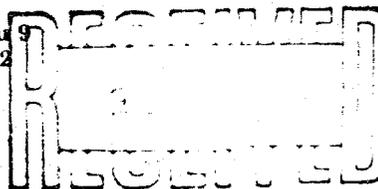




UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT
KINGSTON, JAMAICA

6B OXFORD ROAD
KINGSTON 5, JAMAICA
TEL: (809) 926-3645 thru 9
FAX: (809) 929-3750 or 2

KINGSTON (ID)
DEPARTMENT OF STATE
WASHINGTON, D.C. 20521-32



25 FEB 1994

Mrs. Avis E. Henriques
President/Chief Professional Officer
United Way of Jamaica
32 1/2 Duke Street
Kingston

ENTERED

MAY 3 1994

Section

Dear Mrs. Henriques:

Subject: Grant No. 532-0175-G-00-4150-00

Pursuant to the authority contained in the Foreign Assistance Act of 1961, as amended, the Agency for International Development (hereinafter referred to as "A.I.D."), hereby grants to the United Way of Jamaica (hereinafter referred to as "Grantee") the sum of \$200,000 to provide support for the Mediation Council for Jamaica as described in Attachment I of this Agreement, entitled "Schedule," and Attachment II, entitled "Program Description."

This grant is effective and obligation is made as of the date of this letter, and shall apply to commitments made by the Grantee in furtherance of program objectives during the period beginning February 21, 1994 and ending August 31, 1996.

This grant is made to the Grantee on condition that the funds will be administered in accordance with the terms and conditions as set forth in this Cover Letter, Attachment I entitled, "Schedule", Attachment II entitled, "Program Description", and Attachment III entitled, "Standard Provisions and Mandatory Standard Provisions for Non-U.S., Non-governmental Grantees."

cont/d-2

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Please sign the original and three (3) copies of this letter to acknowledge your receipt of the grant, and return the original and two (2) copies to the Executive Office/Acquisitions Management Unit.

Sincerely,

Robert S. Queener

Robert S. Queener
Mission Director

Attachments:

1. Schedule
2. Program Description
3. ~~Mandatory Standard Provisions, and Standard Provisions for Non-U.S., Non-governmental Grantees~~

ACKNOWLEDGED:

THE UNITED WAY OF JAMAICA

BY: *Avis E. Henriques*
Avis E. Henriques (Mrs.)

TITLE: President/Chief Professional Officer

DATE: 4th March, 1994

FISCAL DATA

PIO/T No. : 532-0175-3-30126
 Appropriation : 72-1131021 EL:7
 Budget Plan Code : LDVA-93-25532-KG13
 Amount : \$137,500

PIO/T No. : 532-0175-3-20210
 Appropriation : 72-11X1037 EL:7
 Budget Plan Code : LESX-92-25532-KG13
 Amount : \$37,500

PIO/T No. : 532-0175-3-20209
 Appropriation : 72-112/31021:EL 7
 Budget Plan Code : LDS2-92-25532-KG13
 Amount : \$25,000
 Paying Office : Controller, A.I.D./Jamaica

CLEARANCE:
 OPPD:RHenry *RH*
 OPPD:KDahlgren *JD*
 CONT:MLewis *ML*
 Drafted:EXO/AMU:LJohnson

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FUNDS AVAILABLE
Shy A/He
 SIGNATURE *AL*

ATTACHMENT 1

SCHEDULE

A. PURPOSE OF GRANT

The purpose of this grant is to provide support to the Mediation Council for Jamaica as more specifically described in Attachment II, Program Description.

B. PERIOD OF GRANT

The effective date of this grant is February 21, 1994. The estimated date of completion is August 31, 1996.

C. AMOUNT OF GRANT AND PAYMENT

1. AID hereby obligates the amount of \$200,000 for purposes of this grant.
2. Payment shall be made to the Grantee in accordance with procedures set forth in Attachment III - Standard Provision 1, entitled "Payment - Periodic Advance".

D. GRANT BUDGET

The following is the grant budget. Revisions to this budget shall be made in accordance with Standard Provision of the Grant entitled "Revision of Grant Budget".

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GRANT BUDGET

<u>Mediation Council</u>	<u>USAID</u>	<u>Mediation Council</u>	<u>Total</u>
1. Technical Assistance			
- Travel	1,600		1,660
- Per diem	1,660		1,660
- Consultants	3,600		3,600
2. Administration			
- Executive Director	50,000	2,500	52,500
- Project Coordinator	39,000		39,000
- Admin. Assistant	21,000		21,000
- Statutory Salary Expenses		10,300	10,300
- Administrative Expenses		68,950	68,950
3. Capital Expenses			
- Motor Vehicle		22,310	22,310
4. Training			
- Workshops/Courses	15,000	8,200	23,200
5. Public Information Campaign			
- Promotions	3,740	4,000	7,740
- Direct Marketing/Sensit. Meet.		3,740	3,740
6. Audit	15,000		15,000
7. ** Cont./Inflation	23,313	32,530	55,843
8. United Way			
- Admin. Costs	26,087		26,087
TOTAL	200,000	152,530	352,530

**The amount for Contingency/Inflation can only be used for those cost overruns that are caused by inflation and must be approved by the Grant Officer.

E. REPORTING AND EVALUATION

1. Reports

Within six months of the execution of this Grant, United Way shall submit to USAID an Action Plan which will outline specific inputs and outputs of each component of the Grant and provide an update of the implementation schedule.

United Way of Jamaica will have the responsibility for overseeing and administering all aspects of this program. The Council will work in consultation with the Ministry of National Security & Justice on legislation, and on matters that relate to the Ministry's portfolio, namely annexed mediation in Lay Magistrates', Resident Magistrates' and the Supreme Courts. The Grantee will provide USAID with a monthly report describing activities implemented during the period, as well as accomplishments, problems and delays in implementation, and suggestions for feasible solutions. All program data will be gender disaggregated. The reports will form the basis for discussions at the formal quarterly project reviews. Participants in this review process will include the Executive Director of the Mediation Council, United Way and USAID staff.

The Grantee shall maintain a reporting system that can provide immediate access to information. The system will include, at a minimum, current financial information relating to the Grant.

At the end of each twelve month interval of program implementation, United Way will summarize progress during the year, planned activities for the ensuing year and propose any reprogramming of the budget or amendments in objectives.

2. Project Implementation

The activities under this Grant will take place in accordance with the implementation plan appended as Attachment II to this PIO/T and the detailed Action Plan to be submitted.

3. Evaluation

Two evaluations by persons or organizations external to the Sustainable Justice Reform Project are planned: an interim evaluation scheduled for the latter part of 1994 and a final evaluation in 1996. The Grant to the United Way will be evaluated on those occasions and funding for this activity will be provided from the project budget. 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. The final evaluation will seek to determine impact and the degree to which objectives have been met.

4. Audits

United Way will undertake a yearly audit of the project accounts following the end of its fiscal year on September 30. This financial and management audit is to be performed by a local CPA firm, acceptable to A.I.D. and will be funded from Grant funds.

F. SPECIAL PROVISIONS

1. The Mandatory Standard Provisions at Attachment III are applicable under this Grant. The applicable Standard Provisions are 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 18 and 21.

2. All original receipts and other documents emanating from the Mediation Council and which relates to the grant funds hereunder will be retained by the Grantee in accordance with clause 2 of the Mandatory Standard Provisions.

G. AUTHORIZED GEOGRAPHIC CODE

The authorized geographic Code for procurement of goods and services under this grant is 000 and Jamaica.

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ATTACHMENT II

A. Project Background

In August, 1992, USAID/Jamaica authorized the \$3,000,000 Sustainable Justice Reform Project (SJRP) to provide assistance to Jamaica's justice system. SJRP follows closely on its predecessor, the Caribbean Justice Improvement (CJIP) and will complete certain activities initiated under that project, as well as addressing highest priority needs of the justice system as recommended by mid-term and final evaluations of the CJIP. Primarily, SJRP will improve the sustainability of the justice system by targeting resources to strengthen both the public and private sector entities involved in the administration of justice.

Project Components

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

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

The third project component addresses policy weaknesses within the justice system, and will concentrate on financing policy studies in a number of areas. This component will also support the establishment of the Justice Coordinating Council by the Ministry of National Security & Justice to identify areas within the legal system for reform and to oversee project implementation.

Finally, the fourth component will include assistance to two private sector groups, the Jamaican Bar Association and the Mediation Council of Jamaica. The former will be strengthened to educate the public concerning the justice system and to provide continuing legal education to lawyers as well as information and analysis of recent developments in the law.

The Mediation Council for Jamaica

The Mediation Council for Jamaica began in September, 1990 as a joint endeavor of the Jamaican Bar Association and the Ohio Center for Dispute Resolution of Capital University's Law and Graduate Center to introduce mediation as an alternative method of dispute resolution to Jamaica. In 1989, the Council received a grant of US\$75,000 from the Ford Foundation and was able to:

- launch ADR in Jamaica
- produce five training videos
- develop two training manuals and case studies
- train the core group of 15 trainers
- conduct training seminars in crisis intervention and in mediation for lay magistrates (Justices of the Peace), social workers, school children, police officers and judges

Assistance has also been obtained in the form of office space, secretarial assistance and training support from a number of local volunteers and the Jamaican Bar Association.

The governing body of the Mediation Council for Jamaica is a council which arose out of the leadership of the persons trained under the Ford Foundation Project between Capital University and the Jamaican Bar Association. The patron is the Chief Justice of Jamaica and members include the Attorney General, the Minister of National Security & Justice, the Commissioner of Police, the Chief Parliamentary Counsel, a former Secretary of the Bar Association, representatives of the Lay Magistrates Association and the Jamaica Council for Human Rights. The Council since its launching in September, 1990 has held regular meetings.

The Council is in the process of formalizing its structure and proposes the following organization:

- a large representative council including persons named above to meet on a quarterly basis, and a smaller executive committee consisting of the Chairman and at a minimum the Chairmen of Committees on Education, Corporate Mediation, Court Annexed and Youth Mediation, along with the Executive Director on a monthly basis to carry out the policy directives of the Council. This will be implemented along with the registration of the operations as a corporation/foundation under the name The ADR Foundation of Jamaica.

B. Objective

The objective of this Grant is to provide funds through the United Way of Jamaica for the Mediation Council for Jamaica to continue the promotion of mediation, a structured alternative disputes resolution (ADR) process in which parties in dispute accept responsibility for their own actions and arrive at mutually acceptable solutions with the assistance of a neutral third party.

C. Program Activities

With the assistance of United Way of Jamaica, the Mediation Council for Jamaica intends to institutionalize the activities undertaken since the inception of ADR in Jamaica by utilizing the base provided by the Ford Foundation to establish mediation as a first line process for settling disputes in Jamaica. The Council will educate the public about the important alternative to violence; set up several model centers in communities throughout Jamaica; and provide mediation training to key sectors of the Jamaican society.

United Way of Jamaica is a highly experienced and very successful private, not for profit, organization which is committed to strengthening other organizations through its fund raising/fund distribution activities, or management assistance. A justification for non-competitive award of an AID direct grant assistance has been approved by the Mission Director. The justification is based on an exception to the rules for competition per AID Handbook 13, Chapter 2, Section 3.a. & b.

The planned life of project amount for this 30-month Specific Support Grant between United Way of Jamaica and USAID is US\$200,000 which is subject to the availability of funds under the Sustainable Justice Reform Project. The Mediation Council for Jamaica will contribute at a minimum a total of in-kind and cash amounting to US\$152,530. The purpose of the Agreement is to ensure efficient and effective administration of the project and to enable the fledgling Mediation Council to establish mediation services in Jamaica on a sustainable basis. In accordance with USAID's policies and procedures, United Way of Jamaica will administer the grant by:

- o setting up the requisite bank account and systems of accountability and reporting
- o monitoring expenditure within approved budget limits
- o monitoring program effectiveness through inspection of records and site visits, as necessary
- o maintaining reporting requirements of USAID

- o providing advice and direct assistance in planning and implementation, facilitating the development and success of the Mediation Council for Jamaica.

The activities to be undertaken under the Grant are more fully described below as well as in the Summary Implementation Schedule attached.

- 1) General Institutional Development: A central coordinating Secretariat, offering cooperate and legal mediation services, will be established by the Council and staffed by an Executive Director, a Project Co-ordinator, an Administrative Assistant/Secretary. AID funds will also be used for technical assistance to help the Council to develop its organization and activities in a way such as to be economically viable.
- 2) Training: The network of trainers and mediators will be consolidated through workshops and refresher courses. Training requests from the Lay Magistrates' Association in seven parishes will be dealt with. A minimum of two lay magistrates in each of the fourteen parishes in Jamaica will be trained in mediation skills to ensure that the judicial system will be able to offer appropriate intervention.

The legal profession will be fully sensitized to ADR and at least ten percent of the estimated 1,200 lawyers, i.e., 120 lawyers, will have started to use ADR services. Thirty lawyers will be fully trained as mediators, while others will be at various levels of sensitization and training.

It is proposed to establish standards for trained mediators and qualified mediators and accreditation will be sought from the University Council of Jamaica. By the end of the Grant, a national corps of skilled mediators, numbering not less than seventy will be in place.

- 3) Mediation Centers: At least one community mediation center will be established in each of five parishes. This includes the model mediation center that will be established at the Kingston Restoration Company Teen Center (YESS) to be staffed on a part-time basis. The walk-in mediation center at 131 Tower Street (Legal Aid Clinic and Jamaica Council for Human Rights building) will be re-established. Staffing for this center will consist solely of a part-time scheduler for mediation services. Mediation programs will also be put in place in association with at least three relevant Ministries of Government, viz, Justice, Education and Health, to deal particularly with inner city areas of Kingston and Montego Bay.

- 4) Marketing: Direct marketing of ADR will be increased to the corporate legal communities and the corporations and law firms will be enrolled as founding members. Within two years, foundation members will be converted to annual members and the base of corporate supporters will be further increased. The corporate members, numbering at least 30 entities, will be using the services of the Council on a fee basis and will be making a contribution by membership fees. The fees set out below will go into effect as services become available in 1994 and will be adjusted to reflect future increases in inflation, costs and in the level of skill (i.e., trained or qualified mediator) required for the resolution of each specific dispute. In essence, they represent a baseline for establishing a sliding scale of fees.

Training:

Ministries of Government) J\$20,000 for 8 hours training of
Corporate and Legal Entities) 20 persons

Community) J\$200 for 8 hours training per
person

Services:

Legal and Clients) J\$250 per hour
Community) J\$100 per hour plus expenses

Additionally, community, police and schools ADR will be sustained by a combination of user fees, donations from the general society and grants which will be sought from local and overseas sources. These are on-going services for which the demand is expected to increase over time as the process proves its effectiveness and its acceptance becomes general.

A register of mediations carried out will be established and maintained. The Council expects that lasting resolution of disputes dealt with will be in excess of forty percent as a result of the interventions listed in this Description and that a new, lasting trend towards ADR and away from violence will have started in the Jamaican society.

- 5) Curriculum: Work with the Ministry of National Security & Justice and Ministry of Education with a view to including mediation on the curriculum for police training, teachers' colleges and schools. It is expected over the life of the grant that at least one high school in each of the fourteen parishes will be introduced to mediation.

- 6) Public Education: Initial steps will include a press conference to announce the opening of the Secretariat and press coverage of the launching of the mediation centers. The public education program will have resulted in a high level of public awareness, recognition and acceptance of the benefits of ADR.
- 7) Court-Annexed Mediation: To relieve the pressure on the courts, court-annexed mediation will be started in the Supreme Court and steps will be taken for its introduction into Resident Magistrates' Courts and Lay Magistrates' Courts, at least one in each of the 14 parishes. It is anticipated that at the expiration of the grant, court-annexed mediation will be a fact and provision will therefore be made for these services in the budget of the Ministry of National Security & Justice.
- 8) Community Mediation Centers: Assist with the opening of community mediation centers housed in existing institutions, such as, health centers, churches and youth centers. Staffing will be from local volunteers and trained mediators drawn from the ranks of teachers, lay magistrates, among others.
- 9) Network: Links with networks of ADR international providers will be established. Affiliation or other appropriate form of relationship will be established with:
 - o Society of Professionals in Dispute Resolution - U.S.A.
 - o Capital University Law and Graduate Center - U.S.A.
 - o American Arbitration Association - U.S.A.
 - o Center for Dispute Resolution - U.K.

MEDIATION COUNCIL OF JAMAICA (ADR FOUNDATION OF JAMAICA)

SUMMARY IMPLEMENTATION SCHEDULE 1994-1996

- To be refined for evaluation purposes

Refer Budget #	ACTIVITIES	Year I - Feb 1994/Jan 1995				Year II - Feb 1995/Jan 1996				Year III - Feb 1996/Aug 1996		
		Q 1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11
2	<u>START-UP OPERATIONS</u>											
	<u>Estab. Central Secretariat</u>	x	x									
	Recruit staff:											
	° Executive Director	x										
	° Project Co-ordinator		x									
	° Admin. Asst/Secretary		x									
	° Staff Pt.time - HWT & KRC			x	x							
	Office Rental		x									
	Purchase/procure furniture, fixtures & equipment		x	x								
	<u>BOARD OF GOVERNORS</u>											
	° Constitute Board (invite and appoint)	x	x									
	° Ratify or approve structure/actions		x	x	x	x	x	x	x	x	x	x
	° Approve policies			x	x							
	° Approve programme of activities and Budgets/Expenditure		x	x	x	x	x	x	x	x	x	x
	° AGM/Public Meeting (1)						x					
	° Evaluation Exercises (2)							x				
4	<u>PUBLIC EDUCATION/PROMOTION</u>											
	General Public											
	° Press Releases (12)	x	x	x	x	x	x	x	x	x	x	x
	° Brochure (1)		x	x	x	x	x	x	x	x	x	x
	° Press Conf(signing agreement)(1)		x									
	° TV and Radio Interviews (3)		x	x	x		x		x			
	° "Tuesday Forum" on ADR (1)			x								
	° Formal Launch (1)				x							

MEDIATION COUNCIL OF JAMAICA (ADR FOUNDATION OF JAMAICA)

SUMMARY IMPLEMENTATION SCHEDULE 1994-1996

Refer
Budget #

ACTIVITIES	Year I - Feb 1994/Jan 1995				Year II - Feb 1995/Jan 1996				Year III - Feb 1996/Aug 1996			
	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12
4 Target Groups (team visits/group meetings (6)												
◦ Ministry of Justice, Judges/Lay Magistrates, Ja.Constabulary Force Court system - Intervention/formal relationship (2)					x	x						
◦ Previously involved persons Churches, social workers (2)			x		x							
◦ Jamaica Employers' Federation (1)		x										
◦ Ja.Trade Union Research Development Centre & members (1)				x								
Direct Marketing & Membership Solicitation												
◦ Legal Corporate Entities (Pv.Sector) Kingston Met.Area, St.Catherine, St Thomas (3)		x	x	x								
Montego Bay & Western Region (1)					x							
St.Anns Bay & N.E.Region (1)						x						
Mandeville, May Pen and South Central Region (1)								x				
◦ Legal Services (Pub.Sector) Kgn.Met.Area, St.Catherine, St.Thomas (1)				x								
Montego Bay & Western Region (1)				x								
St.Anns Bay & N.E.Region (1)					x							
Mandeville/May Pen & South Central Region (1)												x

MEDIATION COUNCIL OF JAMAICA (ADR FOUNDATION OF JAMAICA)

SUMMARY IMPLEMENTATION SCHEDULE 1994-1996

Refer
Budget #

ACTIVITIES	Year I - Feb 1994/Jan 1995				Year II - Feb 1995/Jan 1996				Year III - Feb 1996/Aug 1996			
	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12
Other Corporate Entities (Pvt.Sect.)												
Major Industries												
Bauxite, Tourism, Agriculture (3)					x	x	x					
Manuf., Commerce, Financial Servs. (3)					x	x	x					
Medium & Small Enterprises (3)									x	x	x	
Individual Members	x	x	x	x	x	x	x	x	x	x	x	x
3 <u>TRAINING</u>												
Workshops												
Refresher courses - trained mediators (2)				x	x							
Refresher courses - trainers (1)				x								
Lay Magistrates (regional) (4)					x		x		x		x	
Sensitization Meetings and training for new recruits (1)												
Further training of selected new mediators (2)							x					
Trained & newly recruited Youth mediators (YESS) (1)							x					
School mediators programme (1)				x								
Police Academy (1)				x								

MEDIATION COUNCIL OF JAMAICA (ADR FOUNDATION OF JAMAICA)

SUMMARY IMPLEMENTATION SCHEDULE 1994-1996

Refer

Budget #

ACTIVITIES	Year I - Feb 1994/Jan 1995				Year II - Feb 1995/Jan 1996				Year III - Feb 1996/Aug 1996			
	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12
3 OTHER TRAINING LINKED ACTIVITIES												
International Linkages												
° Subscriptions		x										
° Affiliations			x									
° Capitol University	x	x	x	x	x	x	x	x	x	x	x	x
° UNESCO			x									
° National ADR Convention (overseas guests invited)										x		
Setting of standards												
° Trained Mediator		x										
° Qualified Trainer		x										
Relationship with local Training Institutions												
° Regional - U.W.I., C.A.ST.	x	x	x	x								
° National - Teacher Training Colleges	x	x	x	x								
Police Academy		x	x									
Ja.Trade Union Research and Development Centre		x	x									
Ja.Employers' Federation		x	x									
Inst.of Management & Production		x	x									
Ja.Institute of Management		x	x									
HEART/NTA		x	x	x								
Accreditation - University Council of Jamaica												

MEDIATION COUNCIL OF JAMAICA (ADR FOUNDATION OF JAMAICA)

SUMMARY IMPLEMENTATION SCHEDULE 1994-1996

Refer
Budget #

ACTIVITIES	Year I - Feb 1994/Jan 1995				Year II - Feb 1995/Jan 1996				Year III - Feb 1996/Aug 1996			
	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12
<u>MEDIATION SERVICES</u>												
Walk-In Mediation Centres (Staff and trained Volunteers)												
◦ 131 Tower Street (Part-time)(1)			x									
◦ KRC Inner City Youth Centre (1)			x									
◦ Half-Way-Tree (Part-time)(1)			x									
◦ Montego Bay (2)												
◦ Regional Centres (4)				x			x					
◦ Rural Youth Centres (5)				x		x		x		x		x
Corporate Mediation Centre (Staff)												
◦ Central Secretariat(Kgn) (1)				x								
◦ Montego Bay												
◦ May Pen/Mandeville							x					
◦ St Anns Bay								x				
◦ School Mediation Programmes(2)							x		x			
Volunteers												
Court annexed/community mediation centres												
◦ Kingston												
◦ Half-Way-Tree							x					
◦ In each parish capital (12)								x				
									xx	xx		
										xx	xx	
											xx	xx
												xx

N.B. "x" indicates establishment of each centre. Work will be continuous thereafter.

NOT AVAILABLE DOCUMENT