

SPEECH FOR 2025 OFFICIAL OPENING OF THE COURTS

(By the Hon. Chief Justice V. Lunabek)

24 January 2025

- **His Excellency Nikenike Vurobaravu, President of the Republic of Vanuatu and the First Lady;**
- **Hon. Charlot Salwai Tabimasmal, Caretaker Prime Minister of the Republic of Vanuatu and Madame Salwai;**
- **Hon. Judges of the Supreme Court of Vanuatu and Spouses;**
- **Hon. John Amos, Caretaker Minister of Justice and Communities services;**
- **Hon. other Caretaker Ministers of the Government of the Republic;**
- **Hon. Newly Elected Members of Parliament;**
- **Magistrates of the Republic of Vanuatu;**
- **Justices of Island Courts around Vanuatu;**
- **Excellencies Members of the Diplomatic Corps;**
- **Public Prosecutor;**
- **Attorney General;**
- **Public Solicitor;**

- **Director General of Justice and Director Generals and Heads of Government Departments;**
- **Commissioner of the Police;**
- **President of Malvatu Mauri (National Council of Chiefs);**
- **Members of the Legal Profession;**
- **Chief Registrar of the Supreme Court, Court officers and Staff;**
- **Representatives of Women;**
- **Representatives of the Press/Media;**
- **Representatives of the Churches;**
- **Olgeta Chiefs blong Vanuatu;**
- **Big Men and Big Women, Pikinini mo People blong Vanuatu**

I bring to you all, Greetings from the Judges, Magistrates, Island Court Justices, courts officials and support staff of the Judiciary of the Republic of Vanuatu.

On behalf of the Judiciary, I extend a warm welcome to all of you to the Opening of the Legal Year. It is my privilege and pleasure to address you on this special occasion of the opening of 2025 legal year and I thank you all for coming.

I wish you all: *“a Happy and Blessed New year 2025”*.

Let's remind us of the following events happening and affecting Vanuatu and its people:

- 2020 – 2022, Covid-19;
- 2023, the two sister cyclones;
- 17 December 2024, 7.3 Magnitude Earthquake.

We thank God for his divine protection. We have to continue with what we do and do it the best we can.

We are now in 2025. 2025 is a New Legal Year. Again, as we begin a New Legal Year, we join together and reflect on the workloads and performances of the community including the courts in the past years and look back to the good things, and the challenges Vanuatu and the Courts have gone through in respect to the work of the community, the courts, the development of the law in general and all other developments in our society as to how the laws impacted on the life of our people and Vanuatu as a nation. We must then reflect back on these achievements, values, strengths, weaknesses and challenges. We must stand and continue with our vision of:

“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.”

I now report to you on the works of the courts for the year 2024.

THE WORKS OF THE VANUATU COURTS OF THE YEAR 2024 IN REVIEW: AN OVERVIEW

- This report covers 4 jurisdictions (The Court of Appeal, the Supreme Court, the Magistrate Courts and the Island Courts).

2024 COURTS OVERVIEW

- 2024 was a very busy year for the Vanuatu Courts with respect to total cases filed;
- Over 3,700 cases filed across the four jurisdictions, this is the workload on the courts and upon court administrators;
- The Supreme Court saw over 800 cases filed, almost 5% increase on previous years, and the Magistrate Courts saw an increase of 7% of cases filed. The Island Court's filings slightly decreased by almost 5% across the country, with over 388 cases filed compared to 407 cases in 2023;

- With respect to the international court performance indicators that we work to, we have seen a satisfactory result with Clearance Rates – but two out of the 4 jurisdictions are under 100% which means their pending numbers increased. In addition, the time to finalise cases across criminal matters, one of the four jurisdictions have reduced, and for civil matters, all four jurisdictions have increased, which needs improvement;
- Pending numbers has always been one of the main key indicators of the courts, our overall numbers have increased;
- 3,113 cases are now pending across the four jurisdictions, with 45% of cases pending in the Magistrate Courts;
- Of concern is the higher Pending to Disposal Ratio (PDR) in the Supreme Court, Magistrates Courts and the Island Courts. This ratio gives on average how long a case takes to finalize in a court. The lower the PDR the better, and ideally, 1.0 (a Year) or lower for the Supreme Court and 0.5 (6 months) or lower for the Magistrates Courts and the Island courts;
- The Court of Appeal is doing exceptionally well with PDR of 0.3;
- As of November 2024, the Court is pleased to announce that additional judicial resources have been appointed, to deal with the growing number of filings and the increased numbers of pending cases (in the Supreme Court [2 new Judges] and in the Magistrates Courts [3 new Magistrates]);
- Another key indicator is the Attendance Rate (measures the number of visits/appearances at court to dispose a matter). The target for all courts internationally is to keep this indicator as low as possible. The attendance rates for completed cases in the year 2024 has been consistent to 2023;
- The productivity of our judges and magistrates remains consistent with 2023, again this reflects a solid year, with respect to disposals per judicial officer on average with 117 per Judge and 263 per Magistrate in a year;
- The Court of Appeal again continues to provide a world standard of performance such as timeliness & clearance rate. Despite more cases being filed, the CoA still managed to finalize cases bringing its clearance rate to 102%, of highest quality in service to this country and its people;

- There continues to be a similar percentage of Supreme Court cases being appealed – approximately 9%;
- The ongoing commitment that the Supreme Court shows to the criminal workload has ensured the timeliness of cases to be finalized (average is less than 197 days). The attendance rates are steady at 4;
- With Civil cases, the attendance rate remains around 5.5 due to the number of adjournments such as lack of compliance, which has direct impact and cost to the parties. Most of our current pending cases are under judicial management and we are working to ensure each case has a future listing date, (another international court indicator);
- The enforcement matters in the Supreme Court has seen attendance rate higher than civil matters and is still high (8.3) – and is a concern;
- Reserved Judgments in the Supreme Court now stand at 48 cases and approximately most of these judgments are older than 90 days and will continue to be a focus for Judges in 2025;
- From the Island Court perspective in 2024, the clearance rate is steady at 101%, still more resources need to be allocated to the Island Courts to tackle pending cases;
- Finally, with respect to the Magistrates Courts, as mentioned earlier, the Court took on a record where the number of filings has slightly increased over the past 2 years and finalizations have also increased compared to 2023;
- Over the last years, filing of Preliminary Inquiry (PI) in the Magistrates courts has been steady and finalization increased substantially by 34%;
- Criminal matters in the Magistrates courts decreased in 2024;
- Filing of Domestic Violence (DV) cases has increased to 1,228 for 2024 compared to 1,038 in 2023 – the highest we have seen in 7 years and finalization is consistent above 1,000, but is no match for the incoming workload in 2024;
- Finally, as we reflect on the performance of cases dealt with across the four jurisdictions, we will continue to drill into more specifics such as who appears before us – for example, gender, as well as the criminal charge outcomes and charge orders associated with the cases. The 2024 detailed analysis will appear on the website within the week;

- We have at our disposal more court performance indicators which allow us to assess the operation, impact and efficiency of our case management protocols and ensure greater transparency about the performance of the courts, and insights into case management;
- Our ability to reflect on the performances of the courts at the end of 2024 is a credit to the Chief Registrar and his team, and as I have mentioned in previous years, our ability to present to you, the Government and the Community, each year courts performance analysis within the month of January, for example our 2024 performance analysis is testament to the work of many.

2024 REVIEW AND FOCUS FOR 2025

Court of Appeal

- The court of appeal conducted its sessions successfully in 2024 without interruption;
- The Court of Appeal continues to demonstrate a consistent world standard in disposing of its matters and that will continue in 2025.

Supreme Court

- Justice Maree MACKENZIE was appointed on 2 July 2024 for a period of 2 years succeeding Justice Bill HASTING;
- From the 6 active Judges of the Supreme Court including the Chief Justice, we have witnessed the swearing in of the two newly appointed Judges of the Supreme Court, Justice Josaia NAIGULEVU and Justice Beverleigh Kanas JOSHUA on 14 of November 2024, increasing the number of Supreme court Judges to 8, a positive commitment of Vanuatu Judiciary in dealing with constant increase in coming cases.

Magistrates Courts

- There are 8 active Magistrates in 2024 after the resignation of Magistrate Setariki Waqanitoga on 31 May 2024;
- Magistrate Philip Toaliu returned from 1 year study leave in the beginning of 2024 which is a plus to the Magistrates courts' workforce in dealing with the constant rise of incoming cases and the high number of pending cases in the Magistrate court;

- From 8 active Magistrates, 3 New Magistrates were appointed by the President of the Republic of Vanuatu on 28 October 2024 - Magistrate Nixon Lipa PATUTUN, Magistrate Brigitte LANG and Magistrate Ken MASSING, which is a commitment of the Judiciary in strengthening the workforce of the Magistrate Court. The newly appointed Magistrates will take their oath at the beginning of 2025 so that they can start their judicial functions as magistrates. An orientation program will be put in place to train and coach them into their official functions.

Island Courts across the country

Brief on Active justices around all Island courts

Island Court	Current Active Justices	Female
Banks & Torres Island Court	47 Active Justices	11
Santo & Malo Island Court	12 Active Justices	1
Ambrym & Pamma Island Court	23 Active Justices	6
Malekula Island Court	14 Active Justices	4
Ambae & Maewo Island Court	23 Active Justices	6
Pentecost Island Court	23 Active Justices	5
Epi Island Court	24 Active Justices	4
Tongoa and Sherperds Island Court	6 Active Justices	0
Efate Island Court	12 Active Justices	4
Tanna, Aniwa, Futuna & Anietyum Island Court	30 Active Justices – Tanna alone, none from outer islands	6
Erromango Island Court	23 Active Justices	8

Highlights/achievements for some of the Island Courts in 2024

- ❖ The renovation of the Banks and Torres Island Court building has finally been completed.

This development is a significant achievement not only for the building's infrastructure but also for the overall service of justice delivery in Torba Province. With the completion of this renovation, the Court building can now provide a safe and modern environment for court proceedings, ensuring that justice is delivered in a timely and efficient manner for the people of Torba Province. The impact of this renovation goes beyond just improving the physical appearance of the building, it also improves the functionality and accessibility for court staff and members of the community. The renovated Island Court building will undoubtedly have a positive impact on the delivery of justice in Torba Province, making it a crucial step towards creating a more just and equitable society.

- ❖ The appointment of the new clerk for Tongoa Island and the renovation of the Island Court Clerk's residence.

This has brought a sense of stability and continuity to the court system in Tongoa and Sheppard's Islands. With the Clerk permanent residence in Tongoa, the clerk will be able to provide consistent and efficient service to the court, ensuring that the legal and customary needs of the islands are met. The clerk's presence on both Tongoa and Shepherd's Islands will also aid in bridging any potential gaps and ensuring fair and just outcomes for all involved.

- ❖ The training and appointment of 18 Justices for Tanna, Aniwa, Futuna and Aneityum Island Court.

The recent training and appointment of 18 new Justices for Tanna, Aniwa, Futuna, and Aneityum Island Court marks a positive shift in case management for these island communities. This achievement is expected to bring about a more effective and efficient justice system, as the new Justices are equipped with the necessary skills and knowledge to handle cases before them including customary issues. With their appointment, the court will now have a larger pool of justices to preside over cases, reducing the backlog and ensuring timely resolution of disputes. Additionally, the training provided to the new Justices will enhance their understanding of the local laws and customs, enabling them to better serve the unique needs of these island communities. This development is a significant step towards promoting access to justice and upholding the rule of law in Tanna and Outer Islands. It is an encouraging sign that the justice system is continuously evolving and adapting to meet the changing needs of the people. Overall, this training and appointment of 18 new Justices is a positive development that will have a far-reaching impact on the administration of justice in Tanna, Aniwa, Futuna and Aneityum Island Court.

- ❖ Internet connections for the Island Courts of Tongoa, Epi and Pentecost are slightly improved in 2024;
- ❖ Land lines were installed in Tanna, Tongoa, Epi and Pentecost, which allows communication much easier both for the court operations and customer support;
- ❖ Management and disposing of Custom Land Review Applications in the Island Court (Land).

Almost 60% of the cases pending for review in the Island Court (Land) are managed and ready for hearing and determinations. 40% of the pending are completed in 2024.

- ❖ We see a positive shift in the disposal of the customary matters in Tanna and Malekula.

- ❖ We also see an increase of registration of Domestic Violence (DV) cases through the Island Court.

Island Courts focus for 2025:

The island courts focus for 2025 will be redirecting the Island Courts to function so that they may meet their statutory purposes and fulfil community need for access to responsive, relevant justice at the village-area and island level:

- ❖ Develop the capacity building for the Island Court Clerks to conduct their roles in competent, professional and ethical manner.
- ❖ Have sufficient and sustainable cohort of Island Court Justices in place that are trusted by the community, gender-balanced, able to work using basic technologies.
- ❖ Have adequate support, supervision and conditions for Justices. This includes the need to reassess and determine the new sitting allowance to help boost their moral in delivering justice as expected in the Island Court level.
- ❖ Re-evaluated the effective and efficient use of mobile court hearing to ensure the court services is decentralised to the most remote parts of all islands in Vanuatu.
- ❖ For 2025, the focus will be on the orientation of Justices for Tongoa, Santo and Efate Island Courts. This is to ensure cases are dealt with, reducing the backlog and ensuring timely resolution of disputes.
- ❖ We will explore Starlink link connections to be installed in Island Courts Offices where there is no Govt network.
- ❖ We will progress with the Certificate of Justice program for Banks and Torres Island Court Justices.

Training & Judicial Development on all Courts

- We have conducted successful Trainings and orientations for:
 - The court secretaries, on the Case Management System – focusing on identified missing data inputs that needs strengthening such as disaggregated data and charges outcomes, and training on activating features such as ‘file movements; and

- The Sheriff Team refresher workshop on better planning and reporting on enforcement matters and hands-on training on using and updating CMS.
- We continue with Legal Education Program on:
 - Mediation for the Deputy Master of the Supreme Court;
 - Chief Registrar and Judicial Development officer on Public Service Leadership Program (PSLP) that was spread over a period of 3 months; Sept/Oct/Nov.
- **Regional Workshops**
 - The Judges and other court officials attended/participated into various regional workshops, Programs and seminars including the Chief Justice on:
 - *“The Role of Courts in Increasing Public Confidence in Elections”*;
 - *“Regional Challenges, Regional Solutions, Global Outcomes: Using Mediation to Resolve Environment and Climate Change Disputes”*;
 - ‘Fraud and corruptions’;
 - International Association of Women Judges (IAWJ) conference and Judge Viran Trief was nominated as the Melanesian woman representation in the Pacific Association Judicial officers’ steering committee.

Challenges for 2025

- The 7.3 magnitude earthquake that struck Vanuatu on 17 December 2024, left an estimated 80,000 people grappling with its devastating impact. Homes were destroyed, roads were blocked and vital infrastructure damaged across Efate Island, including the capital, Port Vila.

Port -Vila Magistrate’s Court Building

- The building housing the Port-Vila Magistrate’s court sustained damages to its structure causing the Magistrate’s court to relocate to the Efate Island court’s building for a temporary period, and providing minimal service focusing on urgent

matters only. We hope that the temporary sharing of the accommodation with the Efate Island Court will be for 3 months;

- It is now a challenge for the government to find a proper office space for the Port-Vila Magistrate's court to fully function as most building accommodating government offices were damaged. The situation now justifies the need for the government to prioritize its infrastructures on the justice sector focusing on the Supreme Court and Magistrate court buildings in the capital of Port Vila;
- The extent of the destructions and harm caused by the earthquake will affect women, children and people with special needs silently if the government turns a blind eye on vulnerable people.

Others challenges for 2025

- The poor government network connectivity is an issue within the courts and that hinders the accurate entry of court data into the Case Management system in the islands;
- A challenge for 2025 is to secure and improve internet connections for remote court hearings in most of the Islands;
- Solar systems used in the Island Courts have reached the limit of their life span and needs to be replaced with new solar systems. This has affected the power supply for several courts.

Some On- going activities in 2025:

- The Judicial Education Centre (JEC) will be established in 2025, followed by the Legal Education Centre (6 months later), under the Technical Assistance and our local Training officer;
- Access to Justice Project targeting the vulnerable groups in remote and rural Vanuatu will be carried out in 2025 with the support of the Pacific Judicial Sector Program [PJSP];
- The Certificate of Justice Program will be extended to Banks & Torres Island court lay justices in 2025;
- Orientation for lay justices for Tongoa and Santo will be conducted;

- The Review Organisational structures to reflect new GRT determination will be adjusted;
- We need to upgrade the Case Management System (CMS) to enable accurate data reporting;
- We also need to upgrade the court website to be more court user friendly.

Supreme Court Hall of Justice

- The design team of the Supreme Court Hall of Justice project has completed their consultation on the Hall of Justice building and have issued the final design of the Hall of Justice in 2024. We are hoping to see the commencement of the construction of new building soon.

Other Court Buildings

- Santo Court building is deteriorating and we are working collaboratively with real estate agency and the owner of the building to give a face lift to the building;
- Penama province needs a new court building at Saratamata, Ambae;
- Ambrym court House is no longer safe for use. The office has been relocated and operates in a room within the Area Council's Office.

Judgment Services

Judgments/Decisions are sent to the Pacific Legal Institute commonly known as PacLII: <http://www.pacii.org/> Decisions are published on the courts official website: courts.gov.vu or judiciary.gov.vu. Judgements published are from the:

- Court of Appeal; civil and criminal appeal decisions
- Supreme Court; civil and criminal decisions
- Magistrate Court; civil and criminal decisions
- Island Court; land and chiefly title decisions

In 2024, 61 batches of judgments, containing 515 decisions were sent to PacLII for publication. These decisions are also published on the Court website. 42 decisions were from the Court of Appeal, 413 from the Supreme Court, and 41 from the Magistrate Courts and 19 from the Island Courts. 2024 records the highest number of decisions to be published.

On the 13th of November 2024, the Courts and PacLII collaborated on a Digitization Project, funded by the Canadian Fund for Local Initiatives and carried out in the Santo Court. The aim of the project was to digitize lower court Judgments specifically Land and Chiefly Title cases which have never been published. A total of 182 decisions were located in the Santo Island and Magistrate Courts registry, scanned and are now in the process of being published on PacLII and the Court website. These decisions are from the years 1978 – 2023.

This project is likely to extend to other outer Island Court registries in 2025 depending on the availability of funding.

Court Website

The current number of judgments now available on the Court website since its launching in June 2017 is now 2467 and still counting. 2025 forecast would be updating content so that it would be more user-friendly for the general public.

In 2024, the website received a total of 53,407 unique visitors and a total of 2,154,905 hits to the website.

Court Archives

In 2024 a third 20ft shipping container was purchased and prepared for case file storage. A fourth shipping container will be acquired in 2025. Future forecast would be digitizing records to reduce the high cost of creating physical spaces for file storage.

There was not much substantial damage to Library furniture and books and there were no casualties but as part of recovery and preparedness plans steps will be taken to ensure that Library and archives are prepared for future natural disasters.

Thank you all for your attention.