

PD-ABE-749
1-24 79232

UNCLASSIFIED

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY
AGENCY FOR INTERNATIONAL DEVELOPMENT
Washington, D. C. 20523

JAMAICA

PROJECT PAPER

SUSTAINABLE JUSTICE REFORM

AID/LAC/P-740

PROJECT NUMBER: 532-0175

UNCLASSIFIED

| | | | | |
|--|--|---|------------------------|--------------------|
| AGENCY FOR INTERNATIONAL DEVELOPMENT PROJECT DATA SHEET | | 1. TRANSACTION CODE <input type="checkbox"/> A = Add <input type="checkbox"/> C = Change <input type="checkbox"/> D = Delete | Amendment Number _____ | DOCUMENT CODE 3 |
| 2. COUNTRY/ENTITY JAMAICA | | 3. PROJECT NUMBER 532-0175 | | |
| 4. BUREAU/OFFICE Latin America and Caribbean USAID/JAMAICA | | 5. PROJECT TITLE (maximum 40 characters) Sustainable Justice Reform | | |
| 6. PROJECT ASSISTANCE COMPLETION DATE (PACD) MM DD YY 08 31 96 | | 7. ESTIMATED DATE OF OBLIGATION (Under "B" below, enter 1, 2, 3, or 4) A. Initial FY 92 B. Quarter 4 C. Final FY 96 | | |

| 8. COSTS (\$000 OR EQUIVALENT \$1 =) | | | | | | |
|---------------------------------------|----------|---------|----------|-----------------|-----------|-----------|
| A. FUNDING SOURCE | FIRST FY | | | LIFE OF PROJECT | | |
| | B. FX | C. L/C | D. Total | E. FX | F. L/C | G. Total |
| AID Appropriated Total | 238 | 195 | 433 | 1,677 | 1,323 | 3,000 |
| (Grant) | (238) | (195) | (433) | (1,577) | (1,323) | (3,000) |
| (Loan) | () | () | () | () | () | () |
| Other U.S. | | | | | | |
| 1. | | | | | | |
| 2. | | | | | | |
| Host Country | | 144 | 144 | - | 1,126 | 1,126 |
| Other Donor(s) | | 42 | 42 | - | 231 | 231 |
| TOTALS | 238 | 381 | 619 | - | 2,680 | 4,357 |

| 9. SCHEDULE OF AID FUNDING (\$000) | | | | | | | | | |
|------------------------------------|-------------------------|-----------------------|---------|------------------------|---------|--------------------------------|---------|--------------------|---------|
| A. APPROPRIATION | B. PRIMARY PURPOSE CODE | C. PRIMARY TECH. CODE | | D. OBLIGATIONS TO DATE | | E. AMOUNT APPROVED THIS ACTION | | F. LIFE OF PROJECT | |
| | | 1. Grant | 2. Loan | 1. Grant | 2. Loan | 1. Grant | 2. Loan | 1. Grant | 2. Loan |
| (1) PSEE | | | | | | 2,500 | 0 | 2,500 | 0 |
| (2) ESF | | | | | | 500 | 0 | 500 | 0 |
| (3) | | | | | | | | | |
| (4) | | | | | | | | | |
| TOTALS | | | | | | 3,000 | | 3,000 | |

| | | | | | | | | | |
|---|--|--|--|--|--|----------------------------|--|--|--|
| 10. SECONDARY TECHNICAL CODES (maximum 6 codes of 3 positions each) | | | | | | 11. SECONDARY PURPOSE CODE | | | |
| 12. SPECIAL CONCERNS CODES (maximum 7 codes of 4 positions each) | | | | | | | | | |
| A. Code | | | | | | | | | |
| B. Amount | | | | | | | | | |

13. PROJECT PURPOSE (maximum 480 characters)

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.

| | | | | | | | | | | | |
|---------------------------|----|----|----|----|---|----|----|---|------------------------------|---|--|
| 14. SCHEDULED EVALUATIONS | | | | | 15. SOURCE/ORIGIN OF GOODS AND SERVICES | | | | | | |
| Interim | MM | YY | MM | YY | Final | MM | YY | | | | |
| | 06 | 94 | | | | 06 | 96 | <input checked="" type="checkbox"/> 000 | <input type="checkbox"/> 941 | <input checked="" type="checkbox"/> Local | <input type="checkbox"/> Other (Specify) |

16. AMENDMENTS/NATURE OF CHANGE PROPOSED (This is page 1 of a _____ page PP Amendment)

The Mission Acting Controller and Contracting Officer have reviewed and approved of the methods of implementation, procurement and financing described in this Project Paper.


 Raymond Dunbar, Contracting Officer


 Travis Rattan, Actg. Controller

| | | | | | | | |
|-----------------|-----------|--------------------------------|--|-------------|----------|---|----------|
| 17. APPROVED BY | Signature | Marilyn A. Zak | | Date Signed | MM DD YY | 18. DATE DOCUMENT RECEIVED IN AID/W, OR FOR AID/W DOCUMENTS, DATE OF DISTRIBUTION | MM DD YY |
| | Title | Acting Director, USAID/Jamaica | | | MM DD YY | | 11 17 92 |

PROJECT AUTHORIZATION

Name of Country: Jamaica
Name of Project: Sustainable Justice Reform Project
Number of Project: 532-0175

1. Pursuant to Sections 106 and 531 of the Foreign Assistance Act of 1961, as amended, I authorize the Sustainable Justice Reform Project for Jamaica, involving planned obligations of not to exceed \$3,000,000 in grant funds over a four-year period from the date of authorization, subject to the availability of funds in accordance with the A.I.D. OYB/allotment process, to help in financing foreign exchange costs and local currency costs (to the extent permitted under A.I.D. Buy America policies) for the project. The planned life of project is four years from the date of initial obligation.

2. The purpose of the project is to enhance the justice systems's sustainability by using available resources more efficiently, and by expanding funding and support from outside the regular government budget system. To accomplish the purposes of the project, A.I.D. will finance technical assistance, training, policy studies, equipment, commodities, construction services and other costs.

3. The Agreements which may be negotiated and executed by the officer to whom such authority is delegated in accordance with A.I.D. regulations and Delegations of Authority shall be subject to the following essential terms and covenants and major conditions, together with such other terms and conditions as A.I.D. may deem appropriate.

4.a. Source and Origin of Commodities, Nationality of Services

(1) Commodities financed by A.I.D. under the Project shall have their source and origin in the United States except as A.I.D. may otherwise agree in writing, and, except as follows:

a. Up to \$100,000 per transaction of U.S. origin commodities may be procured in Jamaica; and

b. Commodities below \$5,000 per transaction may be procured in Jamaica from A.I.D. Geographic Code 935 sources.

-6-

- (2) Except for ocean shipping, the suppliers of commodities or services shall have the United States as their place of nationality, except as A.I.D. may agree otherwise in writing, and, except as follows:

Up to \$250,000 per each contract for professional services may be procured from Jamaican firms or individuals.

(3) Ocean Shipping

Ocean shipping financed by A.I.D. under the Project shall, except as A.I.D. may otherwise agree in writing, be financed only on flag vessels of the United States.

5. Conditions Precedent

The Project Agreement will contain, in substance, the following conditions, except as A.I.D. 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.

b.

6. Covenants

The Project Agreement will contain in substance, the following covenants:

The GOJ shall agree 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 qualification and competence achieved under this 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 justice 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 guidelines provided by the IG.

7 Aug 92
Date

Marilyn M. Zak
Marilyn M. Zak
Acting Director

Clearances:

OPPD: CBrown
OEEE: HHasan
A/CONT: TRattan
OEHR: JWood
A/DDIR: EDragon

- C

TABLE OF CONTENTS

| | <u>Pages</u> |
|--|--------------|
| List of Acronyms | |
| Project Authorization Action Memo | |
| Project Authorization | |
| | |
| I. SUMMARY | 1 |
| Project Background | 1 |
| Project Rationale and Description | 1 |
| Recommendation | 3 |
| | |
| II. BACKGROUND AND RATIONALE | 3 |
| A. Justice System Context | 3 |
| B. Relation to A.I.D. Strategy and GOJ Plan | 5 |
| 1. Conformity with the GOJ's Justice Sector Strategy | 5 |
| 2. Relationship to AID Bureau Strategy and Mission Program Objectives Document/Action Plan (POD/AP)1992-97 | 6 |
| C. Other Donor Activities | 7 |
| | |
| III. PROJECT DESCRIPTION | 8 |
| A. Project Goal and Objectives | 8 |
| B. Project Outputs | 10 |
| 1. Court System | 11 |
| a. Court Administrators | 11 |
| b. New Recordkeeping System | 13 |
| c. Docket Management | 13 |
| d. Management Information | 14 |
| e. Automation in the RM Courts | 15 |
| f. Clerks of Court | 15 |
| g. Deputy Clerk Training and Certification | 16 |
| h. Executive Management Workshops for Judges | 17 |
| i. Social Workers Skill Upgrading | 18 |
| 2. Courthouse Infrastructure | 18 |
| a. Supreme Court Building | 18 |
| b. Courthouse Rationalization | 18 |
| c. Physical Asset Management and Maintenance | 19 |
| d. Accounting Systems | 20 |
| e. The Family Courts | 21 |
| 3. Policy and Program Reform | 21 |
| a. Policy Studies | 21 |
| b. Justice Coordinating Council | 25 |

J'

| | | |
|-----|--|----|
| 4. | Private Sector | 25 |
| a. | Jamaican Bar Association | 25 |
| (1) | General Institutional Development | 26 |
| (2) | Legal Publications | 26 |
| (3) | Law-related Public Education | 26 |
| (4) | Continuing Legal Education | 26 |
| b. | Mediation Council of Jamaica | 27 |
| C. | Project Participants and Beneficiaries | 28 |
| IV. | COST ESTIMATE AND FINANCIAL PLAN | 29 |
| V. | IMPLEMENTATION ARRANGEMENTS | 38 |
| A. | Key Implementing Agencies | 38 |
| 1. | PMU, the Courts and the Ministry of National Security and Justice | 38 |
| 2. | The Technical Assistance Contractor | 41 |
| 3. | Private Institutions | 42 |
| 4. | USAID | 42 |
| B. | Procurement | 43 |
| C. | Training Plan | 43 |
| D. | Implementation Schedule | 46 |
| 1. | Satisfaction of Initial CPs | 46 |
| 2. | Technical Assistance Contract | 46 |
| 3. | Project Management | 47 |
| 4. | Adoption of Case Processing Time Standards | 47 |
| 5. | Selection of Court Administrators | 48 |
| 6. | Court Administrator Training Program | 48 |
| 7. | Policy Studies | 48 |
| 8. | Supreme Court Building | 49 |
| 9. | Court Statistics Unit | 49 |
| 10. | Construction Component | 49 |
| 11. | Evaluation | 50 |
| E. | Monitoring, Evaluation and Audit Plan | 51 |
| 1. | Monitoring | 51 |
| 2. | Evaluations | 51 |
| 3. | Audit | 52 |
| VI. | ANALYSES AND SUMMARIES OF ANALYSES | 53 |
| A. | Summary of Technical Analysis | 53 |
| 1. | Training Needs | 53 |
| 2. | Accounting Systems | 53 |
| 3. | Fixed Asset Procedures | 54 |
| 4. | Rationalization of Courthouses | 54 |
| 5. | Court Efficiency | 54 |
| B. | Administrative Analysis | 55 |
| C. | Economic Analysis | 56 |

Q'

| | | |
|------|--|----|
| D. | Financial Analysis | 56 |
| | a. Costs | 56 |
| | b. Benefits | 57 |
| | c. Results | 57 |
| E. | Social Soundness Analysis | 60 |
| | 1. Context | 60 |
| | 2. Beneficiaries | 61 |
| | 3. Resistance | 61 |
| | 4. Participation in Design | 62 |
| | 5. Impact | 62 |
| F. | Women in Development | 62 |
| | | |
| VII. | STATUS OF NEGOTIATIONS AND PROPOSED CONDITIONS AND COVENANTS | 64 |
| | A. Status of Negotiations | 64 |
| | B. Proposed Conditions and Covenants | 64 |
| | 1. Conditions Precedent | 64 |
| | 2. Covenants | 64 |

ANNEXES

| | |
|----|--|
| A. | Logical Framework |
| B. | GOJ Request for Assistance |
| C. | Mission Special Concerns and Statutory Checklists |
| D. | PID Approval |
| E. | Technical Analysis: Engineering and Construction and Map showing Courthouses |
| F. | Analysis of Participating Institutions |
| G. | Socio-Political Background Analysis |
| H. | Environmental Threshold Decision |
| I. | Court Administrator Training Curriculum |

LIST OF ACRONYMS

ARP Administrative Reform Program
CJIP Caribbean Justice Improvement Project
GOJ Government of Jamaica
JCC Justice Coordinating Council
MNS&J Ministry of National Security & Justice
NGO Non-Governmental Organization
POD/AP Program Objectives Document/Action Plan
PMU Project Management Unit
RFP Request for Proposals
RM Resident Magistrate
SJRP Sustainable Justice Reform Project
TAC Technical Assistance Contractor
USAID United States Agency for International Development
WID Women in Development

9

I. SUMMARY

Project Background

Jamaica's justice system is built on a firm foundation. Historically the importance of the justice system was recognized by the government and its citizens; the system and its personnel were respected for their competence and fairness. The compensation of the judiciary and their staffs, the condition and appearance of the facilities in which they worked, reflected the high regard of the nation.

Over the past two decades the justice system has suffered from insufficiency of public resources to adequately maintain it. Such reduction of support largely reflects overall stress on the Jamaican economy and consequent decline in revenues available to support public services. It also reflects, however, a general tendency to take the justice system for granted.

The system has deteriorated severely. Courthouse facilities and equipment have not been properly maintained. Compensation of judges, other court officials and staff have not kept up with inflation. A career in the justice system has lost its attractiveness to the best and the brightest, presenting the prospect of a decline in quality of the system's professional personnel. Further, ready access to the sources of the law -- the case reports, the statutes and regulations, and the libraries in which they are kept -- is not possible. The failure of the system, its facilities and personnel, to keep pace with an ever increasing case load, has led to excessive delay in the disposition of cases.

Over the past five years, the GOJ with help from the Caribbean Justice Improvement Project has significantly improved the image and working conditions of the justice system by refurbishing and equipping many of the important courthouses. Personnel, especially at senior levels, have benefitted from training and increased compensation. Libraries have been restored and statutory law reports have been republished. Automated court reporting has been introduced to help alleviate trial transcript backups as a major factor in delay of appeals.

Project Rationale and Description

The Sustainable Justice Reform Project ("SJRP") would complete certain activities initiated under the CJIP to address highest priority needs of the system as recommended by the midterm and final evaluations of the CJIP. Primarily, however, the SJRP would emphasize future sustainability with limited public resources.

Two principal approaches will be taken: (1) enable the justice system to make more effective and efficient use of the currently available level of resources, with particular emphasis on increased efficiency through improved management; and (2) mobilize more resources of the private sector, by expanding the role of the Bar Association and other private organizations in support of the justice system.

Project activities will include the following:

1. To improve efficiency of the system:
 - . Establish professional court management systems by training career court administrators.
 - . Build capacity of the system to arrange and manage training programs in the future.
 - . Establish modern management information systems for improved docket management, cost accounting, current periodic system reporting, and physical asset control and maintenance.
 - . Rationalize court facilities through closure of marginal outstations and improvement of consolidated facilities based on a mutually acceptable consolidation plan.
 - . Follow through on the CJIP by completing the refurbishing of the Supreme Court building and other important facilities, including the Chief Court Administrator's Office.
 - . Extend training programs with more emphasis on entry and mid-level professionals, particularly clerks of court and their deputies.
 - . Build capacity for procuring and managing necessary research and analysis as a basis for policy review and implementation.

2. To mobilize more private resources for broader support of the justice system:
 - . Strengthen the Mediation Council of Jamaica's capability to provide mediation services on a sustainable basis
 - . Strengthen the Jamaican Bar Association to broaden its activities in:
 - publication of current developments in the law to include case reporting, and
 - law related education to foster public understanding and respect for the justice system, looking toward consequent increased public concern and support.

Recommendation:

To accomplish this, the Project Committee recommends that \$3.0 million of AID funds, matched by at least \$1.0 million equivalent of Jamaican resources, be invested in construction, equipment, training and technical assistance. Of these amounts \$200,000 of AID funds matched by \$50,000 equivalent of corresponding counterpart contributions would be allocated for a program grant to the Mediation Council of Jamaica and \$300,000 from AID matched by \$75,000 equivalent for the Jamaican Bar Association, with the remainder allocated to the GOJ Ministry of National Security and Justice. Technical assistance will be used to enable the Jamaican justice system to benefit from experience elsewhere in building and strengthening the systems and institutions required for long term sustainability.

II. BACKGROUND AND RATIONALE

A. Justice System Context

Although organized for administrative purposes under the Ministry of National Security and Justice, the Jamaican judiciary is a separate and independent branch of government. The Chief Justice and the President of the Court of Appeal are appointed by the Governor General on the recommendation of the Prime Minister who is obliged by the constitution to consult with the Leader of the Opposition. All the other judges of the Supreme Court are appointed by the Governor General on the advice of the Judicial Services Commission.

The justice system still remains one of the pillars of the democratic system of government in Jamaica. It is considered to be fair, free and generally independent of extraneous influences. Unfortunately, the executive has accepted that the justice system is functioning and has failed to give it the needed support to maintain its infrastructure. The salaries of the judges and other legal personnel have been tied in with those in the civil service with the obvious consequence that the judiciary has had increasing difficulty in attracting and retaining competent lawyers as judges and prosecutors. Added to this, remuneration in private law firms have increased along with demand for service, making the private sector more attractive. Lack of adequate support and increased litigation have made the judicial system inefficient. Long delays are the norms in the delivery of justice and new laws and judgments of the judges are not properly circulated to the judges, lawyers and the public.

The Caribbean Justice Improvement Project (CJIP) was well received but was concentrated mainly on construction and refurbishing of the courthouses, training of the judiciary and the identification of weaknesses in the system. Fundamental weaknesses continue to exist. The support staff in all the courts is either non-existent or poorly trained.

For example, there are 28 Clerk of Court posts which should be held by trained attorneys and there are 23 vacancies. Over the past ten years no one who has been appointed to one of those posts has remained for longer than three (3) years. Either they leave for better paid jobs in the private sector, or they are promoted to the Office of the Director of Public Prosecutions, where after five years as prosecutors they may be appointed as magistrates for the Resident Magistrate courts.

The perennial problem is that the Clerks of Court are overworked and underpaid. They are required to prepare for the daily presentation and prosecution of cases in court. They are also responsible for a myriad of other administrative duties in the court offices. The overall impact is to make the system burdensome, overworked, and inefficient. Reform of the present procedure is highly desirable; otherwise blemishes and weaknesses in the administration of justice will be aggravated. The inability of the Clerks of Court to oversee their administrative duties undermines the filing and accounting systems which could lead to widescale financial losses and other impediments to the process of justice.

The poor preparation and prosecution of criminal cases in theory gives defense attorneys an advantage; however, in practice it merely increases the burden on the Resident Magistrates. As they recognize the gaps in the prosecutor's case, of necessity, they ask numerous questions to fill in the details, but unfortunately appear to bias the system in favor of the prosecution.

The immediate problem is to rationalize the administrative work in Resident Magistrates' Courts, to relieve the Clerks of these duties and allow them to concentrate on their legal duties and functions.

A further and very pervasive problem across the whole justice system is the protracted delay in the hearing and disposal of cases. Access to the courts is relatively easy, but to get an early trial date is a monumental task.

The Resident Magistrates' courthouses are in varying states of decay. Although some were rehabilitated under the CJIP, years of neglect, lack of proper maintenance, overuse and the effects of age have made many of these courts unsafe and unfit for judicial sittings. There are fourteen parishes, and at least one RM is attached to a parish. In the busier parishes, there are two to six RMs. At present there is a total of 38 RMs within an establishment of 44 positions. Fifty nine RM courthouses serve the country and are utilized from one to twenty two sittings per month. Each parish is served by between three and five courts. Some of these courts serve remote districts in the hills or in areas with poor transportation. All the parishes are served by courts in the capitals. The same Resident Magistrate moves within his or her parish to the other courts to hear cases, accompanied by the clerk of the court, an orderly, and occasionally other court personnel.

The ideal situation in the long term would be to upgrade the courts in the parish capital, make them very efficient and then close the underutilized court outstations within each parish. While some of these courts can be closed immediately without any great inconvenience, the closure of all would be politically untenable in the short term and create severe inconvenience to litigants. As public transportation improves, and the efficacy of the courts in the parish capitals is markedly improved, then the closure of the courts in the outlying districts will become more acceptable.

Many of the courts in the outlying districts are now in a serious state of disrepair; six have already been closed. While they serve useful purposes in the community, the increasingly critical issue is the extent to which it is realistic to retain, refurbish, upgrade and continue to maintain all of them.

B. Relation to A.I.D. Strategy and GOJ Plan

1. Conformity with the GOJ's Justice Sector Strategy

Jamaica's political leadership has not emphasized the justice system in its national development plan. A sound justice system is rather a premise, continuance of which is assumed. More important for AID's purposes in its consideration of this project is what the GOJ has done rather than what it has said. There is five years' experience with the Caribbean Justice Improvement Project (CJIP) which the GOJ has implemented purposefully and effectively. The GOJ has well demonstrated its seriousness by producing its counterpart contributions of nearly US \$1.0 million or over 25 per cent of total capital investment in the project. This does not include operating costs, which have significantly increased as the GOJ has attempted to address the highest priority problems by increasing judicial salaries and living up to its commitment to maintain facilities refurbished under the project.

Further, the elements of the proposed project have all been proposed by Jamaicans concerned with the justice system, as expressed at a conference of justice system leadership, both public and private, in 1991. This evaluation/strategic planning session was followed by a series of studies commissioned by the GOJ with CJIP grant funds to further develop and cost out those project ideas considered by the system's leadership to be of highest priority and lasting value. Through a series of working group meetings within the MNS&J and between the Ministry and AID, a general consensus has emerged regarding the relative priority of project components for the Sustainable Justice Reform Project to support the GOJ's Five Year Development Plan for the justice system, consistent with the level of resources and type of technical expertise available through AID.

2. Relationship to AID Bureau Strategy and Mission Program Objectives Document/Action Plan (POD/AP), 1992-97

Among the current objectives of the Bureau for Latin America and the Caribbean (AID/LAC) is "to support the evolution of stable, democratic societies" and a sub-objective "to encourage the strengthening of competent civilian government institutions that will merit the confidence of political and military leaders, citizens and investors."

Toward accomplishment of these Bureau objectives, the goal of the subject project is to enhance democratic institutions in Jamaica through a more effective, efficient and sustainable justice system. USAID/Jamaica's POD/AP for FY 92-97 (in the drafting stage as of this writing) further states the project purpose "to develop a credible, responsive system of justice that can be sustained by the people of Jamaica".

Under the newly revised system for program planning introduced this year with the POD/AP, the Mission characterizes its continuing efforts in the justice sector as an "other concerns" rather than a "strategic objective". This differentiation implies a short term, phase down approach to the technical assistance offered to the justice sector through this project as the Mission attempts to narrow its focus and target its resources in line with a smaller, more streamlined bilateral aid program planned for the future. This approach is fully consistent and compatible with the project's emphasis on the sustainability of justice sector reforms through increased efficiency, improved cost recovery and a heightened involvement of system stakeholders in perpetuating the fair and timely delivery of services.

A justice system in a society contributes to the maintenance of order through resolution of conflict by orderly enforcement of rights and duties between private citizens and between the citizens and the government. Further, within a democracy the justice system extends the concept of order to the protection of human rights.

The effectiveness of a justice system in performing these essential functions of democratic government are an important measure of the validity of the government. To the extent that democratic government fails to provide a system of justice perceived as fair and effective by its citizens, the risk is increased of resort to other nondemocratic and relatively unstable forms of government. Sustaining of democracies within the world community of nations is a major concern of U.S. foreign policy.

Further, both AID/W and USAID/Jamaica strategy statements give high priority to privatizing state enterprises and encouraging the growth of private enterprise. These objectives can be accomplished only through increased private investment.

As indicated by the above quoted AID/LAC sub-objective, the credibility of a justice system in which private citizens and enterprises are protected from arbitrary actions by government, and contractual expectancies are enforced promptly and without bias, is a major factor in an environment favorable to private investment, domestic as well as foreign.

While not addressed in this project because of statutory and policy limitations on AID's mandate, the performance of the police is a critical factor in the effectiveness of the justice system and its image to the public.

Over recent years the Jamaican police have been severely criticized for excessive violence, including unwarranted use of firearms. As compared to police in many other Latin American and Caribbean countries the Jamaican police are considered relatively strong on investigative skills. Many Jamaican police are weak, however, in community relations and respect for individual rights. To the extent this is attributed to weak supervision and leadership, AID is not in a position to help. To the extent, however, that such police conduct is caused by frustration at the slow pace of criminal justice in the Jamaican court system, this project should have a favorable impact.

Another troublesome aspect of the Jamaican system is overcrowding of inadequate prisons. The new leadership of the expanded Ministry of National Security and Justice, which administers the prisons as well as the courts, wants very much to address this problem. While again AID is constrained by legislation and policy from involvement in prisons and criminal punishment, certain approaches favored by justice system leadership could be supported by AID. Such proposals include more classification of crimes and criminals as to type of appropriate punishment, among which could be alternative forms of sentencing such as community service. With their labors put to productive uses, criminals serving such sentences could be rehabilitated with new skills and might even produce income to help support the criminal justice system, rather than being a financial burden. Further, since the prisons and the courts both fall under the Ministry of National Security and Justice, potential savings from reduced prison costs might be available for expenditure elsewhere within the justice system to finance improvements needed now and, more importantly, those that will be required beyond the life of this project.

C. Other Donor Activities

To our knowledge, there are only two international donors other than AID currently involved or contemplating support for justice sector reform. The activities are the modest efforts of the British High Commission and an Office of the U.S. Department of Justice International Criminal Investigation and Technical Assistance Program (ICITAP) that are concentrating in the area of police training.

There is a new program for the U.S. Bureau of Prisons to provide training for correctional officers. Jamaica is one potential recipient, but no agreement has been made as of this date.

The British have expressed an interest in prison upgrading and expansion, but as of this writing, no new assistance has been approved. These efforts should have a net positive impact on the broader justice system and will complement SJRP activities. In view, however, of AID's legislative prohibitions from involvement with police and prisons there need not be a high degree of coordination, beyond information sharing, with these other donor programs.

The Jamaican Bar Association has benefitted in the past from technical and financial assistance provided by the Ford Foundation for development of mediation services and the InterAmerican Foundation for development of legal aid services. The activities proposed in this project paper are designed to build upon this earlier support by solidifying and expanding the considerable progress already made in the institutional development of the Jamaican Bar, and by helping to strengthen the alternative disputes resolution process through mediation.

III. PROJECT DESCRIPTION

A. Project Goal and Objectives

The goal of the project is to enhance democratic institutions in Jamaica.

As noted above the Jamaica justice system is basically sound, but with current levels of available resources it has not been able to maintain and sustain what it had. Therefore, while furthering the program initiated under the CJIP to restore the justice system, under this Sustainable Justice Reform Project ("SJRP") the emphasis will shift to resolving problems within the institutional framework and management of the courts.

The purpose of this project will be 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.

By the end of the project the Jamaican justice system with AID support should accomplish the following:

1. Toward improved efficiency:

--A new administrative system within the courts will have been established under the leadership of professional managers, resulting in 90 percent of Supreme Court criminal cases processed within six months from indictment to judgement, and overall, a 25 percent reduction in cases docketed and not reached.

- The effectiveness of such managers and of resident magistrates, registrar, chief justice and other supervisors in the court system will have been enhanced by modern management information systems.
 - Improved cost and inventory control based on modern management information system will have been established, resulting in at least a 100 percent increase in the real value of fee for service income.
 - Courthouse numbers will have been reduced and then locations will have been rationalized to provide reasonable access to citizens with fewer and better facilities based on Consolidation Plan.
 - More organized and cost effective trial procedures, court services (including fee collection) should be in place through advisory services and training.
 - To improve timeliness of case resolution, an improved system of case management, introducing modern management information systems, will have been established in the courts.
 - Additional courthouses will have been restored to good condition in which they may be properly maintained within a realistically sustainable annual maintenance budget level.
 - An improved, better funded maintenance system will have been established for such courthouses along with other justice system facilities, furnishings and equipment.
 - Capacity will have been built within the system to conduct research, drawing on private as well as public resources, to provide appropriate information and analysis as the basis for justice system decision-making at the policy level.
 - Access to the substantive law will have been improved by establishment of a viable system for continuing publication of important Jamaican court decisions with indices and analysis thereof.
2. Toward mobilization of increased private and public support for the system:
- The Bar Association will have been strengthened, resulting in a 25 percent increase in time and money contributed by private lawyers for improving the justice system.

- The Bar Association will have established a program for education of the public on the functions of the justice system, stressing the rights of citizens within that system and the role of the various public officials and private lawyers in making that system work for the benefit of the citizens.
- A program for strengthening the alternative dispute resolution process will be instituted, resulting in at least 250 disputes mediated per year thus alleviating the courts system overload.

B. Project Outputs

The various studies, reviews and surveys which led to AID's commitment to this project placed emphasis on enhanced professionalism of personnel and efficiency of operations throughout the justice system. Focus on these two basic requirements will be necessary to achieve project purpose. This in turn implies that a major portion of resources will be devoted to development and expansion of the human resource base, without which the justice system cannot be sustained.

In order to define the nature and magnitude of the human resource development needs a study was commissioned to assess needs in a systematic way. It found a high level of consensus among respondents on the basic problem -

- Lack of knowledge or ignorance of procedures and systems;
- Demotivated and demoralized staff;
- Lack of communication and cooperation between staff;
- Poor relationships and attitudes at the workplace;
- Weak administrative and secretarial skills;
- Insufficient provision for continuing legal education.

Based on these problems and other research, training will be provided to improve both court management and the ability of legal personnel to prosecute cases in a more professional manner. The training approach will be one that emphasizes "hands on" skill development through interaction with the long-term resident advisor and various short-term specialists identified later, as well as the design and conduct of a variety of specialized courses for key personnel throughout the system. These courses will provide a balance of technical skills required to increase efficiency and the interpersonal, team building skills essential to improved effectiveness. It is not expected that the Ministry will have the capacity to sustain the delivery of all of these courses beyond the life of the project; however, every effort will be made to assure that the Ministry will be able to contract for its on-going requirements that cannot be fulfilled internally. During the life of the project this will be addressed by requiring an incrementally greater contribution

from the Ministry of costs associated with training. During the last year of the project, this should be not less than 50 percent of all local training costs. Likewise, both long-term and short-term advisors will assist the Ministry in identification of training units and preparation of staff in those areas where the Ministry will do future in-house training.

In addition to the training described above, the project will make provision for study tours to the U.S. for senior judges and others in the system who would benefit from a comparative view of court management systems.

1. Court System

(a) Court Administrators

This project gives highest priority to increasing efficiency in the management of the courts. Key to this effort is establishing the role of professional court administrators.

The Senior Magistrate is responsible for the administration and management of the Resident Magistrate's Courts in each of the fourteen parishes. The only time available for Resident Magistrates to conduct administrative business is from the beginning of the work day at 8:30 AM until the start of court at 10:00 AM.

Each Resident Magistrate's Court has a need for daily management of its operations, but more importantly there is also a need for personnel, records, fiscal, and information management that neither the Clerk nor the RM has time to perform. To improve the efficiency of the courts many areas of operation, currently neglected, require the attention of a professional court administrator. In addition to strengthening administration of the Supreme Court and Court of Appeal, this project includes the establishment of a court administrator for each RM court. The creation of such a position and recruitment of qualified candidates will greatly benefit the operations of the court system. Indeed, professional management is essential if substantive change is to be accomplished in the operation of the RM courts.

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 should 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 time 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 should thoroughly 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.

The primary means of collecting management information for the RM Courts will be concentrated on the manual collection of data needed to efficiently manage the court. Caseload information which should be collected and used to manage the courts includes: filings by significant case types, 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 and RM judges will be provided with their own training on calendar management. The training programs for both the administrators and the judges will be merged during the second part of the training session. This will enable the court administrators and the judges to explore the advantage of working with systems of efficient calendar management.

The court administrators and judges 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 should 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 and RM judges.

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.

A consultant's report has proposed a justice system research unit that would include the compilation and analysis of data from the police, the courts, and corrections. This project does not include funding of such a justice research unit due to funding constraints and priority of other components.

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 have to 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. Another significant benefit is that of automated case processing systems subsequently installed in the courts. Staff will be trained in basic applications and training for more sophisticated systems will be much easier. Additionally, 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 RM Courts, four additional PCs should 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 have to 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

The Deputy Clerk training program has been considered an important element of the position, and its place in the overall career path available to court employees. Since there is a shortage of law-trained individuals willing to apply for the Deputy Clerk position, the qualification process is the major avenue for placing trained persons. The legal training that deputy clerks will receive will improve the quality of justice. In some instances when a qualified clerk is unavailable the deputy is called upon to prosecute the case. In many RM courts the deputy hears petty sessions cases with the justices of the peace. When the clerk or deputy clerk is not qualified, the RM feels it necessary to sit in on petty sessions cases. This takes time away from the RM who could be hearing more serious cases. A good indicator of the success of the deputy training program would be the reduction in time that RMs hear petty sessions cases.

A training program 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.

With the establishment of the Court Administrator position, it will be essential for the Judges to help shape the nature of this job in ways that will allow them to fully concentrate on their legal responsibilities. Given the centrality of the new position and the impact that it will have on time management for the Judges, special emphasis will be placed on a review of the role and functions of this position. During the training for new Court Administrators, Judges will participate in specific modules to ensure common understandings and the development of necessary functional linkages between the Judges 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

Lack of courtrooms has handicapped the Supreme Court in addressing its heavy caseload, thus aggravating the already severe delay problem. Also, there is insufficient space for existing court administrative staff, let alone the expanded court administrative function. It is hoped that improvements to the Supreme Court and the Court Administration program will speed up cases that now take over two years to be completed. The aim is to have 90% of Supreme Court criminal cases processed within six months from indictment to judgement. This component would also include refurbishing existing facilities for the Chief Court Administrator's Office. (See Annex E attached for more details).

b. Courthouse Rationalization (RM Courts)

A principal area for increased efficiency and consequent savings in the justice system is elimination of marginal courthouses. Many of the 45 "outstation" courthouses spread around Jamaica's 14 parishes are anachronisms from a colonial era where all travel was by horse or on foot and the "resident magistrate" as primary local representative of the distant colonial ruler performed more nonjudicial functions than at present.

Many such "outstations" are shared with the police or other governmental agencies so that complete elimination of the buildings would not be assured. Several are single use facilities, however, and some are in choice town center locations so that their sale should produce substantial proceeds and fulfill the GOJ's divestment policy. All imply significant maintenance expense or alternatively, significant deterioration loss to the extent they are not adequately maintained.

This construction program would 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 MNS&J that will be based on realistic needs of the outlying communities.

Because of the paucity of funds available under the project, and the relatively great demand for courthouse renovation, a selection criteria was adopted to identify the highest priority courthouses to be renovated. Three courthouses, including the Supreme Court in Kingston, have been tentatively identified through application of this criteria for renovation under the project. The selection criteria and a discussion of these three high priority courthouses are elaborated on in Annex E.

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 equipment goes 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, 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 could 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.

There will be immediate benefits to the court system since the inventory of major assets will allow for their placement where they are most needed. Maintenance schedules will be prepared that should reduce equipment breakdown and inconvenience to staff. For equipment needing repair, a realistic set of priorities can be established and the courts will have a much better indication of how long the repair will take. The system will allow for a much more reasoned procurement plan, providing new equipment where it is most appropriate.

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 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.

If the proposed ARP system fulfills necessary court system requirements, the activity would be financed as budgeted by Coopers and Lybrand with the following modifications. That report suggested the purchase of document imaging systems. Experience of court systems in the US has demonstrated that such systems, although in instances quite effective, are often far more costly than estimated. In addition, the report budgeted only 16 PCs for the RM Courts at a cost of \$35,200. Such stand-alone PC systems should include all courts, provide a higher cost per unit, and include costs for printers.

The benefits of an automated accounting system are many. These measures will also benefit cost-recovery fee for service activities, so that there will be a 100% increase in real value of fee-for-service income by the end of the project.

- The Ministry will have current and accurate revenue and budget figures and will be able to allocate funds much more efficiently.
- Automated payroll and personnel systems will allow the Ministry to allocate personnel more effectively, vacancy savings will be quantifiable, and employees will receive more efficient and timely services.

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. (See Women in Development Analysis below.) 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

Within the Jamaican legal community, there are several proposals for justice system reform that have been widely considered and discussed. They still need thorough research and analysis to provide an adequate basis for decision, especially when such decision would lead to substantial commitment of scarce resources or imply substantial disruption of long established ways of doing things.

Although it has been suggested that the Ministry should establish its own research unit, this project incorporates a different two pronged approach:

- (1) Strengthen the capacity of the court system to produce accurate, current, useful statistics, and
- (2) Finance use of those statistics and other data in research on selected highest priority subjects by private sector consultant firms.

Our approach was selected because of the questionable sustainability of a high quality Ministry research unit; and U.S. statutory restrictions on AID's financing of activities involving prisons and police, (which apart from the court system, Attorney General and Public Prosecutor offices, are the principal functions of the combined Ministry of National Security and Justice).

Pursuant to the Project approach, \$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 (f) 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 for 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 would play an important role in identifying areas for reform and overseeing implementation. The Council would 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

Private sector organizations can play a major role in the Jamaican justice system. By participating in the project certain private agencies will be able to increase effectiveness and efficiency of programs already underway in legal publications, legal assistance for the disadvantaged and alternative disputes resolution. In addition, the Bar Association will initiate activities to educate the public concerning the justice system.

a. Jamaican Bar Association

The objectives of activities with the Bar Association are to strengthen the association in the following functions:

--Timely provision to lawyers of information and analysis of recent developments in the law.

--Education of the public concerning the justice system and how it works in serving the public.

--Provision of continuing legal education to lawyers.

Toward realization of such objective AID support to the Bar Association would be provided in the following areas:

(1) General Institutional Development. Technical assistance would include exposure to activities of bar organizations in the United States through visits of Jamaican Bar leaders to the United States. Also short term advisors would come to Jamaica to counsel the Bar Association on how to address specific problems and opportunities. Such technical assistance could be well provided through a state bar association of size and function comparable to that of the Bar Association. Establishment of "twinning" arrangements with one or more U.S. state or local bar associations would be encouraged and supported.

U.S.A.I.D. would also finance a portion of office equipment and overhead costs within initial budget increases for expanded Bar Association activities pending gradual increase in revenues, as the Bar Association increases its services to its members.

(2) Legal Publications. The Bar Association is already publishing a quarterly journal, including analysis and comment on recent developments in case law and statutory law. A minimum of equipment and technical assistance would be necessary, principally to help the Bar Association produce a higher standard publication at lower cost through use of desktop publishing equipment and technology.

As the Bar Association perfects its publication of a bar journal, it would extend its publications program to include selected judicial opinions from recent Jamaican cases. This would include application of legal expertise to select the more significant opinions and to analyse them for drafting of appropriate headnotes. This is an area where the services of more advanced law students and members of bench and bar would be applied.

(3) Law-related Public Education. The Bar Association would draw upon the experience of state bar associations in the United States for programs to educate the public concerning the Jamaican justice system, the role of lawyers and the rights of citizens within that system. This could include use of talk shows on radio and television, columns in newspapers and magazines and volunteer work by members of the bench and bar working with teachers on special programs in the schools.

(4) Continuing Legal Education. Technical assistance and some initial seed financing would be used to build the capacity of the Bar Association for provision of continuing legal education programs to private sector lawyers. Such courses would be developed and delivered in association with the Law School, with program content reflecting the needs and interests

of the practising lawyers as determined by the Bar Association and General Legal Council. The General Legal Council, with representation from the government legal offices and the private bar, determines standards for admission and practice, and enforces the practice standards through disciplinary proceedings. Its functions are supported by an annual fee, paid by each practicing lawyer to obtain his annual issued license for practice. This fee income also helps support the Supreme Court law library.

Once established such system of continuing legal education would be self sustaining. The costs would be covered by attendance fees, graduated according to seniority in the bar, with some degree of subsidy from Bar Association dues, and the annual fees paid to the General Legal Council for license to practice.

b. Mediation Council of Jamaica

The object of assistance to the Mediation Council of Jamaica is to enable this fledgling organization to establish mediation services in Jamaica on sustainable basis. The Mediation Council is the product of a cooperative project between the Ford Foundation, Columbus (Ohio) Law School and the Bar Association.

That Project created an autonomous private non-profit organization with a cadre of trained mediators. Mediation services are supported by the Ministry as well as the Bar Association as an alternative to litigation or prosecution in the courts. The GOJ has expressed interest in sharing in program cost once the viability is demonstrated.

The Council now proposes to make those mediation services available to individuals, firms and government agencies throughout Jamaica. Such mediation services could support the justice system by helping to resolve disputes without resort to litigation in civil courts or resort to violence which often leads to prosecution in the criminal courts. This would alleviate the overloaded court system as well as reduce public sector expenditures. The Council plans to use the base of the trained personnel created by the Ford Foundation grant to:

-- educate the Jamaican public about the important alternative to violence

-- set up several mediation centers across Jamaica to include one major regional unit in each year of the project to deal specifically with the needs of the legal community and the court system and another five community-based units per year to deal with broad-based community needs

-- establish a network of mediation services on a locational basis for the business community through a system of corporate membership

AID grant funds would finance technical assistance to help the Council develop its organization and facilities in a way such as to be economically viable. While many mediation clients will be able to afford payment for the service, a substantial share of mediation services will be provided to people of limited means. Supplemental funds would have to be sought from private sector benefactors. In addition to technical assistance, the AID grant will help finance initial capital costs and, as a declining share through life of project, some operating costs incident to program expansion. Technical assistance and other inputs are expected to be provided through a U.S. NGO such as the National Institute for Dispute Resolution and/or a U.S. university.

C. Project Participants and Beneficiaries

The main participants in the project will be members of the Justice section of the Ministry of National Security and Justice, particularly the court system. Also playing major roles will be the Jamaican Bar Association, public and private attorneys, educational institutions and consultants responsible for the training of staff in the courts, as well as the Mediation Council and its clients.

The ultimate beneficiaries are the people of Jamaica and Jamaica itself. The users of the courts will benefit from the reduction of currently excessive delay in adjudication of civil disputes and criminal proceedings. Improved delivery of justice, increased efficiency, and enhanced competence within the judicial system will ensure respect for law and confidence in the institutions of justice.

Accused persons locked away in jails or prisons will know their fate earlier and incarceration of innocent persons pending trial for extended periods of time can be eliminated. Even those persons on bail awaiting trial have a keen interest in the expeditious determination of their cases. While the cases are pending, their jobs, careers, and future are on hold. The victims, litigants, witnesses and the police are severely affected by delays since many working days are lost, legal expenses incurred, and recollection of the evidence faded with the passage of time. Speedy adjudication of all cases is to the benefit of everyone except the guilty and those who are wrong or at fault. The corollary is that the present system, with its unreasonable delays and inefficiencies, is detrimental to the innocent and faultless who lose respect for the law and its administration. Efficiency and competence in the administration of justice encourage reliance on the judicial system and the official determination of disputes. Violence, corruption and other crimes can be thus avoided to the benefit of the social order and most of all, to the democratic institutions that have upheld the Jamaican society.

The overall image of Jamaica as a country of law and order, and one in which disputes can be resolved will further enhance its regional and international acceptability as a place for foreign investors who know that they can rely on a fair, speedy and reliable judicial system. Such investment will benefit Jamaicans in many ways but especially in creating jobs to address the severe unemployment problem. In addition, this image is important to Jamaica's promotions as a tourist destination. Members of the public, attorneys, and other court officials will enjoy the improved conditions of the courts which are upgraded. The quick determination of cases and reduced number of mention and trial dates will eliminate or minimize overcrowding of the court agenda and the consequent overcrowding of the courts. Litigants will save time, legal fees and expenses since less time should be spent in litigation and adjudication of cases, as well as time spent traveling to and from the courts which reduces productive hours.

The strengthening and institutional development of the Bar Association should benefit private lawyers, actors within the justice system, and the general public as its awareness of the justice system and the rights of individuals within that system is increased. A strong Bar Association will promote and sustain a strong and effective justice system and be better able to exert its influence on government for the implementation of legal reforms. Through public education, a regular and influential law journal, and the organized use of the media, the Bar Association will play its role as an important arm of the democratic process.

The attorneys will benefit from the continuing legal education component of the project which should improve their competence and productivity in the delivery of legal services to their clients and the public.

A proper and efficient system of case law reporting will ensure the timely presentation and communication of legal and judicial development which will benefit judges in the lower courts, all attorneys, law students, law professors, researchers, public officials, and, conceivably have a positive influence on the development of law in other commonwealth countries. The early and regular publication of cases will assist lawyers and judges in other Caribbean and Commonwealth jurisdictions in the determination of cases, the jurisprudence of the region and the development of the common law.

IV. COST ESTIMATE AND FINANCIAL PLAN

The proposed project will cost US\$4.36 million over a four year period. Of this total amount the Jamaican dollar equivalent of \$1.13 million will be contributed by the Government of Jamaica, \$231,000 from non-governmental organizations and \$3 million will be provided by AID grant.

The Summary Cost Estimate and Financial Plan for the project is presented in Table I. It shows that A.I.D. funding accounts for 69 percent of project costs, while the GOJ contribution is 26 percent and the NGO portion five percent. Table II indicates project outputs by type of USAID input, and indicates that most of the funds will be spent in four areas: technical assistance, private sector grants, training and construction. Table III outlines the Projection of Expenditures by Fiscal Year, and includes a year-by-year calculation of a five percent annual inflation rate.

Table IV, Methods of Implementation and Financing, indicates that the project will be implemented through a combination of host country contracts, grants to NGOs and A.I.D. direct procurement. It indicates that over half the project's expenditures (\$1.65 million) will be through A.I.D. direct grants or procurements. Most of those funds will be concentrated in the two NGO grants and the long term technical assistance contract.

Finally, Tables V through VII provide detailed cost estimates for commodities, technical assistance and training. The training budget is particularly informative, as it summarizes all the various training efforts which the PMU will have to manage over the course of the project.

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/O/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: PROJECT OUTPUTS BY TYPE OF USAID INPUT

| O-U-T-P-U-T-S | I-N-P-U-T-S | | | | | | TOTAL AID |
|---|----------------------|----------------|----------------|----------------|----------------|----------------|------------------|
| | TECHNICAL ASSISTANCE | CONSTRUCTION | COMMODITIES | POLICY STUDIES | TRAINING | PRIVATE SECTOR | |
| 1. IMPROVED COURT ADMINISTRATION | 675,000 | | 57,000 | | 491,580 | | 1,223,580 |
| 2. IMPROVED COURT INFRASTRUCTURE | | 410,000 | 100,000 | | 3,000 | | 513,000 |
| 3. POLICY REVIEW SYSTEM ESTABLISHED | | | | 150,000 | | - | 150,000 |
| 4. IMPROVED MEDIATION COUNCIL ESTABLISHED | | | | - | | 200,000 | 200,000 |
| 5. STRENGTHENED BAR ASSOCIATION | | | | - | - | 300,000 | 300,000 |
| 6. PROJECT MANAGEMENT | 80,000 | | 55,000 | | | | 135,000 |
| SUB-TOTAL | 755,000 | 410,000 | 212,000 | 150,000 | 494,580 | 500,000 | 2,521,580 |
| 7. EVALUATIONS | 70,000 | - | - | - | - | - | 70,000 |
| 8. AUDIT | 40,000 | - | - | - | - | - | 40,000 |
| 9. CONTINGENCY/INFLATION | 36,842 | 73,684 | 73,684 | 73,684 | 73,684 | 16,842 | 368,421 |
| | 901,842 | 483,684 | 285,684 | 223,684 | 568,264 | 536,842 | 3,000,000 |

TABLE III: PROJECTION OF EXPENDITURES BY FISCAL YEAR

| | FY 92 | | | FY 93 | | | FY 94 | | | FY 95 | | | FY 96 | | | TOTAL AID | TOTAL GCM | TOTAL MCD | PROJECT TOTAL |
|-----------------------------|-----------|-----------|-----------|------------|------------|-----------|------------|------------|-----------|------------|------------|-----------|------------|------------|-----------|--------------|--------------|--------------|------------------|
| | AID | GCM | MCD | AID | GCM | MCD | AID | GCM | MCD | AID | GCM | MCD | AID | GCM | MCD | | | | |
| 1. PROJECT MANAGEMENT | 25 | 8 | | 50 | 23 | | 20 | 23 | | 20 | 23 | | 20 | 23 | | 135 | 100 | | 235 |
| 2. TECHNICAL ASSISTANCE | | | | 169 | 15 | | 338 | 30 | | 169 | 15 | | | | | 675 | 60 | | 735 |
| 3. CONSTRUCTION | | | | 50 | 25 | | 150 | 175 | | 150 | 175 | | 60 | 35 | | 410 | 410 | | 820 |
| 4. COMMODITIES | 16 | 12 | | 63 | 12 | | 39 | 29 | | 31 | 29 | | 8 | 35 | | 157 | 115 | | 272 |
| 5. POLICY STUDIES | | | | 30 | 10 | | 45 | 15 | | 60 | 20 | 0 | 15 | 5 | 0 | 150 | 50 | | 200 |
| 6. TRAINING | | | | 148 | 68 | | 148 | 68 | | 148 | 68 | 0 | 49 | 23 | 0 | 495 | 225 | | 720 |
| 7. PRIVATE SECTOR | 30 | | 20 | 125 | | 41 | 125 | | 37 | 125 | | 36 | 95 | | 36 | 500 | | 170 | 670 |
| 8. EVALUATIONS | | | | | | | | | | 50 | | | 20 | | | 70 | | | 70 |
| 9. AUDIT* | 8 | 5 | | 8 | 5 | | 8 | 5 | | 8 | 5 | | 8 | 5 | | 40 | 25 | | 65 |
| 10. INFLATION & CONTINGENCY | | | | | | | | | | | | | | | | | | | |
| Inflation | | | | 32 | 8 | 2 | 89 | 35 | 4 | 120 | 53 | 6 | 59 | 27 | 8 | 401 | 123 | 19 | 443 |
| Contingency | | | | 25 | | | 16 | 9 | 21 | 15 | 9 | 21 | 11 | | | 67 | 18 | 42 | 127 |
| TOTALS | 79 | 25 | 20 | 700 | 165 | 43 | 979 | 389 | 62 | 897 | 396 | 63 | 346 | 152 | 44 | 3,000 | 1,126 | 231 | 4,357 |

*Mediation Council and Bar Association audits are covered in the "Private Sector" line item above.

TABLE IV: METHODS OF IMPLEMENTATION AND FINANCING

| INPUT | IMPLEMENTATION METHOD | FINANCING METHOD | AMOUNT |
|---------------------------|----------------------------|-----------------------|--------------------|
| 1. PROJECT MANAGEMENT | HC Contracting (HCC) | Reimbursement | 135,000 |
| 2. TECHNICAL ASSISTANCE | Direct AID Contract (AID) | Direct Payment | 675,000 |
| 3. CONSTRUCTION | HCC | Reimbursement | 410,000 |
| 4. COMMODITIES | HCC (using a PSA) | Reimbursement | 157,000 |
| 5. POLICY STUDIES | HCC (local consultancies) | Reimbursement | 100,000 |
| | AID (offshore consultants) | Direct Payment | 50,000 |
| 6. TRAINING | HCC (local costs) | Reimbursement | 117,645 |
| | AID (U.S. trainers) | Direct Payment | 352,935 |
| 7. PRIVATE SECTOR | AID (grants to NGOs) | Advance/Reimbursement | 500,000 |
| 8. EVALUATIONS | AID | Direct Payment | 70,000 |
| 9. AUDIT | HCC | Direct payment | 40,000 |
| 10. CONTINGENCY INFLATION | | | 392,421 |
| | | | ----- 3,000,000 |

Table V: Commodity Budget

| ITEM | ESTIMATED AID | ESTIMATED GOJ | COSTS NGO | TOTAL |
|--|------------------|------------------|--------------|---------|
| 1. IMPROVED COURT ADMINISTRATION | | | | |
| Court Administration Training (Conference Materials) | 7,000 | 27,000 | | 34,000 |
| Record Keeping (Forms & Equipment) | 10,000 | | | 10,000 |
| Management Information (One Computer, printer & Software) | 11,000 | | | 11,000 |
| Automation in the RM Courts (8 PCs and software) | 29,000 | | | |
| 2. IMPROVED COURT INFRASTRUCTURE | | | | |
| Furnishings for Renovated Courts | 40,000 | 63,000 | | 103,000 |
| Accounting System (Hardware and Special Purpose Software) | 60,000 | 25,000 | | 85,000 |
| 3. IMPROVED MEDIATION COUNCIL | | | | |
| Office Furnishings | 15,000 | | | 15,000 |
| Vehicle | 10,000 | | | 10,000 |
| Facilities | | | 33,500 | 33,500 |
| 5. STRENGTHENED BAR ASSOCIATION | | | | |
| Office Equipment and Furniture | 40,000 | | | 40,000 |
| Facilities | | | 50,000 | 50,000 |
| SUB-TOTAL PROJECT OUTPUTS | 222,000 | 115,000 | 83,500 | 391,500 |
| 6. PROJECT MANAGEMENT | | | | |
| Vehicle Procurement (two compact sedans) | 30,000 | | | 30,000 |
| 3 PCs, fax and Xerox Machines | 25,000 | | | 25,000 |
| Office Furnishings, car fuel & maint. | | 25,000 | | 25,000 |
| TOTAL COSTS | 277,000 | 140,000 | 83,500 | 471,500 |

Table VI: Technical Assistance and Policy Studies Budget*

| ITEM | ESTIMATED COSTS | | | TOTAL |
|--|-----------------|---------|--------|-----------|
| | AID | GOJ | NGO | |
| 1. IMPROVED COURT ADMINISTRATION** | | | | |
| Long Term TAC Advisor (2 years) | 425,000 | | | 425,000 |
| Short-term TAC advisors other than trainers (10 p.m.) | 250,000 | | | 250,000 |
| Statistician and Clerk (for MIS) | | 60,000 | | 60,000 |
| 3. POLICY REVIEW SYSTEM ESTABLISHED | | | | |
| PMU-Administered | 100,000 | 50,000 | | 150,000 |
| USAID-Administered | 50,000 | | | 50,000 |
| 4. IMPROVED MEDIATION COUNCIL | | | | |
| Overseas TA | 100,000 | | 33,000 | 133,000 |
| 5. STRENGTHENED BAR ASSOCIATION | | | | |
| Overseas TA | 75,000 | | 25,000 | 100,000 |
| 6. PROJECT MANAGEMENT | | | | |
| PMU Coordinator | 80,000 | | | 80,000 |
| Other PMU Staff (Accountant, Renov. Coord., Secretary, etc.) | | 75,000 | | 75,000 |
| SUB-TOTAL PROJECT OUTPUTS | 1,080,000 | 185,000 | 58,000 | 1,323,000 |
| 7. EVALUATIONS | 70,000 | | | 70,000 |
| 8. AUDIT | 40,000 | | | 40,000 |
| TOTAL COSTS | 1,190,000 | 185,000 | 58,000 | 1,433,000 |

*Technical assistance includes the US technical advisors who will support the USAID grants to the Mediation Council and Bar Association.

**Includes the full cost of the long term TAC Advisor.

TABLE VII: TRAINING BUDGET*

| COURSE | NUMBERS OF PARTICIPANTS | APPROXIMATE DURATION/DAYS | YEAR 1 | YEAR 2 | YEAR 3 | YEAR 4 | AID | GOJ | TOTAL |
|--|-------------------------|---------------------------|----------------|----------------|---------------|---------------|----------------|----------------|----------------|
| Court Administration 10 subjects Administrative Staff College | 20 | 40** | 155,000 | 25,000 | 20,000 | 20,000 | 143,000 | 77,000 | 220,000 |
| Conference (follow-up for above) | 20 | 2 | | 13,860 | | 13,860 | 18,480 | 9,240 | 27,720 |
| Recordkeeping Clerks and Deputy Clerks | 24 | 4 | 44,480 | 13,000 | 5,060 | 5,060 | 40,600 | 27,000 | 67,600 |
| Docket/Calendar Management Judges = 68 Appeal = 7 Supreme = 21 RPs = 40 | 68 | 3 | 50,000 | 20,000 | 10,000 | 10,000 | 50,000 | 40,000 | 90,000 |
| MIS 1 Statistician travel to US & Clerk and Stat. local trng. | 2 | 10 | 13,340 | 2,000 | 2,000 | 2,000 | 12,500 | 6,840 | 19,340 |
| Automation of Court Records (2 clerical x 20 main courts) | 40 | 6 | 50,000 | 30,000 | 10,000 | 10,000 | 75,000 | 25,000 | 100,000 |
| Clerks & Deputy Clerks - Teambuilding - Technical/Legal | 24 | 8 | 20,000 | 15,000 | 5,000 | 5,000 | 38,000 | 7,000 | 45,000 |
| Judges and Others - User skills, (Judges only) | 58 | 10 | 35,000 | 24,000 | 24,000 | 24,000 | 80,000 | 27,000 | 107,000 |
| - US Sys. Observation Trips | 8 | 10 | 7,000 | 7,000 | 7,000 | 7,000 | 24,000 | 4,000 | 28,000 |
| Social Workers - 3 Family Courts Department of Social Welfare University of the West Indies | 3 | 10 | 5,000 | | 5,000 | | 10,000 | | 10,000 |
| Accounting System | 5 | 10 | | 5,000 | | | 3,000 | 2,000 | 5,000 |
| TOTALS | | | 379,820 | 154,860 | 88,060 | 96,920 | 494,580 | 225,080 | 719,660 |

* Includes Technical Assistance (local & U.S.) and all other training costs.

**Maximum of 30 persons per session

V. IMPLEMENTATION ARRANGEMENTS

A. Key Implementing Agencies

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:

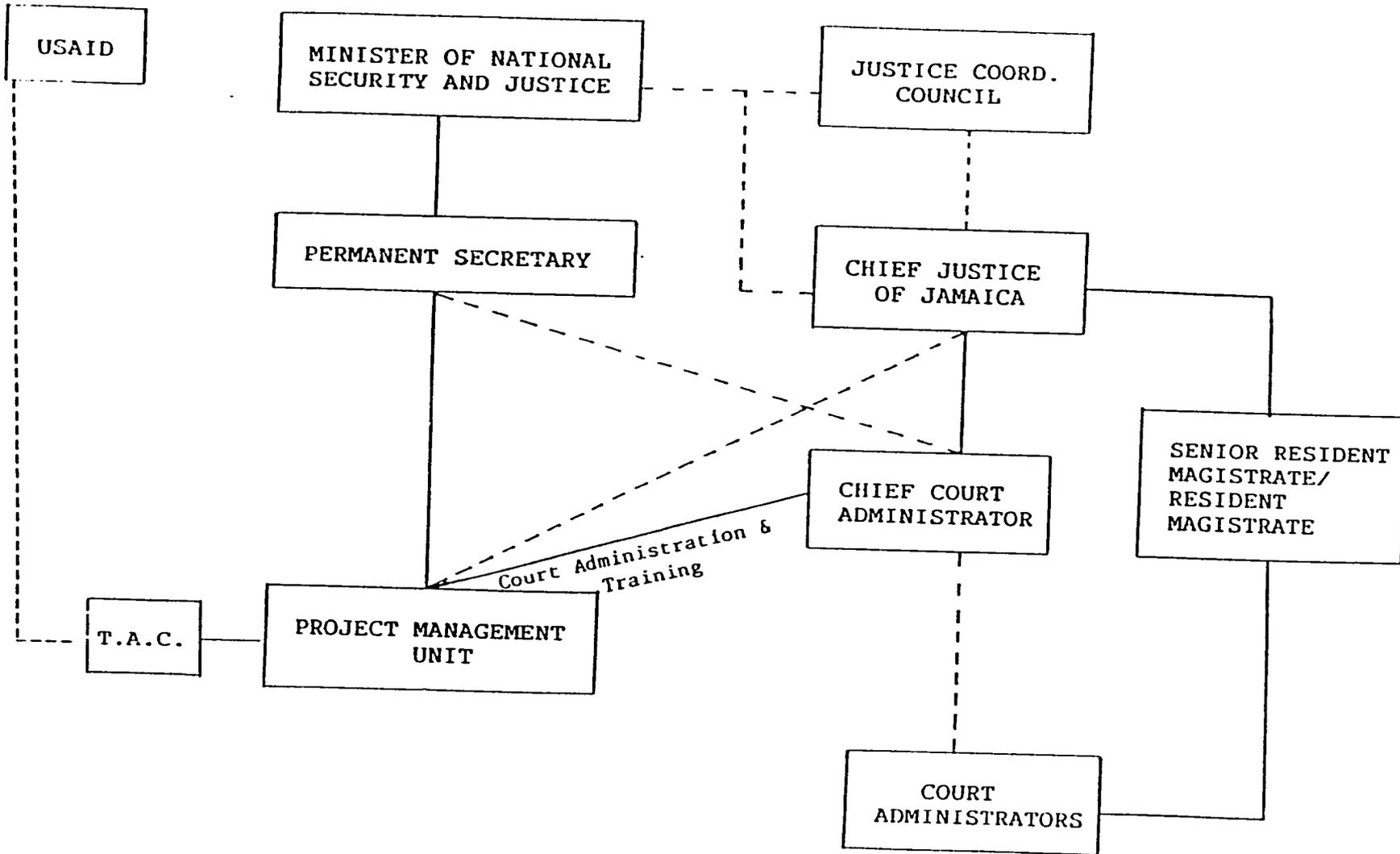
-- The PMU

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

FIGURE I

PROJECT ORGANIZATIONAL DIAGRAM



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.

-- 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 would have direct access to the Permanent Secretary.
- The PMU General Coordinator will have direct access to the Permanent Secretary.
- 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 would be included, however, 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 E (Monitoring, Evaluation and Audit Plan) below. USAID will maintain relationships with the Ministry of National Security and Justice and the Supreme Court at various levels.

B. Procurement

Procurement Plan

Much of procurement for this project will be training and advisory services in court administration. These will be procured by AID under a single contract with firm or joint venture having such capability in administration of justice, i.e. the Technical Assistance Contractor (TAC). This arrangement is

avored because USAID/Jamaica will not have the capacity on staff for such multifarious procurement from a variety of U.S. sources. To provide for Jamaican acquisition of such experience as would be useful in the future, the U.S. contractor will be encouraged to employ Jamaicans to the maximum extent feasible consistent with the qualifications and experience necessary for the services to be performed, and a US/Jamaican joint venture or subcontractual arrangement will be encouraged, see Section V.C Training Plan, below.

The "Buy America" statutes and regulations under which AID operates will require that most high value equipment procurement be from the United States. To minimize administrative burden on USAID/Jamaica, such procurement will be handled by the Technical Assistance Contractor in collaboration with the PMU and in conformity with applicable AID policy and regulations. The Technical Assistance contractor shall procure two U.S. vehicles for the use of the PMU.

The construction component for improvement of courthouses will be performed by Jamaican firms under contract with the Ministry of National Security and Justice. The contracts, will not be of magnitude to attract competitive bids from U.S. construction, architectural and engineering firms. The Ministry will use Government of Jamaica competitive bidding procedures satisfactory to AID to contract with Jamaican architectural and engineering firms for design and construction supervision and with Jamaican construction firms for the construction itself. Furniture and other items of likely Jamaican source funded by the GOJ counterpart contribution will also be procured by the Ministry. The Ministry's Project Management Unit is already experienced in such construction and commodity procurement under the Caribbean Justice Improvement Project.

Contracting of Jamaican services for conduct of policy/feasibility studies under the policy reform component will be handled by the Ministry Project Management Unit with advice as necessary from the Technical Assistance Contractor. To the extent certain studies might require expertise/experience not available either in Jamaica or from the Technical Assistance Contractor, the Technical Assistance Contractor would subcontract for such services.

C. Training Plan

With the project focus on introduction of new systems for improved management, training will be a major project element. As indicated above, for the necessary expertise in new court-specific technologies and management systems, training at the outset at least must depend heavily on foreign experts. For the most part these would come from the United States. To provide for continuity of these systems and management improvements introduced under the project, and especially to provide for sustainability without dependence on expensive foreign sources of expertise, the Technical Assistance Contractor will be specifically directed to work its training staff out of jobs by training Jamaicans to take over the training during the course of the project. The proposed training plan is appended as Figure II.

Figure II

SJRP TRAINING PLAN

| COURSE | YEAR 1 | YEAR 2 | YEAR 3 | YEAR 4 |
|---|-----------|-----------|-----------|-----------|
| Court Administration | | | | |
| Administrative Staff College | X | | X | |
| 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 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 | | | | |
| Conference (follow-up for above) | | X | | X |
| Recordkeeping | | | | |
| Clerks and Deputy Clerks | X | X | X | |
| Docket/Calendar Management (Judges) | | | | |
| Appeal = 7 | | | | |
| Supreme = 21 | | | | |
| RMs = 40 | | X | X | |
| Management Information System | X | X | | |
| 1 Research Statistician | | | | |
| 1 Clerk | | | | |
| Automation of Court Records | | | | |
| (2 clerical x 20 main courts) | X | X | X | |
| Clerks & Deputy Clerks | X | X | X | X |
| - Criminal and Civil Law | | | | |
| - Procedure | | | | |
| - Torts | | | | |
| - Contracts | | | | |
| - Evidence | | | | |
| - Civil Procedures in R.M. Courts | | | | |
| - English language and speech | | | | |
| - Team Building | | | | |
| - Interpersonal Skills | | | | |

| COURSE | YEAR 1 | YEAR 2 | YEAR 3 | YEAR 4 |
|---|-----------|-----------|-----------|-----------|
| Judges (User Skills) | X | X | | |
| - User Skills for Record Keeping System | | | | |
| - Automation in the Courts | | | | |
| - Docket Management | | | | |
| - Management Information Systems | | | | |
| - Court Administration | | | | |
| Social Workers | X | X | X | X |
| - 3 Family Courts | | | | |
| - 20 Main Courts | | | | |
| Department of Social Welfare | | | | |
| University of the West Indies | | | | |
| <u>Overseas Training</u> | | | | |
| - Chief Court Administrator (1) | X | | | |
| - Judges (2) | | X | | |
| - MIS (2) | | X | | |

This process would start from the outset of project activity with identification of Jamaican training resources, particularly the Administrative Staff College of the Public Service Ministry, which could be used from the very first training sessions for more generic management related subject matter. Similarly Jamaican judges, prosecutors, law professors or lawyers, would be used for necessary coursework in the law. As for court administration specific subject matter during initial training sessions, potential Jamaican instructors would be identified and then trained as trainers to incorporate them to the maximum extent feasible as instructors during the remaining training sessions under the project.

The objective would be that as soon as reasonably feasible, and by the end of the project at the latest, the Jamaicans would be able to continue necessary training without any outside assistance. For some training included in the project, such as the training for Clerks of Court or Deputy Clerks of Court, no foreign source expertise is required and the trainers would all be Jamaicans from the outset.

To the extent that training were court specific e.g. docket management, the instructors of necessity would be court personnel such as judges, clerks, etc. and the training would be managed by the court within the supervisory scope of the chief court system administrator attached to the office of the Chief Justice of Jamaica. Other more generic training subjects of common concern to other Ministry or GOJ personnel more generally, e.g. techniques of prosecution, general principles of management, etc, might more efficiently be provided by the Ministry training staff, drawing on the resources of the Staff College. That staff would be given on the job experience during the course of training programs under the project, and thereby better enabled to manage such training programs in the future.

D. Implementation Schedule

It is anticipated that following the completion of this project paper in August, USAID/Jamaica acting under delegation of authority from AID/Washington will authorize the grant soon thereafter and the grant agreement can be negotiated with the Government of Jamaica by early September. On that basis the following schedule has been prepared.

| | |
|---|----------|
| 1. <u>Satisfaction of initial CPs</u> | 10/15/92 |
| 2. <u>Technical Assistance Contract</u> | |
| RFP issued | 12/01/92 |
| receipt of proposals | 01/20/93 |
| selection of contractor | 02/20/93 |
| contract executed | 03/10/93 |
| court administration technical adviser on site | 04/01/93 |

3. Project Management

| | |
|--|----------|
| submission of year I implementation plan (covering the period 9/1/92 - 3/31/93) | 10/01/92 |
| approval of implementation plan | 10/15/92 |
| submission of year II implementation plan (covering the period 4/1/93 - 3/31/94) | 01/15/93 |
| approval of implementation plan | 01/31/93 |
| submission of year III implementation plan (covering the period 4/1/94 - 3/31/95) | 01/15/94 |
| approval of implementation plan | 01/31/94 |
| submission of year IV implementation plan (covering the period 4/1/95-3/31/96) | 01/15/95 |
| approval of implementation plan | 01/31/95 |
| submission of year V implementation plan (covering the period 4/1/96 - 8/31/96) | 01/15/96 |
| approval of implementation plan | 01/31/96 |

4. Adoption of Case Processing Time Standards for the Court of Appeal, the Supreme Court, and the Resident Magistrate Courts

| | |
|--|----------|
| Bench Bar Committee established for formulation of Case Processing Time Standards | 10/01/92 |
| Committee provided with list of consultants to select for assistance | 11/30/92 |
| Consultant selected to work with Bench Bar Committee | 12/31/92 |
| Consultant provides Committee with Case Processing Time Standards Information | 1/15/93 |
| Consultant/Bench Bar Working Session | 2/1/93 |
| Proposed standards distributed to the Bar for comment | 2/28/93 |
| Public Hearing | 4/30/93 |
| Adoption of Case Processing Time Standards by Bench Bar Committee | 5/30/93 |

5. Selection of Court Administrators

Chief Justice chairs Committee to determine position description, qualifications, and recruitment procedures for Court Administrator positions by August 15, 1992. The application to the Ministry of the Public Service for the classification and salary levels for these positions will be made by August 31, 1992.

| | |
|--|----------|
| Final determination of all Court Administrator Position made | 12/01/92 |
| Selection of Chief Court Administrator | 12/01/92 |
| Chief Court Administrator in place | 01/15/93 |
| Position announcements and opening of applications for other Court Administrators | 01/15/93 |
| Applications close | 3/15/93 |
| Candidates selected for interview by Chief Justice's Committee | 04/15/93 |
| Candidate interviews | 05/15/93 |
| Candidate selection | 05/30/93 |
| Court Administrators assume position and begin training program | 06/30/93 |

6. Court Administrator Training Program

| | |
|------------------------------------|--------------|
| Introductory Session | 5-9 Jul 93 |
| First Session | 2-6 Aug 93 |
| Second Session | 6-10 Sep 93 |
| Third Session | 13-17 Sep 93 |
| Fourth Session (On-going training) | 13-17 Dec 93 |

7. Policy StudiesBaseline Study

| | |
|-------------------------|-------------|
| design of study | 02/10/93 |
| RFP issued | 02/28/93 |
| receipt of proposals | 04/15/93 |
| selection of contractor | 04/30/93 |
| contract executed | 05/03/93 |
| study conducted | 6/1-6/30/93 |

Policy Study #1

| | |
|-------------------------|--------------|
| design of study | 10/15/92 |
| RFP issued | 11/01/92 |
| receipt of proposals | 12/15/92 |
| selection of contractor | 12/31/92 |
| contract awarded | 01/15/93 |
| study conducted | 1/15-2/28/93 |

Note: other policy studies would be conducted thereafter following similar schedules to that outlined above. Studies should be scheduled at least two months apart in order to allow for reasonable competition among local firms.

8. Supreme Court Building

| | |
|-------------------------|-------------|
| design process | 12/92-01/93 |
| IFB issued | 02/01/93 |
| receipt of bids | 03/15/93 |
| selection of contractor | 04/01/93 |
| contract executed | 04/15/93 |
| construction period | 06/93-06/94 |

9. Court Statistics Unit

| | |
|---|----------|
| Statistician selection process begins | 09/01/93 |
| Statistician begins employment | 12/15/93 |
| Court administrator selects software & hardware | 09/01/93 |
| Outside consultant selected to train statistician in court statistics, software applications, and office setup. | 09/01/93 |
| One week intensive training session with outside consultant. | 12/15/93 |
| Court administrator evaluates Court Statistics Unit and makes recommendations for additional training or modifications. | 03/31/94 |
| Statistics Unit and court administrator submit Court Statistics annual report. | 06/30/94 |

10. Construction Component

| | |
|--------------------------|-----------------|
| Design process | 06-08/93 |
| IFBs issued | 09/30/93 |
| Receipt of bids | 11/15/93 |
| Selection of contractors | 11/31/93 |
| Contracts awarded | 12/15/93 |
| Construction period | 1/15/94-1/15/95 |

Note: Two or more construction contracts following similar schedules could be let over a several month period, provided that realistic completion date prior to July 1996.

11. Evaluation

| | |
|-----------------------------|---------------|
| RFP for mid-term evaluation | 10/15/94 |
| Receipt of proposals | 11/30/94 |
| Selection of contractor | 12/15/94 |
| Contract awarded | 12/31/94 |
| Evaluation conducted | 1/2-3/1/95 |
| | |
| RFP for final evaluation | 06/15/96 |
| Receipt of proposals | 07/31/96 |
| Selection of contractor | 08/15/96 |
| Evaluation conducted | 9/15-11/15/96 |

The foregoing implementation schedule provides for sequencing of certain project activities relative to each other. For example, the construction contracts are spread more or less evenly through the life of the project.

Of the training and other technical assistance activities, most of necessity must be scheduled to start following availability of the technical assistance contractor in country. Therefore the contracting process for technical assistance must be initiated with the highest priority, indeed, work on the Request for Proposals ("RFP"), should start even before execution of the project agreement in order to ensure that the contract process proceeds according to schedule.

The initial baseline study logically must be performed as closely as possible to inception of project activities in order to accurately measure the project impact and to minimize distortion of impact analysis by extraneous factors. For the same reason final impact study must be timed as closely as possible to completion of project activities.

As for the policy/feasibility studies, while the schedule provides flexibility in the timing of those studies, the nature of which is yet to be determined, certain of the mandatory studies, particularly those dealing with court system compensation and mandatory public service of law school graduates, are sufficiently critical as to require earliest possible scheduling. Also scheduled of necessity for earliest possible execution is adoption of case processing time standards by the joint committee of bench and bar. Also, and most important, is the selection of court administrators in time to start training promptly upon availability on site in Jamaica of the technical assistance contractor for such purpose. The Chief Court Administrator should be in place even earlier, as shown, to assume his/her input into the training program.

"Frontloading" of technical assistance as much as possible is desirable in order to maximize impact thereof upon court management and institutionalize improved systems to the maximum extent feasible during the period of project implementation.

E. Monitoring, Evaluation and Audit Plan

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 project coordinator. (NOTE: 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, as discussed in chapter III., D of this project paper.) The Council also will 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.

In addition to the project evaluations discussed above, there will be a need for the identification, collection and synthesis of baseline data in a number of areas to help inform the "rolling design" process envisioned for elements of the training components. Comprehensive reliable data on the current time from filing to disposition is not now readily available at either the RM or Supreme court level. Complete and accurate information on staffing patterns and vacancy levels for justice system personnel is also not readily available. More in depth information on workloads per court, including outstations, will be necessary before intelligent choices can be made for the number and location of courthouses to be upgraded or closed.

In order for the GOJ to move ahead on several of the policy changes and project activities proposed herein, which may entail the mobilization of new resources in the immediate term, it must first be able to ascertain that tangible economies can be realized as a result of these actions. Accurate, reliable data will help to inform decision making, and will also help provide those within the system and advocates of reform with necessary evidence to prove their case in seeking increased efficiency of the system.

It is expected that the technical assistance contractor would help the PMU draw upon the requisite expertise in the areas of systems analysis, management information and evaluation to develop a plan for the identification, collection and analysis of the baseline data needed to inform project planning and evaluation. The development of this plan will be one of the perceptions of such performance, i.e. the credibility of the system.

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.

VI. ANALYSES AND SUMMARIES OF ANALYSES

A. Summary of Technical Analyses

1. Training Needs

The Creative Learning Ltd. assessment of training needs in the Ministry of Justice found that the major problems facing the courts were the "ignorance of procedures and systems; demotivated and demoralized staff; lack of communication and cooperation between members of staff; poor relationships and attitudes at the workplace between all levels of staff; deficiency in various secretarial and administrative skills; weak management and supervisory skills; lack of exposure to relevant legal terminology; and insufficient provision for continuing legal education." Although the report did not attribute these problems directly to lack of training, it identifies lack of training as a contributing factor to these problems.

The recommended priorities for improvements in training included management training, interpersonal skills, deputy clerks training, personnel management, supervisory skills, government accounting skills, para-legal training, secretarial courses and a variety of other specialized training needs.

In listing goals of a comprehensive training program the assessment emphasized: teamwork, collaborative problem-solving and decision-making skills, wide understanding of organization issues and the individual's role in the organization, preparation for upward mobility, enhanced staff morale, intraorganizational communication, and awareness of organizational objectives and values. Although some of these general training areas are not directly funded under the project, the analysis will help the Ministry to set future training priority.

2. Accounting Systems

The Coopers & Lybrand report on accounting procedures and proposals for computerization found that all accounting records are kept manually except for the use of a computerized payroll system, but that nonetheless the Ministry's basic accounting systems are sound, with the exception of some operations in a few courts. The report indicated that accounting records in the courts need improvement. Reconciliation and tracking of accounts is often not timely and in some instances not done. The report suggests that the Ministry computerize all aspects of accounting in order to improve timeliness and accuracy of accounting record-keeping and reporting.

3. Fixed Asset Procedures

The Coopers and Lybrand assessment of the Ministry of Justice fixed asset inventory system recommends computerization of the process. The report states that "MOJ is likely responsible for perhaps 7,000 to 10,000 items of significant value located in more than 60 courthouses and other offices falling under the Ministry's portfolio. Under the circumstances, it is not surprising that the manual system has broken down."

The report proposes "the adoption of a centralized, computerized system which includes facilities for recording the acquisition, transfer and disposal of fixed assets."

4. Rationalization of Courthouses

The Trevor Hamilton and Associates study on rationalization of courthouses, uses a number of indicia to determine the viability of each courthouse, includes both a physical and operational assessment of each courthouse and sets orders of priority for closure, upgrading and relocation thereof. In its survey of court settings three user groups, including court personnel, community leaders and courthouse patrons, were queried to obtain their perceptions on courthouse viability.

5. Court Efficiency

The National Center for State Courts court efficiency study thoroughly discusses court administration issues and includes some 100 recommendations. Separate chapters deal with the following major substantive areas: Administration and Management, Personnel, Court Operations and Records, Court Reporters, Delay Reduction and Calendar Management, Facilities and Equipment.

The report discusses the limitations of the Resident Magistrate and Clerk of Court positions for effective management of the court and recommends establishment of a professional court administrator in each RM court and training programs for RMs to include caseload management, delay reduction and other case-related management issues.

The report notes the lack of legally trained clerks, the use of underqualified staff in acting positions, the high number of staff vacancies, and the need for additional staff training, and suggests that law students be required to serve the public for a period after graduation.

Relative to records management in the RM courts, the current use of record books to record case information was seen to be duplicative and inefficient. More modern manual casecard systems and the possible use of automated systems were discussed along with the need for records retention and destruction schedules that take into account the length of time that court records should be kept for administrative, fiscal, or legal purposes.

To address a growing backlog of cases, and concurrent delay in the disposition of both criminal and civil cases, the report recommends a comprehensive calendar management program with the goal of increasing the bench time available for trial matters and preliminary hearings. To attain the goal of firm trial dates, the report suggests that calendar settings be reduced to a level that would permit 70% of the trial matters on calendar to be disposed, and that requests for adjournments be granted only for the most compelling reasons upon written motion to the court. The report notes continued problems in the recording and preparation of court transcripts.

The report notes that many courts should reorganize staff work areas to make better use of underutilized space, provide adequate room for staff circulation, convenient access to current and recently disposed case files and individual workspace for each clerk that allows the clerk to concentrate on his or her duties without unnecessary interruption.

B. Administrative Analysis

Experience with similar administration of justice projects in other countries, e.g. Guatemala, has established the feasibility of using a single firm to provide the variety of training, advisory and procurement services contemplated for this project. The Justice portion of the Jamaican Ministry of National Security and Justice has established under the CJIP its capability to manage an AID assisted program of comparable administrative burden on the Ministry and the court system.

Fortunately the "Project Management Unit" within that Ministry has remained intact to provide continuity of management with the implementation experience gained from the earlier project.

The Jamaican Bar Association is a long established organization of good reputation which also has evidenced its ability to work with international donors in the development of public service functions. Working with the InterAmerican Foundation it established a successful legal aid program considered a model throughout the Caribbean. Indeed under the Caribbean Justice Improvement Project, the Jamaican Bar Association provided technical assistance to Belize for establishment of a similar program there. The Jamaica Bar Association also worked with the Ford Foundation in the training and promotional groundwork for mediation services to be carried on by the Mediation Council of Jamaica established under that activity.

The Mediation Council of Jamaica is a fledgling organization with an unproven track record in program implementation. Indeed the purpose of the proposed grant is to help establish such capability, and the proposal includes technical assistance to help its already impressive governance board implement its organizational development plan.

C. Economic Analysis

This project is based on the premise that by reallocating existing resources and eliciting modest amounts of revenue and support from the private sector, the Government of Jamaica can increase the efficiency, effectiveness and sustainability of the justice system. Hence, this project is primarily concerned with modifying existing systems and institutions by adjusting their costs to achieve increases in the benefits they generate. This situation lends itself well to assessing the expected "marginal" costs and benefits.

The first step in this process is to assess the net benefits in financial terms. Given the incomplete recordkeeping on the numbers of cases tried in each court and their duration, this analysis can only be indicative, in "orders of magnitude" terms, of the gains which could be realized. It is based on data collected by the National Council for State Courts consultant for the USAID-supported Court Efficiency Study conducted in 1992.

That study was one of the research efforts financed under the Caribbean Justice Improvement Project to lay the groundwork for this project. The financial analysis below also draws on assumptions about fee increases which NCSC consultants recommended in an unpublished draft side paper entitled "Jamaica Project Paper, Economic Benefits of Proposed Project Activities."

The financial analysis indicates that the project could produce a positive return on the investment. There are other economic factors though, which are difficult to quantify but which could add substantially to the project's net benefits. Those are the subject of the economic portion of this analysis.

D. Financial Analysis:

a. Costs:

The Government of Jamaica's spending reduction targets have ruled out any significant increase in the Ministry of National Security and Justice's budget to accommodate this project. The dramatic reductions from the JFY91/92 to the JFY92/93 budgets indicate that it will be difficult enough for the court system and the Ministry just to maintain existing levels of staff, operating expenses and building and equipment maintenance.

Given this situation, it is highly unlikely that the US\$1 million estimated GOJ contribution to this project will come from anything other than measures to rearrange existing budgetary flows in the justice system. It would be unrealistic to count on any additional budgeted levels from the Ministry.

Furthermore, given the considerable difficulties which the Ministry of National Security and Justice has been experiencing in reducing inefficiencies (such as use of some court buildings only for a few days per month, personnel prevented from working at peak capacity because of shortages of equipment or the need to perform tasks which should be completed by lower-paid staff who are not yet assigned), it is conceivable that the GOJ contribution could be achieved with little or no sacrifice in existing benefits from the justice system.

Hence, the marginal costs associated with this project can be estimated at the US\$3 million USAID contribution, and the US\$231,000 in estimated contributions from the Jamaican Bar Association and Mediation Council, which will receive grants as part of the USAID contribution. These relatively small organizations will expand substantially to carry out the project activities and therefore their contributions should be counted in the analysis. We expect to obligate these funds in four tranches during the life of the project.

Table VIII below therefore indicates total combined costs of US\$3.231 million, spread between FY 1993 and FY 1996.

b. Benefits:

SJRP's End of Project Status (EOPS) and output achievement indicators show several measurable benefits which are to accrue to the project. These benefits include Supreme and RM Court revenues from increased fees for civil and criminal proceedings, savings from cases mediated rather than brought to trial, and a modest increase in time and money contributed by lawyers for improving the justice system.

It would be difficult to estimate the value of the private lawyers' added time and money contributions to the system through the Bar Association's activities, so those benefits are not counted.

The exchange rate used in converting Jamaican dollar amounts to U.S. dollars was J\$25 : US\$1, a reasonable medium-term rate under current market conditions. The discount rate used in calculating internal rates of return and net present values was 10 percent -- again, a reasonable real rate under present world capital market conditions. The time horizon which seemed appropriate for counting the stream of benefits was ten years. This is especially modest for a project which is not going to terminate until 1996, four years from initiation.

c. Results:

The resulting cash flow model indicates a negative cash flow for the effort until 1996, the final year for USAID assistance. The benefits, primarily due to the various gains from shortened court time to resolve each case, and also to fees from processing

TABLE VI I I : BENEFIT-COST ANALYSIS

| | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 0 | 1 | 2 |
|---|-----------|-----------|-----------|---------|---------|---------|---------|---------|---------|---------|
| BENEFITS | | | | | | | | | | |
| 1. Court Fees Collected | | | | | | | | | | |
| Sup. Ct. Civil ^a | 0 | 41,464 | 82,929 | 82,929 | 82,929 | 82,929 | 82,929 | 82,929 | 82,929 | 82,929 |
| RM Ct. Civil ^{aa} | 0 | 59,574 | 119,140 | 119,140 | 119,140 | 119,140 | 119,140 | 119,140 | 119,140 | 119,140 |
| Criminal, Sup. & RM ^{aaa} | 0 | 21,232 | 42,463 | 42,463 | 42,463 | 42,463 | 42,463 | 42,463 | 42,463 | 42,463 |
| 2. Shortened Court Time ^{aaaa} | 0 | 257,234 | 514,468 | 514,468 | 514,468 | 514,468 | 514,468 | 514,468 | 514,468 | 514,468 |
| 3. Mediation Savings ^{aaaaa} | 0 | 3,125 | 6,250 | 6,250 | 6,250 | 6,250 | 6,250 | 6,250 | 6,250 | 6,250 |
| Sub-total, Benefits | 0 | 382,629 | 765,258 | 765,258 | 765,258 | 765,258 | 765,258 | 765,258 | 765,258 | 765,258 |
| COSTS | | | | | | | | | | |
| | 750,000 | 1,000,000 | 1,000,000 | 250,000 | | | | | | |
| NET BENEFITS | (750,000) | (617,371) | (234,742) | 515,258 | 765,258 | 765,258 | 765,258 | 765,258 | 765,258 | 765,258 |
| NPV AT 10%, 10 YEARS | 247,149 | | | | | | | | | |
| IRR AT 10 YEARS: | 12.02% | | | | | | | | | |
| NPV AT 10%, 7 YEARS | (212,575) | | | | | | | | | |
| IRR AT 7 YEARS | 7.46% | | | | | | | | | |

^a Assumes an increase in fees about J\$20 to J\$300 per case.

^{aa} Assumes increase in fees from about J\$70 per case to J\$150 per case.

^{aaa} Based on an average of J\$10 increase in fines imposed in RM courts and about J\$50 increase per case in the Supreme Court.

^{aaaa} Assuming a 17 percent savings in court time and consequently a 17 percent savings to each client in lawyer's fees, and further assuming that the typical legal charges for a single case are J\$2,500.

^{aaaaa} Based on reaching a level of about 150 cases per year being mediated, at a net savings to the parties of J\$1,000 per case.

RM civil cases, soon outweigh the costs, however, and the project's estimated net present value would range from over US\$250,000 to over US\$1,250,000, depending on whether one considers a ten year lifespan versus a seven year project life. The corresponding internal rates of return would range from 15 to 25 percent.

These rates indicate a strong potential benefits stream for this project. It is beyond the scope of this analysis, as it is beyond the accuracy of these data, to subject this proposal to a rigorous appraisal a variety of investment strategies or to more sophisticated economic and social costs, benefits, shadow prices or weights. The crude findings indicate strongly that this project can recover the exceed the initial \$3 million investment in less than seven years, making it a relatively attractive project finally for the GOJ and USAID.

In economic terms, there are several other advantages to making the Jamaican court system more efficient:

- Less costly and more rapidly adjudicated civil cases involving enterprises and entrepreneurs would improve the business climate and raise the confidence of entrepreneurs that the justice system will protect their interests.
- Foreign investors would also find a stronger and more reliable judicial system to be an added incentive to investing in Jamaica.
- Speedier, fairer and less costly criminal prosecution should have a deterrent effect on crime, and at minimum, eliminate some repeat offenses which might otherwise occur.
- Social welfare, an economic good defined by the value placed upon it by the Jamaican people, includes an element of knowledge that one is safe from criminals, and that a system exists through which the society can resolve people's disputes and allocate contested resources. An improved court system would add to this social good.

Conclusion:

The project's financial and economic success are a function primarily of two factors:

1. the project's ability to reduce court processing time, thereby increasing the quantity of justice supplied; and
2. the effectiveness of the clerks of the Resident Magistrate courts to provide a higher quality of justice because they have been better trained, and freed of their administrative functions by the new court administrators.

In order for these things to happen, the project must foster aggressive management on the part of the court administrators and senior court system and Ministry personnel. The SJRP must also succeed in raising substantially its fee revenue. Although the increased fee revenue would probably not be retained at the Ministry but rather passed back to the Ministry of Finance. Nonetheless, this ability to generate revenue could significantly enhance the Ministry's budgetary leverage within the government, and would help build a strong justification for sustaining the improved court system after the project is complete.

E. Social Soundness Analysis

This section of the project paper: 1) examines the socio-cultural context for the justice system in general and the court system in particular; 2) describes anticipated direct and indirect beneficiaries of the project; 3) discusses possible pockets of resistance to project interventions and ways of mitigating any real or perceived social costs; 4) documents the participation of government officials and private sector implementing agencies in project design and 5) makes note of the intended impact and sustainability of project interventions on system stakeholders and the society at large.

1. Context:

As discussed elsewhere in this paper, the Jamaican justice system has enjoyed the longstanding and widespread respect of government officials and private citizens alike. There is a deeply embedded tradition of democratic values that supports the rule of law and the rights of an individual to a fair and public trial. Although a recent public opinion poll reveals concern about the equality of justice for the poor (attributed mainly to an inability of low income earners to afford good legal representation), the court system got a high positive rating in regards to the competence of judges, their fairness and their understanding of the realities facing ordinary Jamaicans.

Ratings of the system were even higher among those citizens who have had direct involvement in court cases, attesting to the fact that the court system is generally sound. However, the system is under stress. There has been a steady deterioration of the efficiency and physical infrastructure of the courts over the past decade due mainly to a shrinking public resource base unable to support and sustain the system.

Unfavorable economic conditions have forced this government to drastically cut its public expenditures which in turn has had a deleterious affect on public services. In the justice sector this has meant low salaries, high attrition and sagging morale for professionals at all levels of the court system; deteriorating physical infrastructure of court facilities throughout the island; an increasing backlog of cases and a concomitant downgrading of the public's perception of the image and effectiveness of this most vital democratic institution.

2. Beneficiaries:

The project is designed to attack the root causes of a deteriorating system by fostering more efficient use of public resources while mobilizing additional resources from the private sector. Although an improved system of justice will have a positive impact on all Jamaicans, certain segments of society will be affected more directly than others.

The first tier of project beneficiaries will be the civil servants operating within the system whose working conditions and training opportunities will improve substantially. Since women make up a large percentage of the work force within the justice system, as is the case throughout the public sector, they stand to benefit proportionately higher than will men.

Private lawyers will benefit directly from improved working conditions in refurbished court facilities and from the heightened competence and productivity of court personnel. They also will have the opportunity to increase their own competence and productivity as a result of improved continuing legal education programs. And by extension, their clients will benefit indirectly from these project interventions.

The ultimate beneficiaries of the project will be Jamaican citizens from all walks of life who will reap the rewards of a more efficient, effective justice system.

3. Resistance:

While there are no ethnic, religious or other social groupings that would hinder overall project implementation, there may be pockets of resistance to the courthouse rationalization component of the project which is planned to come on line in the third year. Closing down a community's courthouse is a politically sensitive issue that must be approached with great caution.

Reliable data that demonstrates the underutilization of the court house needs to be collected to make the case on economic grounds, but this will not be enough in and of itself to assuage the concerns of local government officials and their constituents. Before a community can be expected to support the "loss" of its court, however rundown and inefficient it may be, citizens will first need to know what they have to gain in return. The "model courthouse" concept is designed to address these concerns.

By refurbishing those courts in parishes where outstations will be closed, and allowing enough time for other administrative efficiencies to take effect, users should be able to see how they will benefit from the economies of consolidation. An attractive, comfortable and professionally run courthouse that disposes cases in less time and requiring substantially fewer trips per case should make up for the inconvenience of the additional travel time it takes the user to get there.

Decisions on which court houses to close and which to renovate will be made by Jamaicans using data collected during the course of the project.

4. Participation in Design:

Key stakeholders from throughout the justice system have been included in various stages of project planning, including: judges, clerks and their deputies, registrars, resident magistrates, lawyers, public prosecutors and Ministry policy makers. They will continue to be directly involved in project implementation both through participation in specific project elements and through their representatives on the Justice Project Coordinating Council, comprised of: the Minister of National Security and Justice, the Chief Justice, the President of the Bar Association, the President of the General Legal Council, and the Dean of the Norman Manley Law School. These are the actors who work within the system daily and will be most directly affected by whatever changes to the system result from this project. It is therefore appropriate that they be directly involved in overseeing this project throughout its four year life.

5. Impact:

It is expected that this project will help the GOJ attain its stated goal of improving the quality and timeliness of justice served, without increasing the burden on a shrinking public sector budget. The project has been designed with an emphasis on sustainability so that the benefits of a more efficient, effective justice sector will continue over time. An adequate maintenance budget and a competitive salary structure will be key determinants of the sustainability of project interventions. However, this is not unrealistic given the savings that should accrue from a more streamlined, efficient system.

F. Women in Development

Professionals

Women will participate in and benefit greatly from the Sustainable Justice Reform Project. The project, includes substantial training and is directed largely at the needs of the middle and lower echelons of the judicial system, resident magistrates, clerks of court, and their staffs. These levels of staff have a high percentage of women. At the entry and midlevels and even the RM level of the system, women are now predominant. The infusion of women has not yet shown up substantially at the senior levels of the judiciary. Those judges and other officials are drawn from cohorts entering the system at a time when women were a much smaller percentage. Although far more women than men have been appointed RMs in recent years, the Supreme Court remains a bastion of male dominance.

While there may be no discrimination in hiring practices in the Jamaican government service, the high percentage of women at the lower echelons of the justice system may be a further reflection of the low level of compensation in the justice system compared to private law practice, and the willingness of women to work at lower levels of compensation than men.

But despite a hefty representation of women in the profession, males are still probably favored over females in most private law firm recruiting. This type of discrimination, however, is beyond the purview of this A.I.D. financed project. Overall, women can be expected to share fully in the benefits of this project.

Women as Users of the Court System

As users or clients of the court system, women will benefit directly from this project. The three Family Courts (Kingston, Lucea and Montego Bay) are particularly crowded, since they deal with child maintenance, adoptions, foster care, child abuse and other domestic issues. They also collect maintenance from fathers and disperse it to the mothers or guardians. These cases are important to the well-being of many female-headed households, women, children and extended families. Jamaica now has over 40% female headed households (STATIN Population Census 1992).

As a contribution to the WID objective, the Ministry has agreed to provide basic equipment for the users (chairs, cribs), as well as, filing cabinets for the offices; and much needed training for the Court Social Workers who are the primary link between users and the Justice System. 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. Finally, the Mediation Council program will include the family court systems as a priority court for expansion of mediation services. This will help ensure that women are key beneficiaries of the dispute resolution program, deflecting domestic disputes, violence and other possible results from the overcrowded courts.

Women will also be indirect beneficiaries of the project as members of families affected by slow, apparently complex and culturally disorienting legal procedures. The improvement of court efficiency, especially the decrease in case backlogs, decrease in numbers of visits necessary to complete proceedings, amount of time spent awaiting trials, will reduce the trauma and dislocation that lower income and rural families experience. It will also alleviate the loss of productive hours and income. This has been substantiated by the Courthouse Rationalization Study (Trevor Hamilton & Associates 1991), particularly in rural areas.

VII. STATUS OF NEGOTIATIONS AND PROPOSED CONDITIONS AND COVENANTS

A. Status of Negotiations

The project description has been reviewed and agreed to by both AID and the Ministry of National Security and Justice. A negotiation memorandum from the Ministry is attached in Annex B.

B. Proposed Conditions and Covenants

1. Conditions Precedent

To assure timely and effective attention to the most critical elements of project implementation, the following conditions precedent will be included in substance in the project agreement:

--Prior to 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.

--Prior to disbursement or commitment 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; the plan to be accompanied by evidence of GOJ actions and financing authorizations as may be considered necessary.

--Prior to the 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 that an adequate current maintenance budget is provided for court facilities.

--Prior to disbursement or commitment of any grant funds for courthouses the GOJ shall provide assurance in form and substance satisfactory to AID of an adequate current maintenance budget for court facilities whose improvement was financed by AID under the CJIP or will be financed under the SJRP.

2. Covenants

To help assure continuity of justice system levels of performance achieved during project implementation, the following covenants will be included in substance in the project agreement:

--The Government of Jamaica will set compensation levels for employees within the court system at a level that will allow the courts to attract and keep qualified personnel.

--The Government of Jamaica will provide sufficient resources for training of court system officials and staff to sustain levels of qualification and competence achieved under this project.

--To the extent that reforms financed by the project result in cost savings in real terms for the justice system, the Government of Jamaica will not reduce the justice system budget accordingly, but rather will direct the real value of such savings back into the justice system.

--Submit in form and substance acceptable to AID a detailed time phased implementation plan for each year.

--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 guidelines provided by the IG.

ANNEX A

LOGICAL FRAMEWORK

| <u>NARRATIVE SUMMARY</u> | <u>OBJECTIVELY VERIFIABLE INDICATORS</u> | <u>MEANS OF VERIFICATION</u> | <u>ASSUMPTIONS</u> |
|---|---|---|--|
| <u>GOAL</u> To enhance democratic institutions in Jamaica. | Heightened opinion of system's fairness and efficiency in eyes of actors in system and citizens of Jamaica. | Public opinion polls Interviews and questionnaires for system participants. | Other Jamaica democratic institutions will be sustained |
| <u>PURPOSE</u> 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. | 90% of Supreme Court criminal cases processed within 6 months from indictment to judgement. 25% reduction in number of cases docketed for trial but not reached. 100% increase in real value of fee for service income. 25% increase in time and money contributed by private lawyers for improvement of justice system. Mediation of at least 250 disputes annually by Mediation Council of Jamaica. | Examination of court records. Examination of GOJ annual budget. Examination of Bar Association records and reports. Mediation Council records on number of disputes heard. | GOJ will not reduce substantially the real value of public resources for justice system. Caseload will not increase dramatically. Jamaican national economy will not further deteriorate substantially |

16

OUTPUTS

Court Administration

Improved Court Administration/Management

A Chief Court Administrator and at least 14 Resident Magistrate Court Administrators appointed to designated civil service positions by end of project's second year.

Site visits to RM Courts and Ministry's records.

Improved docket management

New administrative docket management procedures in place and being practiced correctly by 7 of the 14 parishes by the end of the project's third year.

Site visits to RM Courts, management information received from RM Courts at the Ministry.

Improved management information.

Current, readily accessible quarterly financial and program reporting for justice system.

Examination of MOJ records and reports.

Improved record management.

Ready access to files and records. Disposal of obsolete files pursuant to current policy guidance.

Examination of court files and records.

Court Renovation and Equipment

Consolidation of courts.

Consolidation Plan for court-houses approved and implemented.

Examination of court-houses.

Political commitment to overcome parochial resistance is sustained.

Improved court facilities.

Completion of Supreme Court rehabilitation.

Examination of Supreme Court

Improvement of consolidated courthouses.

Inspection of courthouses.

Improved property management.

Accurate and readily accessible inventory records.

Examination of Ministry records.

Disposal of excess, obsolete and useless property.

Examination of court facilities and disposal reports.

Improved waiting areas for women as users of 3 family courts.

Provide 50 chairs, 2 cribs, 2 filing cabinets per Court.

Inventory of 3 Family Courts.

Better counselling for women users of courts.

20 social workers from 3 Family Courts receive training.

Policy Review

Justice system compensation and working conditions reviewed in critical professional categories.

Filling of existing vacancies with qualified personnel.

Examination of system personnel records and interviews.

Availability of adequate pool of qualified professionals at appropriate levels of compensation.

Review of sector-wide programs and policies by justice sector representative

Establishment and functioning of Justice System Coordinating Committee for SJRP.

Examination of Committee records.

GOJ willingness to establish such committee.

Research and analysis of justice system policies, needs and priorities.

At least 6 studies successfully completed, recommendations of at least 3 of which have been acted upon.

Examination of studies, Ministry policy announcements and interviews.

Justice system advisory council.

Council established with representation of relevant justice system agencies.

Examination of council reports and minutes.

Private Sector Support

More active and representative Jamaica Bar Association.

At least 90% of Jamaican lawyers members of Bar Association.

Examination of Bar Association membership rolls.

Interest of most lawyers in stronger Bar Association.

Financially Sustainable publication by Jamaica Bar Association of case studies.

Selected Jamaica court opinions published currently at a price sufficient to cover cost.

Examination of publications balance sheet.

Sufficient demand for case law information to spread cost at feasible level.

Digests, indices and analysis of current Jamaican cases published at least quarterly.

Examination of publications.

Jamaica Bar Association active in education of public concerning role and function of justice system.

Bar Association sponsored public education programs in schools, newspapers, radio and television.

Examination of Bar Association reports and media publications.

Cooperation of Bar Association and media.

Interest of bar members in giving own time without charge.

Mediation Council pilot program in alternative dispute resolution.

Examination of records and reports of Mediation Council of Jamaica.

MNS&J and Bar Association support for Mediation Council continued and increased.

Establishment of at least five Mediation Centres.

Survey of Mediation Centres.



| INPUTS | USAID | GOJ | NGO | TOTAL |
|---------------------------|-----------|-----------|---------|-----------|
| 1. PROJECT MANAGEMENT | 135,000 | 100,000 | | 235,000 |
| 2. TECHNICAL ASSISTANCE | 675,000 | 60,000 | | 735,000 |
| 3. CONSTRUCTION | 410,000 | 410,000 | | 820,000 |
| 4. COMMODITIES | 157,000 | 115,000 | | 272,000 |
| 5. POLICY STUDIES | 150,000 | 50,000 | | 200,000 |
| 6. TRAINING | 470,580 | 221,080 | | 691,660 |
| 7. PRIVATE SECTOR | 500,000 | | 170,000 | 670,000 |
| 8. EVALUATIONS | 70,000 | | | 70,000 |
| 9. AUDIT | 40,000 | 25,000 | | 65,000 |
| 10. CONTINGENCY INFLATION | 392,421 | 140,311 | 61,275 | 594,007 |
| TOTALS | 3,000,000 | 1,121,391 | 231,275 | 4,352,666 |
| PERCENTAGE CONTRIBUTIONS | 69% | 26% | 5% | |

R

ANNEX B THE PLANNING INSTITUTE OF JAMAICA



ANY REPLY OR SUBSEQUENT REFERENCE
TO THIS COMMUNICATION SHOULD BE
ADDRESSED TO THE DIRECTOR GENERAL
P.O. BOX 604, KINGSTON

Telephone: 826-1480-8
Tele: 3529 PLAN JAM JA
Facsimile: (809) 826-4020

39-43 Barbados Avenue
Kingston 5 Jamaica WA

Ref. No.

June 1, 1992

Mr. Robert Queener
Director
USAID
68 Oxford Road
Kingston 5

Dear Mr. Queener:

I write to request the assistance to USAID in providing grant assistance of US\$3m to finance the proposed Sustainable Justice Reform Project of the Government of Jamaica (GJ).

As you are aware, current budgetary constraints will have an adverse effect on the ability of many Government agencies to carry out their mandate. The Ministry of National Security and Justice will accordingly be faced with a lack of sufficient funding to enhance the efficiency and effectiveness of the justice system. The proposed project would emphasize sustainability within the limited public resources now available.

Notwithstanding these resource constraints, the GJ agrees to provide the equivalent of US\$1m in counterpart resources over the life of the project to be invested in construction, equipment, training and technical assistance. In addition, GJ is committed to carrying out the activities detailed in the letter of May 13, 1992, addressed to you (copy attached) by the Hon Minister of National Security and Justice.

This therefore constitutes the formal request of the Government of Jamaica for assistance from USAID for this project, which follows closely on the recently concluded Caribbean Justice Improvement Project. We look forward to working with USAID to implement the components of the new Sustainable Justice Reform Project through the Ministry of National Security and Justice and the Jamaica Bar Association.

Yours sincerely,

Marjorie Henriques (Mrs)
Deputy Director General

Attach:

11

Mr. Robert Queener
Director
USAID

-2-

May 13, 1992

-
- (v) enter into negotiations with the Ministry of Finance for the provision of the necessary funds to facilitate the appointment of Court Administrators during the Financial Year 1993/94;
 - (vi) make best effort to ensure that the Court Administrators' positions, which are funded in the 1993/94 Financial Year, are filled by June 30, 1993;
 - (vii) ensure that the Ministry of Finance gives consideration to the provision of adequate funds for the maintenance of the Justice System Facilities. To assist in this process, the Ministry, on the direction of the Ministry of Finance, has put forward recommendations for substantial increases in user fees;
 - (viii) develop a plan for closing less needed courthouses.

2. USAID will do the following:

- (i) accept an adequate plan for closing less needed courthouses to constitute sufficient justification for AID financing of Courthouse improvements where most needed, without limiting financing necessarily to parishes in which the most courthouses were to be closed;
- (ii) reduce the term of the on-site court administration technical advisor to two (2) years;
- (iii) enter into a contract with a Technical Assistance Contractor to work with the Ministry of National Security and Justice in the design and implementation of a mutually acceptable training programme for Court Administrators;
- (iv) require that the Technical Assistance Contractor make maximum feasible use of Jamaican training resources consistent with the needs of the instruction and that the request for proposal for the Contractor urge a joint venture or sub-contractor arrangement between United States and Jamaican organizations to meet the training requirements for Court Administrators.

.../3

17

Mr. Robert Queener
Director
USAID

-3-

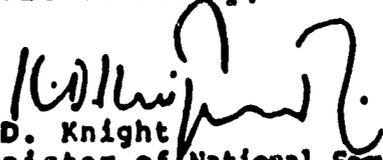
May 13, 1992

3. The Technical Assistance Contractor will do the following:

- (i) provide an on-site Technical Assistance Advisor to work directly with the Chief Court Administrator in co-ordination with the Project Implementation Unit;
- (ii) design, for acceptance and implementation, the training programme for the initial cadre of Court Administrators.

Now that there is mutual understanding of the Project objectives and mode of implementation, I do hope that we can proceed expeditiously towards the completion of the Project Paper.

Yours sincerely,


K.D. Knight
Minister of National Security & Justice

14

ANNEX C

MISSION SPECIAL CONCERNS CHECKLIST

In developing this project's procurement and implementation plans, USAID took several Agency policies and special concerns into considerations as follows:

1. **"Buy America":** All non-Jamaican technical advisors under the project will be from United States nationality firms. All other vehicles, equipment and commodities, except for some furniture and equipment which will be bought locally "off the shelf will be of U.S. source and origin". Therefore, no source, origin or nationality waivers will be required for the project.
2. **Notification of Contracting Opportunities:** USAID/Jamaica notified AID/W of long term technical assistance by this project in the March, 1992 edition of the "AID Procurement Information Access System" quarterly report.
3. **Contracting Officer Approval:** Both the Regional and the Mission Contracting Officers have approved this procurement plan. (See PP facesheet.) The Regional Contracting Officer has given his verbal consent.
4. **Host Country Procurement:** Host country procurement will be handled by the Project Management Unit and will be restricted to the construction component and contracting for services for conduct of policy/feasibility studies. Construction contracts, not expected to exceed \$600,000 at most, will not be of magnitude to attract competitive bids from U.S. construction, architectural and engineering firms. The Ministry will use Government of Jamaica competitive bidding procedures satisfactory to AID to contract with Jamaican architectural and engineering firms for design and construction supervision and with Jamaican construction firms for the construction itself. The Ministry's Project Management Unit is already experienced in such construction and commodity procurement under the Caribbean Justice Improvement Project. USAID will certify the Ministry's capability to procure under this project before approving any of the above actions.
5. **Audit:** It is expected that the public sector portion of the project will be implemented by the PMU of the Ministry of National Security & Justice. The private sector component will be implemented through the Bar Association of Jamaica and the Mediation Council of Jamaica. A portion of funds under the project will be set aside to finance annual recipient contracted audits for those organizations receiving grants in excess of \$25,000.

15

6. Gray Amendment Certification

It is not anticipated that a Gray Amendment set-aside will be used since a single major technical assistance contract will be sought to reduce costs and contracting workload and to simplify monitoring requirements. However, the Mission will encourage subcontracting with Gray Amendment-qualifying firms, where appropriate.

In addition to the technical assistance contract for procurement of goods and services relevant to improved court administration, there may also be some construction activity associated with the court house consolidation element of the project. However, factors of cost effectiveness and practicality militate that any construction activity that takes place under SJRP will be contracted out to Jamaican firms, as was done under the Caribbean Justice Improvement Project.

In reviewing and approving this project, the Mission Director has certified that the procurement plan was developed with full consideration of maximally involving Gray Amendment organizations in the provision of required goods and services.

7. Host Country Contribution and U.S. owned Local Currency:
The GOJ contribution totals \$1 million or 25% of the total. This project will not generate any jointly programmable local currency.

5C(2) - ASSISTANCE CHECKLIST

Listed below are statutory criteria applicable to the assistance resources themselves, rather than to the eligibility of a country to receive assistance. This section is divided into three parts. Part A includes criteria applicable to both Development Assistance and Economic Support Fund resources. Part B includes criteria applicable only to Development Assistance resources. Part C includes criteria applicable only to Economic Support Funds.

CROSS REFERENCE: IS COUNTRY CHECKLIST UP TO DATE?

Yes

A. CRITERIA APPLICABLE TO BOTH DEVELOPMENT ASSISTANCE AND ECONOMIC SUPPORT FUNDS

1. Host Country Development Efforts (FAA Sec. 601(a)): Information and conclusions on whether assistance will encourage efforts of the country to:

- (a) increase the flow of international trade;
- (b) foster private initiative and competition;
- (c) encourage development and use of cooperatives, credit unions, and savings and loan associations;
- (d) discourage monopolistic practices;
- (e) improve technical efficiency of industry, agriculture, and commerce; and
- (f) strengthen free labor unions.

a) No
b) Yes
c) No
d) No
e) No
f) No

2. U.S. Private Trade and Investment (FAA Sec. 601(b)): Information and conclusions on how assistance will encourage U.S. private trade and investment abroad and encourage private U.S. participation in foreign assistance programs (including use of private trade channels and the services of U.S. private enterprise).

3. Congressional Notification

a. General requirement (FY 1991 Appropriations Act Secs. 523 and 591; FAA Sec. 614A): If money is to be obligated for an activity not previously justified to Congress, or for an amount in excess of amount previously justified to Congress, has Congress been properly notified (unless the notification requirement has been waived because of substantial risk to human health or welfare)?

Project was included in the 1992 Congressional Presentation

b. Notice of new account obligation (FY 1991 Appropriations Act Sec. 514): If funds are being obligated under an appropriation account to which they were not appropriated, has the President consulted with and provided a written justification to the House and Senate Appropriations Committees and has such obligation been subject to regular notification procedures?

N/A

c. Cash transfers and nonproject sector assistance (FY 1991 Appropriations Act Sec. 575(b)(3)): If funds are to be made available in the form of cash transfer or nonproject sector assistance, has the Congressional notice included a detailed description of how the funds will be used, with a discussion of U.S. interests to be served and a description of any economic policy reforms to be promoted?

N/A

4. Engineering and Financial Plans (FAA Sec. 611(a)): Prior to an obligation in excess of \$500,000, will there be: (a) engineering, financial or other plans necessary to carry out the assistance; and (b) a reasonably firm estimate of the cost to the U.S. of the assistance?

a) Yes
b) Yes

5. Legislative Action (FAA Sec. 611(a)(2)): If legislative action is required within recipient country with respect to an obligation in excess of \$500,000, what is the basis for a reasonable expectation that such action will be completed in time to permit orderly accomplishment of the purpose of the assistance?

N/A

RB

3. Congressional Notification

a. General requirement (FY 1991 Appropriations Act Secs. 523 and 591; FAA Sec. 634A): If money is to be obligated for an activity not previously justified to Congress, or for an amount in excess of amount previously justified to Congress, has Congress been properly notified (unless the notification requirement has been waived because of substantial risk to human health or welfare)?

Project was included in the 1992 Congressional Presentation

b. Notice of new account obligation (FY 1991 Appropriations Act Sec. 514): If funds are being obligated under an appropriation account to which they were not appropriated, has the President consulted with and provided a written justification to the House and Senate Appropriations Committees and has such obligation been subject to regular notification procedures?

N/A

c. Cash transfers and nonproject sector assistance (FY 1991 Appropriations Act Sec. 575(b)(3)): If funds are to be made available in the form of cash transfer or nonproject sector assistance, has the Congressional notice included a detailed description of how the funds will be used, with a discussion of U.S. interests to be served and a description of any economic policy reforms to be promoted?

N/A

4. Engineering and Financial Plans (FAA Sec. 611(a)): Prior to an obligation in excess of \$500,000, will there be: (a) engineering, financial or other plans necessary to carry out the assistance; and (b) a reasonably firm estimate of the cost to the U.S. of the assistance?

a) Yes

b) Yes

5. Legislative Action (FAA Sec. 611(a)(2)): If legislative action is required within recipient country with respect to an obligation in excess of \$500,000, what is the basis for a reasonable expectation that such action will be completed in time to permit orderly accomplishment of the purpose of the assistance?

N/A

19

6. Water Resources (FAA Sec. 611(b); FY 1991 Appropriations Act Sec. 501): If project is for water or water-related land resource construction, have benefits and costs been computed to the extent practicable in accordance with the principles, standards, and procedures established pursuant to the Water Resources Planning Act (42 U.S.C. 1962, et seq.)? (See A.I.D. Handbook) for guidelines.)

N/A

7. Cash Transfer and Sector Assistance (FY 1991 Appropriations Act Sec. 575(b)): Will cash transfer or nonproject sector assistance be maintained in a separate account and not commingled with other funds (unless such requirements are waived by Congressional notice for nonproject sector assistance)?

8. Capital Assistance (FAA Sec. 611(e)): If project is capital assistance (e.g., construction), and total U.S. assistance for it will exceed \$1 million, has Mission Director certified and Regional Assistant Administrator taken into consideration the country's capability to maintain and utilize the project effectively?

N/A

9. Multiple Country Objectives (FAA Sec. 601(a)): Information and conclusions on whether projects will encourage efforts of the country to: (a) increase the flow of international trade; (b) foster private initiative and competition; (c) encourage development and use of cooperatives, credit unions, and savings and loan associations; (d) discourage monopolistic practices; (e) improve technical efficiency of industry, agriculture and commerce; and (f) strengthen free labor unions.

- a) No
- b) Yes
- c) No
- d) No
- e) No
- f) No

10. U.S. Private Trade (FAA Sec. 601(b)): Information and conclusions on how project will encourage U.S. private trade and investment abroad and encourage private U.S. participation in foreign assistance programs (including use of private trade channels and the services of U.S. private enterprise).

11. Local Currencies

a. Recipient Contributions (FAA Secs. 612(b), 636(h)): Describe steps taken to assure that, to the maximum extent possible, the country is contributing local currencies to meet the cost of contractual and other services, and foreign currencies owned by the U.S. are utilized in lieu of dollars.

b. U.S.-Owned Currency (FAA Sec. 612(d)): Does the U.S. own excess foreign currency of the country and, if so, what arrangements have been made for its release?

No

c. Separate Account (FY 1991 Appropriations Act Sec. 575). If assistance is furnished to a foreign government under arrangements which result in the generation of local currencies:

N/A

(1) Has A.I.D. (a) required that local currencies be deposited in a separate account established by the recipient government, (b) entered into an agreement with that government providing the amount of local currencies to be generated and the terms and conditions under which the currencies so deposited may be utilized, and (c) established by agreement the responsibilities of A.I.D. and that government to monitor and account for deposits into and disbursements from the separate account?

(2) Will such local currencies, or an equivalent amount of local currencies, be used only to carry out the purposes of the DA or ESF chapters of the FAA (depending on which chapter is the source of the assistance) or for the administrative requirements of the United States Government?

(3) Has A.I.D. taken all appropriate steps to ensure that the equivalent of local currencies disbursed from the separate account are used for the agreed purposes?

(4) If assistance is terminated to a country, will any unencumbered balances of funds remaining in a separate account be disposed of for purposes agreed to by the recipient government and the United States Government?

12. Trade Restrictions

a. Surplus Commodities (FY 1991 Appropriations Act Sec. 521(a)): If assistance is for the production of any commodity for export, is the commodity likely to be in surplus on world markets at the time the resulting productive capacity becomes operative, and is such assistance likely to cause substantial injury to U.S. producers of the same, similar or competing commodity? N/A

b. Textiles (Lautenberg Amendment) (FY 1991 Appropriations Act Sec. 521(c)): Will the assistance (except for programs in Caribbean Basin Initiative countries under U.S. Tariff Schedule "Section 807," which allows reduced tariffs on articles assembled abroad from U.S.-made components) be used directly to procure feasibility studies, prefeasibility studies, or project profiles of potential investment in, or to assist the establishment of facilities specifically designed for, the manufacture for export to the United States or to third country markets in direct competition with U.S. exports, of textiles, apparel, footwear, handbags, flat goods (such as wallets or coin purses worn on the person), work gloves or leather wearing apparel? No

13. Tropical Forests (FY 1991 Appropriations Act Sec. 533(c)(3)): Will funds be used for any program, project or activity which would (a) result in any significant loss of tropical forests, or (b) involve industrial timber extraction in primary tropical forest areas? a) No
b) No

- 82 -

14. Sahel Accounting (FAA Sec. 121(d)): If a Sahel project, has a determination been made that the host government has an adequate system for accounting for and controlling receipt and expenditure of project funds (either dollars or local currency generated therefrom)?

N/A

15. PVO Assistance

N/A

a. Auditing and registration (FY 1991 Appropriations Act Sec. 537): If assistance is being made available to a PVO, has that organization provided upon timely request any document, file, or record necessary to the auditing requirements of A.I.D., and is the PVO registered with A.I.D.?

b. Funding sources (FY 1991 Appropriations Act, Title II, under heading "Private and Voluntary Organizations"): If assistance is to be made to a United States PVO (other than a cooperative development organization), does it obtain at least 20 percent of its total annual funding for international activities from sources other than the United States Government?

N/A

16. Project Agreement Documentation (State Authorization Sec. 139 (as interpreted by conference report)): Has confirmation of the date of signing of the project agreement, including the amount involved, been cabled to State L/T and A.I.D. LEG within 60 days of the agreement's entry into force with respect to the United States, and has the full text of the agreement been pouched to those same offices? (See Handbook 3, Appendix 6G for agreements covered by this provision).

This will be done

17. Metric System (Omnibus Trade and Competitiveness Act of 1988 Sec. 5164, as interpreted by conference report, amending Metric Conversion Act of 1975 Sec. 2, and as implemented through A.I.D. policy): Does the assistance activity use the metric system of measurement in its procurements, grants, and other business-related activities, except to the

N/A

83

extent that such use is impractical or is likely to cause significant inefficiencies or loss of markets to United States firms? Are bulk purchases usually to be made in metric, and are components, subassemblies, and semi-fabricated materials to be specified in metric units when economically available and technically adequate? Will A.I.D. specifications use metric units of measure from the earliest programmatic stages, and from the earliest documentation of the assistance processes (for example, project papers) involving quantifiable measurements (length, area, volume, capacity, mass and weight), through the implementation stage?

18. Women in Development (FY 1991 Appropriations Act, Title II, under heading "Women in Development"): Will assistance be designed so that the percentage of women participants will be demonstrably increased?

Not necessary since women stand to gain more than men given current staffing patterns in MNSUJ

19. Regional and Multilateral Assistance (FAA Sec. 209): Is assistance more efficiently and effectively provided through regional or multilateral organizations? If so, why is assistance not so provided? Information and conclusions on whether assistance will encourage developing countries to cooperate in regional development programs.

No

20. Abortions (FY 1991 .. Appropriations Act, Title II, under heading "Population, DA," and Sec. 525):

a. Will assistance be made available to any organization or program which, as determined by the President, supports or participates in the management of a program of coercive abortion or involuntary sterilization?

No

b. Will any funds be used to lobby for abortion?

No

21. Cooperatives (FAA Sec. 111): Will assistance help develop cooperatives, especially by technical assistance, to assist rural and urban poor to help themselves toward a better life?

No

84

22. U.S.-Owned Foreign Currencies

a. Use of currencies (FAA Secs. 612(b), 636(h); FY 1991 Appropriations Act Secs. 507, 509): Describe steps taken to assure that, to the maximum extent possible, foreign currencies owned by the U.S. are utilized in lieu of dollars to meet the cost of contractual and other services.

N/A

b. Release of currencies (FAA Sec. 612(d)): Does the U.S. own excess foreign currency of the country and, if so, what arrangements have been made for its release?

NO

23. Procurement

N/A

a. Small business (FAA Sec. 602(a)): Are there arrangements to permit U.S. small business to participate equitably in the furnishing of commodities and services financed?

b. U.S. procurement (FAA Sec. 604(a)): Will all procurement be from the U.S. except as otherwise determined by the President or determined under delegation from him?

Yes

c. Marine insurance (FAA Sec. 604(d)): If the cooperating country discriminates against marine insurance companies authorized to do business in the U.S., will commodities be insured in the United States against marine risk with such a company?

N/A

d. Non-U.S. agricultural procurement (FAA Sec. 604(e)): If non-U.S. procurement of agricultural commodity or product thereof is to be financed, is there provision against such procurement when the domestic price of such commodity is less than parity? (Exception where commodity financed could not reasonably be procured in U.S.)

N/A

e. Construction or engineering services (FAA Sec. 604(g)): Will construction or engineering services be procured from firms of advanced developing countries which are otherwise eligible

No

under Code 941 and which have attained a competitive capability in international markets in one of these areas? (Exception for those countries which receive direct economic assistance under the FAA and permit United States firms to compete for construction or engineering services financed from assistance programs of these countries.)

f. Cargo preference shipping (FAA Sec. 603): Is the shipping excluded from compliance with the requirement in section 901(b) of the Merchant Marine Act of 1936, as amended, that at least 50 percent of the gross tonnage of commodities (computed separately for dry bulk carriers, dry cargo liners, and tankers) financed shall be transported on privately owned U.S. flag commercial vessels to the extent such vessels are available at fair and reasonable rates?

No

g. Technical assistance (FAA Sec. 621(a)): If technical assistance is financed, will such assistance be furnished by private enterprise on a contract basis to the fullest extent practicable? Will the facilities and resources of other Federal agencies be utilized, when they are particularly suitable, not competitive with private enterprise, and made available without undue interference with domestic programs?

Yes

N/A

h. U.S. air carriers (International Air Transportation Fair Competitive Practices Act, 1974): If air transportation of persons or property is financed on grant basis, will U.S. carriers be used to the extent such service is available?

Yes

i. Termination for convenience of U.S. Government (FY 1991 Appropriations Act Sec. 504): If the U.S. Government is a party to a contract for procurement, does the contract contain a provision authorizing termination of such contract for the convenience of the United States?

Yes

36'

j. Consulting services
(FY 1991 Appropriations Act Sec. 524): If assistance is for consulting service through procurement contract pursuant to 5 U.S.C. 3109, are contract expenditures a matter of public record and available for public inspection (unless otherwise provided by law or Executive order)?

Yes

k. Metric conversion
(Omnibus Trade and Competitiveness Act of 1988, as interpreted by conference report, amending Metric Conversion Act of 1975, Sec. 2, and as implemented through A.I.D. policy): Does the assistance program use the metric system of measurement in its procurements, grants, and other business-related activities, except to the extent that such use is impractical or is likely to cause significant inefficiencies or loss of markets to United States firms? Are bulk purchases usually to be made in metric, and are components, subassemblies, and semi-fabricated materials to be specified in metric units when economically available and technically adequate? Will A.I.D. specifications use metric units of measure from the earliest programmatic stages, and from the earliest documentation of the assistance processes (for example, project papers) involving quantifiable measurements (length, area, volume, capacity, mass and weight), through the implementation stage?

N/A

l. Competitive Selection
Procedures (FAA Sec. 601(e)): Will the assistance utilize competitive selection procedures for the awarding of contracts, except where applicable procurement rules allow otherwise?

Yes

24. Construction

a. Capital project (FAA Sec. 601(d)): If capital (e.g., construction) project, will U.S. engineering and professional services be used?

N/A

b. Construction contract (FAA Sec. 611(c)): If contracts for construction are to be financed, will they be let on a competitive basis to maximum extent practicable?

Yes

c. Large projects, Congressional approval (FAA Sec. 620(k)): If for construction of productive enterprise, will aggregate value of assistance to be furnished by the U.S. not exceed \$100 million (except for productive enterprises in Egypt that were described in the Congressional Presentation), or does assistance have the express approval of Congress?

N/A

25. U.S. Audit Rights (FAA Sec. 301(d)): If fund is established solely by U.S. contributions and administered by an international organization, does Comptroller General have audit rights?

N/A

26. Communist Assistance (FAA Sec. 620(h)). Do arrangements exist to insure that United States foreign aid is not used in a manner which, contrary to the best interests of the United States, promotes or assists the foreign aid projects or activities of the Communist-bloc countries?

N/A

27. Narcotics

a. Cash reimbursements (FAA Sec. 483): Will arrangements preclude use of financing to make reimbursements, in the form of cash payments, to persons whose illicit drug crops are eradicated?

N/A

b. Assistance to narcotics traffickers (FAA Sec. 487): Will arrangements take "all reasonable steps" to preclude use of financing to or through individuals or entities which we know or have reason to believe have either: (1) been convicted of a violation of any law or regulation of the United States or a foreign country relating to narcotics (or other controlled substances); or (2) been an illicit trafficker in, or otherwise involved in the illicit trafficking of, any such controlled substance?

1) Yes

2) Yes

28. Expropriation and Land Reform (FAA Sec. 620(g)): Will assistance preclude use of financing to compensate owners for expropriated or nationalized property, except to compensate foreign nationals in accordance with a land reform program certified by the President? Yes
29. Police and Prisons (FAA Sec. 660): Will assistance preclude use of financing to provide training, advice, or any financial support for police, prisons, or other law enforcement forces, except for narcotics programs? Yes
30. CIA Activities (FAA Sec. 662): Will assistance preclude use of financing for CIA activities? Yes
31. Motor Vehicles (FAA Sec. 636(i)): Will assistance preclude use of financing for purchase, sale, long-term lease, exchange or guaranty of the sale of motor vehicles manufactured outside U.S., unless a waiver is obtained? Yes
32. Military Personnel (FY 1991 Appropriations Act Sec. 503): Will assistance preclude use of financing to pay pensions, annuities, retirement pay, or adjusted service compensation for prior or current military personnel? Yes
33. Payment of U.N. Assessments (FY 1991 Appropriations Act Sec. 505): Will assistance preclude use of financing to pay U.N. assessments, arrearages or dues? Yes
34. Multilateral Organization Lending (FY 1991 Appropriations Act Sec. 506): Will assistance preclude use of financing to carry out provisions of FAA section 209(d) (transfer of FAA funds to multilateral organizations for lending)? Yes
35. Export of Nuclear Resources (FY 1991 Appropriations Act Sec. 510): Will assistance preclude use of financing to finance the export of nuclear equipment, fuel, or technology? Yes

36. Repression of Population (FY 1991 Appropriations Act Sec. 511): Will assistance preclude use of financing for the purpose of aiding the efforts of the government of such country to repress the legitimate rights of the population of such country contrary to the Universal Declaration of Human Rights?

Yes

37. Publicity or Propaganda (FY 1991 Appropriations Act Sec. 516): Will assistance be used for publicity or propaganda purposes designed to support or defeat legislation pending before Congress, to influence in any way the outcome of a political election in the United States, or for any publicity or propaganda purposes not authorized by Congress?

No

38. Marine Insurance (FY 1991 Appropriations Act Sec. 563): Will any A.I.D. contract and solicitation, and subcontract entered into under such contract, include a clause requiring that U.S. marine insurance companies have a fair opportunity to bid for marine insurance when such insurance is necessary or appropriate?

Yes

39. Exchange for Prohibited Act (FY 1991 Appropriations Act Sec. 569): Will any assistance be provided to any foreign government (including any instrumentality or agency thereof), foreign person, or United States person in exchange for that foreign government or person undertaking any action which is, if carried out by the United States Government, a United States official or employee, expressly prohibited by a provision of United States law?

No

B, CRITERIA APPLICABLE TO DEVELOPMENT ASSISTANCE ONLY

1. Agricultural Exports (Bumpers Amendment) (FY 1991 Appropriations Act Sec. 521(b), as interpreted by conference report for original enactment): If assistance is for agricultural development activities (specifically, any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training), are such activities: (1) specifically and principally designed to increase agricultural exports by the host country to a country other than the United States, where the export would lead to direct competition in that third country with exports of a similar commodity grown or produced in the United States, and can the activities reasonably be expected to cause substantial injury to U.S. exporters of a similar agricultural commodity; or (2) in support of research that is intended primarily to benefit U.S. producers?

N/A

2. Tied Aid Credits (FY 1991 Appropriations Act, Title II, under heading "Economic Support Fund"): Will DA funds be used for tied aid credits?

No

3. Appropriate Technology (FAA Sec. 107): Is special emphasis placed on use of appropriate technology (defined as relatively smaller, cost-saving, labor-using technologies that are generally most appropriate for the small farms, small businesses, and small incomes of the poor)?

Yes

4. Indigenous Needs and Resources (FAA Sec. 281(b)): Describe extent to which the activity recognizes the particular needs, desires, and capacities of the people of the country; utilizes the country's intellectual resources to encourage institutional development; and supports civic education and training in skills required for effective participation in governmental and political processes essential to self-government.

This activity was designed at the request of the GOJ in consultation with a variety of Jamaicans who will be directly affected by the project and involved in its implementation.

5. Economic Development (FAA Sec. 101(a)): Does the activity give reasonable promise of contributing to the development of economic resources, or to the increase of productive capacities and self-sustaining economic growth?

The project is designed to make more efficient use of public resources and increase level of private resources for the justice sector.

6. Special Development Emphases (FAA Secs. 102(b), 113, 201(a)): Describe extent to which activity will: (a) effectively involve the poor in development by extending access to economy at local level, increasing labor-intensive production and the use of appropriate technology, dispersing investment from cities to small towns and rural areas, and insuring wide participation of the poor in the benefits of development on a sustained basis, using appropriate U.S. institutions; (b) encourage democratic private and local governmental institutions; (c) support the self-help efforts of developing countries; (d) promote the participation of women in the national economies of developing countries and the improvement of women's status; and (e) utilize and encourage regional cooperation by developing countries.

A) Courthouse renovations will focus primarily on rural areas.

B) Improving the court system is the primary goal of the project

C) Emphasis on sustainability will allow the GOJ to continue the reforms after LOP.

D) Majority of training will be for women.

E) N/A

7. Recipient Country Contribution (FAA Secs. 110, 124(d)): Will the recipient country provide at least 25 percent of the costs of the program, project, or activity with respect to which the assistance is to be furnished (or is the latter cost-sharing requirement being waived for a "relatively least developed" country)?

Yes

8. Benefit to Poor Majority (FAA Sec. 128(b)): If the activity attempts to increase the institutional capabilities of private organizations or the government of the country, or if it attempts to stimulate scientific and technological research, has it been designed and will it be monitored to ensure that the ultimate beneficiaries are the poor majority?

Yes, although Jansicans from all socio-economic backgrounds will benefit from an improvement in the court system.

9. Abortions (FAA Sec. 104(f); FY 1991 Appropriations Act, Title II, under heading "Population, DA," and Sec. 535):

a. Are any of the funds to be used for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions? No

b. Are any of the funds to be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations? No

c. Are any of the funds to be made available to any organization or program which, as determined by the President, supports or participates in the management of a program of coercive abortion or involuntary sterilization? No

d. Will funds be made available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services? N/A

e. In awarding grants for natural family planning, will any applicant be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning? N/A

f. Are any of the funds to be used to pay for any biomedical research which relates, in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning? No

g. Are any of the funds to be made available to any organization if the President certifies that the use of these funds by such organization would violate any of the above provisions related to abortions and involuntary sterilization? No

10. Contract Awards (FAA Sec. 601(e)): Will the project utilize competitive selection procedures for the awarding of contracts, except where applicable procurement rules allow otherwise?

Yes

11. Disadvantaged Enterprises (FY 1991 Appropriations Act Sec. 567): What portion of the funds will be available only for activities of economically and socially disadvantaged enterprises, historically black colleges and universities, colleges and universities having a student body in which more than 40 percent of the students are Hispanic Americans, and private and voluntary organizations which are controlled by individuals who are black Americans, Hispanic Americans, or Native Americans, or who are economically or socially disadvantaged (including women)?

There is no set-aside for these groups.

12. Biological Diversity (FAA Sec. 119(g)): Will the assistance: (a) support training and education efforts which improve the capacity of recipient countries to prevent loss of biological diversity; (b) be provided under a long-term agreement in which the recipient country agrees to protect ecosystems or other wildlife habitats; (c) support efforts to identify and survey ecosystems in recipient countries worthy of protection; or (d) by any direct or indirect means significantly degrade national parks or similar protected areas or introduce exotic plants or animals into such areas?

- a) No
- b) No
- c) No
- d) No

13. Tropical Forests (FAA Sec. 118; FY 1991 Appropriations Act Sec. 533(c)-(e) & (g)):

N/A

a. A.I.D. Regulation 16: Does the assistance comply with the environmental procedures set forth in A.I.D. Regulation 16?

b. Conservation: Does the assistance place a high priority on conservation and sustainable management of tropical forests? Specifically, does the assistance, to the fullest extent

94

feasible: (1) stress the importance of conserving and sustainably managing forest resources; (2) support activities which offer employment and income alternatives to those who otherwise would cause destruction and loss of forests, and help countries identify and implement alternatives to colonizing forested areas; (3) support training programs, educational efforts, and the establishment or strengthening of institutions to improve forest management; (4) help end destructive slash-and-burn agriculture by supporting stable and productive farming practices; (5) help conserve forests which have not yet been degraded by helping to increase production on lands already cleared or degraded; (6) conserve forested watersheds and rehabilitate those which have been deforested; (7) support training, research, and other actions which lead to sustainable and more environmentally sound practices for timber harvesting, removal, and processing; (8) support research to expand knowledge of tropical forests and identify alternatives which will prevent forest destruction, loss, or degradation; (9) conserve biological diversity in forest areas by supporting efforts to identify, establish, and maintain a representative network of protected tropical forest ecosystems on a worldwide basis, by making the establishment of protected areas a condition of support for activities involving forest clearance or degradation, and by helping to identify tropical forest ecosystems and species in need of protection and establish and maintain appropriate protected areas; (10) seek to increase the awareness of U.S. Government agencies and other donors of the immediate and long-term value of tropical forests; (11) utilize the resources and abilities of all relevant U.S. government agencies; (12) be based upon careful analysis of the alternatives available to achieve the best sustainable use of the land; and (13) take full account of the environmental impacts of the proposed activities on biological diversity?

c. Forest degradation: Will assistance be used for: (1) the procurement or use of logging equipment, unless an environmental assessment indicates that all timber harvesting operations involved will be conducted in an environmentally sound manner and that the proposed activity will produce positive economic benefits and sustainable forest management systems; (2) actions which will significantly degrade national parks or similar protected areas which contain tropical forests, or introduce exotic plants or animals into such areas; (3) activities which would result in the conversion of forest lands to the rearing of livestock; (4) the construction, upgrading, or maintenance of roads (including temporary haul roads for logging or other extractive industries) which pass through relatively undergraded forest lands; (5) the colonization of forest lands; or (6) the construction of dams or other water control structures which flood relatively undergraded forest lands, unless with respect to each such activity an environmental assessment indicates that the activity will contribute significantly and directly to improving the livelihood of the rural poor and will be conducted in an environmentally sound manner which supports sustainable development?

d. Sustainable forestry: If assistance relates to tropical forests, will project assist countries in developing a systematic analysis of the appropriate use of their total tropical forest resources, with the goal of developing a national program for sustainable forestry?

e. Environmental impact statements: Will funds be made available in accordance with provisions of FAA Section 117(c) and applicable A.I.D. regulations requiring an environmental impact statement for activities significantly affecting the environment?

14. Energy (FY 1991 Appropriations Act Sec. 533(c)): If assistance relates to energy, will such assistance focus on: (a) end-use energy efficiency, least-cost energy planning, and renewable energy resources, and (b) the key countries where assistance would have the greatest impact on reducing emissions from greenhouse gases?

N/A

15. Sub-Saharan Africa Assistance (FY 1991 Appropriations Act Sec. 562, adding a new FAA chapter 10 (FAA Sec. 496)): If assistance will come from the Sub-Saharan Africa DA account, is it: (a) to be used to help the poor majority in Sub-Saharan Africa through a process of long-term development and economic growth that is equitable, participatory, environmentally sustainable, and self-reliant; (b) to be used to promote sustained economic growth, encourage private sector development, promote individual initiatives, and help to reduce the role of central governments in areas more appropriate for the private sector; (c) being provided in accordance with the policies contained in FAA section 102; (d) being provided in close consultation with African, United States and other PVOs that have demonstrated effectiveness in the promotion of local grassroots activities on behalf of long-term development in Sub-Saharan Africa; (e) being used to promote reform of sectoral economic policies, to support the critical sector priorities of agricultural production and natural resources, health, voluntary family planning services, education, and income generating opportunities, to bring about appropriate sectoral restructuring of the Sub-Saharan African economies, to support reform in public administration and finances and to establish a favorable environment for individual enterprise and self-sustaining development, and to take into account, in assisted policy reforms, the need to protect vulnerable groups; (f) being used to increase agricultural production in ways that protect and restore the natural resource base, especially food production, to maintain and improve basic transportation and communication networks,

N/A

to maintain and restore the renewable natural resource base in ways that increase agricultural production, to improve health conditions with special emphasis on meeting the health needs of mothers and children, including the establishment of self-sustaining primary health care systems that give priority to preventive care, to provide increased access to voluntary family planning services, to improve basic literacy and mathematics especially to those outside the formal educational system and to improve primary education, and to develop income-generating opportunities for the unemployed and underemployed in urban and rural areas?

16. Debt-for-Nature Exchange (FAA Sec. 463): If project will finance a debt-for-nature exchange, describe how the exchange will support protection of: (a) the world's oceans and atmosphere, (b) animal and plant species, and (c) parks and reserves; or describe how the exchange will promote: (d) natural resource management, (e) local conservation programs, (f) conservation training programs, (g) public commitment to conservation, (h) land and ecosystem management, and (i) regenerative approaches in farming, forestry, fishing, and watershed management.

N/A

17. Deobligation/Reobligation (FY 1991 Appropriations Act Sec. 515): If deob/reob authority is sought to be exercised in the provision of DA assistance, are the funds being obligated for the same general purpose, and for countries within the same region as originally obligated, and have the House and Senate Appropriations Committees been properly notified?

N/A

18. Loans

a. Repayment capacity (FAA Sec. 122(b)): Information and conclusion on capacity of the country to repay the loan at a reasonable rate of interest.

N/A

b. Long-range plans (FAA Sec. 122(b)): Does the activity give reasonable promise of assisting long-range plans and programs designed to develop economic resources and increase productive capacities?

c. Interest rate (FAA Sec. 122(b)): If development loan is repayable in dollars, is interest rate at least 2 percent per annum during a grace period which is not to exceed ten years, and at least 3 percent per annum thereafter?

d. Exports to United States (FAA Sec. 620(d)): If assistance is for any productive enterprise which will compete with U.S. enterprises, is there an agreement by the recipient country to prevent export to the U.S. of more than 20 percent of the enterprise's annual production during the life of the loan, or has the requirement to enter into such an agreement been waived by the President because of a national security interest?

19. Development Objectives (FAA Secs. 102(a), 111, 113, 281(a)): Extent to which activity will: (1) effectively involve the poor in development, by expanding access to economy at local level, increasing labor-intensive production and the use of appropriate technology, spreading investment out from cities to small towns and rural areas, and insuring wide participation of the poor in the benefits of development on a sustained basis, using the appropriate U.S. institutions; (2) help develop cooperatives, especially by technical assistance, to assist rural and urban poor to help themselves toward better life, and otherwise encourage democratic private and local governmental institutions; (3) support the self-help efforts of developing countries; (4) promote the participation of women in the national economies of developing countries and the improvement of women's status; and (5) utilize and encourage regional cooperation by developing countries?

SZ 1.6

99

20. Agriculture, Rural Development and Nutrition, and Agricultural Research (FAA Secs. 103 and 103A):

a. Rural poor and small farmers: If assistance is being made available for agriculture, rural development or nutrition, describe extent to which activity is specifically designed to increase productivity and income of rural poor; or if assistance is being made available for agricultural research, has account been taken of the needs of small farmers, and extensive use of field testing to adapt basic research to local conditions shall be made.

N/A

b. Nutrition: Describe extent to which assistance is used in coordination with efforts carried out under FAA Section 104 (Population and Health) to help improve nutrition of the people of developing countries through encouragement of increased production of crops with greater nutritional value; improvement of planning, research, and education with respect to nutrition, particularly with reference to improvement and expanded use of indigenously produced foodstuffs; and the undertaking of pilot or demonstration programs explicitly addressing the problem of malnutrition of poor and vulnerable people.

N/A

c. Food security: Describe extent to which activity increases national food security by improving food policies and management and by strengthening national food reserves, with particular concern for the needs of the poor, through measures encouraging domestic production, building national food reserves, expanding available storage facilities, reducing post harvest food losses, and improving food distribution.

N/A

21. Population and Health (FAA Secs. 104(b) and (c)): If assistance is being made available for population or health activities, describe extent to which activity emphasizes low-cost, integrated delivery systems for health, nutrition and family planning for the poorest people, with particular attention to the needs of

N/A

mothers and young children, using paramedical and auxiliary medical personnel, clinics and health posts, commercial distribution systems, and other modes of community outreach.

22. Education and Human Resources Development (FAA Sec. 105): If assistance is being made available for education, public administration, or human resource development, describe (a) extent to which activity strengthens nonformal education, makes formal education more relevant, especially for rural families and urban poor, and strengthens management capability of institutions enabling the poor to participate in development; and (b) extent to which assistance provides advanced education and training of people of developing countries in such disciplines as are required for planning and implementation of public and private development activities.

Training will be geared toward lower and middle management within the justice system

23. Energy, Private Voluntary Organizations, and Selected Development Activities (FAA Sec. 106): If assistance is being made available for energy, private voluntary organizations, and selected development problems, describe extent to which activity is:

N/A

a. concerned with data collection and analysis, the training of skilled personnel, research on and development of suitable energy sources, and pilot projects to test new methods of energy production; and facilitative of research on and development and use of small-scale, decentralized, renewable energy sources for rural areas, emphasizing development of energy resources which are environmentally acceptable and require minimum capital investment;

b. concerned with technical cooperation and development, especially with U.S. private and voluntary, or regional and international development, organizations;

c. research into, and evaluation of, economic development processes and techniques;

d. reconstruction after natural or manmade disaster and programs of disaster preparedness;

e. for special development problems, and to enable proper utilization of infrastructure and related projects funded with earlier U.S. assistance;

f. for urban development, especially small, labor-intensive enterprises, marketing systems for small producers, and financial or other institutions to help urban poor participate in economic and social development.

24. Sahel Development (FAA Secs. 120-21). If assistance is being made available for the Sahelian region, describe: (a) extent to which there is international coordination in planning and implementation; participation and support by African countries and organizations in determining development priorities; and a long-term, multidonor development plan which calls for equitable burden-sharing with other donors; (b) whether a determination has been made that the host government has an adequate system for accounting for and controlling receipt and expenditure of projects funds (dollars or local currency generated therefrom).

N/A

102

C. CRITERIA APPLICABLE TO ECONOMIC SUPPORT FUNDS ONLY

N/A

1. **Economic and Political stability (FAA Sec. 531(a)):** Will this assistance promote economic and political stability? To the maximum extent feasible, is this assistance consistent with the policy directions, purposes, and programs of Part. I of the FAA?

2. **Military Purposes (FAA Sec. 531(e)):** Will this assistance be used for military or paramilitary purposes?

3. **Commodity Grants/Separate Accounts (FAA Sec. 609):** If commodities are to be granted so that sale proceeds will accrue to the recipient country, have Special Account (counterpart) arrangements been made?

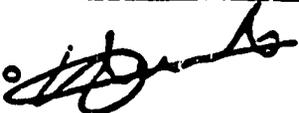
4. **Generation and Use of Local Currencies (FAA Sec. 531(d)):** Will ESP funds made available for commodity import programs or other program assistance be used to generate local currencies? If so, will at least 50 percent of such local currencies be available to support activities consistent with the objectives of FAA sections 103 through 106?

5. **Cash Transfer Requirements (FY .. 1991 Appropriations Act, Title II, under heading "Economic Support Fund," and Sec. 575(b)).** If assistance is in the form of a cash transfer:

a. **Separate accounts:** Are all such cash payments to be maintained by the country in a separate account and not to be commingled with any other funds?

ANNEX D

ACTION MEMORANDUM FOR THE DIRECTOR

FROM: OPPD:Louis Coronado 

SUBJECT: Project Identification Document for the Sustainable Justice Reform Project (532-0175)

DATE: May 17, 1991

ACTION: Attached for your signature is the Project Identification Document for the Sustainable Justice Reform Project.

BACKGROUND: The goal is to enhance institutionalization of democracy in Jamaica through a more effective, efficient and sustainable justice system. The primary purpose is to enhance sustainability of the justice system by enabling it to make more effective and efficient use of the level of resources now available. An additional purpose is to increase the amount of available resources within reasonable and realistic limits through more cost recovery from appropriate fees for services, and heightening the active concern of the bar association and general public as constituencies for increased private and public support of the justice system.

The Executive Committee reviewed the PID on April 19 & 22, 1991. The issues that were discussed and the actions agreed upon follow:

- (a) The PID has been revised and the sentence on exertion of pressure on the GOJ by the Bar Association has been eliminated.
- (b) Public opinion polling would be utilized for information gathering and not for baseline studies.
- (c) The Illustrative Budget has been revised to include the line items "Audit" for \$20,000, National Commission for \$175,000, Law Reform Commission for \$175,000, and Bar Association Advisory Services for \$125,000. The LOP remains at \$3,000,000.

It was felt that the PID was very close to a Project Paper, and during PP design the following issues and concerns raised by the Executive Committee would be addressed:

--Definition of clear linkages of the role of the four implementing agencies and making a determination on whether the project will in fact go with the Bar Association and the National Commission. If the Bar Association will be one of the implementing agencies, AID will provide assistance to "beef up" this body.

124

--Decision on whether there would be host country contracting for the construction component, given the need for host country certification.

--While it was felt that undertaking studies on the system of compensation and career advancement, reduction of Resident Magistrates' caseload, and one year mandatory paid public service by graduates of the law school were crucial to project design, a closer look would be taken at the remaining eleven suggested studies noted in the PID to examine the relevance at this juncture.

AUTHORITY: The FY 92/93 Action Plan included a new project description of this project and requested delegation of authority for you to approve the PID and PP. STATE 101346 of March 30, 1991 approved delegation of authority to you to approve both the PID and PP.

RECOMMENDATION: It is recommended that you sign the Project Identification Document facesheet.

Clearances:

OPFD:JTennant (in draft)
OSEE:CScheibal (in draft)
RLA:EDragon (in draft)
CONT:MLewis (in draft)
DDIR:MLak 

101

ANNEX E

TECHNICAL ANALYSIS: Engineering and Construction

The deteriorating physical condition of many courthouses and courthouse complexes is a serious constraint to the administration of justice. Studies show that courthouse buildings in Jamaica rarely receive systematic preventive maintenance and corrective maintenance takes place only in emergency cases. Staff rooms, when they exist, are in poor physical condition, and so are magistrate rooms. Toilets are generally inadequate to meet the demand on court days, and when functional are in a poor state of repair. Many floors are made of wood and have rotted because of poor maintenance. Almost all courthouses lack proper ventilation, and are subject to disruptive noise, dust and insects.

It is imperative to provide constructive maintenance and betterment of all courthouses in order to provide court staffs, parties, witnesses and observers with minimum measures of comfort and convenience. Ideally, such improvements should address the constraints identified in feasibility studies such as the provision of working space for attorneys, computer systems, reference libraries, and garbage disposal and sanitary facilities. Because of the paucity of project funds, however, it would be impossible to do more than repair a crucial handful of courthouses under the project. These few courthouses will be chosen through the application of selection criteria that would maximize the public good. These criteria are as follows:

- Courthouses with a relatively high case load;
- Courthouses where the court is in session the highest number of days when compared with other courts, but at least 50% of the total number of working days;
- Courthouses with the highest percentage of turnover in cases;
- Courthouses where a maintenance capability exists to sustain whatever restoration and repair is accomplished under the project;
- Courthouses that are located in relatively secure compounds with fencing to prevent vandalism;
- Courthouses that are readily accessible in terms of convenience of location within the community and the availability of public transportation;
- Courthouses that serve social functions such as food stamp distribution, disbursement of pensions and similar benefits, and similar activities that impact on the welfare of the women, children, the elderly, and the poor;

- Courthouses located in a complex that houses other facilities such as police stations, offices for the processing of passports, birth certificates and similar documents, business registration and licensing offices, community services, and similar public facilities.

Three courthouses have been tentatively identified as meeting these criteria. These courthouses are included herein for illustrative purpose. The final selection of courthouses to be renovated will be done in the course of project implementation.

1. The Supreme Court, Kingston:

The Supreme Court is located in downtown Kingston. The processing of court cases is being hampered by lack of adequate resources and personnel; there are limited courtrooms, judges chambers, etc. Under the Caribbean Justice Improvement Project, the liquidation of most of these inadequacies has been underway. The remaining aspects to be completed in 1992/93 are the refurbishing of an old master's chamber, conversion of a canteen into one or more jurors rooms, converting the Court of Appeal Registry into a courtroom and the installation of ceiling fans and other ventilation.

2. Spanish Town:

There are two courthouses in Spanish Town that merit renovation: the first is the original courthouse which was burned down about 1985 and the second is a temporary courthouse that has been in use since the permanent structure burned down. The structural integrity of the original structure (16,000 square feet of space on two floors) appears intact. Renovating it would entail plastering, electric wiring, carpentry, painting, clean up, etc. The second temporary courthouse has been hampered in its processing of cases due to problems similar to those of the Supreme Court i.e. insufficient number of court rooms, judges chambers, court offices and cell block renovation. The work contemplated includes the complete renovation of 2,000 square feet of space on each of two floors, or a total of 4,000 square feet. Although the structure is in place, new electric and other utility lines must be installed, the walls and ceilings will be finished and painted, all windows and doors will be replaced and the floor will be refurbished.

3. Port Maria:

This RN court now operates from a remodelled motel. This is due to severe fire damage of the original Court House. In order for more effective operation of the justice system, and especially for courtroom space to handle increased caseload, they need two RN court rooms, three judges chambers, court offices, cell block and police post, petty sessions court, circuit court (which is now held at severely inadequate facilities in Annotto Bay) and toilet facilities.

107

An alternative to expanding the current (Motel) courthouse is to refurbish the old 19,000 sq. ft. Georgian structure to accommodate the above rather than invest substantially more in the existing 7600 sq. ft. building.

The structural elements of the original building are sound, but everything else has deteriorated beyond repair. The building(s) must be gutted and stripped of all old wall finish, wiring, plumbing, carpentry, etc., and new finish, wiring, etc. must be installed.

Summary Construction/Renovation Costs:

The budgeted amount for the construction/renovation component of the project, as shown in the budgeted tables, totals \$820,000. Of this amount, \$410,000 50% are available for foreign exchange costs and the remaining \$410,000 for local costs. These funds will be expended on the construction/renovation of as large a number of courthouses as possible.

108

EXHIBIT III - IC:

MAP OF JAMAICA SHOWING THE POSITION OF EACH COURT HOUSE



LEGEND:

- 
- 
- 
- 
- 

- CLOSURE
- MAJOR UPGRADING
- RELOCATION
- NEW COURT HOUSES
- OTHER COURT HOUSES

- KINGSTON CRIMINAL
- TRAFFIC COURT
- FAMILY COURT
- REVENUE COURT
- SUPREME COURT
- KINGSTON CIVIL
- HALF WAY TREE
- OWN COURTS

(CONTINUITY)

109

ANALYSIS OF PARTICIPATING INSTITUTIONS

1. The Justice Section of the Ministry of Justice

Until December 1991, the Ministry of Justice was a separate Ministry with a separate staff, its own Permanent Secretary, and its own Minister who also served as Attorney General of Jamaica. In a major reshuffle of his Cabinet, the Prime Minister joined the Minister of Justice with the Ministry of National Security... and the new Ministry is now known as the Ministry of National Security and Justice. Before, the same Minister, Hon. K.D. Knight was responsible only for National Security. The former Minister of Justice, Hon. Carl Rattray, no longer has responsibility for justice but he has remained the Attorney General of Jamaica. The reason given for the joining of both ministries is to reduce the number of ministries and staff within the whole government sector as the government is presently experiencing stringent financial commitments and budget constraints.

From information gathered, however, the justice section is functioning independently of national security and its operation is still headed by the former permanent secretary who is now termed the Director General.

The Justice section of the Ministry consists of one hundred and nine (109) employees. It has a well regarded accounting section consisting of 24 employees inclusive of a director of finance to account for its different operations. Its portfolio is quite extensive and includes

- (1) the department of the Correctional Service
- (2) the department of Public Prosecution
- (3) the department of the Administrator General
- (4) the Trustee in Bankruptcy
- (5) the Attorney General Chambers
- (6) the Court System throughout the island

It monitors the maintenance of the courts and the issuing of salary cheques for all the employees within its portfolio responsibilities. It is also responsible for the different correctional institutions in the island.

Under the Caribbean Justice Improvement Program the same staff component which dealt with, supervised and assisted in coordination of the project is still in place and is expected to be responsible for coordinating, reporting and presenting regular financial statements in the new program, The Sustainability of Justice Program. An audit done by Coopers & Lybrand on the function of the Ministry of Justice under the CJIP Project was favorable and commended the Ministry on its ability to manage, monitor and account. Coopers & Lybrand noted that delays of up

to a month in submission of monthly returns were largely attributable to difficulties in getting figures from other government departments. In any event the Coopers & Lybrand audit suggested that the Project Management Unit was quite capable in dealing with the new project as their reporting system, even though late in a few instances was quite commendable.

The Ministry of Justice has capable and competent persons who will be able to monitor the engineering, maintenance, accounting and training program of the new project. At the present time, there is a personnel section in the Ministry but only one person responsible for training. There needs to be significant improvement in the training section of the Ministry, and it is anticipated that the new project will be able to strengthen that training area to deal with general training for staff falling under the Ministry of Justice. Meanwhile the court system will train staff to deal with matters peculiar to the operation of the judicial system.

Jamaica Bar Association

The Jamaica Bar Association is the representative arm of the legal profession. Membership is voluntary. As of mid-March 1992 there were 457 members which represent approximately forty percent of the practising attorneys.

The object and purposes of the Bar Association are outlined in the MEMORANDUM OF ASSOCIATION and governed in its operation by the Companies Act of Jamaica. There are 17 clear objects which deal with the support and protection of the legal profession, the promotion and encouragement of the study of law and "3(1) to promote assist and ensure the proper administration of Justice and unceasingly watch over and protect the civil liberties of the people." The Association has been steadfast and vocal in bringing to the public and to the proper authorities matters of interest affecting the legal profession and the public.

The Jamaica Bar Association meets once per year for the election of President, Vice President and twenty members who comprise the Council. The Council of the Jamaica Bar Association represents the management and the policy making arm of the Bar. It meets at least once per month and the purpose of these meetings is basically to deal with matters which affect the association and to present a policy direction for the legal profession.

The Bar Association also has Sub-Committees which deal with and assess matters within their purview which affect the legal profession and the Association. The Standing Sub-Committees of the Bar Association are:

111

- (1) Criminal Practice and Procedure;
- (2) Membership and Publications;
- (3) Civil Practice and Procedure;
- (4) Family Law;
- (5) Constitutional Law and Human Rights;
- (6) Commercial and Industrial Law;
- (7) International Relations;
- (8) Law Reform;
- (9) Legal Education;
- (10) Consultative Committee of Bench and Bar;
- (11) Conveyancing Committee;
- (12) A Legal Aid Committee.

These sub-committees of the Bar are basically to deal with matters affecting the legal profession under these headings and also to assist the Council in devising and setting policies.

The Membership and Publications Committee is responsible for the distribution of a Magazine for communication and information to its members. The cost of publication and the limited volume has made production and widescale distribution extremely difficult. This magazine could be the voice of the legal profession through which policies can be assessed, the bar's position on matters of public and national interests were presented, legal education to the legal profession were furthered and the edification of non-lawyers attempted. Moreover, an assessment and notification of recent cases would be published to the benefit of lawyers, judges and other interested parties.

The Legal Education Committee has organized weekend seminars on a variety of topics and these seminars have been well attended. One day seminars held on Saturdays have also been well received by young attorneys and the general public. During the past year ----such seminars have been held.

The Staff of the Jamaica Bar Association consists of an Administrative Secretary and two other office assistants. Most of the work of the Bar Association is done on a voluntary basis by its members. The President, Treasurer and Secretary give of their time voluntarily, and on a part time basis. There is no full time legal personnel on staff at the present time.

The ability of the Bar Association to participate in the project is evidenced by experience. The Bar Association has worked with the InterAmerican Development Foundation to develop the Legal Aid Clinic, and recently worked with the Columbus (Ohio) Law School, supported by Seventy Five Thousand Dollars grant from the Ford Foundation on survey and training for a Jamaican Mediation Council established under Bar Association auspices.

In addition the Bar Association collects dues and provides an annual audited account showing properly audited figures annually

in excess of 250,000 Jamaican dollars. The Bar Association uses a well recognized auditing firm to conduct its auditing and has well proven its ability to give proper accounting for funds under projects.

The General Legal Council

The General Legal Council is responsible for the admission of all applicants who seek to practise in Jamaica. They ensure that the candidates are qualified academically and that they are fit and proper persons to be admitted to legal profession in Jamaica. Graduating law students and qualified attorneys from other jurisdictions apply to the Council for admission to practise.

The Council is also responsible for the discipline of all attorneys in Jamaica. Through Disciplinary Committees it hears complaints from the public concerning the behaviour and allegation of irregularity or impropriety of attorneys.

The General Legal Council as at mid-March, 1992 has 1,054 paid-up members. To practise as an attorney in the Courts in Jamaica one has to have a Certificate of Practise which is issued by the General Legal Council. In addition to establishing qualifications, a lawyer must pay the GLC a fee, currently ranging from \$----to \$---- graduated according to years of practice.

Practising attorneys in the government service do not have to pay this fee. It is estimated that there are approximately two hundred lawyers working in the government service so that overall there might be a figure in excess of one thousand two hundred and fifty practising attorneys in Jamaica.

ANNEX G

SOCIO POLITICAL BACKGROUND ANALYSIS

Jamaica is an independent and sovereign state. For over three hundred years, until 1962, it was a British Colonial territory, effectively ruled and governed by, and from, England. For a brief four-year period, from 1958 to 1962, Jamaica along with other Caribbean territories was part of Caribbean Federation. In 1962, Jamaica became fully independent. Its political institutions were modeled on the Westminster style parliamentary system of government.

On independence, Jamaica remained a part of the British Commonwealth with Queen Elizabeth as its nominal Head of State, represented by the Governor General in Jamaica. Jamaica adopted a written constitution which became law in 1962. The constitution has remained relatively unchanged but it is likely to be revised shortly. Expectations are that a Republican status removing the Queen as Head of State will be the main change, but public debate is presently focussed on the reduction of the power of government and a clearer separation in the functions of the three branches of government.

Jamaica is a parliamentary democracy. Elections are held not less than once every five years. The lower house is elected directly by the people and consists of sixty representatives. The Prime Minister is the leader of the majority party in Parliament, and the leader of the minority party is the Leader of the Opposition. The upper house, the Senate, is composed of twenty-one members appointed by the Governor General who acts on the advice of the Prime Minister in appointing thirteen members, and on the advice of the Leader of the Opposition, in appointing eight. The two Houses represent the legislative branch of government.

The executive authority is still vested in the Queen but may be exercised on her behalf by the Governor General. The constitution provides for a Cabinet headed by the Prime Minister which is the principal instrument of policy, charged with the general direction and control of the government, and in so doing collectively responsible to Parliament. The Cabinet is chosen by the Prime Minister from members of both Houses with the precondition that not more than four nor less than two must be from the Senate; he must appoint at least eleven ministers.

Two major political parties, the PNP (the People's National Party) and the JLP (the Jamaica Labour Party) have dominated the political scene since adult suffrage in 1938. There have been occasional third parties but they have never made any significant impact on Jamaican politics. Recently, the longest serving third party, the Workers Party of Jamaica, a marxist-leninist group,

voluntarily and collectively agreed to cease operation. The present government was formed by the PNP.

Since independence, the country has always had free and fair elections. At the time of the project design Michael Manley had just resigned and P.J. Patterson succeeded him as leader of the PNP and Prime Minister. Jamaicans generally consider it unlikely that there will be any dramatic change in policy direction. The JLP which is now in opposition is led by Mr. Edward Seaga who between 1980 and 1989 was Prime Minister. Both parties enjoy and support strong democratic rights. The parties also participate in local government (or municipal) elections which are held once every three years.

← Politically, the country is very stable. Both parties now share similar ideological positions. They both agree that the free market system should be the driving force of the economy. The press is unencumbered; there is no censorship of any kind. There are several regional and national radio stations privately owned. The only television station is owned by the government but another privately owned station is to begin operation shortly. Freedom of speech is recognized and protected in the constitution, and does exist.

Jamaica has a population of approximately 2.4 million people. It is a largely agricultural society; sugar cane, coffee and bananas are its main exports. The vast majority of the working people are engaged in these areas. Recently, tourism has become the major foreign exchange earner surpassing bauxite which continues to be a significant source of foreign exchange. Manufacturing and the service industries are the other main sources of foreign exchange. Over the years, the poor salaries paid in the agricultural sector, among other factors caused many rural people to migrate to the cities in search of better living conditions and jobs. Such expectations are often not realized with the consequence that a large pool of unemployed labourers remains in the urban areas and has become heavily dependent on government for employment and social services.

The government in the 1960s sought to continue on the path built up by the British during the colonial period; educational opportunities were limited and reserved mainly for the brightest and the rich, health care was available but was costly, careers in the professions were pursued mainly by the children of the gentry, the civil servants and the middle class; and it was clear that to succeed one had to be privileged. The merchants, traders and industrialists were the main beneficiaries of the limited resources available.

In the 1970s, the government of Michael Manley sought to redress the inequalities of the society within the framework of Democratic Socialism. The government sought to provide the basic

1/5

social services free; there was to be free education up to University level, free health service, housing for the people, and an enlargement of the civil service and related government services to provide employment for the people.

The resources of government were limited and were not increasing in real terms, yet the government sought to spend and to provide more. In the mid 1970s, the government borrowed heavily from overseas institutions to continue and maintain its policies and programs of providing for the people. The government became increasingly involved in the economic affairs of the country and several leading businesses were nationalised in pursuit of the fundamental government policy to be responsible for the commanding heights of the economy. The business, managerial and professional classes were incensed with the political tenets of socialism, the increasing crime rate, and the threat to social and economic stability inherent in government policies. By the end of the seventies, there was massive migration of capital and skills.

The 1980s were not significantly different in government policies save and except that the government of Edward Seaga attempted to manage the affairs of the country more efficiently. Most of the policies and government programs were continued by the Seaga Government notwithstanding that it was viewed as being opposed to socialism and being inclined to a free market economy. The social programs continued unabated, the servicing of the foreign debt was strangling, the bauxite industry suffered on the world market, the migration of skilled personnel lessened but the need for managerial and skilled employees was evident.

Poor salaries in the public sector was the feature of the 1980s. Deteriorating facilities and poor working conditions in all areas of the government service undermined the infrastructure, destroyed the morale of the civil servants and depleted it of most of its trained employees. These conditions spread across the whole spectrum of government, no single sector was spared the erosion of the infrastructural facilities, loss of trained personnel, and further deterioration in real terms of government salaries. The Judicial System suffered significantly.

ENVIRONMENTAL THRESHOLD DECISION

Project Location : Jamaica
Project Title : Proposed Sustainable Justice Reform Project
Project Number : 532-0175
Funding : \$3 million
Life of Project : 4 years
IEE Prepared by : Charles A. Scheibal
 OEEE
Recommended Threshold Decision : Negative Determination
Bureau Threshold Decision : Concur with Recommendation
Comments : Project finances technical assistance, training and commodity procurement, none of which impact the environment significantly
 Copy to : Robert S. Queener, Director
 USAID/Jamaica
 Copy to : Charles A. Scheibal
 USAID/Jamaica
 Copy to : Gene Wilkins, REA/Caribbean
 Copy to : Angel Diaz, LAC/DR/CAR
 Copy to : IEE File

James S. Hester Date *May 22, 91*
 James S. Hester
 Chief Environmental Officer
 Bureau for Latin America
 and the Caribbean

**INITIAL ENVIRONMENTAL EXAMINATION
PROPOSED SUSTAINABLE JUSTICE REFORM PROJECT**

1. PROJECT DESCRIPTION:

A. Background

This project is designed to improve the effectiveness, efficiency and sustainability of Jamaica's system of justice. The identification and selection of project elements will be governed by contribution to: effectiveness, efficiency and sustainability of the system. Project emphasis will not be on new functions for the justice system, but rather on enhancing the system's effectiveness and efficiency in the performance of those functions for which it is already responsible, and enabling the system to sustain a higher level of performance without dependence on foreign resources.

Under the rubric of effectiveness, training would be continued to improve the performance of personnel in the system, and technical assistance would help build the system's ability to manage future training programs drawing on indigenous training capacity. Such training and institution building would be extended through the Bar Association to include the private lawyers as well as the public servants of the justice system. Equipment and technical assistance would help establish a viable system for making Jamaican jurisprudence more accessible through economic publication of selected Jamaican decisions, including headnotes.

Public opinion polling would be carried out at both the beginning and the end of the project to measure the effectiveness of the program in improving the image of the justice system. The initial polling would also be designed to help indicate those project activities and potential activities which warrant emphasis because of their importance to the effectiveness of the system as perceived by the public. Responding to the concerns of the bench and bar as well as the general public, various studies would be carried out under the project to determine how the system may be made more effective and efficient.

Activities to enhance the efficiency of the system, will also include: (a) renovation or reconstruction of consolidated court facilities; and (b) technical assistance and equipment: (1) to establish an effective maintenance system for court facilities (on the rationale that no investment offers higher return than timely maintenance of existing equipment and facilities), (2) to establish an improved cost accounting and

5. Caseflow Management Procedures
6. Judicial Responsibility and Commitment
7. Administrative Staff Involvement
8. Education and Training
9. Mechanisms for Accountability
10. Backlog Reduction/Inventory Control

5. Operations, Personnel, and Financial Management

The final court administrator training session will concentrate on operational issues of the courts and will include sessions conducted by a number of local consultants. The session will cover the following areas: Personnel management and supervision of staff, financial accounting and court budgeting, facilities management, and training of court staff.

The training session will end with those trainees who have successfully completed the training program receiving certificates of completion. Upon completion of the training the court administrators should be given permanent status by the Ministry.

The court administrator trainees will participate in an evaluation process of each segment of the training program. This evaluation process will enable the instructors and the Court to design a training program for continued court administrator training and certification.

inventory control for the justice system, and (3) within the court system itself, to establish a professionally led management system for improved oversight of court personnel in the performance of justice system functions. Among studies to be financed would be the feasibility of using recent law graduates as assistants to judges and prosecutors and court registry officials in helping those senior officials make more efficient use of their time.

Toward ~~sustainability~~ of the higher level of performance by the justice system, technical assistance and other institutional support would be provided to help establish a National Commission and strengthen the Bar Association so that, in addition to their other functions more directly related to the performance of the private bar and public officials within the system, both institutions representing those most concerned with the system would be able to exert influence on the government for specific justice system reforms as well as general allocation of a larger share of governmental resources to maintenance and improvement of the justice system.

Further toward generating increased public support for the justice system, technical assistance will also help the Bar Association to substantially improve the public image as well as effectiveness of the justice system through a proposed program on law related education which would explain to the public how the justice system works in protecting their rights as citizens.

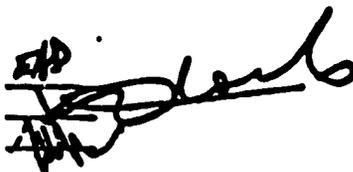
2. IMPACTS & ISSUES:

The major activities to be financed under this project consist of technical assistance, training and commodity procurement, none of which will impact the environment. A minor component consisting of possible courthouse rehabilitation will have temporary environmental affect on air, noise and traffic during the rehabilitation period. None of the facilities require relocation or new construction.

3. RECOMMENDED ENVIRONMENTAL ACTION:

The negative environmental impacts of the proposed project are both short term (during project implementation only) and minor. Accordingly, no additional environmental review is needed and a negative determination is recommended.

Clearances:
RLA:EDragon
OPPD:LCoronado
DDIR:MZak
0442V




Drafted:OEDE:CScheibel/mar/3/10/91

120

I.F.3

IMPACT IDENTIFICATION AND EVALUATION FORM

Impact
Identification
and
Evaluation

Impact Areas and Sub-areas

A. LAND USE

1. Changing the character of the land through:

- a. Increasing the population _____
- b. Extracting natural resources _____
- c. Land clearing _____
- d. Changing soil character _____

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

2. Altering natural defenses _____

3. Foreclosing important uses _____

4. Jeopardizing man or his works _____

5. Other factors _____

B. WATER QUALITY

- 1. Physical state of water _____
- 2. Chemical and biological states _____
- 3. Ecological balance _____

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

C. ATMOSPHERIC

- 1. Air additives _____
- 2. Air pollution _____
- 3. Noise pollution _____
- 4. Other factors _____

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

Temporary - During limited refurbishing activities only

D. NATURAL RESOURCES

- 1. Diversion, altered use of water _____
- 2. Irreversible, inefficient commitments _____
- 3. Other factors _____

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |

1021

I.F.4

E. CULTURAL

- 1. Altering physical symbols _____
- 2. Dilution of cultural traditions _____
- 3. Other factors _____

_____ H _____
 _____ H _____

Courthouses appearance will be greatly improve

F. SOCIO-ECONOMIC

- 1. Changes in economic/employment patterns _____
- 2. Changes in population _____
- 3. Changes in cultural patterns _____

_____ L _____
 _____ H _____
 _____ H _____

G. HEALTH

- 1. Changing a natural environment _____
- 2. Eliminating an ecosystem element _____
- 3. Other factors _____

_____ H _____
 _____ H _____

H. GENERAL

- 1. International impacts _____
- 2. Controversial impacts _____
- 3. Larger program impacts _____
- 4. Other factors _____

_____ H _____
 _____ H _____
 _____ H _____

I. OTHER POSSIBLE IMPACTS (not listed above)

Enhancement of human environment

_____ H _____

- H - No environmental impact
- L - Little environmental impact
- M - Moderate environmental impact
- H - High environmental impact
- U - Unknown environmental impact

0442V
5/10/91

122

ANNEX I

Court Administrator Training

(1) Training Program Content

1. Constitutional and Statutory Review of the Jamaican Court System

The training session should be opened by the Chief Justice and Minister of National Security and Justice. The Constitutional and Statutory review should be conducted by Judges from the Supreme Court and the Resident Magistrate Courts. Although most of the attendees will be familiar with the Jamaican Constitution and Statutory provisions affecting the courts, this session will provide a background and context for all following sessions.

2. The Development of Court Administration as a Profession

This session will present the history of the profession of court administration in the United States, the United Kingdom, and other common law countries, as well as the early development of the court administrator positions in Jamaican courts. This session will review the responsibilities of court administrators and discuss the traditional limitation that administrators serve at the pleasure of their judges.

3. Management Information Systems Records Management Automation and Technology in the Courts

The critical importance of management information systems in the courts will be the major subject covered in the first two-week training session. Information on caseloads in the courts can currently be collected only through a review of a variety of books that record case information.

Management information is needed to know exactly what the workload of the court is. The current recordkeeping systems and quarterly reporting of RM caseload information to the Supreme Court will be reviewed. The discussion of the management information systems will lay the groundwork for the sessions on calendar management to be held during the second two-week session of training.

The primary means of collecting management information for the RM Courts will be the manual collection of data needed to efficiently manage the court. Key caseload information which should be collected and used to manage the courts includes:

- Filings by significant casetypes
- Dispositions by casetype and type of disposition

123

Age of cases at disposition by disposition type and case type

Number of pending cases by:

Age
Casetype
Last action

The records management session will also review other major elements of an efficient records management program. Appropriate records retention and destruction schedules will be reviewed.

Management information is needed to know exactly what the workload of the court is. The current recordkeeping systems and quarterly reporting of RM caseload information to the Supreme Court will be reviewed. The discussion of the management information systems will lay the groundwork for the sessions on calendar management to be held during the second two-week session of training.

Automation in the Courts

Automated court case processing and information systems will be reviewed. This session will be at an introductory level describing the basic uses of computers in the courts. Two technical assistance projects are to be coordinated with and reviewed in this session. Personal computers will be installed in two RM courts and the Supreme Court with emphasis on basic word processing and spread sheet applications. It is understood that the Supreme Court already uses advanced applications of computer aided transcription and computer indexed microfilming. Beyond these applications, however, there is very little exposure among court employees to automated systems.

The use of other technologies, such as facsimile machine filing of documents, audio and video recording of court proceedings, and document imaging will be reviewed.

4. Calendar Management

Calendar management will be the primary focus of the second two-week session. This session will begin with a discussion of the major elements of efficient calendar management. There are ten elements of successful caseload management. These elements were first identified by Dr. Barry Mahoney et al. in "Implementing Delay Reduction and Delay Prevention Programs in Urban Trial Courts," published in 1985 by the National Center for State Courts. The ten elements are:

1. Leadership
2. Goals
3. Information
4. Communications

124