

PD ABL 966
25336

U.S.A.I.D. Project No: 532-0175

AMENDMENT NO. 5
TO THE
PROJECT GRANT AGREEMENT
BETWEEN
THE GOVERNMENT OF JAMAICA
AND THE
UNITED STATES OF AMERICA
FOR THE
SUSTAINABLE JUSTICE REFORM PROJECT

Date:
Appropriation: 725/61021.1
BPC: LDV494-25532-KG13
Amount: \$250,000

FUNDS AVAILABLE	
SIGNATURE <i>[Handwritten Signature]</i>	DATE <i>1/25</i>

PROJECT GRANT AGREEMENT

AMENDMENT NO. 5

AMENDMENT Number 5 between the UNITED STATES OF AMERICA, acting through the United States Agency for International Development ("U.S.A.I.D.") and the Government of Jamaica.

The Government of Jamaica and U.S.A.I.D. entered into a Project Grant Agreement, dated August 28, 1992 ("Agreement") and amended on September 30, 1992; July 22, 1993; August 31, 1993; and June 20, 1994.

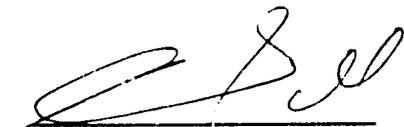
The Government of Jamaica and U.S.A.I.D. now desire to amend the Agreement to reflect a change in the Amplified Project Description and to obligate an additional US\$250,000 in grant funds.

The parties agree that the Agreement be amended to read as follows:

- Section 1.** Section 3.1. The Grant is deleted in its entirety and replaced by the following:
- Section 3.1. The Grant. To assist the Grantee to meet the costs of carrying out the Project, A.I.D., pursuant to the Foreign Assistance Act of 1961, as amended, agrees to grant to the Grantee under the terms of the Agreement an amount not to exceed Two Million Four Hundred and Eighty-six Thousand Three Hundred and Eighty-eight United States Dollars (US\$2,486,388) ("Grant").
- The Grant may be used to finance foreign exchange costs, as defined in Section 6.1., and local currency costs, as defined in Section 6.2., of goods and services required for the Project.
- Section 2.** Annex 1, Amplified Project Description, shall be deleted in its entirety and replaced by the attached Revised Amplified Project Description. The Revised Amplified Project Description shall be further amended by the addition of a revised "Illustrative Budget," appended hereto as Attachment 1.
- Except as amended herein, the Agreement, as amended, remains in effect.

IN WITNESS WHEREOF, the GOVERNMENT OF JAMAICA and the UNITED STATES OF AMERICA, each acting through its respective duly authorized representative, have caused this Amendment to be signed in their names and delivered as of the day and date below written:

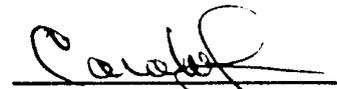
GOVERNMENT OF JAMAICA



Shirley Tyndall
Financial Secretary
Ministry of Finance

Date: 28/6/95

UNITED STATES OF AMERICA



Carole Henderson Tyson
Director
USAID/Jamaica

Date: 28 June 95

SUSTAINABLE JUSTICE REFORM PROJECT

TABLE II: ILLUSTRATIVE BUDGET

	PREVIOUS OBLIGATION			BUDGET RE-ALIGNMENT NEW OBLIGATION			TOTAL OBLIGATION TO DATE			FUTURE OBLIGATION *			LIFE OF PROJECT		
	AID	GOJ	NGO	AID	GOJ	NGO	AID	GOJ	NGO	AID	GOJ	NGO	AID	GOJ	NGO
Project Management	135,000	100,000	0	0	198,220	0	135,000	298,220	0	0	0	0	135,000	298,220	0
Technical Assistance	735,000	5,436	0	120,000	13,628	0	855,000	19,064	0	0	0	0	855,000	19,064	0
Construction	410,000	97,523	0	60,963	373,440	0	470,963	470,963	0	243,397	69,037	0	714,350	540,000	0
Commodities	60,000	56,514	0	97,000	0	0	157,000	56,514	0	0	28,908	0	157,000	85,422	0
Policy Studies	110,000	10,000	0	0	0	0	110,000	10,000	0	40,000	0	0	150,000	10,000	0
Training	197,388	30,000	0	3,000	67,594	0	200,388	97,594	0	114,192	0	0	314,580	97,594	0
Private Sector	500,000	0	51,000	(26,963)	0	59,500	473,037	0	110,500	0	0	59,500	473,037	0	170,000
Evaluation	45,000	0	0	0	0	0	45,000	0	0	25,000	0	0	70,000	0	0
Audit	40,000	4,000	0	0	0	0	40,000	4,000	0	0	0	0	40,000	4,000	0
Contingency/Inflation	4,000	66,700	14,000	(4,000)	0	0	0	66,700	14,000	91,033	0	47,275	91,033	66,700	61,275
TOTALS	2,236,388	370,173	65,000	250,000	652,882	59,500	2,486,388	1,023,055	124,500	513,612	97,945	106,775	3,000,000	1,121,000	231,275

*Subject to the availability of funds

APPROPRIATION : 725/61021.1
 BPC : LDV595-25522 RGT3
 RCN: P950041

REVISED AMPLIFIED PROJECT DESCRIPTION

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

I. Project Goal and Purpose

The goal of the proposed four year project is to enhance democratic institutions in Jamaica. The project purpose is to improve the efficiency of the justice system and enhance its sustainability. By the Project Assistance Completion Date, the Sustainable Justice Reform Project would have achieved the following End of Project Status (EOPS):

- functioning new record keeping system in all Resident Magistrates Courts thereby reducing the clerical workload and improving the scheduling of cases.
- cooperative working relationships established and being maintained between the court administrators and the clerks and judges in all courts.
- functioning automation in the model courts and in the Court of Appeal.
- substantial increase in the use of mediation.

II. Project Outputs

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

The project has three outputs as described below. These outputs, if fully realized, should greatly improve the efficiency of the justice system in Jamaica and enable Jamaica to sustain these efficiencies after the project ends--thereby realizing the project purpose.

Output # 1: More efficient RM court administration

Indicators:

1. Chief court administrator and all 15 court administrators in place and trained
2. New record keeping and docket management system in place in all 14 main RM courts
3. Statistician unit established and statistician trained
4. Chief Court Administrator unit established with staff and budget to carry out assigned duties
5. Computers installed and functioning at the two model courthouses and the Court of Appeal
6. Inventory tracking system installed for the Justice side of MNS&J
7. Court Administrators salary rationalized to reflect improvement in salary package
8. Number of vacancies of clerks reduced by the bonding and/or direct employment of Nomar Manley Law School graduates

Output # 2: Improved courthouse physical facilities and usage

Indicators:

1. Five courthouses of underutilized facilities closed
2. Increased use of at least five facilities by adding to the number of court days to accommodate cases formally heard at the closed locations
3. Pilot automation installed, and renovations completed in the two model courts
4. New courthouse in Spanish Town constructed
5. Supreme Court building renovated
6. Family courts have more facilities for clients, including cribs, fans, water coolers

Output # 3: Increased private sector contribution to legal reform and efficiency

Indicators:

1. JBA shows institutional growth with increased membership
2. Volumes of Jamaica Law Reports published for backlog of judgments from 1977 to 1995
3. Dispute Resolution Foundation created and functioning
4. Policy study completed by MNS&J on legal aid system and legal aid council established either as an NGO or as a statutory body

III. Project Inputs

The project inputs are described below.

Technical Assistance:

A two-year USAID direct contract will be executed for a number of activities including training of sixteen newly recruited court administrators and a statistician, as well as examining the current record-keeping system and developing a more efficient manual case card system for the RM Courts. A limited amount of procurement will be undertaken under the contract that will include a motor vehicle, 10 PCs, 12 printers, 2 photocopiers and a facsimile machine. All of the procurement will be handed over to the Ministry of National Security & Justice on completion of the contract. The level of effort under the contract is expected to be 24 months of on-site contractor and six months of short term TA.

Commodities:

Lack of basic equipment in Jamaica's three family courts situated in the parishes of Lucea, Hanover and Kingston has contributed to frustrations felt by the employees and users of the justice system. To address this problem, the Ministry of National Security & Justice will provide certain items for the users: chairs, cribs, water coolers, as well as filing cabinets for the offices.

The Government of Jamaica, through its Administrative Reform Program (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.

The Coopers & Lybrand proposed program that was funded under the predecessor CJIP project will therefore be modified to include recommendations from ARP on equipment to be purchased for computerization of the justice side of the Ministry of National Security & Justice. USAID funds will be used for this computerizing exercise.

Training:

The Ministry of National Security & Justice will submit for USAID approval and funding an in-country training plan for primarily judges, resident magistrates, law officers, family court counsellors, court bailiffs and justices of the peace. Ad hoc overseas training will be considered on a case-by-case basis.

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 with GOJ counterpart funds will include appropriate element of social psychology and hands-on application of mediation and negotiation skills.

Courthouse Infrastructure:

Major construction work will be carried out on two RM courts: Spanish Town and Port Maria, as well as the Supreme Court in Kingston. Minor construction will be undertaken at two courthouses that will serve as "model" courthouses: Half-Way-Tree RM and Montego Bay RM. USAID will fund 50% of the cost of the construction activities at the Spanish Town courthouse, while MNS&J will fully fund the cost of Port Maria, Supreme Court and the model courthouses.

Policy & Program Reform:

Project funds will be available for studies of policy or program reforms concerning the administration of justice. Issues for studies will be selected according to their significance in contributing to effectiveness and efficiency of the justice system. Subjects for studies will be approved by the Justice Coordinating Council and USAID. In the event, it is determined by the JCC that there is no need for further studies, the funds can be used for implementation, subject to USAID's approval.

IV. Implementation Arrangements

The structure of the Ministry of National Security & Justice 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 SJRP's project implementation functions will fall into categories similar to those which comprised the predecessor justice project, CJIP. For example, SJRP will also finance courthouse renovation, equipment and staff training programs as well as engaging in a wide range of other activities that 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 main 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.

The project's key players will consist of:

- The PMU: This unit will be headed by a host country contracted General Coordinator who will report to the Permanent Secretary in MNS&J. The Ministry, through the PMU, will be directly responsible for construction and procurement of services and equipment not included under the technical assistance contract. The PMU will also host monthly project management meetings, including at a minimum PMU staff, chief court administrator, the on-site technical assistance contractor and the USAID Project Officer.
- The Technical Assistance Contractor: An on-site technical assistance advisor will be backed up by a limited number of short-term experts in court management over a two-period to provide four distinct areas of endeavor in the project: (a) training of court administrators; (b) developing a more efficient manual case card system for RM courts; (c) assisting with the development and implementation of the Court Statistics Unit and providing the necessary training thereof; and (d) procuring some equipment that will be handed over to the Ministry at the end of the contract.

- The Chief Court Administrator: This individual will be a career GOJ civil servant who will 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 court administration. This individual will approve on behalf of the Chief Justice the project's various training and management improvement plans for RM courts. The Chief Court Administrator will also monitor continually the progress in the execution of the court administration training segment of SJRP.

- The Permanent Secretary and Chief Justice: The PMU's administrative chain of command extends up from the PMU General Coordinator to the Ministry's Permanent Secretary, while the Chief Court Administrator reports directly to the Chief Justice. This dual reporting structure means that there must be a clearly established mechanism for resolving any disagreement which might arise between the PMU General Coordinator and the Chief Court Administrator. The procedure which all parties have agreed to is as follows:
 - The Chief Court Administrator will have direct access to the Permanent Secretary
 - The PMU General Coordinator will have direct access to the Chief Justice
 - The ultimate resolution of any area of disagreement will be between the Chief Justice and the Permanent Secretary who may wish to take up the matter with the Minister at their discretion.

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

The Council will perform three principal functions: (1) initial approval of selection of subjects for policy analysis, (2) review annual project progress and the proposed implementation plan for the ensuing years, and (3) general oversight of project implementation.

- The Jamaican Bar Association: A specific support grant will be executed with this entity to support law related public education, continuing legal education to lawyers, and timely provision to lawyers of information and analysis in recent developments in the law.
- United Way of Jamaica: A specific support grant will be executed with a local NGO for the provision of funds to the Dispute Resolution for continuing the promotion of mediation.
- USAID: USAID/Jamaica's involvement will include substantial, detailed participation in project implementation in all matters including direct USAID procurement, such as in the hiring of the technical assistance contractor and evaluation team, as well as a more indirect role, such as observer status on the Justice Coordinating Council. The USAID Project Officer will be included in PMU project management meetings, which will be scheduled at least once per month and will require quarterly written reports from the PMU. USAID will maintain relationships with the Ministry of National Security & Justice and the Supreme Court at various levels.

V. Financial Plan

The project will cost US\$4,352,666 over a four year period. Of this total, the Jamaican dollar equivalent of US\$1,121,391 will be contributed by the Government of Jamaica, US\$231,275 from non-governmental organizations and up to US\$3,000,000 will be provided by the USAID grant. USAID has obligated to date a total of US\$2,486,388 as shown in Section 3.1. The provision of additional USAID funds, up to the planned amount, is subject to the availability of funds and to the mutual agreement of the parties at the time, to proceed. A revised Illustrative Budget is attached.