

A.I.D. EVALUATION SUMMARY - PART I

PD-ABG-359 8301

1. BEFORE FILLING OUT THIS FORM, READ THE ATTACHED INSTRUCTIONS.
 2. USE LETTER QUALITY TYPE, NOT 'DOT MATRIX' TYPE.

IDENTIFICATION DATA

A. Reporting A.I.D. Unit: RDO/C		B. Was Evaluation Scheduled in Current FY Annual Evaluation Plan? Yes <input checked="" type="checkbox"/> Slipped <input type="checkbox"/> Ad Hoc <input type="checkbox"/> Evaluation Plan Submission Date: FY <u>0</u>	C. Evaluation Timing Interim <input checked="" type="checkbox"/> Final <input type="checkbox"/> Ex Post <input type="checkbox"/> Other <input type="checkbox"/>
Mission or AID/W Office (ES# _____)			

D. Activity or Activities Evaluated (List the following information for project(s) or program(s) evaluated. If not applicable, list title and date of the evaluation report.)

Project No.	Project / Program Title	First PROAG or Equivalent (FY)	Most Recent PACD (Mo/Yr)	Planned LOP Cost (000)	Amount Obligated to Date (000)
538-0165	Caribbean Law Institute	5/88	5/93	7,500	5,971

ACTIONS

E. Action Decisions Approved By Mission or AID/W Office Director	Name of Officer Responsible for Action	Date Action to be Completed
<p>Action(s) Required</p> <p>That CLI present a workable plan to RDO/C, as soon as possible, which establishes CLI's headquarters and Executive Director in the Caribbean.</p>	Drew Lutten/ D. Darby	Completed

(Attach extra sheet if necessary)

APPROVALS

F. Date Of Mission Or AID/W Office Review Of Evaluation: _____ (Month) _____ (Day) _____ (Year)

G. Approvals of Evaluation Summary And Action Decisions:

Name (Typed)	Project/Program Officer	Representative of Borrower/Grantee	Evaluation Officer	Mission or AID/W Office Director
	Dennis Darby		Michael Taylor	Mosina Jordan
Signature	<i>Dennis Darby</i>		<i>Michael Taylor</i>	<i>Mosina Jordan</i>
Date	4/26/93		5/4/93	6/17/93

ABSTRACT

H. Evaluation Abstract (Do not exceed the space provided)

The purpose of the mid-term evaluation was to assess CLI and its progress in meeting the goals and purposes of the project, and to ascertain the level of commitment of the beneficiary countries to implementing CLI proposed law reform in the region. The methodology used by a two-person team, one U.S. and one Caribbean, in the conduct of this mid-evaluation included a thorough review of relevant project documentation such as Florida State University's (FSU) unsolicited proposal to RDO/C, the Cooperative Agreement between RDO/C and FSU, including modifications thereto, and Project correspondence and reports. The Evaluation team also conducted interviews with AID/W, FSU, University of the West Indies, (UWI) Cave Hill Campus and RDO/C personnel and key figures in the public and private sectors of the beneficiary countries.

The Project aims to provide assistance to the English-speaking common law based Commonwealth Caribbean countries in law reform, law harmonization and codification, especially in those legal areas relating to trade, commerce and investment. The Project is a joint undertaking by FSU and the UWI.

CLI has achieved a measure of success in the development of a draft model Companies Bill for the region (which Trinidad & Tobago may enact into law soon), the production of Caribbean Law and Business, a journal which provides insight into the state of law relating to trade, commerce and investment in the Commonwealth Caribbean, and the publication of a survey of the Environmental Laws of the Commonwealth Caribbean.

Written comments on a draft of the final Evaluation Report were obtained from RDO/C, UWI and FSU, and were considered by the Chief of the Evaluation team for incorporation into the final report. The major findings and conclusions are:

- CLI must be given a more independent status and its Board of Directors reconstituted to include non-University affiliated members, including private sector representatives.
- The management structure of CLI must be reorganized so as to ensure that the post of Executive Director is based within the Caribbean, rather than split between Florida and the Caribbean, and the roles of FSU and UWI need to be revised.
- CLI's budget should be redrawn to be more cost-effective.
- That insofar as the success of the project hinges on the adaptation of model laws drafted by CLI for beneficiary countries, those countries did not possess sufficient legislative drafting skills internally to enable them to rapidly adapt model legislation.

COSTS

I. Evaluation Costs

1. Evaluation Team		Contract Number OR TDY Person Days	Contract Cost OR TDY Cost (U.S. \$)	Source of Funds
Name	Affiliation			
Don Wallace Roy Anderson	Checchi & Co. Consulting Independent	PDC-0085-1-00- 9060-00	51,805	CLI
2. Mission/Office Professional Staff Person-Days (Estimate) _____		3. Borrower/Grantee Professional Staff Person-Days (Estimate) _____		
30		30		

2

A.I.D. EVALUATION SUMMARY - PART II

SUMMARY

J. Summary of Evaluation Findings, Conclusions and Recommendations (Try not to exceed the three (3) pages provided)

Address the following items:

- Purpose of evaluation and methodology used
- Purpose of activity(ies) evaluated
- Findings and conclusions (relate to questions)
- Principal recommendations
- Lessons learned

Mission or Office:

RDO/C

Date This Summary Prepared:

Title And Date Of Full Evaluation Report:

Evaluation of Caribbean Law Institute
August 1992

The Project aims to provide assistance to the English-speaking, common law based Commonwealth Caribbean countries, in law reform, law harmonization and codification, especially in those legal areas relating to trade, commerce and investment. The Project is being implemented jointly by Florida State University (FSU) and the University of the West Indies (UWI) in 18 Commonwealth Caribbean countries.

The Project consists of the following components:

- A) Administration Costs - This heading encompasses the payment of pre-agreement costs for relevant Project start-up activities and salaries, fringe benefits, equipment and other costs for FSU and UWI during the life of the Project;
- B) Program - Under this heading, law library purchases, technical assistance, training conferences, and research and reporting on selected legal topics, as well as drafting of model legislation, are funded.
- C) Indirect Costs - This component provides for the payment of the overhead costs of both FSU and UWI in connection with their implementation of the Project.
- D) Reserve for New Projects - This component provides the flexibility to enable the project to venture into further legal areas relative to trade, commerce and investment which were not identified in the original Project documentation.
- E) USAID - Under this component, FSU has agreed that evaluations of the Project as well as the cost of a Project Advisor will be paid for by the Project. Funding for these items are committed under separate funding documents.

FINDINGS

The Evaluators' findings included:

- (1) All persons interviewed expressed a firm commitment to the principle of law reform, but the extent of the beneficiary governments' commitment in this area was difficult to quantify;
- (2) CLI has developed fairly effective relationships with the OECS and CARICOM;
- (3) CLI has made a good start at developing a relationship with the business community but it had not yet achieved an effective liaison between the legal and business communities in pursuit of commercial law reform;

- (4) At this point, it was not possible to conclude that CLI had established itself as a major contributor to the beneficiary countries' law reform efforts; and
- (5) CLI was established to serve an important purpose -- commercial law reform -- but significant organizational and programmatic revisions are required if CLI is to fulfill this purpose.

The Evaluators were also of the view that generally progress on CLI sub-projects such as Company Law, Arbitration Law, the OECS Treaties, Shipping Legislation and Environmental Law was considerably slower than projected. While the Evaluators were unable to postulate any single reason for delay in sub-project implementation, they were of the view that there were a number of possible factors which could have impacted on the non-completion by CLI of various sub-projects at the times originally calculated. Some of the factors include:

- i) the monetary compensation offered to Reporters on the Advisory Committees were not adequate to encourage private practitioners to give the assignment priority over their day-to-day practice;
- ii) the logistical difficulty of gathering information from several different countries, have such information discussed by the relevant Advisory Committees and then have a draft prepared in a timely manner;
- iii) insufficient meetings of the Fellows who have to sign-off on a completed sub-project; and
- iv) the fact that in most cases the Reporter is not the draftsman of the legislation.

RECOMMENDATIONS:

The Evaluators recommend that CLI be given a more independent status from the two universities and its Board of Directors be reconstituted to include participation of members of the private sector. In the Evaluators' view such changes would allow CLI to operate in a manner more directly responsive to the wider needs of the Caribbean region, in particular, the business community. The Evaluators also recommended that the roles of UWI and FSU vis a vis CLI need to be substantially altered for CLI to function more effectively (both in terms of program output and cost). To this end, the Evaluators opined that the management structure of CLI must be reorganized so as to ensure that the post of Executive Director is based within the Caribbean rather than split between co-directorships located at FSU and UWI.

Other recommendations include:

- A) CLI should hire at a minimum, two legislative draftsmen who will form part of the permanent staff of the Institute.
- B) CLI should devote some of its efforts to fostering the development of law commissions within individual countries.
- C) CLI should aim at developing its own research capabilities, and in particular, seek to establish linkages with international data bases in the field of law reform.

S U M M A R Y (Continued)

- D) CLI should develop a comprehensive list of prospective legal consultants with full statements of their capabilities so as to ensure that the Institute has access to the widest range of skills in the various areas in which it is pursuing reform.
- E) CLI should develop the capabilities to respond to other perceived needs of the region and individual states in relevant legal areas which may be of importance to them.
- F) CLI should make additional efforts to widen public knowledge of its existence and functions.

5

ATTACHMENTS

K. Attachments (Not attachments submitted with this Evaluation Summary; always attach copy of full evaluation report, even if one was submitted earlier, attach studies, surveys, etc., from "on-going" evaluation, if relevant to the evaluation report.)

Evaluation of the Caribbean Law Institute.

COMMENTS

L. Comments By Mission, AID/W Office and Borrower/Grantee On Full Report

In general, RDO/C agreed with most of the recommendations of the Evaluation Report. However, CLI disagreed with a number of the critical recommendations of the evaluation. Areas of disagreement include:

- a) The need to have a single Executive Director based in the Caribbean who is in overall charge of the implementation of Project activities. The CLI proposal is to have two Executive Directors, one based in Tallahassee and one based in the Caribbean.
- b) The need to expand membership of the Board of Directors to include private sector representation. CLI contends that adequate private sector representation exists among the Fellows and on the Advisory Committees of CLI; and
- c) The need to substantially restructure the operating relationship between FSU, UWI and CLI in order to achieve more cost efficient and effective implementation of CLI's activities and ultimately to obtain CLI's stated objectives.

CLI did agree, with some modifications, with the "other recommendations" listed above in Section J as items (A) through (F).

Current Status

1. Subsequently, CLI has agreed to provide the services of a full-time Executive Director based in the Caribbean, who will be employed from July 1, 1993.
2. The CLI Board has also agreed to expand membership on the Board to include one private sector representative and the identity of this person is presently under consideration.
3. The operating relationship between FSU, UWI and CLI has been structured thus: An entity, legally part of CLI, called the Caribbean Law Institute Centre (CLIC), has been formed to supervise CLI operations in the Caribbean. This entity will be staffed by a full-time Executive Director who will report to the CLI Board of Directors on all CLI Caribbean activities. The Executive Director of CLIC will liaise directly with a part-time Principal Investigator based at the CLI Offices in Florida and who will have responsibility for the conduct of all US based activities for CLI.

The Principal Investigator will also report to the CLI Board of Directors which is composed of 3 members from the University of the West Indies, 3 members from the US, and one member each from the OECS Secretariat, and CARICOM Secretariat respectively.