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Volume 1

CELCOR

Organisational and Program Evaluation:
Narrative Report

27 November 2017



Acknowledgments

We would like to thank everyone who took part in the evaluation, giving us the gift of their time and insights, including CELCOR Board, Management Team and staff, NGOs, clients, donors, government agencies and legal consultants.

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Thanks to Nancy Lagdom for allowing us to use her photograph on page 3 of Volume 1.

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Jeff Smith

WestWood Spice

Level 2, 10 Mallett Street

Camperdown NSW 2050

Ph: 02 8594 0594

Fax: 02 8594 0595

Email: jeffsmith@westwoodspice.com.au

Website: www.westwoodspice.com.au

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Abbreviations and Acronyms

ALE	Advocacy and Legal Education
CAN	Campaign, Advocacy and Networking
CBO	Community Based Organization
CCDA	Climate Change & Development Authority
CELCOR	Center for Environmental Law and Community Rights
CEPA	Conservation and Environment Protection Authority
COI	Commission of Inquiry
CLE	Community Legal Education
CLRAP	Climate Land Rights Advocacy Program
DLA	Direct Legal Assistance
EITI	Extractive Industries Transparency Initiative
ELC	Environmental Law Centre
ENB	East New Britain
ENBSEK	East New Britain Social Eksen Komiti
ESP	East Sepik Province
FORCERT	Forest for Life. Forest for Certain
FPIC	Free, Prior, Informed Consent
ICRAF	Individual and Community Rights & Advocacy Forum
ILG	Incorporated Land Group
IPA	Investment Promotion Authority
LLG	Local Level Government
MOA/MOU	Memorandum of Agreement/Understanding
NGO	Non-Governmental Organization
OISCA/ARM	Organization for Industrial Spiritual and Cultural Advancement / Arabam, Raigel & Maranagi
PNGEFF	PNG Ecoforestry Forum
PRLR	Policy Research & Law Reform
REDD	Reducing Emissions from Degradation and Deforestation
RFN	Rainforest Foundation Norway
RH	Rimbunan Hijau
SABL	Special Agriculture Business Lease
UNDP	United Nations Development Programme
WBCA	Wide Bay Conservation Association
WNB	West New Britain
WWF	World Wide Fund for Nature

Part A: Setting the Scene

Executive Summary

This report is framed by a tone of cautious optimism. The two are closely related, and go hand in hand. There are a number of grounds for optimism.

First, it is apparent that CELCOR has come a long way from 2011; staff were resigning (or threatening to resign), donors were withdrawing (or threatening to withdraw) and morale and prospects were at a low ebb.

Second, CELCOR has worked hard on becoming a functional organisation – that is, committed, happy and hard-working staff, now combined with a hard-nosed approach to financial management. This functionality achieves what was seen as the key need from the 2011 evaluation:

The greatest need is to create the conditions for an “enabling” organisational environment, providing the best possible circumstances within which staff and programs can flourish.

Third, CELCOR is intent on establishing the framework to ensure it becomes a more effective organisation. It has actively been cleaning up its litigation practice, has hired a new legal team and has entered into an innovative legal partnership with both in-country lawyers and EDO NSW from Australia.

At the same time, it is crucial to emphasise the need for caution.

First, there is still a lot to do. CELCOR needs to continue to ensure it remains a functional organisation. This is an ongoing exercise which will require an ongoing commitment; a need that cannot be over-emphasised.

Second, CELCOR needs to juggle its ongoing commitment to being functional with a redoubling of its efforts to become more effective. Put another way, being functional is expected from donors and the community alike, but it rarely captures the imagination or opens donor purse strings.

And being functional doesn't protect the environment - results are desperately needed, and this focus needs to start now.

Finally, and importantly, running a public interest environmental law firm is hard, and beset with challenges. In this respect, the now-defunct Environmental Law Centre (ELC) provides a salutary lesson. At the height of its profile and legitimacy,¹ and with international donors lining up, it fell apart.

CELCOR needs to avoid this mistake. It would seem that it is determined to do so. In the words of the current Executive Director in the Annual Report for 2015-2016:

Towards the end of 2009 to early 2012, there has been a dramatic drop in the number of staff it employed and the number of donors that supported its work ... It was a huge setback however CELCOR remains resilient ... We will remain resilient and will look forward to representing the voiceless through improve organisational strengthening and focused on strategic issues that will enhance the general system change at all levels so a better society will be built based on collective efforts. Therefore, let's look forward to seeing more and focused oriented CELCOR that will bring positive outcomes and maintain its image in the near future.

This honesty and resolve underlies the tone of cautious optimism of this report; it seeks to map CELCOR's future upon these building blocks.

¹ The Executive Director of ELC received the Goldman prize on Human Rights and the Environment.

Headline Recommendations

Keeping CELCOR functional

Recommendation 1: It is recommended that consideration be given to fine-tuning the governance framework including:

- a. ensuring that elections to the Board are held every year
- b. ensuring that there is parity between men and women on the Board (at least three of each)
- c. ensuring that Board members are aware of, and commit to, Board responsibilities
- d. inviting a person with governance experience and a close association with EDO NSW onto the Board
- e. preparing a skills matrix to ensure that CELCOR has the right range of skills on the Board
- f. actively using the partnership with EDO NSW to engage in ongoing training on governance
- g. adopting a simpler strategic planning framework as follows:
 - i. effective legal protection
 - ii. empowering the community
 - iii. leadership and influence
 - iv. dynamic, functional organisation.

Recommendation 2: It is recommended that the open and transparent approach to management is continued, including:

- a. following adopted financial and budgeting policies and procedures
- b. following adopted staffing policies and procedures including:
 - i. having regular internal meetings (management team, programs, staff)
 - ii. recruiting (staff and consultants) openly and transparently
 - iii. communicating and making decisions openly and transparently
 - iv. doing staff appraisals regularly
- c. reviewing staffing salaries and frameworks to ensure equity and promotion opportunities
- d. dealing quickly and fairly with non-performance
- e. discussing policies and procedures at staff meetings (on a rotational basis)
- f. reviewing all aspects of IT, including the server, hardware, network, document management and protocols, and legal databases
- g. discontinuing consultancy work for internal staff.

Recommendation 3: It is recommended that risk management be further improved by:

- a. developing a basic risk management manual (with assistance from EDO NSW)
- b. rotating the auditors ever three years
- c. adopting a written procedure for communicating with donors when budgeting problems arise
- d. developing a process for backing up the server regularly
- e. developing procedures to deal with what to do when something goes wrong, including immediate response and reporting back

- f. ensuring roles and responsibilities are clear, and monies allocated, for basic office functioning such as internet, security, vehicles and printers
- g. introducing risk management as a standing agenda item at Board, management team and staff meetings.

Recommendation 4: It is recommended that training be emphasised including:

- a. setting up a basic training register for staff and Board members (name, position, date, type of training needed, type of training that can be delivered)
- b. doing a training needs assessment for existing staff and Board members
- c. identifying training options and opportunities at the annual reflection day (as internal, in kind, EDO NSW and external)
- d. taking advantage of ad hoc training opportunities for staff and Board members.

Recommendation 5: It is recommended that monitoring and evaluation is improved by:

- a. monitoring progress against the Operational Plan at each Management Team meeting
- b. developing basic evaluation tools to help measure effectiveness (such as at the end of workshops)
- c. using external evaluators at the mid-point of the next strategic plan (that is, after its first 18 months).

Recommendation 6: It is recommended that CELCOR focus its fundraising and income generation efforts on:

- a. restoring donor confidence and grant-making rather than corporate or community fundraising
- b. exploring in kind contributions from supporters, clients and NGOs, particularly in circumstances where CELCOR is providing services.

Making CELCOR more effective

Recommendation 7: It is recommended that the commitment to a multi-disciplinary approach be continued through:

- a. actively pursuing and building on the partnership with EDO NSW over the next 3 to 5 years
- b. using program meetings to exchange information and explore the linkages between the DLA, CLE and PRLR programs
- c. integrating the CAN activities into other programs (such as CLE and PRLR).

Recommendation 8: It is recommended that Community Legal Education:

- a. provide its service across the provinces of Papua New Guinea, where relevant
- b. provide all field reports to the litigation committee as soon as they are completed
- c. explore more targeted CLE opportunities where training is focussed on the issues at hand
- d. explore the possibility of accreditation with the National Training Council
- e. explore the possibility of doing fee-for-service CLE work for the government around policy review and law reform processes.

Recommendation 9: It is recommended that Direct Legal Assistance be further improved by:

- a. inviting a person with strong litigation skills and with a close association with EDO NSW onto the CELCOR Board

- b. actively using a litigation committee comprising the CELCOR Principal Lawyer, the in country legal consultant and EDO NSW to drive the DLA program and make recommendations about cases and capture lessons learnt
- c. ensuring that all recommendations to the Executive Director about potential litigation are accompanied by an opinion on prospects
- d. developing a litigation strategy and regularly reviewing the litigation guidelines to ensure that the most strategic cases are being run
- e. significantly reducing the obligations of the Principal Lawyer under the CLC program to allow for a clear focus on DLA
- f. regularly reviewing the arrangement with EDO NSW and the legal consultant to ensure its efficacy and value for money

Recommendation 10: It is recommended that Policy Review and Law Reform:

- a. review the role of PRLR within the office
- b. work closely with EDO NSW on building its technical capacity and reach, including the use of science in policy work
- c. using CELCORs linkages with local and international people and organisations to further its work on PRLR
- d. explore the possibility of doing fee-for-service work for the government around policy review and law reform processes
- e. take on the primary legal role around CLE workshops.

Recommendation 11: It is recommended that Campaign, Advocacy and Networking (CAN) be integrated into the other functions.

Recommendation 12: It is recommended that communications be improved including by:

- a. preparing a basic communications plan in relation to DLA, PRLR and CLE
- b. re-launching the website as soon as possible
- c. exploring opportunities for EDO NSW to promote CELCORs work through its media and communication channels (such as sharing of Facebook posts and blogs).

Introduction

Structure

This report is structured into three volumes. The first volume comprises a narrative report and the second volume provides a status update on the implementation of the 2011 evaluation report. These volumes complement each other. A third volume contains annexures.

More specifically, Part A of **Volume 1** sets the scene, providing an overview of CELCOR and the context of its work as well as setting out what the evaluation seeks to achieve. An Executive Summary and a Summary of Headline Recommendations is contained here (above).

Part B covers the achievements of CELCOR focusing on the period 2011-2017 as specifically sought under the evaluation terms of reference.

Part C covers the strengths and weaknesses of CELCOR, as identified through the interviews, focus groups and in the review of key documents.

Part D contains the key analysis and findings. It is a narrative complement to Volume 2 and consciously seeks to avoid reproducing information from it where possible. It seeks to distil the key areas of need and to make recommendations that assist in the way forward. By contrast to the evaluation in 2011 which made 52 recommendations, extensive recommendations are not made.

Rather, a conscious decision has been made to identify only headline recommendations for two reasons. First, as this report shows, CELCOR has put itself well on the path to functionality. This contrasts with 2011 where there were serious concerns about CELCORs ongoing viability. Second, extensive recommendations can in a very real sense lead to “analysis paralysis” and demoralise organisations. This is counter to the key finding of this evaluation – that is, the need for the programs to flourish and for CELCOR to be results-focussed.

Volume 2 covers the status of the recommendations of the 2011 Evaluation Report. A table covers the 39 principal recommendations as well as 13 recommendations on financial management which were appended to the Evaluation Report. Recommendations are categorised as:

- Implemented
- Partially implemented
- Not implemented

Recommendations are colour coded accordingly.² Notes explain or clarify the status of the recommendation in most instances.

Volume 3 contains 8 annexures, largely containing more detail on the methodology.

CELCOR Overview

The Center for Environmental Law and Community Rights (CELCOR) was established in February 2000. CELCOR is a not-for-profit public interest environmental law and advocacy organization. It was set up to address a growing need for legal support to adversely affected and highly marginalized people who mainly reside in rural areas. Over the past 16 years, CELCORs vision and mission has remained constant.

² This approach has been used for ease of reference and does not, for example, differentiate between situations where recommendations have not been implemented by CELCOR staff or Board and situations which were beyond its control (such as where no funding was available).

Vision

PNG communities living in harmony with environment and culture in a just, holistic and sustainable way.

Mission Statement

CELCOR is dedicated to promoting and defending environmental and customary rights in PNG, through law and advocacy to ensure sustainable resource use and management for the benefit of the present and future generations.

* Simplified version of the mission statement

CELCOR will use law and advocacy to promote and defend environmental and customary rights in PNG.

Core Values

CELCOR has five core values and principles that guides its work:

- We believe in transparency and a participatory and collaborative approach at all levels of interaction
- We are committed in striving for excellence
- We believe in being accountable to all stakeholders and exercise professionalism, commitment, integrity and honesty at all times
- We believe in equality by demonstrating sensitivity and respect in all facets
- We believe in fairness, justice, accountability and transparency in all our work.

Board

CELCOR has seven board members, with various skills and qualifications to guide, assist and enhance the functions of the organisation.

- Mr Murray Maroroa, Chairperson
- Mr Ted Mamu, Deputy Chairperson
- Mr Paul Nindipa, Treasurer
- Mr Tumun Kuma, Member
- Mr John Sethie Anuabo, Member
- Ms Maureen Ewai, Member
- Mr Richard Baniafia, Member

Staff

CELCOR has nine staff, with four on the Management Team.

- Mr Peter Bosip, Executive Director (on Management Team)
- Ms Marjorie Warisaiho, CLE Coordinator (on Management Team)
- Ms Rebecca Melepie, Land Rights Advocacy Officer
- Ms Evelyn Wohuinangu, Principal Lawyer (on Management Team)
- Mr Arthur Dalye, Policy Lawyer
- Ms Becky Amban, Legal Secretary
- Mr Daniel Yailus, Accountant, Finance and Administration Manager (on Management Team)
- Mr Gavera Arua, Finance and Administration Officer
- Mr Kema Sem, Admin Assistant/Driver

CELCOR can be reached at this address:

Center for Environmental Law and Community Rights
PO Box 4373
Boroko, National Capital District 111
Papua New Guinea

Section 11, Allotment 22, Green House #4, Boroko Drive, 5 Mile, Port Moresby, Papua New Guinea.

Telephone: (675) 323 4509

Fax: (675) 311 2106

Email: celcorlawyers@gmail.com

Website: Not Active

Facebook: Center for Environmental Law and Community Rights Inc.

Evaluation Terms of Reference

This 2017 evaluation is the fourth evaluation since CELCOR was established, with previous evaluations in 2005, 2008 and, most importantly here, 2011.

The objectives of the evaluation are to:

- examine the achievements of the organization in light of its 2011 External Evaluation recommendations and provide feedback on CELCOR's performance
- provide an analytical review of the main evaluation findings to provide feedback for policy refinement, impact and replication
- recommend strategies/approaches/activities to improve the efficacy of the program to achieve anticipated outcomes within stipulated timeframes.

To meet the objectives of the evaluation, the evaluation team looked at issues including:

1. Reviewing the 52 recommendations (39 principal and 13 relating to financial management) from the evaluation in 2011, and including:
 - setting out achievements and challenges
 - the way forward.
2. Project management and organisation, and including:
 - organisational capacity
 - organisational structure (such as in the program areas of DLA, PRLR, CLE and CAN) and
 - roles and responsibilities of staff
 - planning and implementation
 - office communications
 - internal review systems
 - the way forward.
3. Relationship with donors, partners, CBOs, communities and others
 - achievements and challenges
 - the way forward.

The full terms of reference are attached as Annexure 1.

Methodology

The major activities for the evaluation included:

- reviewing key documents under the program
- interviews with CELCOR Board, Management Team and staff
- interviews with key external stakeholders such as NGOs, clients, donors, government agencies and legal consultants
- presentation of the draft and final reports on the findings of the evaluation to the Board and Management.

An evaluation plan and schedule was prepared (see Annexure 2). Stakeholders identified included 39 people drawn from NGOs and clients, donors, government agencies, consultancies and the Board, Management Team and staff of CELCOR. In the end, 35 people were interviewed. A list of people interviewed is attached as Annexure 3.

Desktop analysis

The desktop analysis involved reviewing key documents including the 2011 evaluation report, previous evaluations and organizational management documents, donor reports, policies and procedures, staff and management team meetings minutes, field reports, financial audit, and other relevant documents. The full list of documents examined is attached as Annexure 4).

Interviews

The evaluation involved interviews with all of CELCORs stakeholders including staff, Management Team, Board members, CBOs and NGOs, donors, government agencies, and legal consultants. The interviews were targeted and semi-structured. The interviews involved a mix-method interviews of; a) face to face, b) telephone and c) email interviews over four (4) weeks. The Assistant Consultant travelled to East New Britain to conduct interviews with clients, NGOs and remote members of the CELCOR Board. A record of this field trip is attached as Annexure 5).

Indicative questions were prepared and divided into two groups – internal and external stakeholders (see Annexure 6). A Project Overview Sheet was also prepared to assist stakeholders interviewed (see Annexure 7).

Internal stakeholders

Internal stakeholders were staff, management team and CELCOR Board. Interviews were in-depth, and detailed including the interviewees involvement with CELCOR and what his/her role has been in advancing the mission, vision and goals of the organization.

Particular emphasis was given to CELCORs 2011 Evaluation Report and the strategic plan. This was done in order to examine the achievements of the organization (since that evaluation) and assess against its current performance. It also provided an analytical review of the main evaluation findings to provide feedback for policy refinement, impact and replication, and to recommend strategies, approaches and activities to improve the efficiency of the program.

Internal stakeholders were also asked on CELCOR's achievements and challenges or strengths and weakness. This gave an understanding on CELCOR's progress since the last evaluation.

The successful management of an organization depends on how operations and, in particular, the main core programs are functioning, how decisions are made, and the general working environment. It is crucial that an evaluation seeks to understand these aspects.

Questions were also asked on lessons learnt. This allowed for an analysis of what CELCOR needs to focus on, including strategies to move forward.

External stakeholders

The other focus group was external stakeholders including CBOs, NGOs and clients, government agencies, legal consultants and donors.

Questions were focused on understanding the background of the stakeholder, what work they do, its focus and how this relates to CELCOR. External stakeholders were also asked about how they seek to influence change and what issues, challenges and threats they are faced with. This provided an overview of the type of assistance the stakeholder would need from CELCOR as well as how effective CELCOR can be in providing this assistance.

These clients also provided their views on what they consider to be CELCOR's achievements, strengths and weaknesses, and what they would want to see CELCOR do in the future.

Taken together, these questions would provide the basis for the evaluation outcomes and findings about the way forward for CELCOR.

Part B: Achievements

Up to 2011

CELCOR has recorded a number of achievements in recent years. In its Strategic Plan 2012-2014, the following achievements are noted:

- helping to establish the Commission of Inquiry into Special Purpose Agriculture and Business Leases
- partnering with ABA ROLI
- developing CELCOR membership
- running a landmark environmental destruction case
- producing a child labour documentary which raised awareness of the issue
- getting NBPOL to comply and address issues regarding social and environmental
- encouraging broad-based community participation
- commemorating the Friends Of the Earth International (FOEI) 40th Anniversary as a member to the Friends of the Earth Network
- pushing for World Bank Inspection Panel into the World Bank Smallholder Agriculture Development Project (SADP) Loan.

2011 onwards

The main achievements since that time fall into two broad categories – CELCORs service provision and programs (such as community legal education, direct legal assistance and policy, law reform and advocacy) and internal changes at CELCOR. These are discussed in turn.

CELCORs service provision and programs

The main achievements are set out here in the following categories:

- Community Legal Education (CLE)
- Direct Legal Assistance (DLA)
- Policy, Law Reform and Advocacy (PRLR)
- Networking and Partnerships
- Capacity building.

A. Community Legal Education

The production of the toolkit is seen by many as a major achievement. The toolkit was launched at Wellness Lodge on 31 March 2017 by the Executive Director for Constitutional Law Reform, Dr Eric Kwa. It was the culmination of number of years of work. Funding for the toolkit was provided by Strongim Pipol Strongim Nesen (SPSN).

The toolkit comprises two separate volumes: one for trainers and one for communities and participants. These are called the Community Legal Education Trainers' Resource Kit and the Community Legal Education Participants Work Book. Both volumes contain chapters on the following:

- Laws of Papua New Guinea
- Government of Papua New Guinea
- Land Ownership and Management
- Customary Landowners
- Conservation and Management of Environment

- Use and Management of Renewable Natural Resources
- Use and Management of Non-Renewable Natural Resources
- Practical Information (such as the need for a lawyer and arrest powers)



Figure 1: Copies of the Environmental Law Toolkit for Trainers and Communities at the launch held at the Wellness Lodge, March 2017 (Source: CELCOR file photos).

The launch of the toolkit generated interest from the media within Papua New Guinea including The National, Post Courier, TV1 and EMTV (see below).

The next stage for the toolkit is to seek accreditation from the National Training Council, which will enable CELCOR to train trainers. Consideration is also being given to whether schools and the community can buy the toolkit.



Figure 2: Media coverage of the launch of the Environmental Law Toolkit on 31 March 2017 (Source: The National and the Post Courier)

The toolkit is a key means of delivering CLE services to rural communities.

More generally, the CLE program empowers communities with CELCOR helping rural communities to become proactive and speak up, and raising their awareness. Since 2011, CELCOR has conducted 39 workshops to over 1300 members of the community. These workshops have been held in 14 provinces from Sandaun to Oro and from Western to New Ireland, covering the length and breadth of Papua New Guinea. See Figure 1 below which shows CELCORs coverage of Papua New Guinea (in orange) with the number held in each province. The workshops go for up to one week and a lawyer usually accompanies a CLE team member.

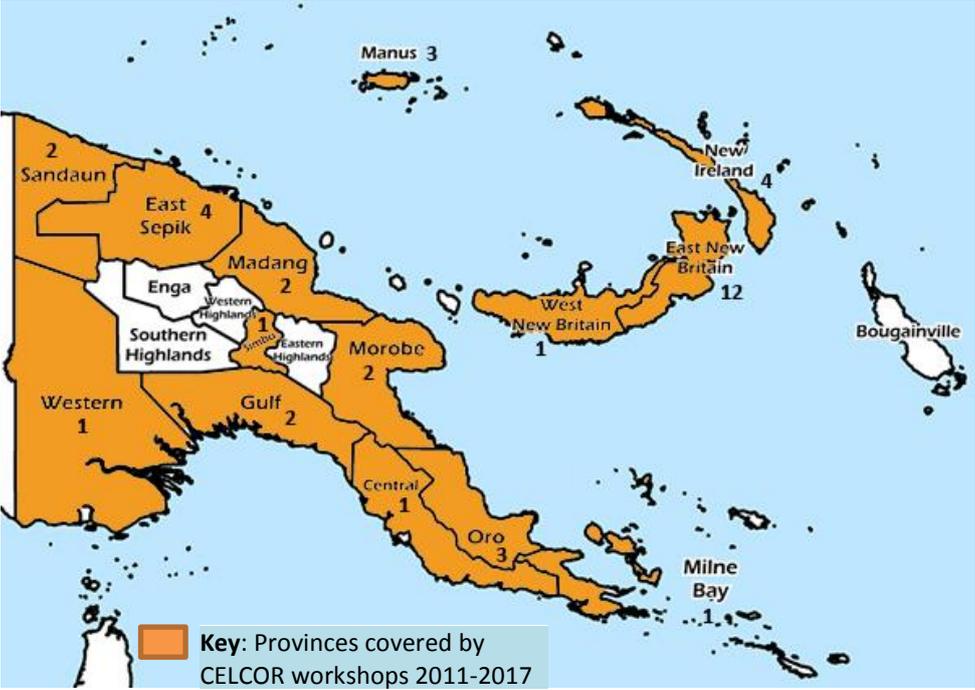


Figure 3: CLE workshops run by CELCOR 2011-2017

Source: Map compiled by WestWood Spice

As noted in the SPSN Project Report, the CLE program provides real opportunities for communities to organize themselves, and cites the actions of communities in East New Britain and New Ireland following CELCOR workshops³. More specifically, para-legal patrols train people to be bush lawyers and “peace mediators” in dealing with land and resource disputes in their communities. A 2016 donor report also notes that landowners in the Pomio District in East New Britain and Collingwood Bay in Oro Province have raised their voices in defence of their legal rights, leading to no further forest clearance by the companies.

The Executive Director has noted that CELCOR goes into most provinces in Papua New Guinea (all but Highland provinces where logging is not an issue). An example of this empowerment was a workshop in Pomio where the community commenced a blockade following a CELCOR workshop due to concerns about their rights being infringed. CELCOR also recently held a national land use plan workshop where they received good feedback. One participant had observed the training and noted that the quality of community outreach work has been good, and has been receiving good feedback.

³ See Building Sustainable and Just Communities in Papua New Guinea through Community Legal Education and Governance Training Project Report at p 5.



Figure 4: Para-legal training workshop using new Toolkit, Kait village, 22-28 May 2017 (Source: CELCOR Blog Site 2017: centerforenvironmentallawandcommunityrights.wordpress.com)

Another staff member was keenly aware of the importance of these workshops in building CELCORs reputation and boosting donor confidence. Testament to this new found level of confidence, CELCOR were recently approached by the Climate Change Development Authority to work with them on REDD+ regarding legal safeguards and helping to translate materials into pidgin (at the present time, this work will take place in 2018).

A further achievement was the production of the Community Level Assessment of the Impact of Mining (CLAIM) Manual which was produced and published with the assistance of Live and Learn PNG and the American Bar Association Rule of Law Initiative in 2014.

B. Direct Legal Assistance

In the Kiunga-Aiambak case, CELCOR acted on behalf of landowners who were challenging logging operations. The Court found that the company had breached its permits and the community were awarded K226.55 million in damages by the National Court. This is an example of CELCOR and its partners holding logging companies to account.

In collaboration with community groups and NGO partners, CELCOR saw some success in halting of SABLs in Collingwood Bay, in Tufi area of Oro Province and Turubu, West Sepik Province. These court victories stopped further logging (saving more than 200 hectares of forest), and oil palm planting. For example, Collinwood Bay in the Oro Province has a history of legal battle with loggers. CELCOR took on this case and the loggers left in 2012. Since then CELCOR has been their main supporter in terms of providing funding, legal support and training on legal education, educating people of their rights, especially on the various environmental policies and acts so people are more aware and educated to safe-guard their resources.



Figure 5: Protests against illegal land grabbing in Collingwood Bay by partners in Kuala Lumpur, Malaysia (Source: CELCOR Annual Report 2014)

Most recently, CELCOR has successfully assisted a number of clients in the Pomio District in matters dealing with the police. In this matter, CELCOR acted for West Pomio landowners who were being restricted and/or restrained from accessing their customary land (the subject of a dubious SABL concession). The restrictions arose on the basis of allegations by the developer that the community members were disrupting the smooth implementation of an oil palm project.



Figure 6: Mauna landowners of West Pomio Mamusi LLG setting up road blocks, November 2016(Photo courtesy of Moses Sarere, Mauna village, Pomio District) (Source: CELCOR Annual Report 2015 & 2016)

C. Policy, Law Reform and Advocacy

As noted above, back in 2011 CELCOR had previously had success in pressuring the government to establish a Commission of Inquiry into the issuing of Special Agricultural Business Leases (SABLs) which saw the acquisition of 5.2 million hectares of customary land.

Its work on this issue has continued despite only recently re-employing a Policy lawyer. For example, one external participant noted that CELCOR has been very strong in pushing for cancellation of SABLs (including, for example, putting out a statement with Transparency International, organizing a media campaign and writing a letter to a number of international bodies about the alienation of customary land from landowners in PNG through issuing SABLs).⁴

CELCOR also produced a 28-minute video on YouTube drawing attention to the issues. The video is called SABL: A Misconceived Development Perception in Papua New Guinea and is available at <https://youtu.be/dIZrZX7fpiw>



Figure 7: Video still from YouTube video called SABL:

A Misconceived Development Perception in Papua New Guinea at <https://youtu.be/dIZrZX7fpiw>

Two related outcomes from this work have been a moratorium on SABLs and law reform proposals. As the current Executive Director noted in the Annual Report for 2014, this work is crucial:

*Peoples' livelihoods have been disrupted while at the same time, the clearing of virgin track of old growth forests will exacerbate emission of greenhouse gas and the acceleration of climate variability. The increasing climate variability and the environmental destruction is a double blow for the rural people who are very much dependent on the environment for their survival.*⁵

⁴ The letter was written in collaboration with the Forest People Programme and submitted to the Committee on the Elimination of Racial Discrimination (CERD) and the UN Special Rappateur on Indigenous People (UNSRIP). The letter also brought to the attention of UNSRIP amendments to the Environmental Act which prevent landowners and communities impacted by resource development from claiming environmental damages.

⁵ Annual Report 2014 at p 4.



Figure 8: Billboard in front of the driveway into the Parliament House showing ongoing advocacy against SABLs (Source: CELCOR Annual Report 2014)

One participant noted that CELCOR was always present and vocal for meetings on forestry and land matters while another stated that they always invited CELCOR to forums because they actively participate. For example, only Transparency International and CELCOR had commented on the recent Climate Change Bill to the Climate Change Development Authority.

In partnership with Greenpeace, CELCOR established an internet based campaign programme known as Canopy Watch. This programme was established to expose illegal activities that were related to forestry so as to hold logging companies accountable and share this with like-minded stakeholders and partners within the region and globally.

Evidence of CELCOR's enhanced reputation can be seen in recent invitations to be on a number of forums, including the advisory committee of National Land Development Program, the committee on human rights commission under the Department of Justice and Attorney General, the 2015 Human Development Index Reporting under the Chief Secretary and the UN and as a member of the Extractive Industries Transparency Initiative (EITI) panel. This follows a long tradition of CELCOR being a respected NGO and being invited to participate in policy processes by the the US State Embassy in Port Moresby, the European Commission, the Department of Justice and Attorney General, Prime Minister's Department, National Forest Authority, Mineral Resources Authority, National Fisheries Authority and the Department of Environment and Conservation (now CEPA).

In the area of marine policy, CELCOR liaised and collaborated with government agencies⁶ on a number of policy related activities. This included participating in developing strategies for an ecosystem based approach under the Coral Triangle Initiative in the Manus Province as well as in the development of protected areas policy more generally. Similarly, CELCOR engaged in a proposed policy on volunteer Resettlement for deep sea mining, including ensuring that the principle of Free and Prior Informed Consent was applied, and being involved in a nation-wide consultation process on mining policy on resettlements.

⁶ Namely, the then Department of Environment and Conservation (DEC) and the Department of Mining and Mineral Policy (DMMP).



Figure 9: Trip to Saidor, Rai Coast District- Madang Province 2014 under the Packard Marine Program (Source: CELCOR Annual Report 2014)

D. Networking and Partnerships

One achievement has been CELCORs regular participation in the annual NGO Exhibition. For example, in August 2015 this exhibition was staged at the University of Papua New Guinea’s Open Forum. The theme of the event was “Supporting a holistic approach to responsible sustainable development” which reflected that government’s Responsible Sustainable Development Strategy. The exhibition celebrated the key role of NGOs such as CELCOR as important contributors to sustainable development in PNG. More than 20 partner NGOs participated in this event, covering a variety of sectors such as health, environment, education, and humanitarian.



Figure 10: CELCOR stall at NGO Exhibition on Sustainable Development University of PNG, 28 August 2015 (Source: CELCOR Annual Report 2015 & 2016)

E. Capacity building

CELCOR recognizes the efforts of partner organizations working with communities or that are part of community initiated projects in ensuring that community projects and institution's operations are sustained. In facilitating this workshop, CELCOR believes that this is a step forward towards building the capacity of the NGOs, CBOs and their communities because communities are the nucleus in ensuring environmental sustainability.

With funding support from the UNDP GEF Small Grant Programme, a Proposal and Report Writing Workshop was organized and hosted by CELCOR at the Shady Rest Hotel from the 02nd to the 06th of November, 2015. This project aimed at providing skills training in proposal, project and report writing for GEF and CEPA project fund recipients. The outcomes of the project were:

- participants understood basic proposal and report writing
- participants become aware of donor requirements in proposal and report writing
- CBOs and NGOs establish networks.

The participants were UNDP grantees, CELCOR partners and CBOs, and CEPA seed grantees. There were more than 40 participants' altogether and most flew in from all over PNG to be part of this workshop. Most of the recipients appreciated the training but wished it for a longer period and that there should be follow up trainings like this in the future.



Figure 11: Proposal and Report Writing Workshop

Organized and hosted by CELCOR, Shady Rest Hotel 2-6 November 2015 (Source: CELCOR Annual Report 2015 & 2016)

Internal changes

Given CELCOR's situation in 2011, many participants identified CELCOR's achievements in terms of its ability to turn things around, maintain a stable and functional organization and rebuild its reputation. These include maintaining staff numbers, recruiting good staff, reporting to donors properly and on time and slowly regaining the confidence of the community and donors.

Clear evidence of this functionality can be seen in the area of governance – for example, Annual Reports have been produced since 2014, Annual General Meetings held since 2015 and the Constitution was reviewed and amended in 2017.

A number of participants also identified the development of a new Case Management System as a major achievement. In this regard, former Chair Daisy Culligan and new Principal Lawyer Evelyn

Wohuinangu undertook an audit of the 43 cases CELCOR had on its books. They then closed many of these matters, established a workable case management system and guidelines about which cases to undertake. This approach stands in contrast to the approach taken beforehand whereby there were no proper records, no status reports, and no supervision.

As set out below, CELCOR has also fundamentally improved its financial management systems. The Finance and Administration Manager noted that previously there were outstanding payments, accounts that were not reconciled and bank reconciliation done outside of system on spreadsheet. Under the changes, CELCOR now uses Peachtree software, reconciliation done inside of system and all donors have their own casebook.

Many participants, including members of the Board, the Executive Director and the Finance and Administration Manager, firmly believe these changes are helping to restore confidence in CELCORs internal operations and controls.

Part C: Strengths and weaknesses

Strengths

One of the key strengths of CELCOR as identified by participants is that it has started to do the change. It was noted that “the general atmosphere is now very good”. CELCOR is in a new office, which is neat and tidy, with clean floors and books on shelves and staff are busy.

These elements hint at broader, more profound changes, with a number of staff commenting that they enjoy working there, with good staff dynamics, a safe and comfortable workplace and an open management style from the Executive Director and the management team. Issues identified in the 2011 evaluation – such as safety – were no longer apparent. On the contrary, CELCOR was generally seen as a place that looks after its staff. As one staff member commented: “we have each other’s backs”.

A number of external participants also had a positive view of staff, noting their competence, dedication and commitment: “staff are keen, enthusiastic and open to learning”; “CELCOR people are now good again”. Similar sentiments were made about individual staff - for example, comments about the Executive Director include:

Peter is a great supporter, he is very easy to work with, very approachable, and open to other ideas and approaches.

I am confident in Peter. He has steered the boat through rough seas, he is very responsive and has a lot of time for clients.

Peter is providing good leadership.

Peter has good adaptive management skills, and these have helped CELCOR come out of a bad state and get back on track.

Peter has had a lot on his shoulders, has done very well, and has been under lots of pressure.

Other staff were also admired:

Marjorie and Rebecca are real stalwarts and key assets to CELCOR.

Rebecca is easy to work with, she’s always there to discuss REDD+, and she’s full of constructive feedback.

Evelyn positions CELCOR well in the legal space.

I enjoy the company of other staff.

A common theme identified by a number of participants was that CELCORs new found stability was becoming a strength. CELCOR had survived and was “slowly finding its way back”. External participants had also noticed these developments including that its financial reporting was now “really good”. Indeed, one donor described CELCOR as now one of their best grantees; describing them as being very responsive, reports being on time and of high quality, and reports containing field reports which go beyond donor required reporting (this latter helping the donor to write up short stories). One client said that CELCOR was “running good at the moment - they act straight away, and no longer say they’ll ring back later (and fail to do so)”. He rated himself as 70% happy with CELCOR and as having “very good satisfaction”. In fact, his community now want to transfer their case with a private firm back to CELCOR. In his words “CELCOR is like Jesus coming to save the people”.

The CLE work of CELCOR was also commonly seen by both external and internal participants as a strength. Relatedly, CELCORs toolkit is seen as a key part of the armoury of CELCOR.

It is also apparent that CELCOR has a very clear idea of its role and niche within Papua New Guinea. A number of Board and staff noted that CELCOR is now the only law firm in Papua New Guinea providing legal assistance to the community and inputting in a policy context. This is both a source of pride but also highlights the importance of their role and their need to succeed. On this, the Executive Director commented: “CELCOR must exist and continue with its work” while one external participant said “this country needs an advocacy group that keeps the balance”. Internal improvements since 2011 have also helped in this regard. The Staff Policy and Procedure Manual is up to date, all staff have a job description and it is evident they have a clear sense of their specific role.

Networking and relationships with international partners was identified by many people as a key strength. CELCOR is seen (and sees itself) as part of a global network. It continues to maintain an active network with national and international NGOs such as friends of the Earth, EDO NSW in Australia and the Environmental Lawyers Alliance Worldwide (ELAW). In part, this reflects its limited capacity. As one Board member noted, CELCOR does not have the manpower so relationships and networks have to be strengthened so CELCOR can partner with other resource organizations so that together they are able to provide the kind of support clients need.

Weaknesses

All participants were prompted to consider and identify potential weaknesses of, and challenges faced by, CELCOR. This section deals with the main weaknesses identified throughout this evaluation with other more specific points addressed elsewhere. The main weaknesses can be seen as legacy, funding, capacity, monitoring and energy. These issues are not only related but feed into each other.

Legacy

As noted above, CELCOR was in a parlous state in 2011. Dramatic action was required, and the 2011 Evaluation provided the impetus. The Executive Director saw it as his role to go into damage control and respond immediately to staff issues. As he put it, his main initial focus was on maintaining staff morale and keeping the donors happy.

Notwithstanding the success of these efforts, client and donor confidence has remained low for some time. Even today, Rainforest Foundation Norway remains the only core donor.

Furthermore, it is also true that until relatively recently the DLA practice has been ineffectual. As one interviewee put it, the previous Principal Lawyer and another solicitor both didn't do a lot of work, dropped many cases and didn't work out. The lead evaluator has early and direct experience of this, with most if not all litigation files maintained by the previous solicitors remaining stagnant between international visits in 2010-2011.

The lack of movement on cases, combined with the loss of a number of cases, did for some time severely dent client and donor confidence in an area historically one of CELCORs strengths.

Funding

Directly related to this, CELCOR has struggled to attract new donors, and certainly core donors. A number of participants – from Board members to clients - identified this as the key challenge facing CELCOR.

Capacity

The lack of funding has, in turn, severely impacted on the capacity of CELCOR with reports that all staff are overstretched. For example, in the area of litigation, more requests are now starting to come from clients outside of identified focus areas but, due to funding constraints, CELCOR cannot entertain those requests.

It has only been recently that CELCOR has had the funding to employ a Principal Lawyer together with another lawyer.

Monitoring

A review of donor reports shows a lack of useful feedback on CELCOR activities. Examples include:

The participants expressed appreciation for CELCOR's intervention in this regard.

The participants were very happy and really appreciated the legal education provided and requested for more trainings to be conducted in such affected areas.

They made positive comments and thanked CELCOR for providing such helpful information and recommended for more trainings in future when opportunity arises.

They really showed their appreciation by thanking and making positive comments to CELCOR for imparting such helpful knowledge and information, which will be beneficial to them.

This type of information does not provide much information that can help CELCOR to improve nor is it likely to convince or inspire donors.

Energy

While most participants have recognised the commendable efforts of CELCOR in becoming a functional organization, it is also apparent that there is a degree of frustration with the pace of change. Some participants have called for CELCOR to be more dynamic, proactive and energized. As one put it, CELCOR needs a dose of busy-ness while another called for a dose of vitamins. These changes arguably require not only a re-focus (away from damage control) but also a shift to a more outward looking and results-oriented approach.

Part D: Key findings and analysis

The future - in the words of stakeholders

Generally, participants saw the future of CELCOR in positive terms, with comments including “the future looks good”, CELCOR is on the right track” and that CELCOR is “becoming a good bet and reliable”. One donor was clear that CELCOR had started to do the change – they had “seen the need to rebuild, had a good accountant, and had got rid of the dead meat”. He saw that everything was in place there and that there was now an excellent chance to rebuild. He and others could see the potential, there was much more hope and, he emphasized, now they just need to do it.

In this regard, donors and others saw EDO NSW as a crucial element in the future, helping to “energise” CELCOR and guide them through its next phase. A number of people likewise recognized the key role of EDO NSW in helping CELCOR to win some big cases, thus both protecting the environment and enhancing CELCORs reputation and legitimacy.

A number of people felt that CELCOR did not have to change radically from its historical roots and mission. In fact, many emphasized traditional CELCOR values such as the need to maintain independence, to represent the minds and worries of community and to keep working and collaborating with CBOs, disseminating info and providing lots of assistance as real problems are on the ground.

At the same time, a few participants also identified things that CELCOR could do differently – for example:

- acting as a conduit between government agencies and the community
- exploring a greater role in mining, petroleum, LNG and human rights
- breaking down and analysing technical documents
- exploring more collaborative arrangements (including with UNDP, Transparency International, government agencies and PELA)
- playing a key role in informing other NGOs about the work they do, such as with Transparency International and environmental issues
- using different communication channels more proactively, such as a website, Facebook, and blogs
- partnering with other NGOs who can help pay for CELCOR lawyers.

When asked questions about the future of CELCOR, the issue of capacity was never far from the discussion. Specific suggestions included more lawyers, another policy lawyer, a communications person and a programs manager to manage donors. Responses generally included a clear rationale for the extra staff:

We need to recruit more lawyers – we are wearing out our lawyers and staff.

CELCOR needs more manpower so they can say yes.

We need more lawyers and advocates to reach more parts of the community and contribute to government plans and aspirations.

CELCOR needs one more lawyer and lawyers assigned to certain areas e.g. human rights, environment rights.

More funding must be sought and staff salaries must be increased to maintain staff.

We need more staff so work is distributed and staff are not overloaded as it could affect their health as well.

We need a full-time communications person must be employed to market/promote CELCOR's work to attract funding and long term support for its work.

We need a communications person can drive publicity and marketing to attract more funding support which could mean employing additional staff.

The need to build the internal capacity of CELCOR was also strongly identified. This includes a commitment to ongoing training staff and Board training as well as to delegating matters to staff and entrusting and empowering them.

Keeping CELCOR functional

As Volume 2 has demonstrated, CELCOR has made enormous advances in many areas. These include the recruitment of talented and committed staff, the development of policies and procedures, better decision making and communications and vastly improved financial management.

There are two main issues around functionality. First, and foremost, CELCOR needs to learn to continue to embrace functionality while becoming increasingly effective. This balance is the crucial enterprise over the next 3 to 5 years.

Second, as set out below, there are a few key areas where functionality can be improved. These include:

- governance
- openness and transparency
- risk management
- training
- monitoring and evaluation
- relationship with donors, government agencies, clients and NGOs.

Governance

At a governance level, interviews and a review of Board papers and other reports seem to indicate that there is a clear appreciation of the role of the Board, its relationship with the Executive Director, and the challenges ahead. Nor is there evidence of complacency. Once again, this stands in stark contrast to the situation in 2011.

However, it is also important to continue to strive. CELCOR is a legal organisation which is often challenging others about non-compliance with the law. CELCOR is also re-establishing itself as a leading NGO in PNG, after the setbacks in 2011. For these reasons, CELCOR needs to be both beyond reproach and needs to provide leadership. Recommendations around best practice governance, including broader social justice issues, are made.

The CELCOR - EDO NSW partnership is central to the future of CELCOR over the next 3 to 5 years. Consequently there is real value in solidifying the relationship with EDO NSW through considering appointing someone closely connected to them onto the CELCOR Board. In this regard, someone currently on the Board or staff at EDO NSW is not supported, as this gives rise to potential conflict of interest issues. Rather, someone like former CEO, Ms Sue Higginson, would be worthy of close consideration, having considerable governance experience, a rich background in litigation and helping to give gender balance to the Board.

At present, the Strategic Plan 2012-14 contains a number of structural and content elements. These include:

- area of expertise
- target provinces (9 out of 22)
- criteria for clients (10)
- exit strategies (11)
- goals and expected impacts (6 each)
- strategies (3)
- objectives and outcomes covering the strategies (38).

In the interests of focussing squarely on results, it is suggested that “less is more” and that a simpler approach may well help to facilitate outcomes. For example, it is recommended that consideration be given to adopting a simpler strategic planning framework around the following:

- effective legal protection
- empowering the community
- leadership and influence
- dynamic, functional organisation.

This framework has been used by EDO NSW in recent years and has also been used as a means of working more closely with other EDOs. In other words, the framework is set with the strategic planning days being about the best way of achieving these goals. A “ghost” template – with some examples of how it works in an Australian context - is provided as Annexure 8.⁷

Recommendation 1: It is recommended that consideration be given to fine-tuning the governance framework including:

- a. ensuring that elections to the Board are held every year
- b. ensuring that there is parity between men and women on the Board (at least three of each)
- c. ensuring that Board members are aware of, and commit to, Board responsibilities
- d. inviting a person with governance experience and a close association with EDO NSW onto the Board
- e. preparing a skills matrix to ensure that CELCOR has the right range of skills on the Board
- f. actively using the partnership with EDO NSW to engage in ongoing training on governance
- g. adopting a simpler strategic planning framework as follows:
 - i. effective legal protection
 - ii. empowering the community
 - iii. leadership and influence
 - iv. dynamic, functional organisation.

Openness and transparency

CELCORs commitment to openness and transparency has played a huge role in its transformation. It has committed considerable time and resources to improving decision making, opening up communications, promoting better financial management and developing policies and procedures to reflect these changes. It is crucial that these policies and procedures are understood, practiced and applied fairly. Once again, CELCOR risks criticism and donor backlash if it does not do this. As a legal organisation, it needs to practice what it preaches. Further work is needed and the recommendations set out what is required.

⁷ The term “ghost” is used to emphasise that the strategic plan is just a template, not an early draft of what the plan should look like.

In this regard, it is strongly felt that internal consultancy opportunities should be actively phased out. This type of work is impossible to monitor (thus risking CELCOR not delivering in its core service areas), distracts staff and CELCOR itself from its core values and mission and foregoes other opportunities to build and grow the organisation. Instead, other opportunities for income generation and staff remuneration should be explored.

Recommendation 2: It is recommended that the open and transparent approach to management is continued, including:

- a. following adopted financial and budgeting policies and procedures
- b. following adopted staffing policies and procedures including
 - i. having regular internal meetings (management team, programs, staff)
 - ii. recruiting (staff and consultants) openly and transparently
 - iii. communicating and making decisions openly and transparently
 - iv. doing staff appraisals regularly
- c. reviewing staffing salaries and frameworks to ensure equity and promotion opportunities
- d. dealing quickly and fairly with non-performance
- e. discussing policies and procedures at staff meetings (on a rotational basis)
- f. reviewing all aspects of IT, including the server, hardware, network, document management and protocols, and legal databases
- g. discontinuing consultancy work for internal staff.

Risk management

In any legal office, it is crucial that risk management processes are followed. Safety concerns are also paramount in PNG, particularly around travel. At the moment, the Staff Policy and Procedure Manual 2017 deals with how to be safe under Travel and Safety (at 2.15). However, it needs to also deal with what to do when something goes wrong, including immediate response and reporting back. Continued attention in these areas can also help to ensure that the gains of the last few years are not lost. Specific suggestions are made in the recommendations.

Recommendation 3: It is recommended that risk management be further improved by:

- a. developing a basic risk management manual (with assistance from EDO NSW)
- b. rotating the auditors ever three years
- c. adopting a written procedure for communicating with donors when budgeting problems arise
- d. developing a process for backing up the server regularly
- e. developing procedures to deal with what to do when something goes wrong, including immediate response and reporting back.
- f. ensuring roles and responsibilities are clear, and monies allocated, for basic office functioning such as internet, security, vehicles and printers
- g. introducing risk management as a standing agenda item at Board, management team and staff meetings.

Training

Training is currently done on an ad hoc basis. Interviews and a review of reports reveal examples of training undertaken by staff in recent years including proposal writing, report writing, financial sustainability, financial management, CAN, monitoring and evaluation, and facilitation. The desire and commitment for training is evident – from the Chair and Executive Director and through to staff. As discussed at an evaluation workshop, training can be done internally, in kind by other NGOs, or conducted by EDO NSW or others externally. It is also clear that staff are committed, enthusiastic and

keen to learn. Training is also something that CELCOR can offer staff when salaries cannot meet market levels; training can enhance skills and facilitate future career advancement.

Of course, there are barriers to training. As one participant observed, staff always have a lot of work and do not have time to attend training and, due to insufficient funds, do not usually attend trainings accept when costs are being met externally. Similar considerations apply to the Board.

EDO NSW can help in this regard and recommendations are made to deal with the considerations above.

Recommendation 4: It is recommended that training be emphasised including:

- a. setting up a basic training register for staff and Board members (name, position, date, type of training needed, type of training that can be delivered)
- b. doing a training needs assessment for existing staff and Board members
- c. identifying training options and opportunities at the annual reflection day
- d. taking advantage of ad hoc training opportunities for staff and Board members

Monitoring and evaluation

A review of donor reports, annual reports and other documents indicates that monitoring and evaluation could be improved. In turn, it is suggested that simple changes in this area could help to dramatically improved both the skills of staff and the Board, and CELCORs donor profile and reputation.

Recommendation 5: It is recommended that monitoring and evaluation is improved by:

- a. monitoring progress against the Operational Plan at each Management Team meeting
- b. developing basic evaluation tools to help measure effectiveness (such as at the end of workshops)
- c. using external evaluators at the mid-point of the next strategic plan (that is, after its first 18 months).

Relationships with donors, clients, NGOs and government agencies

CELCORs internal struggles over the past few years have been played out in a relatively public manner. Few interviewees were unaware of the issues faced by CELCOR, at least in general terms. Donor and client confidence has been battered in recent years. In fact, it is fair to say that the next 3 to 5 years will be the most crucial in the organisation's history; patience has been running thin.

At the same time, there is ample evidence to suggest that CELCORs efforts to make the change have not gone unnoticed. Most positively, it is also very clear that many people hold CELCOR in great affection, recognize the needs they serve, want them to thrive and believe they are back on the right track. CELCOR are seen as unique, there for the "voiceless" and as "guardians for the environment". One participant even suggested that CELCOR could partner with other major NGOs in Papua New Guinea to share the costs of CELCOR lawyers. This is a wonderful idea that should be actively explored once CELCOR has a demonstrated track record of effectiveness in its litigation practice.

On the other side, there was a feeling that sometimes the community does not properly value CELCORs services. In this respect, CLE workshops will often involve considerable time and expense from CELCOR staff - for example, 5 days in the field by 2-3 CELCOR professional staff. However, even when prompted, the community will often not contribute in kind or even basic services for these workshops, such as hall hire or morning tea. CELCOR should efforts to communicate its role, its capacity and the need for community organisations and NGOs to contribute to their work.

All in all, this suggests that a traditional NGO financial model – based around major international donors – should focus their attention.

Recommendation 6: It is recommended that CELCOR focus its fundraising and income generation efforts on:

- a. restoring donor confidence and grant-making, rather than corporate or community fundraising
- b. exploring in kind contributions from supporters, clients and NGOs, particularly in circumstances where CELCOR is providing services.

Making CELCOR more effective

This section focuses on the service provision side of CELCORs work. Its services include:

- Community Legal Education (CLE)
- Direct Legal Assistance (DLA)
- Policy Review and Law Reform (PRLR)
- Campaigns, Advocacy and Networking (CAN)
- Media and communications

All of these functions add up to a multi-disciplinary approach.

A multi-disciplinary approach

Organisations such as EDO NSW have reaped the benefits of a multi-disciplinary approach. These include the synergies and links between all the elements of a public interest environmental law firms' services.

Given the current capacity and staffing levels of CELCOR, there is, however, a real question around whether it should:

- try to maintain a multi-disciplinary approach
- OR
- reorient CELCOR into a more specialist organization (for example, a firm that only does litigation).

On balance, it is suggested that the current model be maintained. This is primarily because of the interrelated nature of a public interest environmental law firm – for example, CELCOR relies on its CLE work to find clients and cases and its cases and CLE work reveal issues around policy review and law reform.

At the same time, it is suggested that CELCOR could benefit from greater exchange of information within the office about its work, such as debriefs after workshops. In this way, a greater understanding of the issues, and potential cases can be built up. Also, to ensure a legal focus, the current CAN program should be integrated into existing programs and functions.

Recommendation 7: It is recommended that the commitment to a multi-disciplinary approach be continued through:

- a. actively pursuing and building on the partnership with EDO NSW over the next 3 to 5 years
- b. using program meetings to exchange information and explore the linkages between the DLA, CLE and PRLR programs
- c. integrating the CAN activities into other programs (such as CLE and PRLR).

Community Legal Education (CLE)

The CLE program comprises workshops and paralegal trainings; the toolkit is an important resource for both.

At present, CELCORs CLE program is its jewel in the crown. As noted above, it has conducted 39 workshops across much of Papua New Guinea since 2011. Although difficult, there is a high degree of credibility and legitimacy gained from seeking to operate across most of Papua New Guinea. Furthermore, the toolkit is widely lauded and admired, having produced tangible outcomes where communities have been empowered to organize and take action.

The essential limitations with the CLE program are twofold. First, CLE is an enabling program. While it is true that it can produce outcomes, its real value lies in informing communities of their rights *who then seek further legal assistance from CELCOR*. Second, and relatedly, there are other NGOs who can help to empower communities.

Recommendation 8: It is recommended that Community Legal Education:

- a. provide its service across the provinces of Papua New Guinea, where relevant
- b. provide all field reports to the litigation committee as soon as they are completed
- c. explore more targeted CLE opportunities where training is focussed on the issues at hand
- d. explore the possibility of accreditation with the National Training Council
- e. explore the possibility of doing fee-for-service CLE work for the government around policy review and law reform processes.

Direct Legal Assistance (DLA)

There are two main functions of DLA – namely conducting legal patrols and undertaking litigation work.

The purposes of legal patrols are twofold. On the one hand, they are used to verify reports from customary resource owners of abuses and irregularities in relation to large scale resource developments projects. On the other hand, secondly, lawyers can use the opportunity to update clients on the progress of their cases as well as collect additional affidavits or information to help litigate cases effectively.

Undertaking litigation has historically been a strength of CELCOR. As Volume 2 shows, this has been the most problematic area for CELCOR since 2011. In fact, it is only just turning the corner following an audit and rationalisation of all cases, the development of a case management system and related policies and procedures and the recruitment of a new Principal Lawyer. The task will be to run and win some high profile cases over the next few years while – at the same time – ensuring that the DLA practice is not over-extended. CELCOR and EDO NSW will need to be properly resourced to ensure that this occurs.

All these developments are extremely positive; however, the stakes are high. It is for this reason that the report makes a set of recommendations around ways to further improve DLA. These include a closer working relationship with EDO NSW, and other procedures to ensure only the best and most strategic cases are taken on.

Recommendation 9: It is recommended that Direct Legal Assistance be further improved by:

- a. inviting a person with strong litigation skills and with a close association with EDO NSW onto the CELCOR Board
- b. actively using a litigation committee comprising the CELCOR Principal Lawyer, the in country legal consultant and EDO NSW to drive the DLA program and make recommendations about cases and capture lessons learnt

- c. ensuring that all recommendations to the Executive Director about potential litigation are accompanied by an opinion on prospects
- d. developing a litigation strategy and regularly reviewing the litigation guidelines to ensure that the most strategic cases are being run
- e. significantly reducing the obligations of the Principal Lawyer under the CLC program to allow for a clear focus on DLA regularly reviewing the arrangement with EDO NSW and the legal consultant to ensure its efficacy and value for money.

Policy Review and Law Reform (PRLR)

CELCOR has recruited a new Policy Lawyer in the last 12 months. The key issue will be to ensure the Policy Lawyer is given sufficient support and training to quickly be able to work relatively independently.

Recommendation 10: It is recommended that Policy Review and Law Reform be changed by:

- a. review the role of PRLR within the office
- b. work closely with EDO NSW on building its technical capacity and reach, including the use of science in policy work
- c. using CELCORs linkages with local and international people and organisations to further its work on PRLR
- d. explore the possibility of doing fee-for-service work for the government around policy review and law reform processes
- e. take on the primary legal role around CLE workshops.

Campaign, Advocacy and Networking (CAN)

The CAN program has been operating within CELCOR for some time. It is not entirely clear that its activities are sufficiently distinct to justify a separate program, particularly when CELCORs capacity is so stretched. Also, an explicit CAN program confuses, rather than clarifies, CELCORs niche, which is about legal services. In the same vein, CELCOR should actively explore partnerships with other similar legal organisations (such as ELAW), rather than with campaigning organisations (such as Friends of the Earth). CELCOR should, of course, continue to actively network with campaigning organisations.

On this basis, it is suggested that the current CAN program should be integrated into existing programs and functions to further focus CELCORs work and niche. The current Land Rights, Lobby and Advocacy Officer, Ms Rebecca Melepiea, is a committed and invaluable staff member and is well-placed to make this change.

Recommendation 11: It is recommended that Campaign, Advocacy and Networking (CAN) be integrated into the other functions.

Media and communications

CELCOR currently engages a communications consultant on a short-term contract as there is no budget for a dedicated communications person. Likewise, its website not functioning and there is no budget to make it operational.

Despite this, CELCOR has a relatively active media presence. This is largely through its Executive Director. It does media releases, radio and TV (e.g. Radio NZ International, Radio Australia Pacific Beat) and has a particularly active Facebook site and presence (although not necessarily about CELCOR work). The communications consultant has also designed a quarterly newsletter for stakeholders and established a blog site. The blog site is free and is in lieu of a website.

A vibrant media and communications presence will be crucial to CELCORs ongoing transformation.

Recommendation 12: It is recommended that communications be improved including by:

- a. preparing a basic communications plan in relation to DLA, PRLR and CLE
- b. re-launching the website as soon as possible
- c. exploring opportunities for EDO NSW to promote CELCORs work through its media and communication channels (such as sharing of Facebook posts and blogs).