

**2006 SPEECH
OFFICIAL OPENING OF THE COURTS OF
VANUATU**

THE HONOURABLE CHIEF JUSTICE LUNABEK

His Excellency Kalkot Mataskelekele, President of the Republic of Vanuatu and Ladi Mataskelekele,

Right Hon. Ham Lini Vanuaroroa, Prime Minister of the Republic of Vanuatu, Minister Responsible for Justice and Mrs. Lini,

Hon. Sam Dan Avock, Speaker of Parliament and Madame Avock,

Hon. Ministers of the Government,

Hon. Judges of the Supreme Court of Vanuatu and wives,

Hon. Serge Vohor, Leader of the Opposition,

Hon. Members of Parliament,

Excellencies Members of the Diplomatic Corps,

Hon. Sampson Endehipa, Attorney General of Vanuatu and Mrs Endehipa,

Magistrates and wives,

Public Prosecutor,

Public Solicitor,

Ombudsman,

Commissioner of the Police,

Big Chief Paul Tahi, President of the National Council of Chiefs,

Members of the Legal Profession,

Members of the U.S.P. Law Faculty,

Registrar of the Supreme Court, the Court Staff and Families,

Representative of Women,

Representative of the Press/Media,

Representative of the Churches,

Ladies and Gentlemen, Big Men and Women, Pikinini mo People blong Vanuatu.

I am very pleased to address you all on this special occasion of the opening of the Courts' session for the year 2006.

Year 2004 had been an interesting and challenging year for the Courts in Vanuatu as the Courts were called upon and they dealt with important legal and constitutional matters for the Republic and the people of Vanuatu.

Last year 2005 has been a very challenging and interesting year for the people of Vanuatu in two (2) respects:-

First, the people of Vanuatu have celebrated a very successful festive silver jubilee celebration of their Independence on 30th July 2005.

Second, the Judiciary of Vanuatu hosted the 16th Pacific Judicial Conference on 26th to 30th July 2005 at Le Lagoon, Port-Vila coinciding with Vanuatu's 25th Independence Anniversary celebrations. The participating Chief Justices, Judges, Magistrates representing the Judiciaries of the region were very impressed with the way the Conference has been organized and its final success.

A thank you dinner will be hosted by the Judiciary in honour of the Donors, Judges, Magistrates, Court personnel, lawyers and of course the Government of Vanuatu in early March 2006. The occasion will be also highlighted with the printing of the consolidated material of

the Conference itself and the final report of the Pacific Judicial Conference 2005.

As we enter into a new legal year let me remind us all that 25 years of Independence, culminating in the 25th festive celebrations in July 2005 is over. This year 2006 is and must be a very special and challenging year for all and in particular the Judiciary of Vanuatu. The challenge is for the Judiciary to set a new Direction for the judicial reform in the Republic of Vanuatu.

By the Constitution, the administration of justice is vested in the Judiciary who is only subject to the Constitution and the law and to resolve proceedings according to law.

In the various dialogues I have had with judges, Magistrates, Justices of the Island Courts and Court personnel [from 2001 to 2006] I heard your pleas for they are singular, resounding and clear. Everyday, the members of the Judiciary face challenges brought about by a myriad of problems in judicial systems and procedure, institutional development and human resource development. This, in turn, is what impels me to vigorously pursue a reform agenda that embraces tangible projects addressing the following critical issues, namely, case congestion and delay; budget deficiencies; the need for enhancing the human resource development system; dysfunctional administrative structure and operating systems accompanied by lack of infrastructure, deficient court technologies and facilities; and the need to improve public information and collaboration with civil society. These issues cut across all reform sectors.

I admit that the Judiciary, just like any other institution, has had its high and low points. As one of the three main fountains of Government power, its performance is best measured in terms of public satisfaction. This, in turn, springs from the level of confidence the people have towards the judicial system. By and large, we have been able to maintain the people's faith in the system by upholding its integrity. In more recent times, however, more and more people have shown dissatisfaction over the justice system. The causes are many and diverse, and the Judiciary has, in fact, been certainly aware of the many challenges to its efficient performances, and efforts to address various concerns, though numerous, have been sporadic. Thus, I am confident that a proper vision and police statement will

constitute a strong foundation for the long term development of the judicial branch of the Government of the Republic.

Certainly, the concerns of the justice system in general and of the judiciary in particular are impossible to disregard. Efforts to address these concerns have been vigorously pursued since 1998 which provided an environment for judicial reform. While no specific research was conducted, the findings of the Judiciary through its own needs analysis show that the judicial needs for reform is a must. Actions were taken by the Judiciary and the Government resulting in new legislation (Judicial Services and the Courts Act No. of 2000 and its subsequent amendment), the new Civil Procedure Rules of 2002, a number of special Rules in 2003, namely, Constitutional Rules, Election of Parliament Rules, Election of Chiefs Rules, Probate and Administration Rules, the new Island Court Rules of 2005 (Island Court Civil Procedure Rules, Island Court Criminal Procedure Rules, Island Court Clerks Rules), the Magistrates Bench Book and other less extensive efforts. These efforts were, however, largely uncoordinated and done in patches.

It is to be noted that the major challenges are still there and constitute an additional task for judicial reform. This raises the need for comprehensive, proactive and sustainable solutions. An encompassing vision, cognizant of the realities of the Judiciary, is indispensable in the formulation of an effective Judicial Reform Program.

For that purpose, I, as your Chief Justice, in accordance with the constitutional responsibility of the Judiciary to administer justice, I lay down the following statement as the vision and mission which the Judiciary would pursue and it will provide the guiding light for this Judicial Reform Program.

"VISION OF THE ADMINISTRATION OF JUSTICE

A Judiciary that is independent, effective and efficient, and worthy of public trust and confidence, and a legal profession that provides quality ethical, accessible and cost-effective legal service to our people and is willing and able to answer the call to public service.

Elaborating on this vision is the policy statement of this vision, which enunciates the following:

POLICY STATEMENT

The Judiciary, as the constitutional designated arbiter of all legal disputes in our democratic system of government, must, at all times, maintain its independence and remain immune from undue influence, not at the cost, however, of sacrificing comity with the co-equal branches of the Government. It is essential that the Judiciary and the members of the legal profession, as officers of the Court, be of utmost competence and unassailable integrity.

As the Judiciary is meant to serve the people through the dispensation of justice, the Bench must be fully accountable to the public by remaining transparent, yet not betray those aspects of the judiciary process, which require utmost confidentiality. Members of the Judiciary and court personnel must unerringly adhere to the constitutional precept that public office is a public trust. Dishonesty, incompetence, inefficiency and any form of unbecoming conduct are impermissible and will not be tolerated in the Judiciary nor in the legal profession. To that end, those who fail to meet the standards set for members of the Bench and the Bar will be dealt with appropriately.

The system of administration of justice must be geared to achieve the goal of delivering fair, impartial and swift justice. Hence, the core values of the rule of law, equal justice, judicial independence and the pursuit of excellence should be preserved and at all times be predominant.”

In pursuing the stated vision of enhancing and maintaining public trust and confidence in the country’s system of justice, and improving the contribution of the judicial system to socio-economic development and global competitiveness, the reform program will adopt and work toward fulfilling the following mission:

(a) SPEEDY AND FAIR DISPENSATION OF JUSTICE TO ALL

The Judiciary will strive to consolidate and optimize the gains from the judicial reform process towards improving the speed of delivery of judicial services and ensuring the fair dispensation of justice throughout the Islands of the Republic.

(b) JUDICIAL AUTONOMY

Judicial autonomy or independence from undue political interference in the exercise of judicial functions and decision making will be achieved if the Judiciary will attain autonomy in the generation of its resources (human, physical, financial) as well as in the management of their utilization and development. The achievement of the administrative and financial management independence of the Judiciary is one of the most important aspects of the reform process.

(c) IMPROVED ACCESS TO JUDICIAL AND LEGAL SERVICES

Reforming substantive law, jurisdictional structure of the Court, judicial system and procedures, legal education, as well as the institutional processes and resource generation strategies will be geared toward consolidating gains that will increase geographical as well as financial access to judicial services particularly by the poor and other disadvantage sectors and Islands of Vanuatu.

(d) IMPROVED QUALITY OF EXTERNAL INPUTS TO THE JUDICIAL PROCESS

The judicial system does not and cannot operate in a vacuum. Reforming the judicial system requires that the external systems that feed into the judicial process must satisfy the efficiency, quality and speed requirements of judicial decision making. This means that corresponding reforms in the systems of criminal investigation, evidence gathering, apprehension, correction, witness protection, and alternative dispute resolution must be pursued and put in place. The Judicial Reform Program will adopt a holistic and integrative approach that will address both the internal and external components of the judicial reform process.

(e) EFFICIENT, EFFECTIVE AND CONTINUOUSLY IMPROVING JUDICIAL INSTITUTIONS

The reform program will give utmost priority to the establishment of institutional structures, systems and procedures, and the generation of resources that will enhance the efficiency of the courts and support operations of judicial

institutions; the capacity to achieve goals and performance targets; the capability to monitor and review performance and to plan for the short and medium terms; and the ability of judicial institutions to continuously assess and improve themselves.

(f) A JUDICIARY THAT CONDUCTS ITS BUSINESS WITH DIGNITY, INTEGRITY, ACCOUNTABILITY AND TRANSPARENCY

The enhancement and maintenance of public trust and confidence in the system of justice hinges on the dignity, integrity, accountability and transparency with which the institutions, the Justices and Judges, as well as all personnel conduct themselves. The Judicial Reform Program will pursue reforms that will provide an environment and culture that exudes respect, honesty, integrity and probity.

The further development, design and subsequent implementation of the various components of the Judicial Reform Program will be guided by the following principles:

(a) Judicial Systems Guiding Principles

In the review of substantive law, as well as judicial systems and procedures, a deliberate attempt will be made to determine how the existing system or the proposed reforms will result in pre-defined improvements and what their side-effects will be.

(i) Impartiality

Impartiality of judicial decision making is the key element upon which the credibility of judicial institutions rests. Reforms shall promote and improve, not diminish, either directly or indirectly, the impartiality of judicial decisions.

(ii) Access

Access to judicial services is the foundation of a effective delivery of justice to the people. Reforms promote and improve, not diminish, geographical and financial access to the courts and judicial services, especially of the poor and disadvantaged population in the Islands of Vanuatu.

(iii) Speed

Speed in the resolution of cases in the courts is the determining factor by which the efficiency of the judicial process is judged by the people. Reforms shall improve and hasten, not diminish, either directly or indirectly the speed with which cases in the courts are resolved.

Institutional Development Principles

(a) Self-Governance

Exercise of self-governance, which involves administrative and financial management independence is the pre-condition to full judicial autonomy. The reforms shall ensure independence, in the internal administrative and financial management operations of the judicial organizations.

(b) Vertical and Horizontal Organization and Integration of Roles, Functions and Processes

The appropriate organization of roles, activities and processes is a prerequisite to achieving efficiency in the utilization of resources and attaining organizational objectives and planned targets. The process of organization will be guided by the following:

- **Decentralization with Stronger Central Control.** The proper vertical organization of administrative functions between the Supreme Court and the lower courts shall be established, and the corresponding responsibility, authority and accountability defined. To the extent possible, administrative functions together with the appropriate resources shall be decentralized to the courts.
- **Integration.** Under the decentralized setup, the courts shall be functionally integrated by infusing them with the corresponding administrative functions, authority, accountability and resources.
- **Streamlined Formal Structure.** The clear distribution, delineation and linking of functions and work processes shall

provide for efficient and effective operations and decision making.

(c) Transparency and Appropriate Disclosure

The engineering of the administrative structure and operations of the Judiciary shall promote transparency while ensuring the formulation and implementation of a disclosure policy that will establish a balance between the right of the public to know and the right of the litigants to confidentiality.

(d) Systems-Based Operations, Information-Based Decisions

One of the most important challenges to organizational reform and operational efficiency is the design of operations on the basis of sound systems rather than on the availability and individual discretion of people. This requires the formulation and adoption of systems and processes, forms, technologies, reporting methodologies that are formally established and documented as standard operating procedures understood by all concerned.

Further, an appropriate information system is a pre-condition for organizational effectiveness in the context of huge, nationwide and complex operations. Information systems shall be built on sound performance monitoring processes and data generation systems that are useful in evaluating performance, planning and decision making.

Human Resource Development Principles

(a) Continuing Capacity Improvement

Efforts will be exerted and care will be taken such that the design of reforms and implementation of capacity building programs will institutionalize a continuing improvement capacity in all levels of the organization.

(b) Integrity and Probity

Improving the administration of justice requires ensuring the quality of the members of the Bench. It also demands that the

appropriate organizational and professional culture and values be put in place. This will be made possible through appropriate human resource development programs, through court procedures as well as support systems that ensure and promote a culture of transparency and accountability.

(c) Competitive and Performance-Based Remuneration

The Judiciary shall work toward the adoption of an independent remuneration policy that will enable it to develop and implement a competitive and performance-based remuneration package for Justices, Judges and the rest of the Judiciary.

(d) Fitness-Based Recruitment, Merit-Based Progression

Reforms in judicial appointments and promotion will be based on the principle that recruitment to the Bench will be based purely on qualifications, as well as physical and psychological fitness, while promotion to higher positions will be based on meritorious performance on the job.

Reform Support Systems Principles

Reform support systems cover key efforts to sustain the smooth, timely and effective implementation of the entire reform program. The Judiciary will achieve broad consensus concerning the need for change and generate support for reform efforts among the Judiciary, the users of the court and the rest of society.

The Supreme Court acknowledges that judicial reform is a long and tedious process involving considerable planning and evaluation. At the same time, an abundance of activities does not guarantee the achievement of the ultimate objective; an effective strategy must prioritize and sequence its elements, taking into account the country's capacity to support such reforms.

Thus, the Judiciary will undergo a series of self-assessment discussions and consultations with other stakeholders. What is needed is an assistance in the endeavor to build a consensus among the various judicial stakeholders, from the grassroots organizations to law groups and judges, on what directions the Judiciary should take.

These activities will establish the ownership of the reform efforts by the various stakeholders, including court offices and personnel. Such ownership will bring about a commitment to said efforts and is thus one of many mechanisms to ensure success.

Consensus-building activities will be followed by diagnostic studies to establish baseline data on the Judiciary. With the consolidation of the results of those efforts, and with the above vision as guide, the Judiciary will be prepared to take the subsequent and necessary steps for judicial reform.

The reforms covers at least four (4) critical areas: 1) judicial systems and procedures; 2) institutions development; 3) human resource development; and 4) reform support systems.

Reforms in the judicial systems and procedures shall cover: improving court managements systems, including caseload management and monitoring and evaluation; streamlining the rules of court; reengineering court jurisdictional structure; exploring alternative dispute resolution mechanisms; and strengthening the linkage with other pillars of justice including customary dispute resolution mechanisms.

On the other hand, reforms in the area of institution development shall address the need for fiscal autonomy and financial resources generation, and bring about significant improvements in the administrative structure and operations, infrastructure and support facilities, and information systems quality.

In the area of human resource development, reforms shall cover staffing and remuneration, legal education, capacity building and training and judicial appointments.

In the area of reform support systems, the role of public information in the delivery of justice shall be maximized and collaboration with civil society shall be encouraged.

While individual targets for each reform area have been identified, these activities must be integrated and structured into a comprehensive reform program that will produce tangible results. Lasting institutional change is the net effect of the combination of interrelated components rather than the impact of any single one.

The implementation of this action program must be understood as an evolving process, as the Judiciary continuously analyzes relationships between the various activities to arrive at more effective and efficient systems in achieving reform objectives. In the final analysis, such objectives as full fiscal autonomy, continuing judicial education, are not the ends which the Vanuatu Judicial Reform Program hopes to achieve, but rather they are means to securing the ideal Judiciary envisioned in the stated vision above.

The judicial and legal reforms in Vanuatu are under way and still progressing. Under the public sector reform processes, legislations are reviewed and modernized. It is fundamental that the citizens of Vanuatu fully contributed to the process. If they are not, then, alternative approach to the review and modernization of legislation must be adopted. Basic guiding principles are required and the guidance of the Law Commission (CAP. 115) provides a starting point. The Minister responsible for Justice and the Government must be fully informed about the provision of the Law Commission Act (CAP.115). Its purpose and effects.

Assistance in this alternative approach of reviewing and modernizing legislation for the fundamental public sector reforms will be required. However, the process must be driven, owned and guided by the citizens of Vanuatu. This is to ensure that there is a responsible and a sustainable legal and judicial capacity building in this country.

The review and modernization of the legislations in regards to the judicial reform must be undertaken under the guidance of a properly established law commission.

I - PAST AND CURRENT

1. New Rules and Case Management

The New Civil Procedure Rules of 2002 came into effect on 31 January 2003. The project of Civil Procedures Rules is an ongoing project. It was envisaged that the Rules be reviewed after 12 months. The 12 months period is to monitor how the rules work and make consequential amendments. This did not eventuate as the suggested 12 months period is not adequate. More time is needed to make consequential amendments. The way to go about is by way of Practice Directions so that the new amendments (if any) can be

tested and if proven to be adequate, then, can be considered by the Judicial Committee in the amendment processes of the Rules.

The translation of the new rules in French is completed. The translation in Bislama is yet to be finalized.

On 1 August 2003, the Constitutional Petition (Rules), Election Petition (Rules) and Probate/Estate (Administration) (Rules) have been issued and came into operation with the assistance of the New Zealand Aid. Time is needed to monitor how they work and consequential amendments required to be done.

The new Rules are supported by Case Management.

The Court's administrative systems require a general overhaul in line with the requirements of the Judicial Service and the Courts Act of 2000. Those systems must support and enhance the case-management by judges and magistrates as an integral part of the building process of the institutional independence of the Judiciary.

2 - Island Court Review

The Island Courts review has been completed in 2002. The objectives of the review are to:

- (a) Reinvigorate the Island Courts to be an effective and efficient system of local justice within local communities.
- (b) Overhaul the procedures, practices, and systems and to simplify them.
- (c) Draft an Island Court Manual.

The following Islands Courts Procedures Rules have been completed in 2005. Island Court Civil Procedures Rules 2005; Island Court Criminal Procedures Rules 2005; and Island Court Clerks Rules 2005.

The training of the Island Court Justices has started from 2003 and completed in December 2004. Further training will be conducted this year 2006.

The training of Island Court Clerks began in May 2005 and will continue this year 2006.

More and more Island Court Justices are appointed and new Island Courts will be established throughout the Islands of the Archipelago.

3 - Backlog of Cases

The backlog of cases is a common problem facing the courts worldwide. Vanuatu Courts do not constitute an exception. At the beginning of 1998 an elimination programme has been set up by the Vanuatu judiciary. In mid 2000 an elimination programme was instituted. Judges, magistrates and all staff made this a priority. This is still a priority for the Judges, Magistrates and the courts today.

The backlog has now gone in the Supreme Court and Magistrates Courts with the exception of Port-Vila Magistrates Court. Special programme has been arranged to eradicate the outstanding backlog of cases. The Programme is very successful as it transpires from the Court statistics of 2005.

4 - Custom land pending cases

As it reflected in the Courts Year Planner of 2004-2005, special consideration is taken to manage and hear the custom pending land cases before the Courts.

Since February 2003, and again in 2004 the Island Courts and the Supreme Court were involved in intensive land conference hearings. The purpose of the Conferences is to ascertain the intention of the parties and find out the number of land cases which are to be transferred to the newly Land Tribunal and the number of cases to be dealt with by the Courts. Once conferences are finalized, special hearing programme of land cases will be put in place in order to deal with them. This exercise will be done again this year.

In 2003, the Government has allocated a budget for custom land cases pending before the courts. The Government via Parliament has also allocated a budget for custom land cases pending before the Courts to be dealt with this year 2004. Budget submissions for the land cases are provided for the years 2005 and 2006. The statistics

will give an idea as to how and how many pending land cases before the Courts were dealt with.

5 - Judicial Administration

(a) Annual Calendar

The calendar year for 2006 will be published sometime next week. This included Supreme Court and Magistrates Court tours to islands, training dates, Court of Appeal dates, plea dates, CUG meetings, conferences, etc.

(b) Plea dates

A source of delay was the sending of criminal and civil cases from the Magistrates to the Supreme Court, without fixing a date for the first hearing in the Supreme Court. The first Tuesday in every month is now set for this and judges allocated in rotation. The Plea dates in the Magistrate Courts – Port-Vila has been reviewed.

(c) Court User Group (CUG)

This Group consists of a Judge, a Magistrate, the Chief Registrar, two lawyers from private practice and one from the state sector. It meets three times a year. This is provided for in the year planner.

The purpose is to make the running of cases easier and more efficient e.g. topics discussed and action being taken thereon include lawyers bringing diaries to court, publication of weekly court lists, provision of copy of every judgment for copying to all lawyers, Court Dress, etc. New members will be appointed and commence its meetings in 2006.

(d) Administration

The administration of the Courts needs a thorough overhaul e.g.

- (i) to support and enhance the new Rules and Case-Management

- (ii) to make a more efficient deployment of personnel,
- (iii) to institute better file handling systems,
- (iv) to change recording procedures to obtain more basic statistics, and do so easily,
- (v) to write and implement a staff manual,
- (vi) to control and account for budget (for when control is vested in the judiciary)

Assistance has been sought. Discussions are in good progress with other regional judiciaries to assist in the review of the administration and management of the Courts.

A special project for the computerization of the Supreme Court library has been identified and assessed by the Judiciary. Financial assistance were sought. Ausaid provided the assistance with 5 computers for the Supreme Court Library and the Judges. The library computer is yet to be installed.

6 - Budget

The Judiciary does not have control of its own budget. As highlighted in, for example, the Harare Declaration, the Beijing Statement of Principles of the independence of the judiciary and the Latimer House principles, this leaves the Judiciary dependent upon non-judiciary control and directly impinges upon its independence.

The Judiciary is seeking full control of a budget voted directly by Parliament. Accounting and reporting procedures are being considered. The Judicial Services and the Courts Act of 2000 has to be amended to this effect.

7- The Judicial Service and the Courts Act

The Judicial Services and the Courts Act has been enacted in 2000 and enforced in 2003. In June 2003, consequential amendments were made to the said Act. Other important amendments are yet to be made to the said Judicial Services and the Court Act of 2000.

8 - Training

The training programme in place before March 2000 has been extended. There are now:-

- (a) A National Judicial Training Committee which oversees all training through a National Judicial Training Coordinator.
- (b) One week training sessions, twice a year for judges and magistrates.
- (c) An annual two day conference and training session for all staff.
- (d) Training for staff outside Vila.
- (e) The Judiciary, Court officers and Court personnel will now benefit from the Pacific Judicial Development Programme (PJDP) for its training on the overseas judicial training course in 2006.
- (f) Magistrates are pursuing legal courses at USP since 1997. Three Magistrates are already qualified with a law Degree under the scheme and they are now back with the Judiciary. Two Magistrates obtained their law degree last year 2005 and one is now undertaking practical legal training at Suva, Fiji and is expected to be back with the Judiciary in September/October 2006. The other one is still in Vanuatu for medical reasons.
1 Magistrates will undertake her legal courses by 2006.
- (g) Bench Book for Vanuatu Magistrates have been completed and launched in November 2004. Magistrate Bench Book is now in use by Magistrates in the Islands of the Republic. It needs to be reviewed and will be reviewed soon.

9. Personnel

A Judge from New Zealand the Hon. Patrick Treston has been appointed on secondment to the Supreme Court of Vanuatu in August 2003. His secondment with Vanuatu Judiciary is for a period of 2 years and it will end on 9 August 2005. An extension

of the Judge's secondment to Supreme Court has been sought for a term of 1 year until 9 August 2006.

3 Senior Magistrates will be appointed in 2006 in the following Magistrates Courts: Port-Vila, Lakatoro and Isangel.

A Magistrate will be appointed for Saratamata Magistrate's Court in 2006.

An Island Court Clerk will be posted to the Island Court of Saratamata, Ambae, Penama Province in February/March 2005. The Island Court of Saratamata will be fully operational in February 2006 with the appointment of new Justices of Island Courts.

10 - Courts Buildings

- (a) Attention is being paid to Court buildings with a view to provide purpose built buildings for the long term (e.g. not just courts, ADR rooms, Family Conference rooms, separate entrances and waiting areas for vulnerable persons. A "one-stop" Court house.
- (b) The Supreme Court building in Port-Vila has been repaired and maintained.
- (c) The Lakatoro Court House is now being rebuilt after it had been badly damaged by the cyclones. The work has been finalized in January 2005. Court Benches, Bar Tables are yet to be provided before the Court room is fully operational. Other fittings will be finalized in 2006 for the Court Houses of Isangel, Tanna and Lakatoro, Malekula.
- (d) The Court Registry and the Court room in Luganville, Santo have been burnt on 27 September 2004. The Registry Office there was completely burnt down. 20 files of criminal cases and 9 files of civil cases have been burnt down. Work for repair has been started and well progressed. The Santo Court Registry and the Supreme Court room are operational since September 2005.
- (e) A new Court House at Saratamata, Ambae, Penama Province, is required. The Judiciary has allocated 2

pieces of land at Saratamata for the purpose of the Court House and residence. Funding are required.

- (f) The Magistrate's Court in Port-Vila will be moving away from the current Supreme Court Building to a new building at the opposite this building and situated on top of the hill in early March 2006. The new Magistrate's Court building will house the Office of the Chief Magistrate and other Magistrates, the Magistrates Court staff and two (2) Court rooms. The reallocation of the Magistrate's Court from the current building will be a relief for office space and Court rooms.

11 - Miscellaneous

- (a) Every year a law conference is held.
- (b) 2005 Law Conference was made for 3 days from 11 February to 15 February 2005. It was in the shape of ADR Workshop with the help and assistance from Federal Court of Australia. Judges, lawyers, Magistrates and have enjoyed that workshop.
- (c) Judges and magistrates need proper accommodation and if they are already provided with houses, repairs and maintenance need to be done.
- (d) How the languages English/French/Bislama affect the operations of the court and workings of the law is being discussed. A programme of training is under consideration. French Embassy in Port-Vila is in support of the training of English speaking Court staff in French language. The training through Alliance Française to begin in March 2005.
- (e) Vanuatu Judiciary has established judicial cooperation and relationships with the Commonwealth judiciaries of the region and abroad. This judicial cooperation is also extended to Civil Law countries, such as France and other francophone nations and International judicial organizations. [Vanuatu judiciary is one of the founding Members of l' Association des Hautes Juridictions de

Cassation ayant en Partage l'Usage du Français (A.H.J.U.C.A.F.) and also a Member of l' Association des Cours Constitutionnelles ayant en Partage l'Usage du Français (A.C.C.P.U.F.)].

- (f) There is need to explain to the people, community, leaders and the media the role, functions and works of the Courts and their interrelationships with other law enforcement agencies and other branches of the Government. This can be done by way of seminars/workshops/conferences or the publication of booklets. Discussions are under consideration.

12 - Standing in the Eyes of the Public

It is reasonable to say the standing of the Judiciary in the eyes of the public has improved substantially. This stems from:-

- (a) elimination of the case back-log.
- (b) reduced start-to-finish time for cases.
- (c) more “business-like” management of cases.
- (d) more professional judges and magistrates, through training and experience (in and outside Vanuatu).
- (e) the reference of recent constitutional problems and criminal cases to the Courts and broad acceptance of the Court's orders and judgments.
- (f) better and more predictable management of court business.
- (g) programmes of reform and modernization, new Rules, Case Management, CUG, annual calendar, court dress, One-off system of court fees for cases.

II - THE FUTURE

The preservation and enhancement of these improvements are dependent upon a number of factors

e.g. adequate budget, sufficient numbers of judges and magistrates, other agencies, new Rules, infrastructure, etc... The current position is fragile.

1 - Short-term future (1 – 5 years)

- (a) Implementation and refinement of new Rules and Case Management.
- (b) Overhaul of administration.
- (c) Preparation for full budget control.
- (d) Provision of better basic statistics.
- (e) Taking up and benefiting from training opportunities.
- (f) Implementation of CUG recommendations.
- (g) Amendment of Judicial Service Act, where appropriate.
- (h) Playing an appropriate part in the establishment of a strong modern and independent legal profession.
- (i) Promotion of alternative dispute resolution.
- (j) Maintenance of a sufficient number of judges and magistrates (continuing).
- (k) Encouragement of improvement in government legal sector.
- (l) Implementation of recommendations of law conferences held every year at Port-Vila.

2 . Long-term future:

- (a) to establish an institution which is greater than and independent of the individuals who are from time to time its members.

- (b) To establish fully an independent control of the judiciary its workings and its budget.
- (c) To make the judiciary accountable by full annual reports containing detailed and reliable statistics.
- (d) To put in place a system of Rules and Case Management (enhanced by Practice Directions) to meet the constitutional, economic and social needs of Vanuatu.
- (e) To plan and construct 'one-stop' court buildings to accommodate all the Courts business for the future.

I now provide you with the summary of the courts statistics as at end of December 2005 (see as attached).

Ladies and Gentlemen, I now declare that the Courts session for the year 2006 is officially opened.

Thank you for your attention.

Chief Justice