

PD-ABE-672
78854

Project No. 532-0175

PROJECT GRANT AGREEMENT
Between the
GOVERNMENT OF JAMAICA
and the
UNITED STATES OF AMERICA
for the
SUSTAINABLE JUSTICE REFORM PROJECT

Date: **AUG 28 1997**
Appropriation: 72-112/31021
BPC: LDS292-25532-KG13
Amount: \$433,000

FUNDS AVAILABLE
CTRH
Signature **8-21-97** Date

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PROJECT GRANT AGREEMENT

Between

The Government of Jamaica ("Grantee")

And

The United States of America, acting through the Agency for International Development ("A.I.D.") as Grantor

ARTICLE 1: The Agreement

The purpose of this Agreement is to set out the understandings of the parties named above ("Parties") with respect to the undertaking by the Grantee of the Project described below and with respect to the financing of the Project by the Parties.

ARTICLE 2: The Project

Section 2.1.: Definition of the Project. The Project, which is further described in Annex I, will provide technical assistance, commodities and other support to enhance the justice system's sustainability by using available resources more efficiently, and by expanding funding and support from outside the regular government budget system.

Annex I attached, amplifies the above description of the Project. Within the limits of the above definition of the Project, elements of the amplified description stated in Annex I may be changed by written agreement of the authorized representatives of the Parties named in Section 8.2. without formal amendment of this Agreement.

Section 2.2.: Incremental Nature of Project

- (a) A.I.D.'s contribution to the Project will be provided in increments, the initial one being made available in accordance with Section 3.1. of this Agreement. Subsequent increments will be subject to availability of funds to A.I.D. for this purpose, and to mutual agreement of the Parties, at the time of a subsequent increment, to proceed.

- (b) Within the overall Project Assistance Completion Date stated in this Agreement, A.I.D., based upon consultation with the Grantee, may specify in Project Implementation Letters appropriate time periods for the utilization of funds provided by A.I.D. under an individual increment of assistance.

ARTICLE 3: Financing

Section 3.1.: The Grant. To assist the Grantee to meet the costs of carrying out the Project, A.I.D., pursuant to the Foreign Assistance Act of 1961, as amended, agrees to grant the Grantee under the terms of this Agreement an amount not to exceed Four Hundred and Thirty Three Thousand UNITED STATES DOLLARS (US\$433,000) ("Grant").

The Grant may be used to finance foreign exchange costs, as defined in Section 6.1., and local currency costs, when A.I.D. agrees in advance, as defined in Section 6.2., of goods and services required for the Project.

Section 3.2.: Grantee Resources for the Project

- (a) The Grantee agrees to provide or cause to be provided for the Project all funds, in addition to the Grant, and all other resources required to carry out the Project effectively and in a timely manner.
- (b) The resources provided by the Grantee for the Project will be not less than the equivalent of US\$1,121,391.00, including costs borne on an "in-kind" basis.

Section 3.3.: Project Assistance Completion Date

- (a) The Project Assistance Completion Date (PACD) which is August 31, 1996, or such other date as the Parties may agree to in writing, is the date by which the Parties estimate that all services financed under the Grant will have been performed and all goods financed under the Grant will have been furnished for the Project as contemplated in this Agreement.
- (b) Except as A.I.D. may otherwise agree in writing, A.I.D. will not issue or approve documentation which would authorize disbursement of the Grant for services performed subsequent to the PACD or for goods furnished for the Project, as contemplated in this Agreement, subsequent to the PACD.

- (c) Requests for disbursement, accompanied by necessary supporting documentation prescribed in Project Implementation Letters are to be received by A.I.D. or any bank described in Section 7.1., no later than nine (9) months following the PACD, or such other period as A.I.D. agrees to in writing. After such period, A.I.D., giving notice in writing to the Grantee, may at any time or times reduce the amount of the Grant by all or any part thereof for which requests for disbursement, accompanied by necessary supporting documentation prescribed in Project Implementation Letters, were not received before the expiration of said period.

ARTICLE 4: Conditions Precedent to Disbursement

Section 4.1.: First Disbursement. Prior to the first disbursement under the Grant, or to the issuance by A.I.D. of documentation pursuant to which disbursement will be made, the Grantee will, except as the Parties may otherwise agree in writing, furnish to A.I.D. in form and substance satisfactory to A.I.D.:

A statement of the name of the person holding or acting in the office of the Grantee specified in Section 3.2., and of any additional representatives, together with a specimen signature of each person specified in such statement.

Section 4.2.: Additional Disbursement. Except as the Parties may agree otherwise in writing:

- (a) before commitment or disbursement of any grant funds except for project management, the GOJ will provide evidence in form and substance satisfactory to AID that a Justice Coordinating Council has been established.
- (b) before commitment or disbursement of any grant funds for purposes other than policy studies, project management, or feasibility analysis, and by December 31, 1992 at the latest, the GOJ will provide in form and substance satisfactory to AID a detailed time phased plan for establishment of court administrator positions and recruitment of court administrators to fill these positions, such plan to be accompanied by evidence of GOJ actions and financing authorizations as may be considered necessary.
- (c) before commitment or disbursement of any project funds for courthouse renovations or improvements, the GOJ will provide evidence in form and substance satisfactory to A.I.D. (1) of an acceptable courthouse consolidation plan (2) that all buildings renovated under the Caribbean Justice Improvement Project have been adequately maintained and (3) that an adequate current maintenance budget is provided for court facilities.

Section 4.3.: Notification. When A.I.D. has determined that the conditions precedent specified in Sections 4.1. and 4.2 have been met, it will promptly notify the Grantee.

Section 4.4.: Terminal Dates for Conditions Precedent. If the conditions specified in Section 4.1. have not been met within 120 days from the date of this Agreement, or such later date as A.I.D. may agree in writing, A.I.D., at its option, may terminate this Agreement by written notice to the Grantee.

ARTICLE 5: Special Covenants

Section 5.1.: Project Evaluation. The Parties agree to establish an evaluation program as part of the Project. Except as the Parties otherwise agree in writing, the program will include, during the implementation of the Project and at one or more points thereafter:

- (a) Evaluation of progress toward attainment of the objectives of the Project;
- (b) Identification and evaluation of problem areas or constraints which may inhibit such attainment;
- (c) Assessment of how such information may be used to help overcome such problems; and
- (d) Evaluation, to the degree feasible, of the overall development impact of the project.

Section 5.2.: Other Covenants. The Grantee agrees that it will:

- (a) set compensation levels for employees within the court system at a level that will allow the courts to attract and keep qualified personnel;
- (b) provide sufficient resources for training of court system officials and staff to sustain levels of qualifications and competence achieved under the Project;
- (c) direct the real value of revenue improvement back into the justice system, to the extent that reforms financed by the Project result in revenue improvements in real terms for the Project;
- (d) submit in form and substance acceptable to AID a detailed time phased project implementation plan for each year;
- (e) arrange an annual audit of Project funds administered by the Ministry of National Security and Justice. The audit is to be conducted by a local audit firm pre-approved by the AID Inspector General (IG) using the guidance provided by the IG.

ARTICLE 6: Procurement Source

Section 6.1. Foreign Exchange Costs. Disbursements pursuant to Section 7.1. will be used exclusively to finance the costs of goods and services, including ocean shipping, required for the Project having, with respect to goods, their source and origin, and with respect to services, their nationality, in the United States of America (Code 000 of the A.I.D. Geographic Code Book as in effect at the time orders are placed or contracts entered into for such goods or services) ("Foreign Exchange Costs"), except as A.I.D. may otherwise agree in writing, and except as provided in the Project Grant Standard Provisions Annex, Section C.1(b) with respect to marine insurance. Ocean transportation costs will be financed under the grant only on flag vessels under flag registry of the U.S., except as A.I.D. may otherwise agree in writing.

Section 6.2.: Local Currency Costs. Disbursements pursuant to Section 7.2. will be used exclusively to finance the costs of goods and services required for the Project having their source and, except as A.I.D. may otherwise agree in writing, their origin in Jamaica ("Local Currency Costs").

ARTICLE 7: Disbursement**Section 7.1.: Disbursement for Foreign Exchange Costs.**

- (a) After satisfaction of conditions precedent, the Grantee may obtain disbursements of funds under the Grant for the Foreign Exchange Costs of goods and services required for the Project in accordance with the terms of this Agreement, by such of the following methods as may be mutually agreed upon:
- (1) by submitting to A.I.D., with necessary supporting documentation as prescribed in Project Implementation Letters, (A) requests for disbursement or reimbursement for such goods or services, or, (B) requests for A.I.D. to procure commodities or services on Grantee's behalf for the Project; or,
 - (2) by requesting A.I.D. to issue Letters of Commitment for specified amounts (A) to one or more U.S. banks, satisfactory to A.I.D., committing A.I.D. to reimburse such bank or banks for payments made by them to contractors or suppliers, under Letters of Credit or otherwise, for such goods or services, or (B) directly to one or more contractors or suppliers, committing A.I.D. to pay such contractors or suppliers for such goods or services.

- (b) Banking charges incurred by the Grantee in connection with Letters of Commitment and Letters of Credit will be financed under the Grant unless the Grantee instructs A.I.D. to the contrary. Such other charges as the Parties may agree to may also be financed under the Grant.

Section 7.2.: Disbursement for Local Currency Costs.

- (a) After satisfaction of conditions precedent and if A.I.D. agrees in advance, the Grantee may obtain disbursements of funds under the Grant for local currency costs required for the Project in accordance with the terms of this Agreement, by submitting to A.I.D., with necessary supporting documentation as prescribed in Project Implementation Letters, requests to finance costs.
- (b) The local currency needed for such disbursements may be obtained:
- (1) by acquisition by A.I.D. with U.S. Dollars by purchase; or
 - (2) by A.I.D. (A) requesting the Grantee to make available the local currency for such costs, and (B) thereafter making available to the Grantee, through the opening or amendment by A.I.D. of Special Letters of Credit in favor of the Grantee or its designee, an amount of U.S. Dollars equivalent to the amount of local currency made available by the Grantee, which dollars will be utilized for the procurement from the United States under appropriate procedures described in Project Implementation Letters.

The U.S. dollar equivalent of the local currency made available hereunder will be, in the case of subsection (b)(1) above, the amount of U.S. dollars required by A.I.D. to obtain the local currency, and in the case of subsection (b)(2) above, an amount calculated at the rate of exchange specified in the applicable Special Letter of Credit Implementation Memorandum hereunder as of the date of the opening or amendment of the applicable Special Letter of Credit.

Section 7.3.: Other Forms of Disbursement. Disbursements of the Grant may also be made through such other means as the Parties may agree to in writing.

Section 7.4.: Rate of Exchange. Except as may be more specifically provided under Section 7.2., if funds provided under the Grant are introduced into Jamaica by A.I.D. or any public or private agency for purposes of carrying out obligations of A.I.D. hereunder, the Grantee will make such arrangements as may be necessary so that such funds may be converted into currency of Jamaica at the highest rate of exchange which, at the time the conversion is made, is not unlawful in Jamaica.

ARTICLE 8: Miscellaneous

Section 8.1.: Communications. Any notice, request, document or other communication submitted by either Party to the other under this Agreement will be in writing or by telegram or cable, and will be deemed duly given or sent when delivered to such Party at the following address:

To the Grantee**Mail Address**

The Minister of Finance and Planning
 Ministry of Finance and Planning
 30 National Heroes Circle
 Kingston 4, Jamaica

Cable Address

The Minister of Finance and Planning
 Ministry of Finance and Planning
 30 National Heroes Circle
 Kingston 4, Jamaica

To A.I.D.**Mail Address**

Director
 USAID/Jamaica
 p.o. Box 541
 6b Oxford Road
 Kingston 5, Jamaica

Cable Address

USAID/Jamaica

Other addresses may be substituted for the above upon giving of notice, The Grantee, in addition, will provide the USAID Mission with a copy of each communication sent to A.I.D.

Section 8.2.: Representatives. For all purposes relevant to this Agreement and its amendments, the Grantee will be represented by the individual holding or acting in the office of Minister of Finance and A.I.D. will be represented by the individual holding or acting in the office of the Mission Director, USAID/Jamaica, each of whom, by written notice, may designate additional representatives for all purposes other than exercising the power under Section 2.1. to revise elements of the amplified description in Annex I.

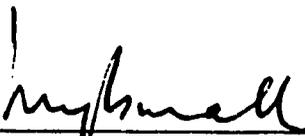
The names of the representatives of the Grantee, with specimen signatures, will be provided to A.I.D, which may accept as duly authorized any instrument signed by such representatives in implementation of this Agreement, until receipt of written notice of revocation of their authority.

Section 8.3.: Standard Provisions Annex. A "Standard Provisions Annex" (Annex II) is attached to and forms part of this Agreement.

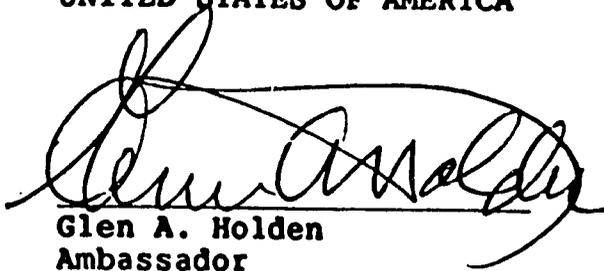
IN WITNESS WHEREOF, the Grantee and the United States of America, each acting through its duly authorized representative, have caused this Agreement to be signed in their names and delivered as of the day and year first above written.

GOVERNMENT OF JAMAICA

UNITED STATES OF AMERICA



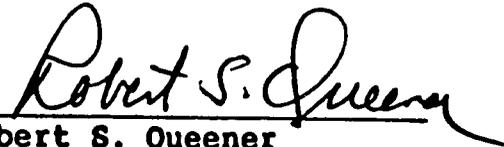
Hugh Small, Q.C., M.P.
Minister of Finance
& Planning



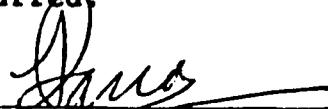
Glen A. Holden
Ambassador

for 

K. D. Knight
Minister of National Security
& Justice



Robert S. Queener
Director
USAID/Jamaica

Concurred:


Edward Zacca, O.J.
Chief Justice of Jamaica

Date: Aug 28, 1992

Amplified Project Description

Elements of the Amplified Project Description of this project may be changed by written agreement of the authorized representatives of the parties named in the Project Agreement without formal amendment of the Agreement, provided that such changes are within the general scope of the project as set forth in Section 2.1. of the Agreement.

I. Project Goal and Purpose

The goal of the proposed four year project is to enhance democratic institutions in Jamaica. The project purpose is to enhance the justice system's sustainability by using available resources more efficiently, and by expanding funding and support from outside the regular government budget system.

II. Description of Project Components

The Sustainable Justice Reform Project will complete certain activities initiated under the Caribbean Justice Improvement Project to address highest priority needs of the justice system as recommended by mid-term and final evaluations of the CJIP. Primarily, SJRP will emphasize future sustainability of the justice system by targeting resources to strengthen both the public and private sector entities involved in the administration of justice.

The project has four components: (1) Court System; (2) Courthouse Infrastructure; (3) Policy and Program Reform; and (4) Private Sector. Nine elements comprise the first component, and they include: court administrator training; new recordkeeping system; docket management; management information system; automation of the RM courts; upgrading clerks of the court; training and certification of deputy clerks; executive management workshops for judges; and upgrading social workers skills. Description of each element follows this section.

The second component focuses on five elements which include: the Supreme Court Building; Courthouse Rationalization (RM Courts); Physical Asset Management and Maintenance; Accounting Systems and the Family Courts.

The third project component addresses policy weaknesses within the justice system, and will concentrate on financing policy studies in a number of areas to include, but not be limited to: analysis of the compensation system; feasibility of mandatory paid public service; analysis of court filing fees; feasibility of crime classification system; etc. This component will also support the establishment of the Justice Coordinating Council by the Ministry of National Security & Justice to identify areas within the legal system for reform and to oversee project implementation.

Finally, the fourth component will include assistance to two private sector groups, the Jamaican Bar Association and the Mediation Council of Jamaica. Assistance to the Bar Association will focus on strengthening key functions, such as timely provision of information on current developments in the law; educating the public on the justice system; and providing continuing legal education to lawyers. The Mediation Council will establish mediation services in Jamaica on a sustainable basis. Separate Grant Agreements will be executed with these two entities.

1. Court System

(a) Court Administrators

This project includes the establishment of trained, qualified court administrators in each parish as well as the Supreme Court and the Court of Appeal. It is understood that there are court administrator positions currently occupied in the parishes of Kingston and St. James, but these positions and the incumbents should be reassessed in light of the new qualifications and selection process for the new court administrator positions. In the Supreme Court, a new post of Chief Court Administrator will be established and the incumbent will report directly to the Chief Justice. A Court Administrator position should also be established in the Court of Appeal.

In consultation with the Chief Justice of Jamaica and the RM Association, the MNS&J will establish the qualifications for the Court administrator positions, the level of remuneration and an appointment process. With regard to remuneration, the Court Administrator positions should be placed on a par with the Clerks of Court to enable the recruitment and retention of highly qualified administrative managers. The Chief Court Administrator's position should be established at the Resident Magistrate's level or higher.

An intensive court administrator training program will be conducted for the court administrators that will, for the first time, be established in all parishes across the island. A Technical Assistance Contractor will consult with the MNS&J and key elements of the judiciary in order to further refine requirements and design an initial program for the new administrators. The design will include requirements for upgrading training to be conducted at appropriate intervals in the future.

The initial intensive program is expected to require not less than seven to eight weeks of training, interspersed with on-the-job experience that provides the new administrators with an opportunity to apply training, both generally to the broad range of job requirements, as well as in terms of skills covered specifically in modules of the training program. An illustrative design of this program would involve a one-week introductory session, followed by three two-week sessions over a period of five months. Between each session, study assignments will be completed by the participants. The major subject areas to be covered by the Court Administration Training Program should include:

- o Constitutional and Statutory Review of the Jamaican Court System
- o The Development of Court Administration as a Profession
- o Management Information Systems and Records Management
- o Automation and Technology in the Courts
- o Calendar Management
- o Supervisory Skills and Team Building for Court Staff
- o Personnel Management and Interpersonal Skills
- o Financial Management and Court Budgeting
- o Maintenance of Facilities
- o Liaison and Negotiation Skills for use with Other Agencies.

During the final session of the court administrator training program, it is expected that the trainers will work with personnel from the GOJ to finalize an on-going training program for the court administrators. Lessons learned from the initial series led by external trainers will be distilled to improve future course. The planning for future training will include consideration of requirements for the coordination of training efforts among the various government entities that have responsibility for the training of court personnel. This will be to ensure continuity and sustainability of training.

b. New Recordkeeping System

A technical assistance team will examine the current recordkeeping system and develop a more efficient manual case card system for the RM Courts. This recordkeeping system will be thoroughly reviewed during the training session for Court Administrators and implemented initially in two RM Courts following the training session. Caseload information which should be collected and used to manage the courts includes: filings by significant case type, dispositions by case type and type of disposition, age of cases at disposition by disposition type and case type, and number of pending cases by: age, case type, and last action.

There will be a direct benefit to both the public and staff from the improved recordkeeping system. Duplicative tasks currently performed by court staff will be reduced. This will allow the court administrator to make new work assignments in areas that have gone unattended. Once the system is in place, the court administrator will be able to write new position descriptions for staff and possibly reduce staffing. The new system will also allow staff to answer questions about case status more quickly, reducing staff and public time.

c. Docket Management

In conjunction with the court administrators' training on calendar management, Supreme Court judges and Resident Magistrates will be provided with their own training on calendar management. The training programs for both the administrators and the judiciary will be merged during the second part of the training session. This will enable the court administrators and the judiciary to explore the advantage of working with systems of efficient calendar management.

The court administrators and judiciary will be able to determine specific measures of success for calendar management. Within six months of the training session, the court or judge should be recording more dispositions than filings. In addition, there should be a goal of assuring firm trial dates more than 70% of the time. This attention to keeping up with the number of filings in the court and firm trial dates will benefit all those people involved in the litigation through fewer trips to the court, potential reduction in attorney's fees, and quicker resolution of disputes.

d. Management Information

A clear priority at this time is to provide assistance to the courts to develop their own capability to collect accurate, current, and meaningful information that can be quickly analyzed and made available to those who can most effectively use it. It is planned, therefore, that the Registrar of the Supreme Court develop within his office the capability for collecting, analyzing, and reporting court information for the Court of Appeal, the Supreme Court, and the Resident Magistrates Courts. This will benefit the system by providing a more scientific and valid basis for judgements, trial procedures and even policy decisions.

Two positions should be allocated to this task within the Registrar's Office, a research statistician and a clerk. Technical assistance will be provided to this staff upon implementation of the Courts' Statistics Unit. The first goal of the Statistics Unit should be the production of an annual report for the courts. One PC with appropriate memory and software will be provided to the unit. Before outside consulting or placement of computer hardware and software will be possible for the Court Statistics Unit, a court statistician must be selected. The current implementation schedule calls for establishment of the Unit in September, 1993. Since it may take a few months for the Ministry of Public Service, the MNS&J, and the courts to recruit and select a statistician, the candidate selection process should begin no later than June 1, 1993. Whereas training on the specific computer software to be used will be provided, it is essential that the person selected as statistician have considerable exposure to standard statistical software packages.

The Court Statistics Unit, housed in the registrar's Office, will be the focal point of all aggregated data for the courts. The Chief Justice will be able to review caseload data to make the most appropriate assignment of judges to the various courts. Caseload filing and disposition trends will enable the Chief Justice to plan for proper staffing of the courts and identify needs for calendar improvements. Training in the use of necessary data will be included in the User Training to be provided under the project for all Supreme Court judges and Resident Magistrate.

The individual selected to fill the Court Statistician position will be given an intensive one-month internship program in the United States, focused on proficiency in the use of appropriate software, as well as efficient means of collecting, organizing and discriminating data in a court system. Details of this training will be worked out in consultation with the project resident advisor. The training will take place within six months of the entry on duty of the Court Statistician and be followed within three months by a brief consultancy by a U.S. Court Statistician to review application of practice and procedure to the Jamaican environment and set of priorities.

e. Automation in the RM Courts

In conjunction with the court administrators' training, a pilot program to test the feasibility of automation in the RM courts will place two PCs in two courts and will provide basic computer training for staff. The MNS&J will support this test and assess the capacity of the system to move toward automation on a broader scale. It is suggested that the computers be installed in parishes where a relatively high level of computer support is available for the hardware and software. Initially, word processing applications will be the most useful, with the preparation of judges' hand written transcripts a primary use. Eventually, the preparation of court calendars, indexing, and spreadsheet applications will be implemented.

The pilot testing of PCs will allow court staff to learn computer applications, beginning with the more user friendly applications. The Ministry will be able to assess any problems there might be with computer support services and maintenance of the systems. Once the pilot testing of the system has been evaluated, consideration will be given to replicating the system more widely under the project's contingency fund.

The pilot automation in the RM courts will include the PC, printers, and support equipment, as well as training. In coordination with this effort to install computers on a pilot basis in the two RM Courts, four additional PCs will be provided to the Supreme Court and Court of Appeal. The costs for the latter Courts will be the same as those for the RM Courts. The maintenance costs will be borne by the Ministry.

f. Clerks of Court

The court administrators will relieve clerks of court from much of their administrative duties, so that it will be possible for them to focus on criminal prosecution functions.

The first step will be to fill the twenty-four vacancies (of twenty-eight positions) that are now occupied by acting personnel who lack qualifications, particularly law school education. To fill these positions with properly qualified persons, two approaches will be taken. First, clerks of court will be included in the high priority policy study to examine appropriate salary, perquisites and other incentives to be included in total compensation packages to attract and keep qualified personnel in the court system. For personnel at the professional entry level such as the clerks of court, incentives to be considered in a project funded feasibility study will include, inter alia, student loan forgiveness, financing of car or residence purchase, and customs exemption on car. Those policy study recommendations that are accepted by the Justice Coordinating Council and AID for implementation will be incorporated into annual project implementation plans.

The training will include a mix of technical and human skills in which strong interpersonal and team building skills will be related to effective fulfillment of technical functions. Advocacy and negotiation skills will be practiced and related to a review of criminal law with particular emphasis on the specific elements of each offense, as well as a review of procedure, including case evaluation, case investigation, identification of witnesses, taking witness and defendant statements, preparing and preserving evidence, and internal calendar control. Throughout the program, there will be an emphasis on sensitivity to clientele of the system, particularly use of those social psychology skills that have high practical application to dealing with the general public.

Finally, the program will provide new clerk of courts with an opportunity to practice courtroom and trial skills, including the handling of evidence presented through testimony and its admissibility.

g. Deputy Clerk Training and Certification

A training program for Deputy Clerks was previously offered but has not been conducted for the last few years because of a lack of funds. It is critical that this training program be restored. The training program concentrates heavily on legal training with courses, offered in criminal and civil law and procedure, torts, contracts, evidence, and English writing skills. The development and implementation of such a training program, will build on the experiences of already developed training undertaken by the GOJ. The courses offered included: law of contract, tort and the role of evidence. There were also courses in criminal law and procedures, civil procedures in R.M. Courts, advocacy, use of English language and speech. The new program will also offer training in areas of team building and interpersonal skills.

h. Executive Management Workshops for Judges

Without commitment and understanding of the administrative reforms by the 68 Judges of the Supreme Court, the Court of Appeal and the Resident Magistrates, training of personnel in the system will not have maximal value. It is essential, therefore, to provide an opportunity for these beneficiaries and users of the system to participate in workshops that emphasize use of the improved human and technological resources. These workshops will be designed not only to provide orientation, but to involve them in the on-going design and assessment of other aspects of the project. The workshops will be balanced in their treatment of the technological, professional and human skills. They will include: user skills for record keeping systems, automation in the courts, docket management, and management information systems.

During the training for new Court Administrators, judges and Resident Magistrates will participate in specific modules to ensure common understandings and the development of necessary functional linkages between the judiciary and the administrators in their day-to-day administration of the justice system. Given their nature, it is necessary for these workshops to be conducted on a periodic basis over the life of the project. The project will finance a five-day program in the first year, and support up to 50 percent of the financing for annual two-day programs in years two, three and four.

i. Social Workers Skill Upgrading

In cooperation with the University of the West Indies and other appropriate institutions, in-service training will be provided to the Social Workers whose responsibility is to facilitate successful compliance with Orders of the Family Court and this will involve working directly with families, many of whom are single female parents. Training will include appropriate element of social psychology and hands on application of mediation and negotiation skills. This will be supported by infrastructure described in Section 2.e. below.

2. Courthouse Infrastructure

a. Supreme Court Building

The Caribbean Justice Improvement Project (CJIP) addressed, to a large extent, much of the inadequacies at the Supreme Court, but there are remaining aspects yet to be completed. This component will refurbish existing facilities for the Chief Court Administrator's office, and an old master's chamber, convert the canteen into one or more jurors rooms, and the Court of Appeal Registry into a courtroom. Installation of ceiling fans and providing other means of ventilation will also be explored.

b. Courthouse Rationalization (RM Courts)

The construction program will be administered in the same manner as the courthouse renovation program within the CJIP, using private sector architects and construction firms to carry out the construction work. It will depend on a Rationalization or Consolidation Plan to be provided by the Ministry of National Security and Justice that will be based on realistic needs of the outlying communities.

Because of the paucity of funds available under SJRP and the relatively great demand for courthouse renovation, a selection criteria was adopted to identify the highest priority courthouses to be renovated. In addition to the Supreme Court, the RM Courts that have been tentatively identified through application of this criteria for renovation are Spanish Town and Pt. Maria. The final selection of courthouses to be renovated will be done in the course of project implementation.

c. Physical Asset Management and Maintenance

There are serious deficiencies in the adequacy and management of facilities and equipment in the Resident Magistrates Courts. Staff in the RM courts report that pieces of equipment go unrepaired because requests for repair made through the Ministry go without action. The reasons for the lack of maintenance and repair of equipment are not always clear. Sometimes there is perceived or actual lack of funds. At other times service and repair companies are not willing to do business with the MNS&J. In some instances it appears that lack of maintenance and repair is due to lack of efficient systems to schedule the service.

There may not be adequate funds to make all the repairs and improvements that are necessary in the courts throughout Jamaica. But increased efficiency in the process of monitoring the status of equipment, maintenance schedules, and requests for repair could significantly improve conditions. The need to develop a more efficient system of inventory control, maintenance, and disposal of court equipment, facilities, and fixtures is critical. Improvements can be made, moreover, without instituting a large, complex inventory control system. It is not advisable to create increased bureaucracy in the Ministry's asset and facilities management systems; however, procedures, accounting, and reporting affecting facilities and equipment in the court should be modified to increase the Ministry's responsiveness to the needs of the courts.

At this time there is no accounting of assets in the various courts. Registering all government properties would take enormous effort, estimated by the consultants to comprise 20 person weeks based on 7,000 to 10,000 pieces of property.

With minimal assistance from outside consulting services, the Chief Court Administrator or, with the help of the PMU, the Ministry should be able to initiate a program to inventory major assets and schedule appropriate maintenance, repair, and purchasing using existing staff. To get the system operational as soon as possible, the Ministry should phase the system in by setting priorities for types of property to register first. This avoids the need for an inventory of every single asset at the outset.

d. Accounting Systems

The Government of Jamaica, through its Administrative Reform Programme (ARP), is conducting a comprehensive review of its accounting systems and procedures. This process and the implementation of recommended improvements will provide system-wide accounting direction for all Ministries. It is anticipated that the computerization of accounting procedures will be a major element of the reform process. At present, the only automation of any accounting processes in the operations of the Justice sector of the MNS&J is a payroll service that is provided by a service bureau and which is reported to be less than fully satisfactory and very labor-intensive for the Ministry staff.

A recent review by Coopers & Lybrand of accounting procedures for the Ministry of Justice, proposed a program to computerize accounting procedures in conformity with anticipated ARP recommendations and was estimated at US\$288,000, (including hardware and software purchases for the Ministry and the RM Courts, and technical and consulting services). The same review indicated that accounting records in the courts needed considerable improvement. Reconciliation and tracking of accounts is often not timely and in some instances not completed. The volume of accounting functions being carried out in the courts is not however of sufficient magnitude to warrant the use of computers at this time. Accounting positions have recently been obtained for the courts in each parish with a view to ensuring considerable improvements in financial control at these locations. The manual systems currently being implemented by the accountants will need sufficient time to determine their effectiveness and also to ascertain future computerization needs.

It is therefore proposed that the Coopers & Lybrand recommendation be modified to exclude the provision of stand alone PCs in the courts. This will also reduce the extent to which technical assistance will be needed.

Activities to be funded by AID will be related technical assistance and training and the provision of hardware and software for the accounting system in the justice segment of the central administration of the Ministry.

e. The Family Courts

Lack of basic equipment in Jamaica's three Family Courts situated in the parishes of Lucea, Hanover and Kingston has contributed to frustrations felt by the employees and users of the justice system. To address this problem, the Ministry of National Security & Justice will provide certain equipment for the users (chairs, cribs) as well as filing cabinets for the offices. Much needed training for the Courts' Social Workers will be jointly funded by the Ministry and AID. The improvements to the family courts through the project will upgrade the conditions under which users must wait long hours for trials. It will also support the counselling and negotiation that take place while awaiting resolution of problems.

3. Policy and Program Reform

a. Policy Studies

\$250,000 of project funds will be available for studies of policy or program reforms concerning the administration of justice. Issues for studies would be selected according to their significance in contributing to effectiveness and efficiency of the justice system. Some such subjects for studies have already been agreed upon between the Ministry and U.S.A.I.D., others will be selected in the course of project implementation in response to specific reform opportunities and priorities. Subjects for such studies could be proposed by any member of the Justice Coordinating Council described at (b) below, but would have to be approved by the Council as well as U.S.A.I.D.

The selected studies would be conducted by private firms, Jamaican, or overseas as the subject matter and purpose might call for. In a given situation, especially for a U.S. firm, AID contracting might be determined preferable. In general, however, the studies would be contracted by the Ministry. This would provide the Ministry with desirable experience in contracting for such policy studies. In either case however, external assistance might be required for design of the study. Within 5 months of project inception, such assistance would be available from the Technical Assistance Contractor.

Subjects of study already agreed upon for their particular relevance to effectiveness and efficiency of the justice system are the following:

- . Analysis of the system of compensation, other incentives and career advancement for judges, registrar, clerks of court and other prosecutors, court administrators and their staffs, as such system affects their capability, motivation, and perspective.

This study is of primary importance as it bears on the basic purpose of the project to enable the justice system to sustain itself at a high level of performance with fewer, better qualified, better compensated people.

- . Feasibility of a period of mandatory paid public service for lawyers upon graduation from law school to include service as assistant prosecutors, assistant court clerks, and legal research assistants for appellate judges based on scholarships, tuition assistance and other compensations.

The high priority of this subject derives from its utility in placing qualified professionals in the clerk of court positions which are on the front line of the system in dealing with the public, and from which the judiciary of the future will largely be drawn.

- . Determination of appropriate court filing fees and other fees for services to the public provided by the Registrar and the courts, and determining to what extent they should properly be rationed by the court system to defray direct costs of providing such services. An already obsolete and insufficiently rationalized fee schedule has been rendered absurd by rapid inflation, at a time when such revenues were never more needed to support GOJ services.
- . Feasibility of a system for classification of crimes according to type as well as duration of sentencing, and, for appropriate crimes, to substantially increase use of community service orders as an alternative to prison sentences in the sanctioning of crimes.

The importance of this subject matter derives from the potential of such classification combined with sentencing guidelines and appropriate probation officer oversight to reduce pressure on prisons and facilitate rehabilitation by permitting those convicted of lesser crimes to live more useful lives while paying their debt to society. This should be a relatively simple study, if indeed any is required at all, since the courts already have authority for alternative sentencing, and there are community service programs willing and able to absorb workers. The prime constraint appears to be assignment of and guidance from probation offices.

- . Feasibility of eliminating or allowing waiver of preliminary enquiry to reduce load on RM courts criminal justice system.
- . Feasibility of reducing case load of resident magistrates by administrative handling of certain types of cases such as traffic offenses and liquor licensing matters, and/or enlarging the jurisdiction of the petty sessions courts.

This study concerns the potential for reduction of delay by freeing RMs from time consuming matters requiring little legal expertise to concentrate on the heavy load of cases more demanding of their judicial capabilities.

Other subjects of study to be further considered for selection by the Coordinating Council include the following:

- Feasibility of a "unified" Jamaican Bar Association requiring that all lawyers be required to be members in good standing of the Association in order to practice law.
- Feasibility of realignment of the court system in operational relationship with the Ministry of National Security and Justice.
- Feasibility of stricter case processing roles and shortening periods for limitations of actions as a means to facilitate trial of cases through use of fresher evidence and reduce case load on the system.
- Feasibility of using temporary and part-time magistrates to reduce RM court backlogs.
- Feasibility of automated legal research facility for the Supreme Court library.
- Feasibility/desirability of increasing retirement age of judges from seventy to seventy-five.

Study recommendations of agreed importance to reform of the justice system as accepted by the JCC and AID would be incorporated into annual project implementation plans. Financial implications would be addressed by agreed reprogramming of project funds.

b. Justice Coordinating Council

The Justice Coordinating Council will play an important role in identifying areas for reform and overseeing implementation. The Council will consist of: representatives of the principal public and private sector organizations concerned with the justice system. These would include the Minister of National Security and Justice, Permanent Secretary in MNS&J, the Chief Justice, the Attorney General, the President of the Jamaican Bar Association, the President of the General Legal Council, and the Dean of the Norman Manley Law School.

The Coordinating Council would perform two principal functions: (1) initial approval of selection of subjects for policy analysis and (2) review annual project progress and the proposed implementation plan for the ensuing year. In addition to providing the benefits of substantive input, the annual review, should help apply peer pressure among the implementing agencies for project performance and co-operation.

The Council's approval of subjects for reform and research should help ensure the worthiness and priority from a broad perspective of the selected subjects. Involvement of the various Council members in review and selection should be of assistance in mobilizing support for implementation of reform recommendations produced by the policy studies.

4. Private Sector

Separate grant agreements will be executed with the Jamaican Bar Association and the Mediation Council of Jamaica to increase effectiveness and efficiency of programs already underway in legal publications, continuing legal education for lawyers and alternative disputes resolution. In addition, the Bar Association will initiate activities to educate the public concerning the justice system.

III. Implementation Arrangements

1. PMU, the Courts, and the Ministry of National Security and Justice:

The structure of the Ministry of National Security and Justice (MNS&J) and the court system, has strongly influenced this project's implementation arrangements. The MNS&J, a department of the executive branch of the Jamaican Government, also has direct administrative and budgetary responsibility for Jamaica's judicial branch of government. In striking the balance between preserving the separation of governmental powers and assuring integrated "housekeeping" functions, the Ministry is responsible for securing the courts' budget allocations, providing administrative support for matters ranging from furnishing office supplies to managing courthouse renovation contracts, and paying court personnel.

Many of the SJRP's project implementation functions will fall into categories similar to those which comprised the recently completed CJIP. For example, this project will finance courthouse renovation, equipment, and staff training programs. On the other hand, the new project will also engage in a wide range of activities which will significantly affect the court system, -- and do so in ways which are far more substantive and far-reaching for the courts than anything undertaken under CJIP. SJRP will establish a new category of personnel in each of the RM courts with the Court Administrators. It will reform management data flows throughout the judicial system, improve the way the courts do business, and train court personnel nationwide in new administrative skills.

The challenge for the SJRP's implementation plan is to preserve the advantages of the old project's consolidated, contractor-driven PMU, while assuring strong institutional links with the primary target group in the judicial system: court personnel. The organizational structure is outlined in Figure I below, and will consist of the following key players:

The PMU

The PMU will be essentially the same type of organization as under CJIP, headed by a host country contracted Coordinator. The PMU Coordinator will report to the Permanent Secretary of the MNS&J, and will be the direct supervisor for all the PMU staff. The PMU will also include an assistant to the PMU Coordinator, who will assist in managing the PMU and its operations, a Project Accountant and a Renovations Coordinator, who will also report to the PMU Coordinator.

The Ministry, through the PMU, will be directly responsible for construction and furniture procurement for the courthouse rationalization component. Further, the Ministry will be responsible for contracts with Jamaican firms for consulting services, courthouse rationalization studies and policy analysis. The Ministry and PMU will also be directly responsible for implementing administrative reforms such as installing new accounting, physical asset management and management information systems. Finally, the PMU will directly administer the grant to a Jamaican training institution (probably the Administrative Staff College) and execute project training plans. The PMU will also host project management meetings, including at a minimum the Chief Court Administrator and USAID Project Officer as well as PMU staff, at least once per month.

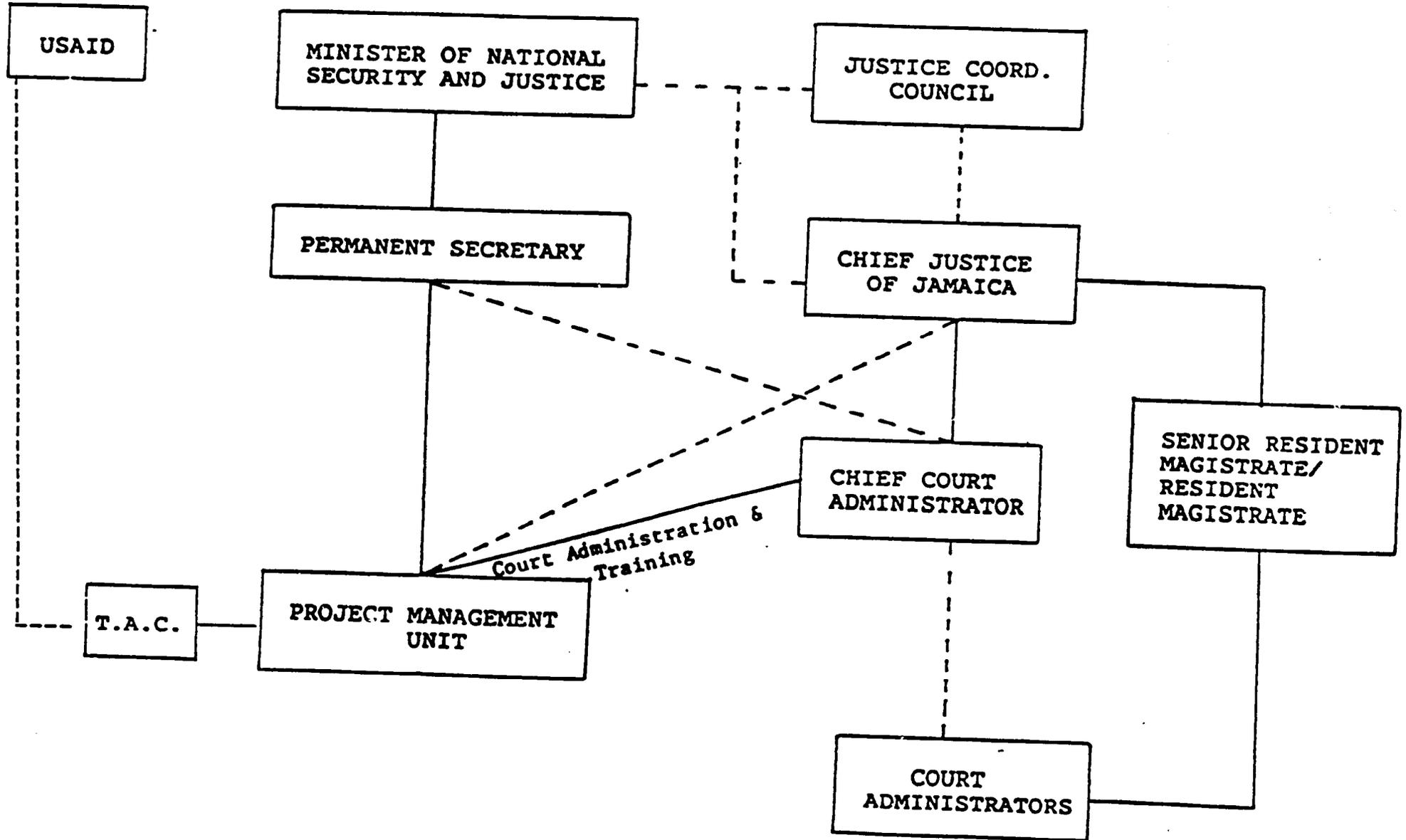
The PMU will receive guidance from two different sources within the MNS&J. Administratively, and with respect to implementation matters, the primary chain of command is from the PMU Coordinator to the Permanent Secretary, on the "Ministry side" of the organization.

Technical direction with respect to the court system, its administration and staffing, the timing and composition of court staff training, and any policy matters affecting the courts, however, would involve guidance from the Chief Justice, acting through the Chief Court Administrator as needed.

In summary, the PMU's and the Ministry's roles are primarily to assure strong and effective project implementation, and to take the lead in the construction element of the project, once the Court, Ministry and USAID leadership have agreed on the consolidation plan. On matters that relate directly to court administration and staff development, however, the technical guidance and implementation monitoring for the PMU would come from the Chief Court Administrator, acting on behalf of the Chief Justice.

FIGURE I

PROJECT ORGANIZATIONAL DIAGRAM



-- The Chief Court Administrator:

This individual, who will probably be recruited at the level of a RM will be a career GOJ civil servant, and report to the Chief Justice. He or she will represent the interests of the court system in the project. The Chief Court Administrator will have the lead responsibility in providing the PMU with guidance and monitoring for matters that concern staffing, training and development of new management systems for the courts. This individual will however, approve, on behalf of the Chief Justice, the project's various training and management improvement plans. The Chief Court Administrator will also monitor continually the progress in the execution of the Court Administration and training segments of SJRP.

The Permanent Secretary and Chief Justice:

The PMU's administrative chain of command extends up from the PMU General Coordinator to the Ministry's Permanent Secretary, while the Chief Court Administrator reports directly to the Chief Justice. This dual reporting structure means that there must be a clearly established mechanism for resolving any disagreement which might arise between the PMU General Coordinator and the Chief Court Administrator. The procedure which all parties have agreed to is as follows:

- The Chief Court Administrator will have direct access to the Permanent Secretary.
- The PMU General Coordinator will have direct access to the Chief Justice.
- The ultimate resolution of any area of disagreement will be between the Chief Justice and the Permanent Secretary, who may wish to take up the matter with the Minister at their discretion.

2. The Technical Assistance Contractor (TAC):

This project, with its heavy emphasis on introducing new management and administrative systems through on-the-job and offsite training and analysis, would benefit from the experience of a long-term expert in administration of justice and court management in similar circumstances elsewhere in the world. That long term advisor should also be backed up by a limited number of short-term experts who could be called in from time to time to supplement the skill base of the project in specialized areas. Finally, USAID's increasingly complex funds control and accountability requirements, combined with the prospect of continued staff reductions in Kingston, argue favorably for consolidating at least a substantial share of the project's procurement and expenditure functions in the hands of a single contracted management entity. The Technical Assistance Contractor (TAC) will serve those functions.

The long-term TAC Advisor, together with the various short-term TAC consultants, will constitute the technical advisory capacity of the PMU. USAID will, however, contract directly for these services, and provide administrative direction in matters related to their contract.

The long-term TAC Advisor will be responsible along with the PMU General Coordinator, for drafting the various project plans and strategies for staff training, administrative reform and systems development. The long-term TAC Advisor will also be charged with executing most of the USAID direct procurement envisioned under this project, except for external evaluation teams, which USAID would manage directly. In performing these functions, particularly the planning, training and systems development tasks, the long-term TAC Advisor will work closely with the Chief Court Administrator, in order to assure that plans prove acceptable to him or her, as well as to the PMU General Coordinator.

3. Private Institutions:

The Jamaican Bar Association will be responsible for law related public education and continuing legal education for lawyers. The publication component will also be the responsibility of the Bar Association working in collaboration with the Supreme Court Library. The Mediation Council of Jamaica will be the implementing agency for the alternative disputes resolution component of the project and will consult with MNS&J as well as USAID as necessary. Both of these organizations are Jamaican NGOs, and will probably receive USAID support directly through cooperative agreements, based on proposals which they have already submitted, but which USAID will not approve until the project has begun, and in which the Ministry and judiciary have concurred.

The Justice Coordinating Council, a body consisting of the Minister of National Security and Justice, the Chief Justice, the Permanent Secretary in MNS&J, the Attorney General, the Presidents of the Bar Association and General Legal Council and the Dean of the Norman Manley Law School, will serve as an advisory body on policy matters relating to administration of justice in Jamaica. During the life of the project, the General Coordinator will represent the PMU at the Council meetings. USAID would be accorded observer status to this body. The Council will select subjects for policy studies and conduct annual reviews of project performance and proposed annual project implementation workplans.

4. USAID

USAID/Jamaica's involvement will include substantial, detailed participation in project implementation in matters of direct USAID procurement, such as in hiring the TAC, as well as a more indirect role, such as its observer status on the Justice Coordinating Council.

The USAID Project Officer will be included in PMU project management meetings, which would be scheduled at least once per month, and will require quarterly written reports from the PMU, as outlined in Section V below. USAID will maintain relationships with the Ministry of National Security and Justice and the Supreme Court at various levels.

IV. Cost Estimates

The project will cost US\$4,352,666 over a four year period. Of this total amount the Jamaican dollar equivalent of US\$1,121,391 will be contributed by the Government of Jamaica, US\$231,275 from non-governmental organizations and US\$3,000,000 million will be provided by AID grant.

The Summary Cost Estimate and Financial Plan for the project is presented in Table I. Table II Illustrative Budget shows current and future obligations of funds.

TABLE I: SUMMARY COST ESTIMATES AND FINANCIAL PLAN

	FX	AID LC	TOTAL AID	GOJ CONTRIBUTION	NGO CONTRIBUTION	PROJECT TOTAL
1. PROJECT MANAGEMENT	55,000	80,000	135,000	100,000		235,000
2. TECHNICAL ASSISTANCE*	675,000		675,000	60,000		735,000
3. CONSTRUCTION		410,000	410,000	410,000		820,000
4. COMMODITIES**	110,000	47,000	157,000	115,000		272,000
5. POLICY STUDIES	50,000	100,000	150,000	50,000		200,000
6. TRAINING***	352,935	117,645	470,580	221,080		691,660
7. PRIVATE SECTOR	125,000	375,000	500,000		170,000	670,000
8. EVALUATIONS	70,000		70,000			70,000
9. AUDIT		40,000	40,000	25,000		65,000
10. CONTINGENCY/INFLATION	235,452	156,968	392,420	140,311	61,275	594,006
TOTALS	1,673,387	1,326,613	3,000,000	1,121,391	231,275	4,352,666
PERCENTAGE CONTRIBUTIONS			69%	26%	5%	

*Excludes technical assistance to the Bar Association and Mediation Council, which is factored into the cost estimates in Item 7 "Private Sector," below.

**Excludes vehicles and office equipment for PMU, which are counted under Item 1, "Project Management" above. Commodities provided under the private sector grants are also excluded from this line item, and covered instead under Item 7 below, "Private Sector."

***Also excludes all training costs for the NGOs, which are part of Item 7.

TABLE 11: ILLUSTRATIVE BUDGET

	THIS OBLIGATION			FUTURE OBLIGATION			LIFE OF PROJECT		
	AID	GOJ	NGO	AID	GOJ	NGO	AID	GOJ	NGO
Project Management	50,000	100,000	0	85,000	0	0	135,000	100,000	0
Technical Assistance	128,000	0	0	547,000	60,000	0	675,000	60,000	0
Construction	25,000	25,000	0	385,000	385,000	0	410,000	410,000	0
Commodities	40,000	25,000	0	117,000	90,000	0	157,000	115,000	0
Policy Studies	30,000	5,000	0	120,000	45,000	0	150,000	50,000	0
Training	52,000	15,000	0	442,580	206,080	0	494,580	221,080	0
Private Sector	50,000	0	42,000	450,000	0	128,000	500,000	0	170,000
Evaluation	0	0	0	70,000	0	0	70,000	0	0
Audit	5,000	0	0	35,000	25,000	0	40,000	25,000	0
Contingency/Inflation	53,000	0	0	315,420	140,311	61,275	368,420	140,311	61,275
TOTALS	433,000	170,000	42,000	2,567,000	951,391	189,275	3,000,000	1,121,391	231,275

‡ Inkind contribution

‡‡ Cash and inkind contribution

②

V. Monitoring, Evaluation and Audit

1. Monitoring

The Project Management Unit (PMU) of the Ministry of National Security and Justice will be responsible for monitoring the progress of the public sector project components and submission of quarterly progress reports to USAID. Such reports should contain the following types of information: discussion of the progress for each project component with milestones or key decision points highlighted; financial commitment and expenditure data, broken out by AID and counterpart contributions; indication of any outstanding issues with recommendations for resolution; an updated workplan covering the next quarter's activities; and gender-disaggregated beneficiary information, to the extent possible.

It is anticipated that the GOJ will establish a Justice Coordinating Council that will meet at least annually to provide general guidance and feedback on the overall direction of the project and to review and comment on the annual implementation plans to be submitted by the general coordinator. This Council will also take the lead in determining the scope and priority for the policy studies to be conducted during the life of project. The Council will also be asked to contribute to the planning and review of the mid-term and final evaluations, discussed below.

USAID's Office of Program and Project Development will monitor the project for USAID. One full time FSN will be the project manager under the supervision of the USDH Project Development Officer.

2. Evaluations

Two evaluations by persons or organizations external to the project are planned during the life of project: an interim evaluation to be completed by the fourth quarter of year two of the project and an impact evaluation to take place at the end of the project. The evaluations will be conducted under contracts entered directly by AID, using project funds budgeted herein. The primary purpose of the first external evaluation will be to assess the effectiveness of implementation arrangements, measure progress in producing anticipated outputs, identify problem areas, make recommendations for needed improvements and determine what, if any, modifications should be introduced to the design of the project. The final evaluation will determine the degree to which the project objectives were met, assess the impact of the project on the justice sector's efficiency and effectiveness and identify lessons learned. Because of the close relationship between the SJRP and the predecessor CJIP, the final evaluation in addition to necessary specific focus on the interventions of the SJRP, should weigh the combined impact of the SJRP and CJIP. The GOJ will participate in the design, review and subsequent follow-up discussions of both of these evaluations.

3. Audit

A portion of funds under the project will be set aside to finance annual audits of the use of AID funds. AID has initiated a review of the host country's capability to do contracting and will complete this process before any contracting is done. AID will enter into a direct contract with an independent Jamaican auditing firm to do the work. Reports of the audits will be provided to AID, the Project Coordinating Committee and the host country entities to be audited. It is anticipated that a grant will be provided to an organization such as the National Institute for Dispute Resolution (NIDR), a U.S. non-profit organization, to provide technical assistance to the Mediation Council of Jamaica. Funds are included in the overall project budget to cover the cost of auditing NIDR. Funds will also be included for annual recipient contracted audits to the Jamaica Bar Association. Price Waterhouse currently conducts these annual audits.