



## RESEARCH REPORT

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### **Monitoring and Evaluation arrangements for the Law and Justice Sector in Papua New Guinea: a case study**

**By Sarah Dalrymple and Simon Rynn**

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#### **List of acronyms**

AMT	Activity Management Teams
APP	Annual Programme Plan
AusAID	Australian Agency for International Development
CJLU	Community Justice Liaison Group
DNPRD	Department of National Planning and Rural Development
DNPM	Department of National Planning and Monitoring
ECP	Enhanced Co-operation Program
GoA	Government of Australia
GoPNG	Government of Papua New Guinea
IMMETWG	Information Management, Monitoring and Evaluation Technical Working Group
JAG	Justice Advisory Group
LJSP	Law and Justice Sector Program
LJSS	Law and Justice Sector Secretariat
LJSWG	Law and Justice Sector Working Group
MEF	Monitoring and Evaluation Framework
NCM	National Co-ordinating Mechanism
PALJP	PNG-Australia Law and Justice Partnership
PMF	Performance Monitoring Framework
RPNGC	Royal Papua New Guinea Constabulary
SGP	Strongim Gavman Program
SSF	Sector Strategic Framework

## 1. Introduction

This report assesses the monitoring and evaluation (M&E) arrangements for the AusAID-supported Law and Justice Sector in Papua New Guinea (PNG). It covers both Government of PNG and AusAID mechanisms: examining their content, development and convergence over time. AusAID's Law and Justice Sector Program (LJSP) has been running since 2004, with an initial design phase one year prior to that. The LJSP presents a unique case study involving the support of only one donor (AusAID) to a sector programme that is led with an increasing level of ownership by the recipient government.<sup>1</sup>

The bulk of this case study covers the period from mid 2004 to October 2008 when field research for the case study was carried out in Port Moresby and Canberra in October/November 2008. This equates roughly to phase two of LJSP, which is now due to end in 2009. However, following a series of reviews and a redesign of the programme strategy, the LJSP is due to be re-launched as the PNG-Australia Law and Justice Partnership (PALJP) for the period 2009-2014.

The findings from this case study will be combined with that of other country case studies, donor surveys and a desk review to provide the evidence base for the Saferworld project 'Evaluating for Security: Developing specific guidance on monitoring and evaluating Security Sector Reform interventions'.<sup>2</sup> This will allow for specific guidance on monitoring and evaluating SSR to be developed through the unpacking of arrangements for M&E applied to specific Security Sector Reform (SSR)-related programmes within a particular country – each supported by different donors. Overall, the case studies focus on a combination of broader/joined-up SSR programmes, sector-wide security/justice programmes and individual piecemeal security/justice -related programmes/projects, such as community-based policing.

The M&E terminology used in this study is consistent with that used by the AusAID. Where appropriate, footnotes have been used to elaborate some specific terms in more detail.

## 2. Background

### 2.1 *Government of Papua New Guinea policy and strategy for law and justice sector development*

The Government of Papua New Guinea (GoPNG) initially clarified its priorities for law and justice through a National Law and Justice Policy and Plan of Action. The Policy was developed by the Law and Justice Sector Working Group (LJSWG) and endorsed by PNG's National Executive Council (Cabinet) in 2000. It has three pillars: improved functioning of the formal law and justice system; improved sectoral co-ordination and resource use; increased focus on crime prevention and restorative justice.<sup>3</sup> According to GoPNG policy, the PNG Law & Justice (L&J) Sector comprise the following agencies:

- Police (The Royal Papua New Guinea Constabulary);
- Correctional Services;
- Ombudsman Commission;
- Department of Justice and Attorney-General;
- Magisterial Services;
- National and Supreme Courts of PNG and National Judicial Staff Service;
- Office of Public Prosecutor;
- Office of Public Solicitor.

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<sup>1</sup> A number of other external actors are also involved in justice sector programming in PNG, including New Zealand Aid, UNICEF, the World Bank and UNDP. Their contribution is however small in comparison to that of AusAID.

<sup>2</sup> Other case studies include the Irish/Dutch backed *Justice, Law and Order Sector* in Uganda, the UNDP backed *Support to Security Sector Reform Programme* in Albania, the SDC backed *Implementation of Community-Based in Bosnia Herzegovina* and the UK backed *Sierra Leone Security Sector Programme*.

<sup>3</sup> Government of Papua New Guinea (January 2007), *A White Paper on Law and Justice in Papua New Guinea*.

The sector is co-ordinated through inter-departmental committees and supporting institutions:

- National Co-ordinating Mechanism (heads of the agencies listed above who meet to co-ordinate the work of the sector);
- Law and Justice Sector Working Group (mid–high level officials from the agencies who provide support to the NCM);
- Law and Justice Sector Secretariat (established by the sector in 2006 to support sectoral co-ordination);
- Community Justice Liaison Unit (established by the sector in 2004 to support the sector's engagement with the informal sector).

In 2005, a strategy for the L&J sector's development – the Sector Strategic Framework (SSF) – was agreed, based on the priorities set out in the Policy. The stated vision of the SSF is to, 'move towards a more just, safe and secure society for all people in PNG'.<sup>4</sup> This is supported by five goals:

1. Improved policing, safety and crime prevention;
2. Increased access to justice and just results;
3. Improved reconciliation, reintegration and deterrence;
4. Improved accountability and reduced corruption;
5. Improved ability to provide law and justice services.<sup>5</sup>

The SSF takes a ten-year view of actions required to implement the sector Policy. It articulates government objectives, elaborates key policy areas such as deterrence, community engagement, crime prevention and restorative justice, as well as reinforces and embeds the sector approach to co-operation and co-ordination. It also describes how particular policies will be carried out; defines the role of government and civil society; and defines in broad terms the level of service to be provided by the government and the quality of those services. Furthermore, it provides a framework for the sector's agencies to construct their three year corporate plans and their annual plans. In summary then, the SSF provides architecture through which to direct, harmonise and co-ordinate sector performance and development activities.<sup>6</sup>

Implementation of the PNG L&J sector policy can be said to occur at a number of levels, from high-level government policy (for example, the National L&J policy) and its accompanying implementation strategy (SSF), down to the corporate plans, projects and activities of individual agencies. The relationships between these different levels are illustrated by the following diagram:<sup>7</sup>

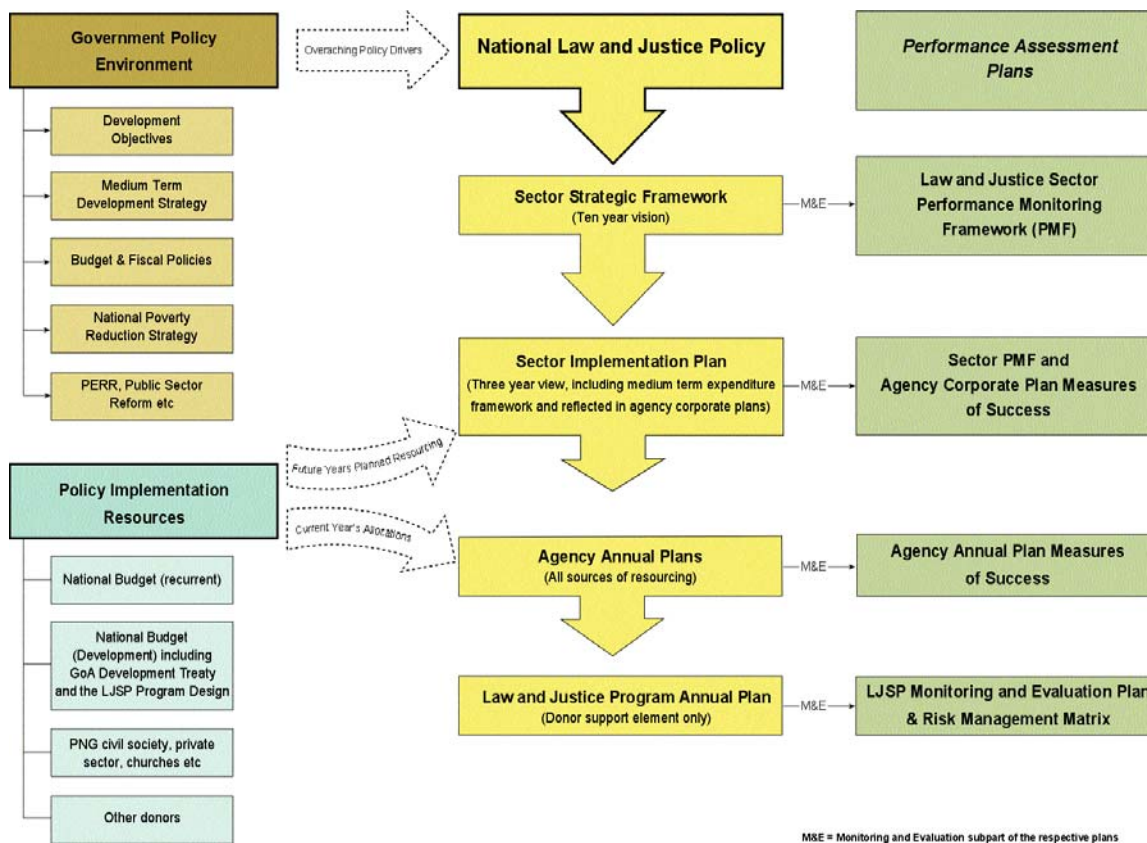
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<sup>4</sup> Government of Papua New Guinea (2005), *Sector Strategic Framework*.

<sup>5</sup> *Ibid.*

<sup>6</sup> Papua New Guinea-Australia Law and Justice Partnership (May 2008), *Programme Design Document*.

<sup>7</sup> Diagram taken from AusAID and Government of Papua New Guinea (April 2005), *Law and Justice Sector Program Final Design Document*, p 13. Note that while the DNPM did develop sector implementation plans, they have yet to be shared with this sector and thus the 'Performance Assessment Plans' are not currently in use or being monitored. Also note that there is a mistake in the last box in the middle row, which should say 'Law and Justice Sector Program Annual Plan'.



The GoPNG's priorities for the L&J sector were further defined through a new White Paper on Law and Justice, which was approved by the National Executive Council (Cabinet) in 2007. The White Paper endorses the priorities identified in the 2001 Policy and articulates a comprehensive reform agenda to drive the implementation of the SSF.<sup>8</sup> Key priorities identified in the White Paper include:

1. Reforming the justice ministry, primarily to separate key legal functions from justice administration and policy functions;
2. 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;
3. A focus on fraud and corruption, including strengthening the State Solicitor's office, increasing resources to the Ombudsman Commission, and improving co-ordination between the police, the Ombudsman Commission and the Public Prosecutor;
4. Criminal justice reform, including updating bail and sentencing laws and strengthening police investigations and prosecutions.<sup>9</sup>

Since 2003, the GoPNG has mandated a number of structures to oversee and ensure policy implementation:<sup>10</sup>

**National Co-ordinating Mechanism (NCM):** Established in 2003, the NCM comprises heads of departments from each law and justice agency and the Department of National Planning and Monitoring (DNPM). The NCM is supported by the LJSWG (see below) to oversee implementation of the Policy and AusAID LJSP.

**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

<sup>8</sup> *Ibid.*

<sup>9</sup> Government of Papua New Guinea (January 2007), *op cit.*

<sup>10</sup> AusAID and Government of Papua New Guinea (April 2005), *op cit.*

from the Department of National Planning and Monitoring (DNPM)<sup>11</sup> and the CJLU (see below). 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 co-ordination (including for the CJLU), sector-level M&E, communications and financial management (including internal audit). The LJSS is administratively attached to the DNPM.

*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 co-ordination and collaboration in implementing the sector's reform agenda across agencies. In 2008, there were approximately 18 AMTs established across a range of corporate functions (eg HR, finance, planning) and technical areas (eg fraud and corruption, restorative justice, gender etc). 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 implementing multi-agency initiatives.

*Community Justice Liaison Unit (CJLU):* The CJLU was established by the NCM in 2004 to assist law and justice agencies in strengthening 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.

## 2.2 Government of Australia support to the PNG law and justice sector

Australia has been providing assistance to PNG's L&J sector since the late 1980s, focussing initially on individual institutions such as the Royal Papua New Guinea Constabulary, Ombudsman Commission, Correctional Services, Department of Justice & Attorney-General and the courts.<sup>12</sup> Australian support has evolved over the years from project-based assistance to a more flexible and integrated approach, which operates through supporting PNG's own policies and objectives.<sup>13</sup>

Learning from past experience, since early 2003, AusAID has adopted a sector-based programmatic approach to its work through the LJSP. The preparatory phase of the LJSP ran from April-December 2003. Phase two – implementation – began in January 2004 and is ongoing.<sup>14</sup> LJSP's purpose is to support the implementation by the GoPNG of its National Law and Justice Policy, and SSF. The stated goal of AusAID's LJSP is 'to move towards a just, safe and secure society for all people in PNG and to increase the responsiveness of the justice sector to community needs, including improved delivery of legal and judicial services and law enforcement',<sup>15</sup> which is the same as the vision set out in the SSF.<sup>16</sup>

AusAID assistance to the law and justice sector has been provided through three mechanisms since 2004:

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<sup>11</sup> The DNPM is responsible for developing, monitoring, and reporting on key national development objectives and outcomes which feature in the GoPNG's Mid-Term Development Strategy. L&J development activities are in turn expected to contribute to national development outcomes through improved governance and nation-building.

<sup>12</sup> AusAID and Government of Papua New Guinea (April 2005), *op cit*.

<sup>13</sup> Papua New Guinea - Australia Law and Justice Partnership (May 2008), *op cit*.

<sup>14</sup> AusAID and Government of Papua New Guinea (April 2005), *op cit*.

<sup>15</sup> *Ibid*.

<sup>16</sup> Note: The LJSP is owned by the GoA and GoPNG, whereas the SSF is a GoPNG document.

*Law and Justice Sector Program (LJSP):* The LJSP was established in 2003 to provide flexible and co-ordinated support to law and justice agencies and community organisations for activities planned and budgeted by the GoPNG. The LJSP provides support both to individual agencies and the development of the L&J sector as an entity. Priority areas for Australian support are jointly agreed between AusAID and the GoPNG with reference to agency annual plans. The LJSP is now four years into its implementation phase and scheduled to run until 2009 during which time AusAID contributions will have totalled approximately \$150 million.<sup>17</sup>

The LJSP's immediate partners have been the constitutional office holders and department heads of the main L&J sector organisations, including: the Chief Justice, the Chief Ombudsman, Chief Magistrate, Attorney General, Commissioner of Police, Commissioner of Correctional Service, Public Prosecutor, Public Solicitor and Secretary of the DNPM. In-country, AusAID manages the programme from its Port Moresby office through a Managing Contractor (Cardno Acil Australia), which is responsible for operational, personnel and financial management: for example, recruiting and managing technical assistance, managing finances and providing strategic advice and operational support.

*Justice Advisory Group:* The Justice Advisory Group (JAG) is responsible for supporting the L&J sector in monitoring its performance at the sectoral level. The JAG also supports AusAID in monitoring the performance of the LJSP. The JAG is an AusAID activity, staffed by independent Advisors, but is a shared GoPNG/AusAID resource. Its staff works closely with the senior management of all law and justice agencies and the sector, providing policy advice and a mechanism for monitoring the performance of the sector as a whole. In particular, the JAG:

- Assists GoPNG in identifying sector outcomes, and advising on qualitative and quantitative performance indicators;
- Assists GoPNG in collecting sector performance information, primarily through existing law and justice agency monitoring systems but also from additional sources such as a community crime survey;
- Identifies key policy issues emerging from the sector Performance Monitoring Framework (PMF);
- Contributes to periodic reviews of sector performance;
- Contributes to independent reviews of AusAID's projects and programmes;
- Builds the capacity of both GoPNG and AusAID to undertake sectoral monitoring.<sup>18</sup>

AusAID contributions to JAG over six years have totalled \$14 million.<sup>19</sup>

*Strongim Gavman Program:* The Strongim Gavman Program (SGP, formerly known as the Enhanced Co-operation Program) was established in 2004 and initially comprised the deployment of Australian specialists in law and justice issues to provide targeted support to the L&J sector in PNG, particularly on anti-corruption. For example, approximately 150 Australian Federal Police (AFP) officers were deployed to serve in positions alongside PNG police.<sup>20</sup> However, the police component withdrew in 2005 as a result of a legal challenge.

The SGP is now a programme with a capacity development focus; making available Australian public servants for support-work in a range of government offices in PNG. In the L&J sector, 11 officials are working in the Office of the Public Prosecutor, Solicitor-General's office and Correctional Services.

The following diagram illustrates the relationship between the LJSP, JAG and the GoPNG around the 2005 period:<sup>21</sup>

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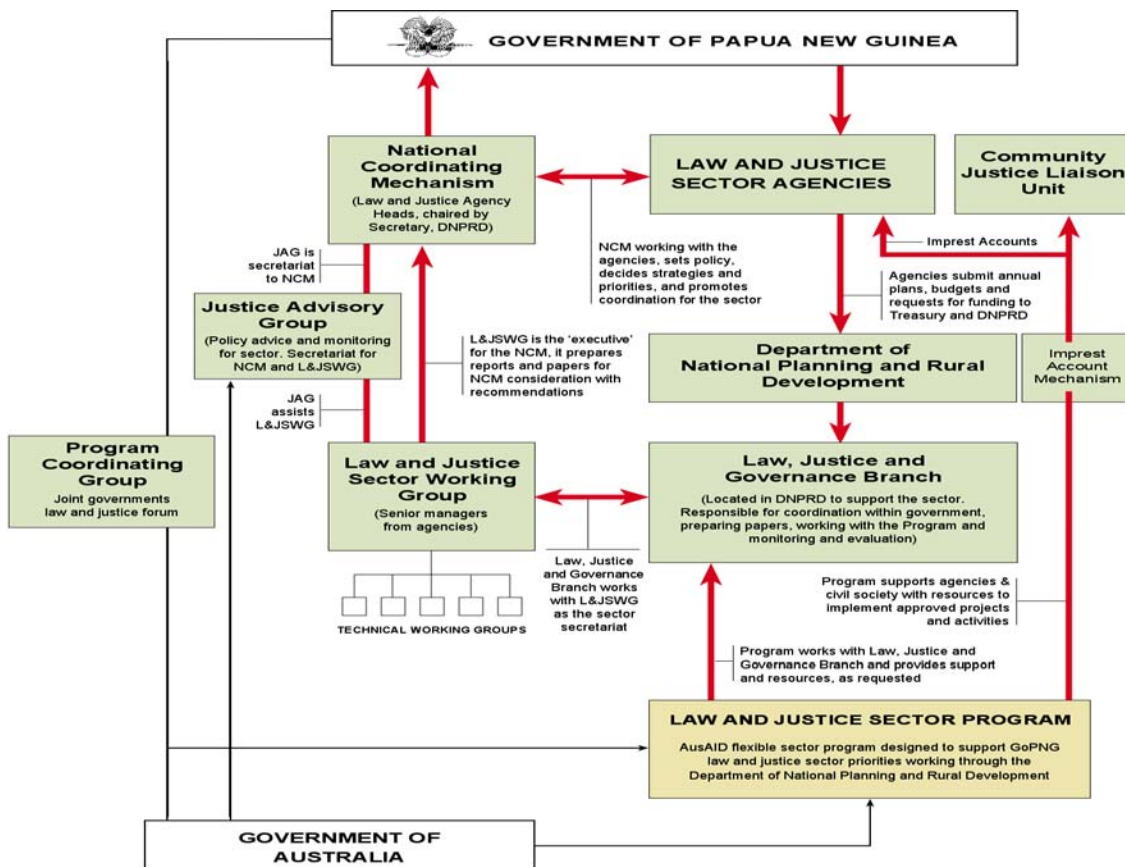
<sup>17</sup> Lyon (April 2007), *AusAID Assistance to PNG's Law and Justice Sector (2003–2007): Lessons Learned*.

<sup>18</sup> *Ibid.*

<sup>19</sup> Interview with AusAID representative in Canberra, 25 November 2008.

<sup>20</sup> *Ibid.*

<sup>21</sup> Diagram taken from AusAID and Government of Papua New Guinea (April 2005), *op cit*, p 55. The relationship between these actors has developed and changed over time and an up-to-date diagram illustrating new relationship dynamics can be found in the new PALJP Design Document (2008).



The decision to support the Law and Justice Sector is linked to a political agreement that Australia will contribute to higher-level development objectives in PNG, as set out in the PNG-Australia Development Co-operation Strategy (2006) and the GoPNG's Medium-Term Development Strategy (2005-2010). The LJSP is directed by the overarching policy agenda outlined in the White Paper on the Australian Government's Overseas Aid programme (the Australian White Paper), which was brought out under the previous Australian Government in 2006 and is now regarded as a subsidiary to the current government's stated priorities and policy agenda.<sup>22</sup>

Australian support to the sector is strategically linked to the recognition that state fragility in the South Pacific could potentially threaten internal security dynamics leading to a spill over effect in Australia in terms of labour migration and the trafficking of drugs and arms. As a result, the region has seen an increase in Australian support to L&J sector governance in the Solomon Islands and Fiji, as well as PNG.

Previously, there were criticisms among some stakeholders that AusAID's expenditure – including that of the LJSP – was designed to be 'boomerang' or 'tied' aid. In other words, money that is earmarked for development, but to placate the Australian taxpayer there is compulsory hiring of Australian firms and consultants for programme management and implementation. The employment of Cardno Acil, a Melbourne-based organisation, as the Managing Contractor for the LJSP has been cited as an example of this. Some stakeholders linked this tied aid to the continuation of colonial rhetoric in PNG. Australian aid was officially 'untied' in April 2006.<sup>23</sup>

<sup>22</sup> The current Labour government in Australia took office in December 2007 and is headed by Prime Minister Kevin Rudd.

<sup>23</sup> AusAID (2008), *Boomerang Aid – nogat!*

### 3. Monitoring<sup>24</sup> and evaluation<sup>25</sup> arrangements

AusAID and the GoPNG have relied on two levels of M&E to guide their work. On the government side, a framework for M&E has been provided by the Performance Monitoring Framework (PMF).<sup>26</sup> The PMF is clear and explicit about its links to the GoPNG's guiding SSF document and sets out the limits (ie vision, goals, strategies and priorities) by which to measure sector and L&J Sector agency progress against. Although the PMF is government-owned, the AusAID-funded Justice Advisory Group (JAG) has worked with the NCM, LJSWG and other key stakeholders to develop the PMF. Thus, although national institutions themselves have undertaken performance measurements, due to weak (but improving) sector capacities, JAG – which some stakeholders perceived to be linked to the interests of AusAID – has played a key role in supporting and influencing this.

On AusAID's side, the key M&E document is the Monitoring and Evaluation Framework (MEF). The stated purpose of the MEF is to provide clear guidelines for the monitoring of LJSP progress and achievements, and to facilitate programme-level evaluation of performance and impact. As a consequence, the MEF defines the scope of M&E for the LJSP. While the MEF focuses on the needs and priorities of AusAid, the process is not conducted in isolation from the M&E of the GoPNG. This is because the overall purpose of the LJSP is to support the GoPNG in implementing its L&J framework.

Central to the MEF is a sector development logframe that provides information on programme goals/outcomes<sup>27</sup>, indicators, means of verification and responsibilities. In this way the MEF provides a summary of what the LJSP aims to achieve and how, what the main assumptions are, and a framework for developing an M&E system. The MEF was initially developed during the design phase by the LJSP Managing Contractor in consultation with AusAID and included in the initial programme document (2005). The original LJSP programme document (2005) clearly outlines three distinct levels of M&E for the L&J sector:<sup>28</sup>

LEVEL	M&E FRAMEWORK	OWNED BY	SUPPORTED BY
<b>Sector</b>	<ul style="list-style-type: none"> <li>Performance Monitoring Framework</li> </ul>	GoPNG	Government of Australia (GoA) through the JAG
<b>Agency</b>	<ul style="list-style-type: none"> <li>Performance measures in annual agency plans (which are linked to the SSF)</li> <li>Financial reports to Treasury</li> <li>Report on activity implementation against the Project Formulation Documents to NCM</li> </ul>	GoPNG	GoA through the LJSP
<b>Programme (LJSP)</b>	<ul style="list-style-type: none"> <li>Monitoring Evaluation Framework. This includes Activity Implementation and Strategic Management for LJSP<sup>29</sup></li> </ul>	AusAID in partnership with GoPNG	

<sup>24</sup> Defined by AusAID as 'concerned with assessing the implementation progress of a program or activity and identifying action to correct problems where they occur. It includes processes of collecting, analysing, recording, reporting and using management information about the physical and financial progress of a project. The focus is on the activity and output levels of the Logical Framework hierarchy of objectives. Input monitoring may also be required in some circumstances. Monitoring is a core management responsibility during implementation'. Taken from AusAID and Government of Papua New Guinea (April 2005), *op cit*.

<sup>25</sup> Defined by AusAID as 'the assessment of how well a program/ project/ activity achieved its objectives. Ongoing evaluation (during implementation) is referred to as 'review' and is linked closely with monitoring.' Taken from *ibid*.

<sup>26</sup> Government of Papua New Guinea, (February 2006), *Performance Monitoring Framework, Background Statement*.

<sup>27</sup> Note: After 2005 the MEFs do not include outcomes, these are replaced by five goals.

<sup>28</sup> *Ibid*.

<sup>29</sup> *Ibid*.



Thus, both horizontal (across agencies/sector) and vertical (across different levels of Government and society) linkages exist across and between programme, agency and sector levels.

The next sections of this report examine the specifics both of the GoPNG sector M&E framework (PMF) and that of AusAID’s LJSP (MEF). Specifically, the detailed workings of these mechanisms – in terms of monitoring and reporting procedures, assigned responsibilities, key result areas, desired outcomes and similar is discussed – as well as their inter-relationship, development and convergence over time, as a result of the uptake of monitoring reports and reviews. Some space is also devoted to discussing a number of reviews commissioned by AusAID regarding its support to the GoPNG through the LJSP and a joint review which had the dual purpose of assessing both the contribution of the LJSP to the sector and the performance of the sector itself (Sector Review and Contribution Analysis, December 2006 – see section 3.2.2).<sup>30</sup>

The diagram in annex two provides a timeline for the introduction of sector and programme M&E frameworks and the commissioning of programme reviews which are the focus of this case study in particular and will subsequently be discussed.

### 3.1 PNG Government Law and Justice Sector monitoring and evaluation arrangements

As previously explained, the GoPNG’s framework for M&E of the L&J sector is the PMF. The PMF comprises a limited number of Key Performance Measures against which each sector goal is measured. Each Key Performance Measure has one or more sub-measures against which data can be collected from L&J sector agencies, civil society and other stakeholders. Sub-measures are more specific and in combination provide enough information to enable a judgement to be made about progress on Key Performance Measures. Sub-measures included in the PMF were derived on the basis of a number of criteria:<sup>31</sup>

- They are as simple as possible;
- They are meaningful to the different stakeholders, that is GoPNG, formal agencies and civil society can obtain evidence from various sub-measures that is important from their particular perspective;
- They form part of the core business of public servants<sup>32</sup>: they draw directly on information collected by agencies in the course of their work rather than creating an additional workload and provide assistance to managers and leaders at provincial and national levels as diagnostic tools;
- They enable continuation of a substantial number of the indicators from earlier iterations of the PMF so that monitoring of annual trends is possible;
- There is some capacity to compare data from different sources, as a way of confirming its reliability.

There are 58 sub-measures in total. Those at the level of the sector’s five overall goals are provided in the table below:<sup>33</sup>

SECTOR GOAL	KEY PERFORMANCE MEASURES	SUB-MEASURES <sup>34</sup>
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<sup>30</sup> In addition to the Sector Review and Contribution Analysis conducted in December 2006 jointly by AusAID and GoPNG, a number of reviews – which have not been focussed on in this research – were conducted by the sector, including; Clifford, Morauta & Stuart, Law and Order in Papua New Guinea, INA & IASER, 1984; Law & Justice Sector Study 1993 (jointly with AusAID); PNG Law and Justice Baseline Survey of Community Initiatives, 1997; Law & Justice Sector Review 2001 (jointly with AusAID); 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.

<sup>31</sup> Government of Papua New Guinea (February 2006), *op cit*.

<sup>32</sup> Where possible, they reflected the same measures as those used within an individual agency’s PMF.

<sup>33</sup> Taken from Government of Papua New Guinea (February 2006), *op cit*.

<b>Sector Goal 1:</b> Improving Policing, Safety & Crime Prevention	Improvement in RPNGC operational and administrative procedures.	<ul style="list-style-type: none"> <li>Improvement in RPNGC operational and administrative practices</li> <li>Number of community policing activities' and 'the number of disciplinary incidents'</li> </ul>
	Improvement in community confidence in RPNGC	<ul style="list-style-type: none"> <li>Public perception of police performance and discipline improves</li> <li>Increased police participation in community liaison</li> </ul>
	Reduction in the level of crime	<ul style="list-style-type: none"> <li>Serious crime in provinces and major urban centres declines</li> <li>Community members experience a reduction in crime victimisation</li> <li>Increasing business growth</li> <li>Increasing business confidence</li> <li>Level of crime on the Highlands Highway is decreasing</li> <li>The number of gun injuries and fatalities by location is decreasing</li> </ul>
<b>Sector Goal 2:</b> Increased Access to Justice & Just Results	All people have greater access to justice services	<ul style="list-style-type: none"> <li>Increase in the number of people receiving human rights awareness and services from Civil Society Organisations and formal Agencies</li> <li>Increase in the number of people receiving legal/paralegal and/or advocacy services from Civil Society Organisations &amp; formal Agencies</li> <li>Number of cases accepted by the Public Solicitor</li> <li>Increase in the number of 'Alternative Dispute Resolution' decisions</li> </ul>
	Improvement in the disposition of cases	<ul style="list-style-type: none"> <li>Reduction in the average time that remandees are detained</li> <li>The total number of criminal cases completed in each year</li> <li>The total number of civil cases completed in each year</li> <li>There is an increase in the number of Village Courts</li> <li>Number of cases processed per district by magistrates</li> <li>Number of land cases processed per year</li> </ul>
	Improvement in community confidence in the justice system	<ul style="list-style-type: none"> <li>Clients of the courts perceive that systems are improving</li> </ul>
<b>Sector Goal 3:</b> Improved Reconciliation, Reintegration & Deterrence	Increase in the use of restorative justice processes	<ul style="list-style-type: none"> <li>Number of programs and activities in agencies that cater for victims of crime increases</li> <li>Number of courts that deal appropriately with victims of crime increase</li> <li>Agency policies and procedures address restorative justice</li> </ul>

<sup>34</sup> Note that sub-measures are broken down into immediate, 'medium-term' and 'long-term', but are grouped together in this report for the purpose of illustrating the types of sub-indicators used as opposed to going into detail on the timeframe of the different indicators.

	Increase in non-custodial outcomes	<ul style="list-style-type: none"> <li>• There is an increase in the number of convicted persons subject to 'non-custodial orders'</li> <li>• More juveniles are diverted from prison</li> <li>• Number of breaches of 'non-custodial orders' is decreasing</li> <li>• Total number of juveniles in prison are decreasing</li> <li>• Number of breaches of 'non-custodial orders' is decreasing</li> </ul>
	A correctional system is maintained and improved	<ul style="list-style-type: none"> <li>• Number of prisons with satisfactory practices and procedures increases</li> <li>• CS Institutions are within holding capacity</li> <li>• Increase in the number of post-release integration programs</li> </ul>
<b>Sector Goal 4:</b> Improved Accountability & Reduced Corruption	Community perceives that fraud, corruption and abuse of power is reducing	<ul style="list-style-type: none"> <li>• Satisfaction of Civil Society Organisations with Agency communication and transparency</li> <li>• The community perceives that corruption is decreasing in PNG</li> <li>• The community has increasing confidence in the system to detect and prosecute fraud</li> <li>• Papua New Guinea improves its position on the Transparency International Corruption Index</li> </ul>
	Decrease in the level of fraud and corruption	<ul style="list-style-type: none"> <li>• Number of complaints against government officials registered and closed</li> <li>• The number of leaders subject to conviction on corruption charges</li> </ul>
	Reduction in claims against the state	<ul style="list-style-type: none"> <li>• Total number of new claims against the state</li> <li>• Total number of claims actually defended by the state</li> <li>• Total cost of all claims</li> <li>• The sector has clear guidelines in place for agency management of claims</li> <li>• Number of default judgements related to claims against the state is decreasing</li> </ul>
<b>Sector Goal 5:</b> Improved ability to provide Law & Justice Services	Improvement in agency corporate governance <sup>35</sup>	<ul style="list-style-type: none"> <li>• Extent to which agency corporate and annual plans are aligned with the Sector Strategic Framework</li> <li>• Number of agencies that complete quarterly and annual reporting processes</li> <li>• Number of agencies with an effective consultation and communication plan</li> <li>• Agency compliance with key GoPNG financial management requirements</li> </ul>
	Improvement in the use of resources in the sector	<ul style="list-style-type: none"> <li>• Share of total public expenditure by agency and sector</li> <li>• Extent of development budget alignment with the Sector Strategic Framework</li> <li>• Extent of resourcing of across-sector initiatives</li> </ul>

<sup>35</sup> Defined as 'the exercise of power or authority (political, economic, administrative or otherwise) to manage a country's resources and affairs. It comprises the mechanisms, processes and institutions through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate their differences' in from AusAID and Government of Papua New Guinea (April 2005), *op cit*, glossary.

	Increase in civil society contribution to sector outcomes	<ul style="list-style-type: none"> <li>Percentage of civil society organisations that perceive agencies are meeting their service priorities increases</li> <li>The extent to which agencies engage CSO's adequately in planning processes increases</li> <li>Number of civil society organisations involved in Law and Justice activities receiving financial support</li> <li>Quantity of funding received by civil society organisations in Law and Justice activities</li> <li>Increase in coverage of PNG by key civil society organisations</li> </ul>
	Improvement in stakeholder perception of cross-sector co-ordination	<ul style="list-style-type: none"> <li>Number of sector stakeholders meetings and attendance rates</li> <li>Percentage of Civil Society organisations that perceive the level of co-ordination across L&amp;J sector agencies</li> </ul>
	HIV/AIDS strategies are implemented effectively	<ul style="list-style-type: none"> <li>Number of agencies with a documented and resourced HIV/AIDS strategy</li> <li>Agencies share their lessons and experiences across the sector</li> </ul>

Sector indicators as outlined in the sub-measures column above are both qualitative and quantitative. For example, in addition to indicators that focus on quantitative data such as 'number of complaints' a number of indicators focus on people's perceptions, such as 'satisfaction of civil society' (see sub-measure linked to sector goal 4) – which stakeholders felt was fundamental in terms of measuring impact and the quality of implementation.

Goals and indicators (or 'Key Result Areas'/'Sub-measures') included in agency three-year Corporate Plans and Annual Plans are in theory drawn from sector goals and indicators ('Key Performance' Measures') outlined in the sector PMF. In practice this has varied by agency and some agencies have struggled to maintain strong links between sector and agency goals/indicators (see section 5 on challenges below).

### 3.1.1 Monitoring

#### Sector level

Monitoring of the L&J sector is undertaken by M&E Officers and Managers in the GoPNG Department of National Planning and Monitoring (DNPM) and the agencies of the L&J sector, with support from the LJSS. The Port Moresby-based M&E Officer within the CJLU is also responsible for monitoring and regularly travels to programme areas to collect data. AusAID's JAG is currently responsible for supporting the sector in producing annual performance reports. The JAG has worked with the Information Management, Monitoring and Evaluation Technical Working Group<sup>36</sup> (IMMETWG) to co-ordinate the collection and analysis of data for the PMF. The IMMETWG (since dissolved) was chaired by a representative from the DNPM.

The CJLU, a mechanism by which the L&J sector sought to work with civil society and informal law and justice agencies, is also responsible for supporting community participation in/perspectives on intervention appraisal, design and M&E.

#### Agency Level

Each L&J agency is responsible for implementing the PMF with support from the LJSP and the JAG.<sup>37</sup> Monitoring the performance of agencies is undertaken by project officers and activity managers within the agencies and in some cases M&E Officers who are Port Moresby-based but travel to the programme implementation areas to collect data. Though the situation has

<sup>36</sup> Technical Working Groups were formally recognised by the NCM in 2005 and have since been renamed 'Activity Management Teams'.

<sup>37</sup> Lyon, P. (2008), *Law and Justice Sector: Approaches to Capacity Building: Final Report* (AusAID).

recently improved, as will be discussed later, the quality of agency data varies greatly and has proved inadequate for effective M&E purposes in many cases.

The LJSP (through the use of Advisors) also works with the agencies to improve their M&E activities. Each agency is responsible for completing two quarterly report documents: one that measures progress by the agency in expending its recurrent budget for staff, goods and services (for submission to PNG's Departments of Treasury and Finance) and one that measures progress in expending its development budget (including donor funds through the LJSP) for submission to the LJSS, which compiles agency reports for submission to DNPM. These activities have been further supported by the recent practice (established in 2006) of the LJSS of collating an annual report on sector achievements for LJSWG and NCM by aggregating agency reports.

Members of each agency are also represented on AMTs for different issues. These meet every two months and input into the agency quarterly planning reports. Some agencies such as the Office of the Public Solicitor have set up internal committees to support the collection of data and the M&E process.

GoPNG monitoring outputs include the following reports:<sup>38</sup>

*Sector level:* Annual Performance Reports are produced by the JAG. These are approximately 60 pages in length and broken down into five subsections, each tracking performance against one of the five sector goals (see above). The report draws on a range of qualitative and quantitative monitoring information to illustrate changes in the service delivery of justice sector institutions. The sector is responsible for analysing and interpreting the findings of the Annual Performance Reports and agreeing on a way to take forward the findings (specifically the NCM, LJSS, DNPM and LJSWG).

*Agency level:* Each agency produces an Annual Report. The content and structure of these varies as there is no standard template for this. In general, the reports include background information on a specific agency's mission, vision, values, and three-year corporate plan. The bulk of the report summarises quantitative data to illustrate performance under each Key Result Area (as outlined in the three-year corporate plan under the agency goals), including: number of court cases; crime levels; community policing activities; prosecution results over the year; and any changes since the previous year. In some cases these indicators relied too heavily on statistics (eg rewarded crime levels) and did not draw upon qualitative data, such as perception surveys to measure impact in terms of improving the delivery of law and justice services to people.<sup>39</sup>

An exception to this however is the community crime surveys<sup>40</sup> supported by AusAID through the JAG, which have been used to gauge public perception of crime levels, performance of the law and justice agencies, levels of corruption in PNG and a range of other measures. The main challenge with regard to agency Annual Reports is that they are belated (with most agencies 2-3 years behind in producing them) and generally lack enough relative data to back up any conclusions about performance.

Agency Quarterly Reports are also produced. Linked back to the original Project Formulation Document, these are structured in a matrix format and report on each activity. They report against performance indicators and cover work planned during that period, activities carried out, problem areas, and future work plans. These reports are produced primarily for the DNPM to monitor budget expenditure. Some agencies also produce quarterly performance reports for internal monitoring purposes.

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<sup>38</sup> A number of planning documents were also produced in the sector (Sector Strategic Framework, Development Budget document etc), agencies, (ie three-year corporate plans, annual plans which are informed by Project Formulation Documents) and the programme (Annual Programme Planning documents) – and although linked to the M&E outputs – it is beyond the focus of this report to provide details on these documents.

<sup>39</sup> As an example, see the RPNGC Annual Report for 2005.

<sup>40</sup> Yumi Lukautim Mosbi.

It is important to note that is not monitoring. In addition, a great deal of monitoring occurs in the sector agencies – PNG is an oral society. This information is not recorded on paper or in the reports listed above. It is difficult to assess or summarise the value of this information, but it is important to stress that this type of monitoring is valuable given the context<sup>41</sup>. Nevertheless, there remains a need to develop better systems for recording and responding to this type of information collection.

#### Formal data collection methods

Both quantitative and qualitative data is collected as part of monitoring processes by the LJSS and individual agencies. For example, linked to the verifying indicators attached to outcome one (see above), the following quantitative data has routinely been collected:

- RPNGC crime statistics for Port Moresby and Highlands Highway;
- NJSS and MS data on clearance of criminal and civil cases;
- Documented evidence of more efficient and timely clearance of court cases;
- CS data on detainee and remandee numbers;<sup>42</sup>
- Public solicitor database;
- Corrections service database;
- Village courts database.<sup>43</sup>

More qualitative and/or participatory research methods have included key informant interviews, public perception surveys on safety (conducted annually), community crime surveys (annually) and regular community focus groups with court users (quarterly). The CJLU has played a notable role in this type of work, providing particular emphasis on crime prevention, restorative justice and partnerships for change.

AusAID, through the JAG, has further supported the sector in conducting community crime and business crime surveys in various cities and towns in PNG.<sup>44</sup> These surveys are conducted using different methods, including Participatory Rural Appraisal (PRA) techniques, focus groups and household surveys – with deliberate steps taken to include vulnerable groups and women. Many stakeholders felt this was a fundamental aspect of useful M&E.

#### Participation and information sharing

As touched on above (see section two), data collection for baseline, monitoring and evaluation purposes involved the participation of communities and civil society – which many stakeholders felt was positive and important in terms of ensuring an inclusive approach to M&E. The development of the sector PMF involved a lengthy process of consultation with the LJSWG, NCM, AMTs and civil society organisations (CSOs), which began in 2003 and was completed in 2006. The findings of community crime and perception surveys have since been shared with participating communities using brochures on key findings, focus groups and public meetings; and in some cases magazine articles and TV documentaries.<sup>45</sup> Further, local NGOs and women's groups have been involved in monitoring the performance of the LJSP against gender and development indicators (see section 3.2. below) through the collection of data and regular discussions to share information on security and monitor the changing situation over time.

#### *3.1.2 Evaluation*

A number of reviews of the sector have been conducted in the past, some jointly with AusAID, some not (see footnote 30 above). This case study focuses on the most recent sector review that was conducted jointly with AusAID in December 2006, the Sector Review and Contribution Analysis, which is discussed in the following section covering AusAID's M&E arrangements.

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<sup>41</sup> Interview with LJSP representative in Port Moresby, 17 November 2008.

<sup>42</sup> *Op cit*, AusAID and Government of Papua New Guinea (April 2005), 'Monitoring and Evaluation Framework, Annex One'.

<sup>43</sup> A database of information on court cases, waiting lists, witness details, records of proceedings, judgement details, cases filed.

<sup>44</sup> Government of Papua New Guinea (2007), *Annual Performance Report*.

<sup>45</sup> TV and magazine articles were used by the Youth Urban Safety initiative led by Provincial Government (Yumi Lukautim Mosbi) in Port Moresby.

### 3.2 AusAID monitoring and evaluation arrangements

AusAID took account of the need for M&E during the initial planning stage of its programme and aimed to put in place strategies and processes to monitor the effectiveness and contribution of its assistance towards the achievements of the PNG L&J sector's own goals and objectives. An MEF logframe was included in the original LJSP programme document (2005). It set out: purpose, goal and outcomes of the LJSP; provided indicators to measure each outcome against, as well as means of verification; specifies responsibilities for M&E; and the frequency which M&E activities were to be carried out (see below). This template was intended to guide programme monitoring and management. The LJSP's main focus is to support the L&J Sector and agencies in achieving their outputs/outcomes. Accordingly, rather than measuring the sector's progress against the objectives of the LJSP, the MEF is designed to facilitate an affective contribution to the L&J sector as a whole.

The LJSP's contribution to the sector is measured against indicators set out in the MEF logframe. The original MEF (2005) outlined a set of verifiable indicators against each of the four programme outcomes. These were developed by the LJSP Managing Contractor in consultation with AusAID. The indicators included in the MEF(s)<sup>46</sup> have been used to illustrate performance in programme documentation, such as the six-monthly and annual programme reports. A list of outcomes and verifiable indicators included in 2005 MEF is provided below:<sup>47</sup>

PURPOSE/OUTCOME	VERIFIABLE INDICATORS
<b>Purpose:</b> To Support the implementation by GoPNG of its National Law and Justice Policy, sector priorities and sector plan.	<ul style="list-style-type: none"> <li>• Improvements against agreed sector priorities and agency indicators, as recorded in the sector PMF</li> </ul>
<b>Outcome 1:</b> Improved core delivery by key L&J agencies and institutions	<ul style="list-style-type: none"> <li>• Public and key stakeholders express increasing satisfaction with quality of L&amp;J services and agencies</li> <li>• Improvements in agreed sector and agency quantitative indicators (eg remandee numbers, criminal cases, through the courts, fraud prosecutions)</li> </ul>
<b>Outcome 2:</b> Improved corporate governance within sector agencies and institutions supporting delivery of affordable services	<ul style="list-style-type: none"> <li>• Sector plan and strategies reviewed and updated annually</li> <li>• Annual plans and budgets requests submitted on time</li> <li>• Annual reports are published by five major L&amp;J agencies</li> <li>• Sector budget prepared and appropriated</li> </ul>
<b>Outcome 3:</b> Community needs for improved L&J addressed through strengthened sector-wide partnerships, linkages and exchanges	<ul style="list-style-type: none"> <li>• Increased community access to and satisfaction with L&amp;J services and processes</li> <li>• Research, community and other stakeholder experience and expertise drawn on for policy formulation, planning, activity design and implementation and improving operations</li> </ul>
<b>Outcome 4:</b> Efficient and Effective program Management	<ul style="list-style-type: none"> <li>• program milestones are achieved and positive feedback from and AusAID on program progress is received</li> <li>• program activities are achieved and positive feedback from L&amp;J agencies on program management is received</li> </ul>

<sup>46</sup> Note: the MEF logframe, including the outcomes/goals/indicators, has changed each year during phase two of the programme, and therefore the use of indicators in programme documentation has changed.

<sup>47</sup> *Op cit.* AusAID and Government of Papua New Guinea (April 2005), 'Monitoring and Evaluation Framework, Annex One'.

The 2005 MEF also outlines a number of focus areas for M&E and lists verifiable indicators:

FOCUS AREA FOR MONITORING	VERIFIABLE INDICATOR
Progress of agencies in achieving co-operation, partnership and linkages	<ul style="list-style-type: none"> <li>Instances of inter-organisational co-operation and materials shared between agencies</li> <li>Inter-organisational agreements</li> </ul>
Quality, appropriateness and progress of activities/achievements of outputs	<ul style="list-style-type: none"> <li>Activities implemented according to agreed schedule</li> </ul>
Risks and risk containment strategies	<ul style="list-style-type: none"> <li>Refer to Risk Management Framework (see below)</li> </ul>
Monitoring of capacity building for individuals	<ul style="list-style-type: none"> <li>Training and activity reports</li> </ul>
Monitoring of gender	<ul style="list-style-type: none"> <li>Refer to gender and development M&amp;E framework (see below)</li> </ul>
Monitoring of HIV/AIDS	<ul style="list-style-type: none"> <li>Refer to HIV/AIDS integration framework</li> </ul>
Achievement of agency activities as per annual plans	<ul style="list-style-type: none"> <li>Progress against individual activity indicators as designed by agencies and sector</li> </ul>
Achievement of milestones	<ul style="list-style-type: none"> <li>Refer to milestone payment table</li> </ul>
Financial monitoring	<ul style="list-style-type: none"> <li>Approved annual agency plans/budgets</li> <li>Expenditure to date and anticipated expenditure on track to meet expenditure targets</li> </ul>

These indicators are heavily focused on quantitative information and timeliness of activities; consequently, they do not focus enough on measuring the quality and impact of activities – through qualitative data. Some interviewees felt that qualitative monitoring was critical for the understanding of outcomes and impacts on the gender-related aspects of the programme, in addition to the outputs.

The indicators included in the MEF were developed by representatives from LJSP, JAG and AusAID in programme management/Advisor level positions.

#### Incorporation of gender

The gender component in AusAID's LJSP M&E framework has been strong. The original MEF (2005) included indicators for measuring impact in gender terms (see above) and other cross-cutting issues. The 2006 and 2007-2009 MEFs also included indicators/made provision for gender, HIV/AIDS, community engagement and provincial engagement. Linked to the purpose and outcomes outlined above, the following gender and development indicators were included:

PURPOSE/OUTCOME	GENDER AND DEVELOPMENT INDICATOR
<b>Purpose:</b> To Support the implementation by GoPNG of its National Law and Justice Policy, sector priorities and sector plan.	<ul style="list-style-type: none"> <li>The sector priorities &amp; agency indicators as recorded in the sector PMF contain a specific gender content</li> </ul>
<b>Outcome 1:</b> Improved core delivery by key L&J agencies and institutions	<ul style="list-style-type: none"> <li>The core L&amp;J agencies undertake significantly more gender sensitive activities as their institutional capacity is improved by the program, as reflected in their annual plans and program supported activities.</li> <li>The activity plans contain gender-related initiatives including mainstreaming of women's needs &amp; perspectives in law &amp; justice planning and implementation.</li> </ul>
<b>Outcome 2:</b> Improved corporate governance within sector agencies and institutions supporting delivery of affordable services	<ul style="list-style-type: none"> <li>Counterpart agencies have greater sensitivity to gender issues as shown in their annual plans &amp; budgets &amp; in the activities that they implement &amp; monitor.</li> <li>Annual budgets allocate adequate funds to implement EEO women and children specific activities</li> <li>Women and children's needs &amp; perspectives in law &amp; justice are mainstreamed in agency capacity building<sup>48</sup></li> </ul>

<sup>48</sup> Defined as 'a generic term relating to program or project interventions designed to develop the ability of individuals (eg staff of formal and informal law and justice organisations, community leaders, political leaders), organisations (eg law



<p><b>Outcome 3:</b> Community needs for improved L&amp;J addressed through strengthened sector-wide partnerships, linkages and exchanges</p>	<ul style="list-style-type: none"> <li>• Women trained &amp; appointed as village court officials. Data on village court and district court operations is sex-disaggregated<sup>49</sup></li> <li>• Community Justice Liaison Unit support targeted at families, children and women with strategies, information &amp; research containing significant gender content</li> <li>• Awareness raising strategies, information dissemination &amp; research into law &amp; justice issues planned, carried out or published.</li> <li>• As stated in M&amp;E framework</li> </ul>
<p><b>Outcome 4:</b> Efficient and Effective program Management</p>	<ul style="list-style-type: none"> <li>• The program has allocated resources and conducted specific measures that directly address the specific needs of women.</li> <li>• Gender and Development promoted through all program structures</li> </ul>

Notwithstanding the virtue of having gender indicators, one interviewee commented that these indicators are focussed too heavily on the implementation of activities through measuring quantitative data and less so on the quality and impact of the programme through the measurement of qualitative information – such as the perceptions of beneficiaries.<sup>50</sup> For example, the second indicator linked to Outcome two is primarily focussed on whether activities have been implemented or not and less so on the quality and impact of applicable activities.

### 3.2.1 Monitoring

Within the LJSP, responsibility for undertaking M&E lies with the LJSP Managing Contractor. The Managing Contractor is responsible for establishing systems to: (i) monitor programme inputs, outputs, and to the furthest extent possible, the quality of inputs and processes; and (ii) where possible the impact of selected programme activities during implementation. The Managing Contractor is also responsible for managing the production of six-monthly and annual reports on the LJSP, for submission to AusAID.

The performance of the Managing Contractor is in turn assessed by the JAG. Advisors are responsible for reporting formally and informally to management (since mid 2006 against their work plans), and for producing six-monthly and annual progress reports.<sup>51</sup> Different departments/institutions/organisations are responsible for evaluating performance against MEF and gender and development indicators, which are linked to each programme outcome (as outlined in the original LJSP MEF):<sup>52</sup>

PURPOSE/OUTCOME	MEF INDICATORS	MEF GENDER AND DEVELOPMENT INDICATORS
<p><b>Purpose:</b> To Support the implementation by GoPNG of its National Law and Justice Policy, sector priorities and sector plan.</p>	<p>JAG, AusAID, Managing Contractor</p>	<p>Local Non Governmental Organisations (NGOs), women's groups and consultants and LJSP</p>
<p><b>Outcome 1:</b> Improved core delivery by key L&amp;J</p>	<p>L&amp;J agencies &amp; program</p>	<p>L&amp;J agencies, Local NGOS, women's groups and</p>

and justice agencies, Non-Government Organisations (NGOs), Community Based organisations (CBOs), churches, other civil society groups) and networks to plan and deploy resources in order to achieve PNG's law and justice objectives more effectively and efficiently' in AusAID and Government of Papua New Guinea (April 2005), 'Monitoring and Evaluation Framework, Annex one', *op cit*, LJSP April 2005.

<sup>49</sup> The Village Courts Secretariat, which is a branch of the DJAG, collates data from all village courts in PNG. Village court officers have to fill in a form every quarter with this data and send it in to the VCS which collates and analyses it. LJSP has been supporting the Village Courts Secretariat to implement a new form to collate information which is sex-disaggregated.

<sup>50</sup> Interview with LJSS representative, 18 November 2008.

<sup>51</sup> *Ibid.*

<sup>52</sup> *Op cit*, AusAID and Government of Papua New Guinea (April 2005), 'Monitoring and Evaluation Framework, Annex one'.

agencies and institutions		consultants and LJSP
<b>Outcome 2:</b> Improved corporate governance within sector agencies and institutions supporting delivery of affordable services	L&J agencies & program	L&J agencies, Local NGOS, women's groups and consultants and LJSP
<b>Outcome 3:</b> Community needs for improved L&J addressed through strengthened sector-wide partnerships, linkages and exchanges	L&J agencies & program	L&J agencies, Local NGOS, women's groups and consultants and LJSP
<b>Outcome 4:</b> Efficient and Effective program Management	Managing Contractor, AusAID, JAG	JAG and LJSP

It is important to clarify the responsibility and role of JAG in relation to monitoring the programme and the sector. As outlined above, JAG is funded by AusAID and together with the LJSP is the main mechanism through which support is provided to the L&J sector. JAG is staffed by independent Advisors, both domestic and international, who work closely with the L&J sector and its agencies, to provide independent technical advice to the GoPNG and AusAID on performance. As outlined in more detail below, JAG is responsible for working with the agencies to agree sector outcomes and indicators, collect sector performance information and support the production of annual performance reports. It also supports independent reviews of the programme.

Thus, JAG plays a dual role in terms of supporting and building the capacity of both the sector (GoPNG) and programme (AusAID/GoPNG) in conducting M&E, and bridging the gap between the two. However, although JAG is in theory a joint resource, in reality requests for support from JAG from the GoPNG without the involvement of AusAID are much rarer than AusAID requests for support.

The following monitoring reports are completed by/for the LJSP:<sup>53</sup>

- Annual Reports (produced by LJSP and submitted to AusAID);
- Six-monthly Reports (produced by LJSP and submitted to AusAID);
- Advisor Six-monthly and Annual Reports (submitted to LJSP management and included in the reports to AusAID);
- Contractor Performance Assessment Reports produced annually by JAG on the performance of the LJSP Managing Contractor.

*Annual Reports:* Annual Reports are produced by the LJSP for AusAID. The reports are very detailed and run to approximately 180 pages in length. Currently they provide an overview of programme performance against revised 2007-2009 MEF indicators and result areas.<sup>54</sup> Drawing on agency reports they also cover agency performance as well as overall programme management. Given recent moves to align programme and sector M&E activities, the reports also now provide an assessment of performance against the SSF. The reports submitted by individual Advisors, in which they detail their work with agencies, provide the bases for each assessment (see below).

<sup>53</sup> LJSP's reporting to AusAID has changed significantly over the years. Originally a quarterly report was also supposed to be produced, but these reports were dropped because it was felt that three months was not sufficient to measure change.

<sup>54</sup> It is interesting to note that the Annual Reports produced by LJSP for AusAID in 2006 and 2007 employed the five OECD Development Assistance Committee (DAC) performance indicators – relevance, effectiveness, efficiency, impact and sustainability to measure the worth/impact of the programme and to structure information in a systematic way. However, use of these criteria was dropped in the 2008 report as programme stakeholders found the structure confusing since there was no clear match between indicators and the criteria.

*Six-monthly Reports:* These have been produced by LJSP for AusAID since January-July 2007 and contain similar content to the Annual Reports (see above).

*Advisor reports:* Advisors complete Six-monthly and Annual Reports. These must supply details of progress the agency that they are assigned to support is making in delivering outputs and any relevant support being provided by them. The outputs included in these reports match those included in the annual GoPNG Development Budget, which in turn is based on the activities outlined by the individual agency's Project Formulation Documents completed during the annual budget planning process. This explicit focus on capacity building is reflective of the overarching goal of the LJSP.

The findings of Six-monthly and Annual Reports are analysed and interpreted by LJSP Managers as well as by AusAID Programme Managers based in Port Moresby, who are responsible for responding to findings.

*Contractor Performance Assessment (CPA) reports on the performance of the Managing Contractor:* These are produced annually by the JAG and focus on measuring the performance of the Managing Contractor against applicable management and outcome indicators. Management indicators cover issues such as planning, reporting and monitoring, personnel management, financial management, communications, procurement and sub-contracting. Examples of outcome indicators previously used in these reports include:

- Programme document revised from time to time and the annual programme plan supports GoPNG to achieve sector strategies and priorities;
- Satisfactory and timely completion of annual programme plan activities, including sector co-ordination of agency strategies, activities and interaction;
- Increased focus on sector budgeting and efficient resource use, increased focus on the key PNG Law and Justice areas of:
  - engagement with civil society (including the private sector);
  - crime prevention and restorative justice; and complementarity between the formal and informal sectors ;
  - effective integration of gender and HIV/AIDS into the Programme.<sup>55</sup>

One outcome of the CPA Report produced by JAG in 2006 on the performance of the Managing Contractor – which stated that the MEF lacked clear indicators and targets, meaning that assertions about the production of outputs could not be fully tested<sup>56</sup> – was the development of a more systematic programme planning and reporting system in the form of the 2007 MEF (see below).

The structure and content of programme monitoring reports has changed over time, particularly the annual, six-monthly programme and Advisor reports. This reflects changes to the LJSP M&E system and efforts to better link programme and sector M&E. Reporting is also said to have been weak during 2004-2006 when the emphasis was still very much on planning.

The LJSP has also used monitoring reports produced within the sector (Sector Performance Report produced by JAG) and agencies (Agency Annual and Quarterly Reports)<sup>57</sup> to monitor their own performance. These reports collate and analyse data in a form that enables agencies, and the sector in general, to access information for purposes of management, accountability and transparency. All this raw data is archived at the JAG office and each data provider has been allocated its own sub-directory on the JAG Local Area Network. A database was established in 2006 to more efficiently store, retrieve and manipulate PMF data produced through six-monthly and annual time periods.<sup>58</sup>

## Data collection

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<sup>55</sup> JAG (2006), *Report on the LJSP Contractor Performance Assessment, Year 2*.

<sup>56</sup> Government of Papua New Guinea (2007), *op cit*, p7.

<sup>57</sup> The LJSS was originally tasked with supporting agencies to produce quarterly planning reports, although due to poor co-ordination and tension between LJSS and DNPM, the production of quarterly reports has been poor.

<sup>58</sup> Government of Papua New Guinea (February 2006), *Performance Monitoring Framework Background Statement*.

The LJSP has not collected its own data to monitor the law and justice situation in PNG, but has instead drawn upon that collected by the sector in order to assess its overall contribution. For example, the Six-monthly and Annual Reports produced by the Managing Contractor draw upon the data included in agency Quarterly and Annual Reports and sector annual performance reports. These LJSP monitoring reports also draw upon information included in Six-Monthly and Annual Reports produced by Advisors. The Advisor's reports include personal perceptions of success in delivering capacity-building and trust-building work for the benefit of agency staff (for example, coaching them in analysing data). In addition, the Advisors' counterparts in various agencies are asked to complete a questionnaire on the support provided as part of a performance appraisal process. Information is sought on levels of trust, cultural sensitivity, effectiveness of capacity building activities and more.

#### Baseline data

Other than community crime surveys and data collection on the number of convicted persons diverted to community-based programmes implemented by the sector/agencies with support from JAG, very little baseline data was collected at the start of phase two. Many interviewees felt this undermined all subsequent attempts at M&E. This lapse has partly been due to confusion over who was responsible for baseline data collection (see section 5 on challenges below).<sup>59</sup> However, it was also thought within the programme that baseline data could be built up from existing PNG agency information management systems, with the presumed added benefit of not adding to agency workload. In fact, the agency data collection systems proved inadequate for the task, and the availability of data at the establishment of the LJSP in 2003/2004 was insufficient to develop a solid baseline.

Although there are still many weaknesses, the collection and analysis of data by agencies has improved over the last five years as M&E capacities have gradually developed. Quantitative data collection (eg Village Court data which is collected at the local level and channelled back to the national level Village Courts Secretariat for processing/analysis – see the analysis of Gender and Development Indicators above), together with data from community perception surveys, is now being better used to measure both agency and sector level performance.

#### Risk monitoring

A Risk Management Matrix was developed early during phase one in consultation with the LJSWG and included as an annex in the original programme design document (2005). It identifies key programme risks that are considered likely to occur (based on early experience and lessons learned) or that could have a negative impact. The matrix is a large document. It lists each risk event against its potential impact on the programme, possible risk treatment, responsibility for responding and timing. The risks are broken down as follows: the good will/reputation of the LJSP; effective and sustainable aid outcomes; output delivery/efficiency; and capacity. According to interviewees working within the programme, the risks identified in the matrix have been monitored during phase two and where appropriate, action has generally been taken to ensure negative impacts are effectively minimised.<sup>60</sup>

The Managing Contractor is also responsible for reporting to AusAID and the NCM (sector) on risks and their management in the Six-monthly and Annual Reports. In addition, LJSP's annual planning process provides an opportunity for all programme stakeholders to re-assess risks alongside the evolving programme MEF. However, no systematic monitoring activity has been undertaken to measure the impact of the programme on conflict dynamics (ie conflict-sensitivity).

#### Participation and information sharing

As explained earlier, programme monitoring has been led by the Managing Contractor and is an internal process that has not directly involved the GoPNG, security and justice sector institutions, civil society or beneficiaries except through referencing survey data. This is because programme performance is measured by the contribution it has made in supporting agencies to achieve their outputs/outcomes; thus inclusion of external actors was more

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<sup>59</sup> Kenway (2007), *AusAID Assistance to Papua New Guinea's Law and Justice Sector (2003 – 2007): Monitoring and Evaluation*.

<sup>60</sup> Interview with representative f from AusAID Port Moresby, 19 November 2008.

relevant for the sector M&E design process. The findings of programme monitoring documents are shared internally with the LJSP and AusAID but not with the sector or agencies. Some stakeholders from agencies felt that programme monitoring reports should be shared more widely.<sup>61</sup> However, AusAID felt that it was important initially to keep the programme monitoring documents internal to avoid dominating the M&E agenda and to provide space for the GoPNG to develop its own M&E capacity.

### 3.2.2 Reviews

It is a statutory requirement in Australia that all programmes costing in excess of \$3m (Australian) be evaluated. AusAID has committed to undertaking mid- and end-term evaluations as documented in the original LJSP MEF (2005). However, no full evaluation of the LJSP has so far been carried out, although there are plans for an end-term evaluation process of AusAID activities to take place in May 2009 through the Independent Completion Report process. It also appears that no standard AusAID mid-term evaluation has been undertaken for this current phase of the LJSP.

However (and possibly instead) a number of 'reviews' have been undertaken during the implementation of LJSP.<sup>62</sup> In December 2006, a Sector Review and Contribution Analysis of GoA support was commissioned.<sup>63</sup> Its focus was on the progress of the sector in terms of higher-order changes during the LJSP programme period. The review was intended as a joint exercise by the GoPNG and AusAID. A number of background research reviews were also completed internally by AusAID during the latter stages of phase two, and focussing on 'Capacity Building',<sup>64</sup> 'Lessons Learned',<sup>65</sup> and LJSP's M&E arrangements (the 'Kenway Review').<sup>66</sup> Unlike the Sector Review & Contribution Analysis, these were not intended as joint exercises, but as internal background papers to help AusAID in redesigning its strategy.

It is important to note that these reviews were in addition to AusAID's base-level requirements, and were undertaken primarily to support preparations for future assistance to the sector. Based on this, in 2006, it was necessary to commence planning for the development of a revised strategy for future GoA assistance to the sector.

Commitment to undertake these particular reviews was therefore not outlined in AusAID's original programme design document (2005). Instead, the reviews were largely born out of the perceived need (by programme managers in AusAID Port Moresby and Canberra) to change strategy based on monitoring findings and changes within the sector. In particular, the Six-monthly and Annual Reports produced by the Managing Contractor and Annual Reports produced by JAG on the performance of the Managing Contractor had highlighted the need to better integrate sector and programme planning and reporting mechanisms.

LJSP staff also felt that measurement of performance had been too focussed on outputs linked to activities and had not focussed on broader impact and outcomes. Lastly, through 2006/2007, AusAID recognised that the GoPNG planning process was changing (in that Project Formulation Documents were introduced by the DNPM in 2006 for completion by the agencies in order to support annual activity and budgetary planning for the sector). In response, AusAID wanted to ensure that the planning and reporting approaches taken by the programme were complementary.

The following section provides an overview of the Sector Review & Contribution Analysis, Capacity Building and Lessons Learned reviews, covering issues such as scope, participation, inputs, outputs and follow-up.

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<sup>61</sup> Interview with LJSS representative, 18 November 2008.

<sup>62</sup> Note that AusAID defines 'reviews' as continuous evaluation that are conducted throughout the during course of, and to direct future implementation, as opposed to 'evaluations' which are one-off assessments of how well a programme has achieved its objectives see footnote 25 above.

<sup>63</sup> Papua New Guinea Law and Justice Sector Review and Contribution Analysis, March 2007.

<sup>64</sup> *Op cit* Lyon, P. (August 2007).

<sup>65</sup> *AusAID Assistance to PNG's Law and Justice Sector (2003-2007): Lessons Learned*, April 2007.

<sup>66</sup> A review of the M&E elements of AusAID's assistance to PNG's L&J Sector was undertaken by team led by consultant Jessica Kenway in July 2007.

### Sector Review & Contribution Analysis

The purpose of AusAID's December 2006 Sector Review & Contribution Analysis was to identify changes resulting from the sector approach. The ToR required the review team to focus on five areas, namely community-based crime prevention, locally-based non-violent dispute resolution, court processes, correctional services, and corruption. These areas were chosen by AusAID in consultation with the LJSS and the Chair of the LJSWG and were derived directly from the SSF. The reviewers had two main tasks. First, to identify evidence of real world changes that had occurred over the period 2004-2006 in the five focus areas (see list of SSF goals above). Second, using a method known as Contribution Analysis, to identify how AusAID had contributed to any such results.<sup>67</sup>

The review was conducted against the indicators outlined in the sector PMF and focused on the areas of Port Moresby, Lae and Goroka. These areas were chosen on the basis of wanting to get a balance between capital and sub-national level. Goroka was selected because it is a main focus area for the programme and Lae because the programme wanted to focus more on the area in the future. The review team collected both qualitative and quantitative data using two methods: a review of sector, agency and programme planning and M&E documents, as well as interviews with stakeholders from sector agencies, chambers of commerce and Provincial Administration.<sup>68</sup>

The review team comprised AusAID's Law and Justice Adviser (Team Leader), an M&E specialist, two development specialists representing AusAID Canberra and AusAID Port Moresby, and six representatives of the GoPNG. No civil society representative was included. The ToR for the review was developed jointly by AusAID Programme Management staff based in Canberra and Port Moresby who were specialised in law and justice, performance assessment and evaluation.

The output of the Sector Review & Contribution Analysis (December 2006) was a 40-page report, which provided an overview of changes which had occurred in the sector, with a particular focus on the five target areas. The report emphasised key changes regarding capacity development in target groups, use of resources in L&J agencies, results-based management, gender and HIV/AIDS mainstreaming, engagement with stakeholders, and sustainability.

In general, stakeholders from JAG and AusAID were disappointed with the findings of the review, as it highlighted a number of challenges that had been faced within the programme (particularly regarding poor data collection and analysis). However, it was felt that there was not enough hard evidence in the review for it to be useful in terms of providing guidance on how to address the issues raised. The limited availability of data within the sector and agencies also meant that the review team were unable to undertake a 'Contribution Analysis' as originally intended. The consensus seems to have been that a further and more thorough review would be needed once data collection had improved. However, it was also felt that there had been poor national ownership of the review.

The report included a number of recommendations to the sector, AusAID and LJSP on strengthening M&E and responding to the challenges identified in the report (see Section 5 below). Notable recommendations included:

- GoPNG L&J Sector agencies should more strongly link planning and reporting through prioritising measuring their progress towards the implementation and impact of their annual plans;
- The LJSP should prioritise and support the improvement in the M&E conducted by the agencies;

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<sup>67</sup> Due to a lack of sufficient available data in the sector and agencies, it was not possible to achieve the second objective, and the evaluation focussed primarily on the first objective only.

<sup>68</sup> AusAID (December 2006), *PNG Law and Justice Sector Review and Contribution Analysis*.

- AusAID should encourage and support the collection of impact (outcome) data by relevant GoPNG agencies.<sup>69</sup>

#### Capacity Building review

AusAID's Capacity Building review (August 2007) focussed specifically on assessing the performance of the LJSP in building the capacity of L&J agencies and on developing recommendations for the future. The explicit focus on capacity building in this review was linked to it being the overarching goal of the programme. Once again, the focus of the review was predominantly on Port Moresby. Qualitative and quantitative data was collected using a desk review and in-country interviews with a range of L&J stakeholders.<sup>70</sup>

The Capacity Building review was undertaken by a Senior Capacity Building Advisor in AusAID based in Canberra, Patricia Lyon, with support from a Canberra-based Desk Officer, Nicole Murphy. The team did not comprise a combination of nationals from PNG and Australia in this case, as the review was not intended as a joint exercise in the same way as the Sector Review and Contribution Analysis. The ToR was developed by programme management staff based in AusAID Port Moresby and Canberra.

The output of the review was a 40-page document. It assessed the impact of a sector-wide approach to capacity building and the effectiveness of support to agencies, long and short-term Advisors, AMTs, the CJLU, local organisations; it provided an analysis of capacity constraints and evaluated the success of M&E of capacity building. The report's key recommendations were as follows:

- *'Ownership:* AusAID, the design team<sup>71</sup> and implementation team should adopt and tailor an analytical framework for ownership which will enable monitoring over time and the development of strategies or actions to encourage it.
- *Capacity constraints:* The design team should identify and document strengths of the L&J Sector and ways of building upon them.
- *M&E:* The three levels of capacity building – individual, organisational and institutional should be used as an organising framework. A cross-programme meeting on performance assessment of advisory personnel with a view to finding appropriate methodologies in PNG should be facilitated.
- *Effectiveness of Advisors:* AusAID should request that the current Managing Contractor write a brief update on management issues, including actions taken to strengthen approaches. This paper could form an annex to the design document so that potential contractors learn from lessons and current practices. It is also important that LJSP and the next phase should gradually enable the sector and agencies to take more responsibility for management of Advisory personnel'.<sup>72</sup>

#### Lessons Learned review

As suggested by the title, the March 2007 Lessons Learned review focussed on drawing out lessons learned during LJSP implementation. AusAID was concerned with identifying which aspects of its existing programme should be retained and which abandoned, with a view also to learning from others. This was a desk study carried out by an external evaluation consultant, Livingston Armitage, a specialist in judicial reform. The ToR was developed by AusAID Programme Managers based in Port Moresby and Canberra.

The output of the Lessons Learned desk review (March 2007) was a 27 page document which listed a number of lessons learned from the LJSP.<sup>73</sup>

<sup>69</sup> Papua New Guinea-Australia Law and Justice Partnership (May 2008), *Programme Design Document*.

<sup>70</sup> *Ibid.*

<sup>71</sup> 'Design team' refers to the team that would be preparing the design for the next phase of GoA assistance, and the 'implementation team' also referred to those involved in delivering future assistance.

<sup>72</sup> *Op cit*, Lyon, P (2008).

<sup>73</sup> Armitage, L (2007). *AusAID Assistance to Papua New Guinea's Law and Justice Sector (2003-2007): Lessons Learned – Desk Review*.

- *Transition from agency-based project assistance to sector-based programmatic support:* This is a major ongoing process requiring fundamental changes of approach on the part of counterpart agencies and also service providers. There is a need to strengthen the programmatic learning model by systematising procedures that critically analyse lessons from experience, and to periodically monitor their application.
- *Sector ownership and leadership:* Additional measures are needed to strengthen the capacity-building aspects of the strategy, including consideration of the appropriate use of technical assistance, advisory positions and in-line placements.
- *Planning:*
  - Performance targets and indicators in sector and LJSP planning documents are generally quite abstract. These could be readily refined to become more specific, measurable and time-bound.
  - LJSP is at some risk of trying to do too much, becoming spread too thinly and, as a result, not doing anything sufficiently. The move to sector-based programming heightens risks of loss of strategic focus. Future strategy development should consider the appropriate scope of the sector support.
- *Performance monitoring:* There is insufficient use of sector performance data by both the sector and the LJSP/JAG for planning and performance purposes. Collection and use of performance data for monitoring and evaluation purposes should be better managed.
- *Impact and results:* The findings of the Sector Review & Contribution Analysis indicate a need to heighten programme support to PNG's achievement of visible results within a specified M&E Framework and to strengthen data collection capacity among agencies.
- *Documentation:* There is a need to improve the quality of documentation. Some plans and reports have been inaccessible to most audiences. The accessibility and utility of documentation should be enhanced by, (a) introducing tighter publishing standards to limit size, (b) overlapping the sequence in production of annual plans to address 'lessons learned' from previous reports, and (c) substantiating performance through evaluation of impact in the sector's annual performance reports'.

The information made available to support these three reviews included all sector, agency and programme design and M&E related documents, as well as public perception and community crime surveys, and crime and court statistics. In both the Sector Review & Contribution Analysis and the Capacity Building Review (although the list of persons interviewed appears to be fully comprehensive in terms of covering all relevant departments and persons relevant to the LJSP, JAG and the Sector) only a very limited number of interviewees were external to the project; participants from NGOs interviewed for the review appear to have been involved in programme activities.

Each review that involved in-country research cost between \$30-60 thousand (Australian).<sup>74</sup> Although assistance to the programme during phase two totalled approximately \$200m (Australian), stakeholders felt that the allocation of resources for each review was more than adequate. It was also noted by AusAID Programme Managers that the resources put into JAG (see above) – as an advisory body focussed primarily on supporting the programme and sector to conduct M&E – needed to also be factored recognised.

#### Incorporation of gender

Gender issues were integrated into the approach taken by each review. For example, efforts were made to interview equal numbers of women and men in the Capacity Building Review and Sector Review & Contribution Analysis and to ensure that the review teams were balanced in terms of gender. The Sector Review focussed specifically on gender mainstreaming as one of the key assessment criteria, in reflection of the fact that gender is a key cross-cutting issue for all of AusAID's programmes.

<sup>74</sup> Estimate made by representative from AusAID programme team in Port Moresby interviewed during the research.



### Participation and information sharing

As outlined above, representatives from justice sector institutions and civil society were interviewed as part of in-country research undertaken for both the Sector and Capacity Building reviews, including L&J agencies (for example, correctional and magisterial services), JAG, CSOs and LJSP Advisors.

The ToRs for the reviews – which were developed by AusAID Programme Managers in Port Moresby and Canberra – were shared with JAG and LJSP for input and comment. In the case of the Sector Review, the ToR was shared with the sector institutions (ie NCM, LJSS and LJSWG) for additional input. However, some members of the LJSP and a number of external stakeholders felt that the consultation process during the development of the ToR was poor.<sup>75</sup> They felt this had contributed to the difficulties that were faced by the review team in meeting the second objective set out in the original ToR (see section 5 on challenges). External actors, beneficiaries and CSOs were not involved in the review design process in both cases.

The preliminary results of the Sector & Contribution Analysis, Capacity Building, Lessons Learned and Kenway reviews were presented by AusAID Programme Management staff and discussed with the LJSWG and the NCM members. Although the findings of the report were shared with LJSP and JAG, they had little input into decisions around the uptake of the findings. Although in theory, the uptake of findings of the Sector & Contribution Analysis Review should have been driven by the GoPNG, due to a lack of ownership over the process, the uptake of findings was driven primarily by AusAID. The findings from the reviews were not shared publicly or with the programme beneficiaries, as they were not designed for such a purpose. Given the relatively limited GoPNG ownership of the Sector Review & Contribution Analysis, there was not a strong demand for the public release of this document on the part of the sector. This was not necessarily a negative outcome as it is important to ensure that AusAID's performance reporting does not dominate or distort the sector's own performance and accountability requirements.

In formal M&E terms, the primary mechanism for the sector's engagement with the public has been community crime surveys linked to the sector's Annual Performance Reports as opposed to sector reviews and evaluations. However, some interviewees felt that it was important to share findings from sector reviews and evaluations with the public in order to ensure a more inclusive and participatory approach to M&E of the sector.<sup>76</sup>

## **4. Aligning programme M&E arrangements with those of the sector**

### *4.1 The relationship between the programme and sector M&E frameworks*

As illustrated above, the fact that the purpose of the PMF ('to move towards a just, safe and secure society'<sup>77</sup>) is the same as the overall goal of the MEF, suggests a strong link between the PMF (sector) and the MEF (programme). Although the programme and the sector have ultimately been working towards the same end goal (a strong, transparent and accountable L&J sector) a distinction between the two has been maintained throughout phase two of the LJSP. In M&E terms, the PMF aimed to measure progress in terms of delivering law and justice as set out in the SSF, whereas the programme MEF was more concerned with measuring AusAID's support to the GoPNG to achieve these goals. This meant that indicators and outcomes/goals differed between the two.

Initially, the PMF was set against the five sector goals outlined in the SSF, while the MEF was set originally against four outcomes. To illustrate the point, where the goals and indicators set out in the sector PMF (see above) focus on measuring the impact of the sector on improving people's access to law and justice, the outcomes and indicators set out in the original programme MEF (see above) focus on measuring the capacity of law and justice agencies and

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<sup>75</sup> Interview with representatives from the LJSS and agencies, 18 November 2008.

<sup>76</sup> *Ibid.*

<sup>77</sup> Government of Papua New Guinea (February 2006), *Performance Monitoring Framework Background Statement*.

institutions to deliver outcomes. For example, goal one in the sector PMF is to, 'improve policing, safety & crime prevention', which focuses on the performance of sector service delivery. In contrast, outcome one of the programme 2005 MEF was to, 'improve core delivery by key law and justice agencies and institutions', which focused on building the capacity of law and justice agencies to deliver.

Yet the MEF was not originally intended to replace or be parallel with the SSF. It was prepared by AusAID as a higher level reporting tool to measure the quality of LJSP's inputs and to help capture outcomes and impact from the activities supported by AusAID specifically.<sup>78</sup>

However, it is important to note that the difference between sector and programme M&E frameworks was largely because the sector's PMF had not been finalised at the time that the MEF was created rather than because of a strategic decision to develop separate M&E frameworks. The SSF did not yet exist and as a result of this, the original PMF was structured around the sector's 'ten priorities' as an interim focus. The original MEF was therefore created in a vacuum; when the SSF and subsequently the PMF were finalised, the MEF was realigned to be consistent with them. The difference between sector and programme M&E frameworks was also linked by interviewees to the poor co-ordination between JAG (responsible for supporting sector development of the PMF) and the LJSP (responsible for developing the programme MEF) at the start of the programme.<sup>79</sup> There was also confusion over how programme 'support' to sector and agencies' capacity could realistically be measured.

This dilemma has persisted throughout phase two of the programme and efforts have been made to better integrate the two M&E systems as a result of regular monitoring and a review process that commenced in 2006. As a result of this, the 2006 MEF was revised to include a results-based framework which measured the performance of the LJSP against the five sector goals (see above) and Key Result Areas so as to better link programme indicators to those included in agency annual plans. These indicators were also included in the more recent 2007-2009 MEF.

#### 4.2 Merger

The findings and recommendations of the three reviews examined above led the way for a revised strategy to be developed on Australia's future assistance to the PNG L&J Sector from 2009. The development of the new strategy was supported by a consultation process with stakeholders from civil society, government and justice sector institutions in PNG and Australia during April-December 2007, which built upon the review findings. The consultation process included the development of a series of issue papers on key topics, which were then tested with focus groups and a reference group in PNG.<sup>80</sup>

A new programme design document was developed in May 2008, the PNG-Australia Law and Justice Partnership (PALJP). The PALJP programme document recognises the need for an integrated approach to the L&J Sector, a greater understanding of and sensitivity to local context, and places renewed emphasis on supporting gender equality in the new strategy.<sup>81</sup> Following the recommendations of past reviews, the document attempts to articulate more clearly how the measurement of the GoA contribution to the sector relates to/draws from the sector's own M&E processes. The Managing Contractor (repositioned as an Implementation Service Provider (ISP) in the new strategy) will be expected to report on the quality of services it provides in support of the GoA/GoPNG partnership. This will then be used as one source of information to assess the effectiveness of the overall GoA/GoPNG partnership.

The main shift in the new approach is that measurement of LJSP's performance will be more directly linked to the measurement of aid effectiveness (ie M&E of GoA's support under the

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<sup>78</sup> *Op cit*, Papua New Guinea-Australia Law and Justice Partnership (May 2008).

<sup>79</sup> Interview with representative from AusAID, Port Moresby, 20 November 2008.

<sup>80</sup> Issues papers were developed on the following topics: Infrastructure, Capacity Building, Community and Provincial Engagement, Monitoring and Evaluation, Planning and Budgeting, and Management Models. Papua New Guinea-Australia Law and Justice Partnership, (May 2008), *op cit*.

<sup>81</sup> *Ibid*.

partnership) – which will be undertaken jointly by AusAID and the DNPM and in consultation with the sector. This recognises DNPM's key role as the manager of the development budget (ie including all donor programmes) on behalf of GoPNG. PALJP also outlines a deeper level of support for the sector to undertake its own M&E activities.

Under the new PALJP, the ISP will report against a new ISP Monitoring Framework, which will feed up into annual aid effectiveness reviews undertaken by AusAID-DNPM on a biannual basis. The ISP Monitoring Framework is yet to be fully developed; however, it will draw heavily on the MEF for the current Managing Contractor.

Linked to the stronger GoA/GoPNG partnership that has been built over the past couple of years and is being reinforced in the new PALJP strategy, the MEF (2007-2009) was developed to reinforce earlier moves to align the programme M&E framework with that of the sector. As outlined above, this alignment process was only able to take place once the sector PMF (and later SSF) was finally agreed in 2006.

Some of the more notable changes in the LJSP 2007-2009 MEF in comparison with the original (2005) MEF are as follows:

- 'The revised MEF has more detail and context on M&E activities at the sector and agency levels than previous versions. This material makes it easier for the reader to correctly place LJSP's M&E roles and responsibilities at each level of sector, agency and programme.
- New and revised sections 2, 3 and 4 of the MEF describe more fully than previously the hierarchy of M&E from the sector, through to the agencies and to LJSP's contribution. Section 2 provides the background and context; Section 3 describes the general overall M&E approach; while section 4 amplifies specific initiatives and areas of interest.
- A more detailed explanation of how LJSP's Advisors work within the sector, using a capacity development approach to deliver their outputs as part of an agency or sectoral activity.
- The two M&E systems developed in phase two (ie sector and programme) are more closely linked in the revised MEF. The goals and indicators for the revised MEF logframe (2007-2009) are more directly linked to those set out in the sector PMF than was the case in the original MEF (2005). The revised logframe is broken down by five goals which mirror the sector goals outlined in the sector M&E framework (see above). The original four outcomes have been replaced by a number of Result Areas under each sector goal, which are set against a number of performance indicators. The twelve Result Areas bring together a number of activities in a manner consistent with the SSF. The Result Areas and performance indicators under each sector goal in the revised logframe are as follows'.<sup>82</sup>

SECTOR GOAL	RESULT AREA	PERFORMANCE INDICATORS
<b>Sector Goal 1:</b> Improving Policing, Safety & Crime Prevention	Result 1.1: Provincial and local mechanisms to improve safety and prevent crime strengthened and developed.	<ul style="list-style-type: none"> <li>• Administrations (ABG, EHP, NCDC and select others) planning, co-ordinating (with law and justice agencies and civil society) and implementing agreed priority activities using participatory processes.</li> <li>• Packages of prioritised support for crime prevention and restorative justice implemented, including increasing provincial support for L&amp;J activities.</li> </ul>

<sup>82</sup> LJSP (2007), *Monitoring Evaluation Framework, 2007-2009*.

	Result 1.2: Policies, practices and programs to protect children and women's rights functioning effectively.	<ul style="list-style-type: none"> <li>• Family and sexual violence programs established and supported by agencies and civil society to implement the Family and Sexual Violence Strategy.</li> <li>• Policies, practices and processes trailed and extended to support victims and witnesses.</li> <li>• Research completed and disseminated.</li> </ul>
<b>Sector Goal 2:</b> Increased Access to Justice & Just Results	Result 2.1: Sustainable processes for efficient handling of cases by each agency developed and maintained.	<ul style="list-style-type: none"> <li>• Formal agencies and civil society working together to improve court processes.</li> <li>• Judiciary leading the review, design and implementation of the reengineered processes.</li> <li>• Completion and implementation of new indictable case stream: clearance of backlog; reduction in time taken to process cases; reduction in multiple adjournment; improved case flow; improved user perception of serious crime processing</li> <li>• Agency case management systems contributing to improved work flow in each agency.</li> <li>• Improved case flow and improved user perception of access, fairness and equality in National and District Court civil processes, especially registry practice.</li> </ul>
	Result 2.2: Systems, practices and infrastructure for improved access to justice and fair outcomes strengthened.	<ul style="list-style-type: none"> <li>• Improved capacity of provincial administrations and the DJAG secretariat to manage &amp; support village courts</li> <li>• Assets maintenance and procurements contributing to improved court efficiency.</li> <li>• Improved capacity of Public Solicitor, Legal Training Institute and DJAG to provided core functions and services</li> <li>• Sector libraries, law reports, judicial decisions and legislative databases sustained and providing greater access to laws</li> </ul>
	Result 2.3: Restorative justice engagement models piloted and promising approaches replicated to strengthen communities to maintain peace and good order.	<ul style="list-style-type: none"> <li>• New restorative justice activities are happening pilots established, scaled up and replicated; community justice centres working, use of mediation in village courts increasing</li> </ul>
<b>Sector Goal 3:</b> Improved Reconciliation, Reintegration & Deterrence	Result 3.1: Policies and practices to promote fair and equitable justice for young people; rehabilitation for detainees; and alternatives to prison strengthened and developed.	<ul style="list-style-type: none"> <li>• National Juvenile Justice Policy implemented with packages of support in selected centres; diversion programs established in selected centres; community based alternatives to detention established in selected centres.</li> <li>• CBC regional and provincial offices working with NGOs and CBOs to increase support to Community Work programs; detainee release programs improved in select areas.</li> </ul>
	Result 3.2: Management and operation of correctional institutions strengthened.	<ul style="list-style-type: none"> <li>• Improved prison operations resulting from refresher training and responses to operational audits</li> <li>• Industry work programs and rehabilitation activities being developed and implemented.</li> <li>• Assets maintenance and new infrastructure contributing to improved security and humane containment of detainees.</li> </ul>
<b>Sector Goal 4:</b> Improved Accountability & Reduced Corruption	Result 4.1: Capacity and processes for agencies and the sector to address reduce fraud and corruption strengthened and developed	<ul style="list-style-type: none"> <li>• Ombudsman Commission processes for complaint and leadership investigations are strengthened resulting in throughput targets achieved; success rate in referrals and prosecutions increasing.</li> <li>• Leadership tribunals and prosecutions for serious crime taking place as scheduled</li> <li>• NACA established and functioning.</li> <li>• Integrity review recommendations resulting in</li> </ul>

		improved agency systems and processes
<b>Sector Goal 5:</b> Improved ability to provide Law & Justice Services	Result 5.1: Ability of key government justice sector institutions to adopt good public administration practices and to use resources properly strengthened and developed.	<ul style="list-style-type: none"> <li>• Skills development packages delivered in core areas of public administration (especially finance and budgeting).</li> <li>• Capacity for planning enhanced in all agencies with costed annual and corporate plans completed showing linkages to government and sector policies and priorities.</li> <li>• Accountability of agencies increased (e.g. annual reports published; activity completion reports; integrity reviews completed; fraud control plans in place).</li> <li>• Agency facilities and assets management and facilities maintenance strategies being used to determine priorities and guide spending decisions.</li> <li>• Sector Gender Strategy implemented: gender mainstreamed into agency planning and operational practice; gender work place plans in each agency.</li> </ul>
	Result 5.2: Engagement models piloted and promising approaches replicated to strengthen civil society engagement in the sector.	<ul style="list-style-type: none"> <li>• Strengthened linkages between sector agencies and civil society support policy dialogue and service delivery.</li> <li>• Sustainable engagement models and pilot activities are designed, delivered (and existing ones supported) and replicated.</li> <li>• CJLU operating in accordance with agreed strategy and annual plan.</li> </ul>
	Result 5.3: Strengthened capacity and processes for sector-wide co-ordination and implementation.	<ul style="list-style-type: none"> <li>• Enhanced NCM, LJSWG, LJSS and Activity Management Teams capacity to lead development of sector planning and implementation (e.g. successful planning and delivery of cross sector multi-agency activities; sector presentations and reporting to government; budget allocations reflecting SSF).</li> <li>• Increasing LJSS capacity to support and lead sector co-ordination and the operation of sector mechanisms including the imprest account arrangements.</li> </ul>

- *Information management:* The management contractor has supported the development of a more systematic and joined-up programme M&E documentation system. Changes were made to the format and content of programme monitoring documents (ie six-monthly, Annual and Advisor reports) from 2007 as an outcome of regular monitoring and as the first stage of working to better link the sector, agency and programme planning and M&E systems. For example, in the new reporting system, Advisor Reports link to agency annual plans which link to the GoPNG Development Budget. The LJSP MEF logframe and Six-monthly and Annual Reports – which related to and built upon Advisor Reports – link to the sector PMF. The development of reporting document templates adds extra clarity and organisation to the documentation system.

Annex two of the revised MEF includes 34 Activity Monitoring and Evaluation Frameworks. These frameworks illustrate the placement of LJSP inputs and outputs flowing from the SSF down to the outputs that LJSP supports and contributes (that is agency activities as outlined in the annual agency plans, which correspond to the GoPNG Development Budget). Each one also describes links to the MEF logframe, how LJSP reports on the agency activities it supports, and their overall impact within the guidance provided by the LJSP logframe.<sup>83</sup> The revised MEF states that each of the activity frameworks has:

- A title;
- An activity number that will stay with the activity for its lifetime;

<sup>83</sup> *Ibid.*

- A reference to the appropriate SSF Goal and Strategy;
- The nominated Activity Management Team or oversight body, and the chair of that body;
- A nominated LJSP Advisor as co-ordinator, and any other advisory inputs;
- The total LJSP budget and number of Advisors;
- A numerical reference to the activity's Project Formulation Document's number in the Development Budget;
- A description of the activity and its current status;
- The objective of the relevant Program Formulation Document – this is crucial in terms of linking the agency annual plan with the sector planning and budget process (Development Budget).<sup>84</sup>

A third annex, the 'Cross-Cutting Issues Framework', is intended to ensure that the effectiveness of support for key cross-cutting issues is monitored.<sup>85</sup> The strategic management performance section of the revised MEF (annex four) collects information on the management contractor's performance: the quality of strategic management of the programme and decision-making processes. The MEF includes a list of strategic management frameworks to measure performance:

- *Governance*: financial management, personnel recruitment and management, communications, reporting, procurement and subcontracting;
- *Strategic performance*: context analysis and policy advice, programme positioning, mix of selected inputs, relationships with stakeholders, application of programme document principles, key strategies (gender, capacity development), systems for learning and innovation.<sup>86</sup>

Annex five of the revised MEF contains the pro-formas for Advisors' work plans, and the Quarterly Report format.<sup>87</sup> Changes to the work plan format include a clear requirement to state the baseline situation in relation to intended outputs and increasingly strong reference on the need to supplement information from internal data sources (for example, Advisor Reports, minutes of meetings, financial accounts, certificates awarded) with external sources.

The experience and lessons that led to these changes to the MEF have also informed the approach to M&E proposed in the next phase of GoA assistance to the sector (ie PALJP):<sup>88</sup>

- *Performance, results, accountability*: Increased and more integrated support for performance monitoring at the agency, sector and central agency levels. This is to include technical and other assistance being provided through one programme 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 co-ordination mechanisms to plan for, access and manage independent performance assessment expertise and advice.
- *Baseline data*: The inclusion of baseline data to measure performance against is better integrated in the new strategy – a change that stakeholders perceive as a positive step. PALJP states that information about sector performance made available through the PMF, the analysis undertaken as part of the final evaluation (to be conducted upon completion of LJSP) and relevant evaluative data collected during 2008 will provide a baseline against which the effectiveness of future aid programme assistance will be measured.
- *Future assistance for sector level M&E functions*: PALJP will support the sector from 2009 onwards to carry out functions that were previously supported by the JAG.

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<sup>84</sup> *Ibid.*

<sup>85</sup> *Ibid.*

<sup>86</sup> *Ibid.*

<sup>87</sup> Papua New Guinea-Australia Law and Justice Partnership (May 2008), *op cit.*

<sup>88</sup> Taken from, *ibid* p48.

- *Co-ordination and collaboration:* Clearer alignment with the PNG-Australia Development Co-operation Strategy 2006-2010 objectives and increased attention to co-ordination, collaboration and coherence across other parts of the GoA aid programme and with other donors, in order to consolidate (and not duplicate) efforts within central agencies, at sub-national levels of government, with NGOs and at the community level.

## 5. Challenges

This section focuses on challenges to M&E experienced during phase two of the LJSP. The challenges identified in this section reflect the views of the author but draw upon the challenges identified in previous programme reviews.

- *Weaknesses in data collection:* The Kenway Review found that although the PMF sets out what data should be collected at the sector level, it does not offer a clear overall picture of the GoPNG's requirements or expectations of an M&E system, or of how this information should be analysed, managed and used.<sup>89</sup> As a result, the Sector Review & Contribution Analysis team found that there was not enough data available at the agency level to undertake the 'contribution analysis' (objective two of the ToR) and conclude whether changes at the sector level were having an impact on people's lives (ie on speedier and fairer justice and non-violent dispute resolution). This was either because data was not being collected by agencies at all, or because it was not collected and stored in a useable form.<sup>90</sup> This also meant that the LJSP was forced to develop a parallel reporting system in order to report to AusAID on its contribution.
- *Lack of baseline data:* As previously noted, there appears to have been very little baseline data collected at the start of phase two. Many interviewees felt that this also made it difficult to determine the impact of LJSP<sup>91</sup>. The Kenway Review linked this to the confusion over whether the Management Contractor had responsibility for conducting baselines, or whether the LJSP for reporting against the MEF and the JAG for reporting against the sector PMF.
- *Use of non-specific indicators:* The Lessons Learned review identified a key challenge as the non-time specific and abstract nature of LJSP performance targets which made it difficult to measure impact. The findings of the Kenway Review stated that, 'both the sector and LJSP planning instruments – the SSF and annual agency plans, are proliferated with an abstraction in performance targets ('to enhance', to 'increase', to improve' – characteristically without any specification of by how much and when). Without these, it is difficult to monitor attainment of targets and measure change with any precision.'<sup>92</sup>
- *Activity-focussed M&E:* The programme M&E system has struggled to capture outcome/impact level changes or to measure the contribution that the programme has made in terms of supporting the sector/agencies to achieve their goals/outcomes. Instead, the programme has focused on illustrating its contribution to agency and sector outputs linked to activities – which is useful in terms of programme management but not in measuring impact. However, this focus on outputs is largely linked to the weak (although growing) capacity of the agencies to collect the data required to report on outcomes, and a poor understanding within agencies of how to interpret data to illustrate achievements of outcomes. Some stakeholders felt that this challenge was largely attributable to the setting of unrealistic goals and timeframes for the sector and its agencies.

The demand for capturing outcomes was largely driven by AusAID's internal need to illustrate the higher level impact of their work – in line with broader commitments on aid effectiveness (ie the Paris Declaration). Some stakeholders felt this was isolated from the realities and capacities of the sector and government. Achieving a balance between setting

<sup>89</sup> Kenway (2007), *op cit*.

<sup>90</sup> AusAID (December 2006), *PNG Law and Justice Sector Review and Contribution Analysis. Internal AusAID document.*

<sup>91</sup> Interview with representative from AusAID, Port Moresby, 20 November 2008.

<sup>92</sup> Armitage, L (2007), *op cit*.

up systems for AusAID purposes and working with the needs and to the pace of the GoPNG is felt by many stakeholders to have been the greatest challenge of all.<sup>93</sup>

- *Measuring performance of Advisors:* Systematising a way of measuring the performance of Advisors in 'supporting' agencies was a key challenge for LJSP during phase two. LJSP struggled to develop indicators to measure support, as this involves developing intangible 'process' or 'approach' indicators as opposed to quantifiable indicators (for example, number of court cases). The programme has tried to address this issue through the development of Advisor Six-monthly and Annual Reporting templates, which require the Advisor to illustrate ways in which they have supported capacity development (see above) and through involving counterparts in agencies in performance reviews. However, this system draws largely upon the personal perceptions of the Advisors and counterparts, which in itself is a challenge as perceptions are variable, subjective and just as intangible.
- *Complexity of the sector approach:* The sector-wide approach has contributed to the complexity of the M&E task. The Lessons Learned review highlighted that there has been confusion and divergent thinking throughout phase two of LJSP regarding the differences between a sector programme, an L&J sector, and a sector-wide approach. There has also been some confusion over the differences between a sector and a multi-agency approach.<sup>94</sup>
- *Establishing linkages between programme MEF and the sector PMF:* The Kenway Review highlighted that links between the three M&E levels (sector, agency and LJSP) had not been strong enough during phase two. The PMF was not perceived by the Managing Contractor to be relevant to the LJSP or Advisors (eg the sector annual performance reports were not referenced in LJSP Annual Reports). This disconnect between the two systems was largely attributed to the fact that when the MEF was originally designed, the PMF had not been agreed. Therefore, a main challenge for the LJSP during phase two has been deciding if and how the two parallel M&E systems for the programme and sector should be linked. There was also confusion over whether the emphasis of programme M&E should be on assessing the quality of LJSP inputs, or on its contribution to sector outputs and outcomes. Some members of the LJSP were reluctant to link up the systems as this would mean that their performance was measured against sector and agency outputs/outcomes and they felt that they were working towards different goals (LJSP should be measured against the quality of its inputs instead).
- *Low capacity:* Stakeholders identified the very low capacity of PNG agencies (particularly in the provinces) as a significant barrier to the collection and analysis of data.<sup>95</sup> As a first step, this challenge was addressed through AusAID commissioning a review on the impact of the LJSP on capacity building in January 2008 (the Capacity Building review, see above) in future.
- *Prolonged design phase:* A prolonged design phase had a number of impacts on the way M&E was undertaken during phase two.<sup>96</sup> The overall structure of LJSP was evolving at the beginning of phase two which made it more difficult to design a corresponding MEF for LJSP; turn-over of staff responsible for M&E within LJSP and JAG led to different views and approaches which complicated and further delayed progress; and other priorities (such as planning and supporting implementation) distracted the LJSP from M&E. As outlined above, M&E was not properly integrated into the LJSP until 2005/2006, which explains the disconnect between the original programme MEF (2005) and sector PMF; and finally, LJSP grew into a large programme without a solid M&E culture having first been developed.
- *Poor co-ordination:* Lack of co-ordination between JAG and LJSP for M&E was highlighted as a key challenge to the success of M&E in phase two in the Kenway Review (2008). The review found that a critical aspect of the M&E design lay in the dual roles of the JAG and LJSP in building the capacity of agencies and sector M&E, which led to confusion over who

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<sup>93</sup> Interview with representatives from AusAID, Canberra, 22 November 2008.

<sup>94</sup> Armitage, L (2007), *op cit*.

<sup>95</sup> Interview with representative from AusAID, Port Moresby, 17 November 2008.

<sup>96</sup> Armitage, L (2007), *op cit*.



was responsible for what. The review also pointed to a lack of co-ordination and collaboration between the Managing Contractor and AusAID. There was confusion over the extent of the Managing Contractor's M&E responsibilities, and linked to this, their budget and allocation for such tasks. A range of possible underlying causes were identified, including: shifting responsibilities and influence for planning and M&E, different approaches to capacity building, varied emphasis on the formal and informal sector, and possibly a lack of leadership from the management contractor to resolve the problem.<sup>97</sup>

- *Contract conditions for the LJSP Managing Contractor:* The Kenway Review stated that performance payments for Managing Contractors and the overall expenditure each year acted as an incentive to focus primarily on spending, rather than on the quality of the approach taken and outcomes achieved through that expenditure. It was argued that contract conditions did little to reinforce the importance of M&E.<sup>98</sup>
- *Weak M&E culture:* The absence of an M&E culture was identified by the Kenway Review as a key challenge to successful implementation. The review identified as an additional barrier, lack of emphasis by the LJSP Managing Contractor's management on M&E, resulting in a variable attitude towards, and skill level in M&E, by Advisors. The absence of a culture of M&E within the programme.<sup>99</sup> A poor M&E culture within agencies (particularly at the top management level) was also reported by stakeholders as a key challenge.<sup>100</sup> Poor feedback to agencies on Annual and Quarterly reports and unclear uptake of findings by those are responsible for completing reports has fostered disillusionment within agencies.
- *Creating dependency:* Stakeholders from the different agencies linked the weak M&E capacity to a culture of dependency on LJSP Advisors for carrying out such activities. For example, in the Office of the Public Solicitor, two evaluations of agency activities were undertaken in 2007. Since the M&E Advisor left however, no evaluations have been undertaken. This points to a greater challenge faced by LJSP Advisors in building the capacity of agencies through a sustainable approach which avoids creating dependency.
- *Lack of national ownership:* The Kenway Review, alongside the Capacity Building and Lessons Learned reviews, identified the poor ownership of M&E within the sector to have been a main challenge during phase two. It was felt by some interviewees that the evaluation was thus undermining the programme. The 2006 Annual Performance Review produced by JAG in 2006 stated, 'the PMF has little sector ownership. It is for the most part considered 'JAG work' and there is limited understanding as to the PMF's content and more critically its purpose'.<sup>101</sup> This is linked to the fact that the PMF was developed before and in isolation to the SSF. The Kenway Review suggests that the purpose of sector M&E through the PMF was unclear, especially in the NCM.<sup>102</sup>

Some stakeholders expressed concern that there had been low levels of national ownership over the Sector Review & Contribution Analysis in 2006.<sup>103</sup> Although the review team was comprised of representatives from AusAID and PNG, it was felt that the output was very much AusAID-owned. Some stakeholders have attributed this to the methodology used ('Contribution Analysis') which may have been perceived within the GoPNG as being relevant only to AusAID – focussing purely on AusAID's 'contribution'.<sup>104</sup> This is however disputed by other stakeholders who believe that the GoPNG is becoming increasingly concerned with the effectiveness of donor contributions, especially with moves towards more sophisticated funding modalities.<sup>105</sup> Linked to this, the GoPNG is about to embark on

<sup>97</sup> *Ibid.*

<sup>98</sup> *Ibid.*

<sup>99</sup> Kenway (2007), *op cit.*

<sup>100</sup> Interview with representatives from agencies, 18 November 2008.

<sup>101</sup> JAG Review Team 2006, *Second Performance Review and Assessment of the Justice Advisory Group*.

<sup>102</sup> *Ibid.*

<sup>103</sup> Interview with representative from AusAID, Port Moresby, 17 November 2008.

<sup>104</sup> Interview with Jessica Kenway, 23 November 2008, (key evaluator on the Sector Contribution and Review Analysis 2006).

<sup>105</sup> Interview with representative from AusAID, Canberra, 23 November 2008.

a further review of the sector, which will occur early next year, with AusAID support. It was felt by interviewees that there is a greater level of ownership over this process than was the case in the Sector Review & Contribution Analysis as it is being managed and developed by GoPNG.

- *Gender insensitivity:* Although gender-related indicators were included in the MEF (2005), the Kenway Review found that monitoring of gender aspects was poor. The report states that the gender-related indicators attached to these frameworks were not reported on in the 2006 Annual Report.<sup>106</sup> The JAG's review of the 2007 Annual Programme Plan found that, '...reporting on cross-cutting issues is totally inadequate.'<sup>107</sup> This is a very difficult area, especially because inclusion of gender is a donor requirement and not a PNG directive and so it does not link to agency annual plans. In practice it was difficult to rely on L&J agencies' systems to report on cross-cutting issues. However, in the design for PALJP, the issue of tracking gender equality is being dealt with on the basis of it being an explicit and joint GoPNG-GoA commitment linked to aid effectiveness principles.
- *Undue focus on top-level management/elites:* As noted previously, worthwhile efforts have been made to consult on M&E arrangements, TORs and the findings of reviews. Public views on L&J issues have also been sought periodically using surveys. In relation to reviews however, stakeholder involvement has been too narrow, with too few rural and non-institutional voices featuring. However, as noted above, the design for PALJP attempts to address this issue more deliberately/explicitly – including through a commitment to support greater participation of non-government actors in M&E processes and increasing accessibility of sector performance information.

## 6. Lessons

The lessons identified in this section reflect the views of the author, but draw upon the findings of previous programme reviews.

Through a process of trial and error over the last five years, law and justice programming in PNG is being led with an increasing level of ownership by the recipient government. The LJSP has begun to acquire a more systematic and co-ordinated M&E system which links more strongly to the sector to reflect this. A number of lessons can be taken from the LJSP experience which are relevant for sector-focussed SSR programmes. To begin with, the M&E-related lessons identified by the Kenway Review are worth re-visiting:<sup>108</sup>

- *Clearly describing roles and responsibilities:* 'The request for tender and contract for the Managing Contractor should better clarify who is responsible for carrying out and resourcing M&E and specifically at what level (input, output, outcome or impact) this is to occur. Where there are multiple contractors involved (such as with the JAG and LJSP) it is vital to provide clear delineation of their roles, including where co-ordination and co-operation is needed between them'.
- *Describing baseline data needs during the design phase:* 'In the design stage, emphasis should be given to where baselines might provide valuable data for the host country and the donor and at what level (eg sector, agency and programme)'.
- *Using a staged approach to reliance on host information systems:* 'It is important to take a staged approach involving direct sourcing of performance information in the short term, and combining capacity building in performance monitoring with increasing reliance on host country information systems over time as their capacity develop'. The Kenway Review stated that LJSP lacked a clear strategy for how it would build the capacity of PNG agencies

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<sup>106</sup> *Ibid.*

<sup>107</sup> Government of Papua New Guinea (2007), *Annual Performance Report*, p 12.

<sup>108</sup> Taken from Kenway (2007), *op cit*, pp11-20.

and organisations to generate quality M&E information so that increasingly the data collection responsibility could be handed over to PNG.<sup>109</sup>

- *Adopting a specific M&E indicator:* 'Consider having a specific indicator under the contractor performance assessment process focusing on M&E. This would allow progress in establishing an M&E framework to be tracked, with measures for questions such as how any Managing Contractor's M&E capacity was being managed and whether all co-ordination relationships were being managed effectively'.
- *Promoting national ownership:* 'PNG is an oral society. This was well recognised in the outreach strategy for the SSF document when it was condensed into a one-page visual brief. Kenway recommended this idea adopted to put across other complex ideas and documents, including the PMF and the sector's different M&E levels'.
- *Linking Advisor performance to programme annual planning documents:* Kenway stressed the importance of increasing Advisors' accountability for their contribution to outcomes by creating work plans that link their efforts to the outputs in the Annual Programme Plan. This advice was taken up in the revised LJSP MEF and the forthcoming PALJP.
- *Storage of information on outputs and outcomes:* 'Produce a clear explanation of how information on outputs and outcomes will be stored and managed. This recommendation was integrated into the revised MEF and the forthcoming PALJP'.
- *Developing indicators to measure capacity building:* 'Steps should be taken towards greater involvement of the Justice Sector Secretariat in M&E and towards promoting use of monitoring data by the sector, and monitoring progress in building sector capacity in these areas. Developing indicators for capacity is an important aspect of this'. This lesson was integrated into the revised MEF and the forthcoming PALJP.
- *Link sector and programme priorities on cross-cutting issues such as gender.* This lesson was taken on in the development of the revised MEF (2007-2009), which outlined a more integrated approach to gender reporting to ensure that the link between SSF and LJSP was explicitly demonstrated. This lesson has also been integrated into the forthcoming PALJP.
- *Create financial incentives for M&E:* The review suggests that LJSP M&E requirements could have been emphasised by having a more specific indicator for M&E as part of the Managing Contractor's performance payment assessment process.

Additional lessons were also identified through the field research undertaken for this case study:

- *Linkages between sector and programme planning and reporting mechanisms:* The programme planning and reporting system must be clearly linked to and driven by the sector's arrangements. Furthermore, it is important that donor planning processes do not overshadow the government's planning processes. This is essential in terms of fostering a sense of national ownership. For example, in the early stages of the LJSP, the Annual Programme Plan assumed a position that was far too prominent and dominated the process for planning the Development Budget expenditure.
- *Collection of data:* Many interviewees felt that ideally, baseline data should be collected prior to the implementation of the programme. Since data needs vary, it may also prove wise to design separate baseline studies at different levels or with different foci (eg sector, agency or programme level).<sup>110</sup> At the programme level in particular, it would have been useful to have some form of baseline on agency capacity.<sup>111</sup>

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<sup>109</sup> *Ibid.*

<sup>110</sup> Interview with representatives' from LJSS and agencies, 18 November 2008.

<sup>111</sup> Kenway (2007), *op cit.*

- *Measuring for results:* More focus should be placed on measuring outcomes (as opposed to activity focussed outputs) but at a pace that is realistic given the context and the capacities of GoPNG. To enable programme outcomes to be monitored throughout the programme, some interviewees felt that the collection of baseline data should focus on gauging what is 'normal' in the communities that the programme aims to support with regards to the security and justice situation.<sup>112</sup> Indicators should also build on locally-recognised signs of whether safety has improved or worsened. For example, in a situation where the risk of violence has often deterred it, the number of women attending local markets might be a useful indicator for sector (linked to programme) outcomes.
- *Donor flexibility:* As outlined above, the greatest challenge of the LJSP has been balancing the development of systems for planning and reporting for AusAID purposes (ie higher-level donor demands to report on aid effectiveness) and balancing this with the needs, capacities and pace of the GoPNG. It is important that donor requirements do not overshadow those of the government and lead to a situation where the sector and agencies are overwhelmed by demands to plan and report. Where the initial capacity of the government to report on outcomes (as has been the case with the L&J sector) is weak, donors supporting a recipient-driven sector programme should be more flexible on reporting requirements and provide space for national government to develop the capacity to report on outputs before outcomes. It could easily take 5-10 years even in favourable circumstances to get to this point.
- *Focus more on decentralised L&J institutions:* The LJSP has focussed on supporting central L&J institutions to conduct M&E. However, in order for sector M&E to focus better on outcomes and to draw upon data which illustrates impact at the sub-national and community level, it is fundamentally important that the capacity of decentralised and sub-national L&J institutions is strengthened.
- *Review / evaluation methodology:* Lessons were drawn from the Sector Review & Contribution Analysis with regards to the use of the 'Contribution Analysis' methodology. The review team found that the methodology was useful for focussing on outcomes as opposed to outputs (ie a focus of the programme on its contribution to the sector in achieving their outcomes), as well as for testing assumptions, identifying sources of hidden knowledge and looking at ways to harness this. However, some stakeholders felt that the terminology used (ie 'contribution'), implied a focus on solely assessing AusAID's input and took away from the dual purpose of the review, which was to assess the performance of both AusAID and the sector.<sup>113</sup> This was reflected in the poor national ownership over the review.

Some members of the review team felt that adopting a 'theories of change' approach – which focuses primarily on assessing changes that have happened at the impact level and then working backwards to identify what has contributed to this – would have been preferable. Arguably however, this was what a 'contribution analysis' attempts to do, although in this case due to a lack of data availability at the agency/sector level it was very difficult to identify with any certainty what changes had occurred at the impact level and to work backwards to identify what had contributed to this.

- *Complementing reviews with true evaluations:* Another lesson on methodology learned from the review process was the need to conduct proper evaluations of the programme as opposed to only carrying out reviews. Reviews carried out to date have been thorough and revealing in many ways, but they have also been constrained in scope, method and duration and tended to be dominated by the views of top-level agency staff. A need is now foreseen for deeper analysis using evaluations that may take several months to complete but allow input from lower-level agency staff in different departments, including those living and working outside Port Moresby. AusAID's new programme strategy document includes a requirement for independent evaluations of aid effectiveness every two years

<sup>112</sup> Interview with representative from AusAID, Canberra, 23 November 2008.

<sup>113</sup> Interview with Jessica Kenway, 23 November 2008, (key evaluator on the Sector Contribution and Review Analysis, 2006).

and a ToR for a comprehensive sector evaluation is currently being drawn-up. The plan is apparently for a PNG national to lead the evaluation team in an attempt to boost national ownership.

However, one interviewee from AusAID pointed out that they are still grappling with the distinction between evaluation of aid effectiveness on the one hand, and evaluation of sector performance on the other, and it may take some time to move forward on this. The timing of the review falls into the latter category and will enable AusAID-DNPM to draw on the results in undertaking the LJSP Independent Completion Report, as well as forming the baseline for the next phase of assistance.

- *Tailoring standard evaluation criteria:* A number of general comments were made by interviewees on the criteria that might be most appropriate for evaluating justice and SSR programmes. Firstly, there was a general view that the standard five OECD DAC criteria should in some way be added to or reviewed. Priority aspects that interviewees wanted to see covered better were those of ownership, participation of beneficiaries in M&E, formal/informal justice sector links and institutional capacity building. Identifying suitable indicators to measure the intangible aspects of capacity building was also felt to be a priority.

## **Annex 1: Interviewees**

Interviews were held in Port Moresby, Papua New Guinea and Canberra, Australia, from 17-24 October 2008 with the following people:

### **AusAID**

Joanne Choe, First Secretary, AusAID, Port Moresby  
Katherine Yuave, Program Officer, AusAID, Port Moresby  
Kirsten Bishop, Law and Justice Adviser, AusAID, Canberra  
Patricia Lyon, Senior Capacity Building Adviser, AusAID, Canberra  
Jessica Kenway, Consultant for AusAID (Monitoring and Evaluation)  
John Winter, Performance Assessment Adviser, AusAID, Canberra

### **LJSP**

Jan Cosser, Monitoring and Evaluation Specialist, Carndo Acil (LJSP)  
Dr Catherine Mobbs, Agency Performance Monitoring Adviser  
Steve Sims, Law and Justice Development Practitioner, Yumi Lakautim Mosbi Project  
Jon Dinsdale, Program Manager, LJSP  
John Mooney, Strategic Planning and Evaluation Director  
Rebecca Robinson, Program Associate, Activity Effectiveness, LJSP

### **Justice Advisory Group**

Dr Richard Guy, Project Manager  
John Rayney, Team Leader  
Nigel Agonia OBE, Head of Secretariat

### **Agencies and Sector Institutions**

Rodney Kameata, National Co-ordinator, Community Justice Liaison Unit  
Ware Aulakua, Monitoring and Evaluation Officer, Law and Justice Sector Secretariat  
Stephen Pokanis, Monitoring and Evaluation Manager, Law and Justice Sector Secretariat  
Francesca Tamate, Activity/Office Manager, Public Prosecutors Office  
Tamati Hane- Renagi, Planning Officer, Office of the Public Solicitor  
Rigga Neggi, Planning Officer, Royal Papua New Guinea Constabulary  
Anastasia Lagasa, Acting First Assistant Secretary, Department of Justice and Attorney General  
Emil Ngansia, Planning Officer, Correctional Services  
Robert Tarube, Planning Officer, Law and Justice Sector Secretariat

## Annex 2: Timeline of sector and programme M&E frameworks and reviews that are focussed on in this case study

