis; strategy development; design development; and tendering and contracting. The first three of these steps are detailed below.

Background research and analysis

A number of reviews and analyses were conducted throughout 2006-2007. In late 2006 a major law and justice sector review and contribution analysis was undertaken jointly by PNG and Australia. Reviews were commissioned of the Community Justice Liaison Unit and of work in Bougainville. Various background papers were also commissioned in 2007 to inform the design, as outlined in the table below.

Title	Author	Date
AusAID Assistance to PNG's Law & Justice Sector (2003-2007): Lessons Learned – Desk Review	Livingston Armytage	March 2007
Capacity Building Approaches – Desk Review	Kathy Mansfield Higgins	May 2007
AusAID Assistance to PNG's Law & Justice Sector (2003-2007): Monitoring and Evaluation Issues and Approaches	Jessica Kenway & John Winter	July 2007
PNG Law & Justice Sector - Approaches to Capacity Building	Patricia Lyon	August 2007
Performance-Based Approaches and Incentives for Change	Kirsten Bishop	August 2007

Strategy development

This analysis led the way for a strategy to be developed by Australia to outline broad principles on how it should support the PNG law and justice sector in future. In March 2007, consultations took place with each of the stakeholders at the National Coordinating Mechanism (NCM) level, the Law and Justice Sector Working Group (LJSWG) level, in selected provinces and with a number of civil society organisations. Follow up consultations took place in April 2007 in both PNG and Australia. This provided the basis for the development of the *Framework for Australian Assistance to PNG's Law & Justice Sector* (Framework Paper). The Framework Paper was independently appraised and peer reviewed by AusAID. It was endorsed by the NCM in September 2007.

Design development

A design team was formed in August 2007, comprising of a design specialist recruited internationally for the role and representatives of AusAID, Department of National Planning & Monitoring and the law and justice sector. The team commenced consultations with stakeholders, including with provincial and district level stakeholders in Kokopo. Unfortunately, the design specialist resigned for personal reasons in September. A replacement design specialist was identified from AusAID Canberra and the team reformed to continue its work in October. The design team members were:

- Kirsten Bishop, Law and Justice Adviser, AusAID, Canberra
- Joanne Clarkson, Chief Inspector, RPNCG – Law and Justice Sector representative
- Willie Kumanga, Senior Planner, Department of National Planning & Monitoring
- Romias Waki, Senior Program Officer, AusAID, Port Moresby

From October to December, the team completed consultations with stakeholders in PNG and Australia. A list of the people consulted is set out below. The consultation process included the development of a series of issues papers on key topics which were then tested with focus groups and a reference group in PNG. Issues papers were developed on the following topics: *Infrastructure, Capacity Building, Community and Provincial Engagement, Monitoring and Evaluation, Planning and Budgeting, and Management Models*. Throughout this process, expertise was drawn on from AusAID Canberra including a range of advisers specialising in design, capacity development, monitoring and evaluation and

infrastructure development. This process enabled key stakeholders to have detailed input on issues that were most pressing for the PALJP design.

This design document was developed by drawing on the outcomes of this long process of consultation, discussion, debate and deliberation. The design team wishes to thank all of those who contributed their time and ideas to this process.

Places visited and people consulted

PNG National Level Consultations

Law & Justice Sector Secretariat

Sharkey	Terim	Implementation Coordination Officer	20 Aug 07
Stephen	Pokanis	Senior Implementation Coordination Officer	20 Aug 07
Tau	Hoire	Implementation Coordination Officer	20 Aug 07
Iva	Kola	Manager, Implementation Coordination	20 Aug 07
William	Waiembi	Senior Internal Auditor	20 Aug 07
Gabriel	Tika	Internal Auditor	20 Aug 07
Kepas	Paon	Director	17 Oct 07
Joe	Kanekane	OIC Media and Communications	17 Oct 07
Tom	Gillis	Manager, Finance	17 Oct 07
Robert	Tarube	Housing and Infrastructure Officer	31 Oct 07

Department of Justice & Attorney-General

Herman	Buago	First Assistant Secretary, Policy and Planning	21 Aug 07
Benny	Metio	Deputy Secretary, Finance and Administration	21 Aug 07
Benedict	Batata	Deputy State Solicitor	21 Aug 07
Monica	Yibmaramba	First Assistant Secretary, Financial Management	21 Aug 07
Pex	Bua	First Assistant Secretary, Human Resource	21 Aug 07
Peni	Keris	Director, Village Courts Secretariat	21 Aug 07
Julius	Pololi	Community Based Corrections Officer	24 Aug 07
Hitelai	Polume-Kiele	Acting Secretary & Attorney General	28 Aug 07
Neville	Devete	Acting Solicitor General	11 Sep 07
Herman	Buago	First Assistant Secretary, Policy & Planning	12 Oct 07
Benny	Metio	Deputy Secretary, Corporate	12 Oct 07
Negil	Kauvu	Director, Community Based Corrections	12 Oct 07
Peni	Keris	Director, Village Courts	12 Oct 07

Office of the Public Prosecutor

Francesca	Tamate	Officer Manager	23 Aug 07
Mary-Anne	Zurenuoc	Senior Lawyer	23 Aug 07
Jack	Pambel	Ag Public Prosecutor	29 Aug 07
Camilus	Sambua	Ag Deputy Public Prosecutor (Admin)	16 Oct 07
Raphael	Luman	Senior State Prosecutor	16 Oct 07
Francesca	Tamate	Ag Office Manager	16 Oct 07

Office of the Public Solicitor

Frazer	Pitpit	Public Solicitor	24 Aug 07
Darrel	Sakumai	Deputy Public Solicitor, Criminal	16 Oct 07

Paul	Tusais	Deputy Public Solicitor, Civil	16 Oct 07
Luke	Siminji	Senior Lawyer	16 Oct 07
Michael	Norum	Senior Lawyer	16 Oct 07
Maristella	Painap	Principle Legal Officer, Criminal	16 Oct 07
<i>National Judicial Services & National Judicial Staff Services</i>			
Anna	Nenta	Director Human Resources	21 Aug 07
Ian	Augerea	Registrar, National & Supreme Court	21 Aug 07
Pavora	Maruti	NJSS Officer	21 Aug 07
Konio	Vai	Information Management	21 Aug 07
Kapi	Sarohafa	Deputy Secretary	21 Aug 07
Paniel	Mogish	Justice	24 Aug 07
Paniel	Mogish	Judge	10 Oct 07
Sam	Mulina	Executive Officer, Chief Justice	10 Oct 07
Kapi	Sarohafa	Deputy Secretary	10 Oct 07
Sir Mari	Kapi	Chief Justice	17 Oct 07
Sir Salamo	Injia	Deputy Chief Justice	17 Oct 07
Ron	Silovo	Secretary	17 Oct 07
Matthew	Abudi	Buildings' Manager	31 Oct 07
Alison	Tammy	Manager, Corporate Services	22 Nov 07
<i>Royal PNG Constabulary</i>			
Tom	Kulunga	Deputy Commissioner of Police - Administration	22 Aug 07
Robert	Ali	Ag Police Prosecutor and President – Police Union	22 Aug 07
Michael	Welsh	Officer in Charge – NCRO	22 Aug 07
Peter	Guinness	CID – Boroko	24 Aug 07
Gari	Baki	Commissioner of Police	27 Aug 07
Joab	Mangae	Assistant Commissioner of Police – Logistics	17 Oct 07
Jim	Wan	Assistant Commissioner of Police – Policy & Planning	23 Oct 07
Peter	Guinness	Officer in Charge CID National Capital District	23 Oct 07
Matthew	Damaru	Director, National Fraud & Anti-Corruption Directorate	23 Oct 07
Moses	Ibsagi	Officer in Charge Trans National Crime Unit	23 Oct 07
John	Tape	Lands & Buildings	31 Oct 07
<i>Correctional Services</i>			
Dominic	Tomar	Assistant Commissioner – Policy & Planning	22 Aug 07
Dominic	Tomar	Assistant Commissioner – Policy & Planning	11 Oct 07
Martin	Balthasar	Deputy Commissioner Operations	11 Oct 07
Molly	Moihau	Welfare and Rehabilitation	11 Oct 07
David	Kanumbom	Assistant Commissioner - Finance	11 Oct 07
Renson	Tiki	Southern Divisional Command	11 Oct 07
Josephine		Finance Division	11 Oct 07
Mea	Sareva	Director, Facilities Management Unit	11 Oct 07
Anthony		Facilities Management Unit	11 Oct 07
John		Facilities Management Unit	11 Oct 07

Francesca	Marengo	CS Officer	11 Oct 07
<i>Ombudsman Commission</i>			
Ila	Geno	Chief Ombudsman	29 Aug 07
Roderick	Kamburi	Acting Ombudsman	29 Aug 07
Mavara	Sere	Secretary	29 Aug 07
Simeon	Namunu	Manager Policy & Planning	17 Oct 07
Allan	Barilae	Acting Secretary	18 Oct 07
Nemo	Yalo	Counsel	18 Oct 07
John	Toguata	Director, Regions and External Relations	18 Oct 07
Genly	Malawae	OC Officer	31 Oct 07
<i>Magisterial Services</i>			
John	Numapo	Chief Magistrate	27 Aug 07
Clivson	Philip	Registrar	10 Oct 07
Robin	Guria	Manager, Policy & Planning	10 Oct 07
Kasihana	Nawayap	Manager, Finance	10 Oct 07
Simon	Patimos	Manager, HR	10 Oct 07
Murphy	Saesaria	Manager, IT	10 Oct 07
Thomas	Bona	MS Officer	10 Oct 07
John	Numapo	Chief Magistrate	11 Oct 07
<i>Department of National Planning & Monitoring</i>			
Ulato	Avei	Deputy Secretary	29 Aug 07
Valentine	Kambori	Secretary	23 Oct 07
Ruby	Zarriga	FAS – Governance	23 Oct 07
Hakaua	Harry	AS - Governance	23 Oct 07
Roger	Kara	FAS – Monitoring & Evaluation	23 Oct 07
William	Sent	Senior Monitoring Officer	10 Dec 07
Valentine	Kambori	Secretary	12 Dec 07
<i>Other Central Agencies</i>			
Anton	Semeko	FAS, Internal Audit & Compliance – Dept of Finance	11 Sep 07
Ruth	Veapu	FAS, Budgeting – Dept of Finance	13 Sep 07
Peter	Siperau	Director, Provincial & LLGs - DPLGA	13 Sep 07
Dickson	Guina	Director, Reform Coordination & Monitoring - DPLGA	14 Nov 07
Ray	Kala	Ass Dir, Reform Coordination & Monitoring - DPLGA	14 Nov 7
<i>Other Agencies/Bodies</i>			
Lawrence	Kalinoe	Secretary, Constitutional & Law Reform Commission	24 Aug 07
Alfred	Nabum	Head, Internal Audit, Bank of PNG	12 Sep 07
Matthew	Yuwangu	Director, National Anti-Corruption Alliance (NACA)	12 Sep 07
Pauline	Mogish	Director, Legal Training Institute	11 Oct 07
Nao	Badu	CEO, National Economic & Fiscal Commission	16 Oct 07
Felicity	Herbert	Adviser, National Economic & Fiscal Commission	16 Oct 07
Lawrence	Kalinoe	Secretary, Constitutional & Law Reform Commission	23 Oct 07
Mapesa	Dune	Director, Research - CLRC	23 Oct 07

Teine	Maine	Director, Policy -CLRC	23 Oct 07
Brian	Kimmins	Chairman, Central Supply & Tenders Board	02 Nov 07
John	Kwarara	Senior Contract Co-ordinator, CSTB	02 Nov 07
Kerenga	Kua	President, PNG Law Society	21 Nov 07
Bob	Mellor	Secretary, PNG Law Society	21 Nov 07

Non-Government Organisations

Rodney	Kameata	National Coordination, Community Justice Liaison Unit (CJLU)	
Emily George	Taule	Executive Director, Transparency International (PNG)	
Alois	Francis	Deputy Executive Director, CIMC	10 Sep 07
Marjorie	Andrew	Deputy Director, Institute of National Affairs and Executive Director, CIMC	10 Sep 07
Ume	Wainetti	Chair, Family and Sexual Violence Action Committee, CIMC	10 Sep 07
Nawi	Nano	Training Coordinator/Social Worker, City Mission PNG	25 Oct 07
Maris	Taolam	Accountant, City Mission PNG	25 Oct 07
Onnie	Teio	CJLU Project Officer, NCD	25 Oct 07
Hilan	Los	Executive Director, Individual & Community Rights Advocacy Forum	25 Oct 07
Justine	Vuvu	Finance Officer, YWCA PNG	25 Oct 07
Marie	Balil	Program Coordinator, YWCA PNG	25 Oct 07
Kevin	Gini	Salvation Army	25 Oct 07
Daniel	Bidar	Lawyer, CELCOR Inc	25 Oct 07
Lua	Alu	Acting Director, Lifeline	25 Oct 07
Gary	McPherson	Administration Manager, Peace Foundation Melanesia	25 Oct 07
Adrian	Genolagani	Project Manager, Peace Foundation Melanesia	25 Oct 07

PNG Sub-National Level Consultations

National Capital District Commission

Leslie	Alu	Acting City Manager	15 Oct 07
Robin	Yanopa	Deputy City Manager, Community & Social Services	15 Oct 07
Kila	Nick	Yumi Lukautim Mosbi (YLM), Sports	15 Oct 07
Rabura	Aiga	YLM	15 Oct 07
Posu	Aero	YLM	15 Oct 07

East New Britain Province

Xystus	Kinala	Provincial Planner - Planning Division, Kokopo, East New Britain Provincial Administration (ENBPA)	05 Sep 07
Molly	Waninara	Planning Officer - Planning Division, Kokopo, ENBPA	05 Sep 07
Grace	Burua	Planning Division, ENB Kokopo, ENBPA	05 Sep 07
Levi	Mano	Deputy Administrator, Program Management, ENBPA	05 Sep 07
Clement	Isarua	Deputy Administrator, Local Level Government & District Administration, ENBPA	05 Sep 07
Kepas	Piniau	Provincial Village Courts Officer, ENBPA	05 Sep 07
Beddie	Jubilie	Advisor, Division of Community Development, ENBPA	05 Sep 07
Puipui	Tuna	Division of Community Development, ENBPA	05 Sep 07

Oplen	Kaluwin	Local Level Government, ENBPA	05 Sep 07
Robin	Sampson	Lands, ENBPA	05 Sep 07
Alice	Pawa	Provincial Administration, ENBPA	05 Sep 07
Elizabeth	Konmil	Pomio District NGO representative	05 Sep 07
Tony		NGI Security representative	05 Sep 07
Ruby	Matane	Local Level Government women's representative	05 Sep 07
Peter	Tatuai	NGO representative	05 Sep 07
<i>Central Province</i>			
Manaseh		Lands & Physical Planning Manager, Central Provincial Administration (CPA)	26 Oct 07
Marina	Faiteli	Planning Division, CPA	26 Oct 07
Jenny	Vagi	Community Development Manager, CPA	26 Oct 07
Duty	Pae	Village Courts Advisor, CPA	26 Oct 07
Cliff	Boutau	Deputy Administrator, CPA	26 Oct 07
Morea	Arua	Planning Division, CPA	26 Oct 07
George	Gwaibo	Village Court Inspector, Rigo District	26 Oct 07
Wilson	Kunei	Civil Register, Rigo District	26 Oct 07
Saro	Bala	Local Level Government Manager, Rigo Coast LLG	26 Oct 07
Otto	Silona	District Planner, Rigo District	26 Oct 07
Laimo	Asi	Police Station Commander, Kwikila	26 Oct 07
Nick	Gorua	District Administrator, Rigo District	26 Oct 07
Yobu	Lalai	District Education Superintendent, Rigo District	26 Oct 07
<i>Morobe Province</i>			
Areno	Sesiguoc	Planner, Morobe Provincial Administration	05 Nov 07
Sheila	Harou	Finance Manager, Morobe Provincial Administration	05 Nov 07
Giossi	Labi	Divisional Commander Momase, RPNGC	05 Nov 07
Nema	Mondiai	Metropolitan Superintendent, Lae, RPNGC	05 Nov 07
Anna	Raymond	Solicitor in Charge, Office of the Public Solicitor, Lae	05 Nov 07
Nicholas	Miviri	Prosecutor in Charge, Office of the Public Prosecutor, Lae	05 Nov 07
Alan	McLay	President, Chamber of Commerce, Lae	05 Nov 07
Joyce	Ipmawar	Salvation Army	05 Nov 07
Grace	Moro	Salvation Army	05 Nov 07
George	Raubi	Save the Children - Poro Sapot Projek	05 Nov 07
Anastasia	Wakon	Women & Child Support Centre, Angau Hospital, Lae	05 Nov 07
Leah	Jofuve	PNG Family Health Association	05 Nov 07
Lorraine	Kitimun	PNG Family Health Association	05 Nov 07
<i>Markham District (Mutzing Station)</i>			
Peter	Igish	Police Station Commander, Mutzing	06 Nov 07
Bohage	Bebeniso	District Administrator, Markham District	06 Nov 07
Martha	Elisa	Community Women's Representative	06 Nov 07
Henry	Mileng	District Education Advisor, Markham District	06 Nov 07
Giwi Wada	Suam	Chairman, Sangan Village Court	06 Nov 07

Charlie	Kaiapit	Chairman, Gurum Village Court	06 Nov 07
Jack	Guas	Village Court Magistrate	06 Nov 07
Moses	Wau	Land Mediator, Mutzing	06 Nov 07
Yapet	Diadam	Chairman, Gama Village Court	06 Nov 07
Philip	Barnabas	Administration Officer, Markham District	06 Nov 07
Steven	Manum	Village Court Magistrate, Sangam	06 Nov 07
John	Simpul	Village Court Officer, Gama	06 Nov 07
Nathan	Nabin	Village Court Magistrate, Gama	06 Nov 07
<i>Kainantu District</i>			
Ben	Beiyao	District Administrator, Kainantu	07 Nov 07
John	Haua	Police Station Commander, Kainantu	07 Nov 07
George	Pirie	Chairman, District Peace & Good Order Committee	07 Nov 07
Siump	Kawani	Community Justice Centre, Coordinator, Kainantu	07 Nov 07
Rex	Umpao	District Affairs Officer, Kainantu	07 Nov 07
Agusave	Kariefa	Land Mediator	07 Nov 07
Seveo	Urandi	Land Mediator	07 Nov 07
Cletus	Moses	Officer in Charge Reserve, Kainantu Police Station	07 Nov 07
Yuri	Gaupo	Officer in Charge CID, Yonki Police Station	07 Nov 07
Theo	Miwakin	Officer in Charge CID, Kainantu Police Station	07 Nov 07
Max	Ikupa	Highway Patrol, RPNGC	07 Nov 07
Mayang	Oiyufa	Officer in Charge Public Safety, RPNGC Kainantu	07 Nov 07
Francis	Geiboug	Reserve Sergeant, RPNGC	07 Nov 07
Henry	Iru	Highway Patrol, RPNGC Yonki	07 Nov 07
Ericson	Anji	CID, Kainantu Police Station	07 Nov 07
Kikisi	Ben	Officer in Charge Highway Patrol, RPNGC Yonki	07 Nov 07
Tamahan	Calisto	Public Safety, RPNGC Yonki	07 Nov 07
Stickie	Damake	Constituency Officer	07 Nov 07
Trexy	Anakime	District Administration Officer	07 Nov 07
<i>Eastern Highlands Province</i>			
Mal	Smith	Governor, Eastern Highlands Province	08 Nov 07
John	Gimisive	Deputy Provincial Administrator, Eastern Highlands Provincial Administration (EHPA)	08 Nov 07
John	Sari	Provincial Advisory Committee Secretariat, EHP	08 Nov 07
Charles	Barekas	Manager, Law & Justice Sector Program, EHPA	08 Nov 07
Ben	Sapu	Provincial Village Courts Adviser, EHPA	08 Nov 07
Andrew		Village Courts Adviser, EHPA	08 Nov 07
Joseph	Teresan	Welfare & Rehabilitation, CS, Bihute	08 Nov 07
Francis	Jopare	Welfare & Rehabilitation, CS, Bihute	08 Nov 07
Yelly	Oiyufa	Officer in Charge, Welfare & Rehabilitation, CS, Bihute	08 Nov 07
Naomi	Yupae	Family Voice, PNG	08 Nov 07
Leanne	Wykes	UNICEF	08 Nov 07
Moale	Vagi-Kapi	AusAID, Sub-National Strategy Officer, EHP	08 Nov 07

Clyde	Hamilton	AusAID, Sub-National Strategy Officer, EHP	08 Nov 07
Don	Hurrel	Law & Justice Sector Program, Adviser, EHP	08 Nov 07

Australian Stakeholder Consultations

Glynn	Lewis	Federal Agent, AFP	Various
Abby	McLeod	Adviser, AFP	Various
Steven	Fox	ECP Officer, Executive Services, DJAG	21 Aug 07
Chris	Meaney	ECP Officer, Executive Services, DJAG	21 Aug 07
Teresa	Berrigan	ECP Officer, Office of the Public Prosecutor, DJAG	31 Aug 07
Ron	Brent	Deputy Ombudsman, Commonwealth Ombudsman	04 Oct 07
Stephen	Ranck	Director, Commonwealth Ombudsman	04 Oct 07
Pauline	Fowlie	Commonwealth Ombudsman	04 Oct 07
John	McGuinness	Director, National Judicial College	04 Oct 07
Natalie	Taylor	Researcher, Australian Institute of Criminology	04 Oct 07
Stephen	Henningham	Department of Foreign Affairs & Trade	05 Oct 07
Guy	Humphries	Department of Foreign Affairs & Trade	05 Oct 07
Max	Lewis	Department of Foreign Affairs & Trade	05 Oct 07
Daniel	Smith	Defence	05 Oct 07
Greg	Moores	Department of Finance & Administration	05 Oct 07
Karen	Walker	Treasury	05 Oct 07
John	Gallagher	Treasury	05 Oct 07
Nick	Morgan	Attorney-General's Department	05 Oct 07
Suzanne	Boag	Attorney-General's Department	05 Oct 07
Sinclair	Dinnen	Senior Fellow, Australian National University	18 Oct 07

Annex 10 – Selected References

GoPNG

Law & Justice Sector

Policies, guidelines and reports

- White Paper on Law and Justice, 2007
- National Law & Justice Policy & Plan of Action 2000 and Sector Strategic Framework 2005
- Law & Justice Sector Working Group, Law & Justice Sector Gender Strategy, 2005
- Law & Justice Sector Working Group, Provincial Engagement Framework, January 2006
- Law & Justice Sector Working Group, Housing Policy for the Law & Justice Sector, 2006
- Law & Justice Sector Working Group, Infrastructure Strategy Study Report, March 2002
- Law & Justice Sector Secretariat, Guidelines for the Preparation of the Law and Justice Sector 2008 Development Budget, 2007
- Law & Justice Sector Secretariat, Law & Justice Sector Imprest Account Procedures Manual, 2004 (as updated).
- Law & Justice Sector Secretariat, National Village Courts & Land Mediation Summit Report, 2007
- Law & Justice Sector Secretariat, Law & Justice Sector Annual Performance Reports (2005-2007)
- Government of PNG Law & Justice Sector Website: www.lawandjustice.gov.pg

Commissioned studies

- Clifford, Morauta & Stuart, Law and Order in Papua New Guinea, INA & IASER, 1984
- PNG Law and Justice Baseline Survey of Community Initiatives, 1997
- A Review of the Law and Justice Sector Agencies in Papua New Guinea, Opportunities to Improve Efficiency, Effectiveness, Coordination and Accountability, October 2002
- PNG Institute of National Affairs, Report of the Royal Papua New Guinea Constabulary Administrative Review Committee, September 2004
- PNG National Research Institute, Community Crime and Business Surveys (2004 - 2007)

Justice Advisory Group Reports

- Application and Implications of GoPNG's Law and Justice Policy and Plan of Action, as it relates to Restorative Justice - Assessment, April 2004.
- Working Paper on Restorative Justice and Community-Oriented Approaches to Crime Prevention and Dispute Resolution, July 2004
- Law & Justice Sector Program Facilities Review and Strategy Development Mission – Review Report, January 2006
- Sector Facilities Strategy Recommendations, January 2006
- Law and Justice Sector Monitoring, May 2007
- PNG Village Courts Support Review, April 2007
- Community Justice Liaison Unit Review, November 2007
- Review of the 2008 Law and Justice Sector Development Budget Process, November 2007

Whole of Government

- Medium Term Development Strategy 2005-2010, Medium Term Fiscal Strategy 2002-2007 and Medium Term Debt Strategy 2005-2009

- Strategic Plan for Supporting Public Sector Reform 2003-2007
- Provincial Performance Improvement Initiative and District Services Improvement Program
- National Land Development Program
- National Economic and Fiscal Commission, Review of Provincial Expenditure in 2005, 2007
- National Strategic Plan for HIV/AIDS
- PNG Commitment on Aid Effectiveness 2008

GoA

Development Cooperation

- White Paper on the Australian Government's Overseas Aid Program (2006)
- Tackling Corruption for Growth and Development (2007)
- Gender equality in Australia's aid program – why and how (2007)
- Peace, Conflict and Development Policy (2002)

AusAID PNG program design documentation

- Democratic Governance Program, Sub-National Strategy, Public Sector and Economic Governance, HIV and AIDS Program - Sanap Wantaim, Sport for Development Initiative

AusAID Law and Justice Sector Assistance

Preparatory studies and design documentation for current phase

- Law & Justice Assistance and Poverty Reduction in PNG, Desk Study 2002
- Concept Paper for a Law and Justice Sector Program November 2002
- LJSP PDD, particularly Volume II Analysis Papers 2004

Recent reviews and evaluations of current phase

- PNG Law & Justice Sector – Review and Contribution Analysis December 2006 (AusAID)
- PNG Law & Justice Sector – Approaches to Capacity Building 2007 (Lyon)
- AusAID Assistance to PNG's Law and Justice Sector (2003-2007): Lessons Learned – Desk Review 2007 (Armytage)
- AusAID Assistance to PNG's Law and Justice Sector (2003-2007): Monitoring & Evaluation 2007 (Kenway)
- Rapid Review of Ombudsman Twinning Program 2008 (Lyon)

Preparatory studies and design documentation for future assistance

- Framework for Australian Assistance to PNG's Law & Justice Sector 2007
- PALJP Design - Issues Papers (2007)

Office of Development Effectiveness

- Office for Development Effectiveness report Violence Against Women in Melanesia and East Timor: A Review of International Lessons 2008 (forthcoming)

GoA-GoPNG joint strategies and reviews

- Development Cooperation Strategy 2006-2010
- Joint Aid Review 2004
- Law & Justice Sector Review 2001
- Law & Justice Sector Study 1993