

FINAL EVALUATION
REPORT
ON
THE CARIBBEAN JUSTICE
IMPROVEMENT PROJECT

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EVALUATION
OF THE
CARIBBEAN JUSTICE IMPROVEMENT PROJECT

EXECUTIVE SUMMARY

BACKGROUND OF THE PROJECT

The CJIP was authorized on August 8, 1986, and is a regional initiative designed to improve the administration of Justice in the countries of the English-speaking Caribbean. The original funding allocation was 7.8 Million United States Dollars, and the original Project Assistance Completion Date was July 31, 1991. Subsequent amendments have increased the allocation to presently approximately 8.8 Million Dollars with a PACD of August 1, 1994. While the overall CJIP included a Jamaican section, it was always separate and is not a part of this evaluation.

The project, like the Caribbean Basin Initiative, grew out of the recommendations of the Bi-partisan Commission on US policy towards Central America and the Caribbean, headed by Henry Kissinger, and also referred to as the "Kissinger Commission", in the early Reagan years. It was seen as part of the fabric which needed to be woven in the region, to encourage democratic institutions and free market economies. For the purposes of this evaluation, CJIP's application is limited to the countries of the OECS (not including Montserrat), and Belize, and latterly Guyana from late 1993.

METHODOLOGY

The detailed methodology is contained in the body of the report, but consisted of approximately five weeks in the field in the various beneficiary countries, interviewing legal practitioners and

other persons from both the public and private sectors. Included among these were Attorneys General, Judges, Magistrates, Police Prosecutors, lay magistrates, para-legal course coordinators, University Officials, and members of National Advisory Commissions. The single evaluator also visited refurbished court houses and libraries, and registries within the project area. Despite the number of persons interviewed, however, the conclusions are entirely those of the evaluator and full responsibility is accepted for them. If, in the course of this report, the evaluator has not faithfully represented the views of any interviewees, or has mis-perceived anything said, apologies are unreservedly given.

ACKNOWLEDGEMENTS

Out of these discussions and opportunities to see the work of the CJIP, this report has been prepared. It would be ungracious not to acknowledge that the physical rigours imposed by the effort to cover eight (8) countries within a limited time was only matched by the unselfish co-operation of all persons with whom the evaluator came into contact in the course of this trip. I should pay special tribute to the USAID RDO\C Project Manager and his colleagues at the Mission in Barbados, for their kind assistance with hotel accommodation reservations and their willingness to help in any way necessary. I should acknowledge particularly in this respect, Sir George Brown, the Chief Justice of Belize, who although he was on vacation, made himself available to meet with the evaluator for the full four days of the visit to Belize.

But the evaluator would also like to salute some of the lesser civil servants who were met during the evaluation. Among these were Mr. Eldon Millington in the registry in St. Vincent, and Mr. Purcell Christian in the library in Dominica, and many others of whom they were typical, who were obviously passionately committed to their jobs, and who grasped in an intuitive way the importance of the project to their jobs and their countries.

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PROJECT DESIGN

- The design of the project using the university as the grantee, and the agency with whom the beneficiaries would interface, was an important strategic design consideration, given the regional nature of the project. The concept of the National Advisory Commissions with a primary co-ordinator to be the link between the country and the Project Office was also well through out.

In addition, the specific project components spoke directly to the critical needs of the countries in question and were not dictated by AID's own perception of the needs of the countries.

PROJECT IMPLEMENTATION

Project implementation was also good. However, given the organizational structure which had been created for the project, it was a little disappointing that the active role of the National Advisory Commissions did not continue throughout the life of the project. Similarly, the primary co-ordinator was never accorded the critical importance that the post was intended to have. However, the overall implementation of the UWI Component was satisfactory. Even the financial transfers which have been such a major problem in other USAID projects in the region were handled generally with fair expedition.

The project also delivered on most of the critical EOPS, with the notable exception of a developed legal aid system in each of the beneficiaries, and it is now apparent that the assumption underlying this component-OCCBA's ability to give technical assistance in the developing of the system was probably ill-founded.

FINDINGS

In the light of the extensive chronicling of the evidence which has gathered, and the responses received from interviewees, in relation to various aspects of the project, the evaluator summarizes the findings in the section set out below. Thereafter, the report will list conclusions drawn from the findings as well as recommendations which may be considered in the event of a subsequent project or a decision to complete any of the unfinished work under CJIP.

1. The responses from the representatives of the beneficiary countries were positive with respect to their views as to the success of the project.
2. The project has clearly increased awareness of the critical role of the administration of justice in the preservation of democracy, and the ability to attract and retain businesses for economic development.
3. No aspect of the CJIP was without support as to its validity in any beneficiary country. Government officials were particularly grateful for the equipment and physical facilities provided under CJIP, and were especially aware that CJIP now gave them leverage with their governments in their efforts to secure increases in budgetary allocations for administration of justice.
4. The Faculty of Law at the University of the West Indies as a regional institution, was able to impact on the countries which maintain it, and in this way CJIP assisted with developing a greater understanding of the role of the institution in Caribbean development.
5. USAID\RDOC retained a deft control of the project, but showed itself willing to adapt and to be flexible for the benefit of the project and the beneficiaries.

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6. All interviewees conceded that CJIP either:

- a) directly benefitted justice administration in the primary beneficiary countries; or
- b) at least acted as a catalyst in generating several of the policy reforms implemented by the beneficiaries.

7. The case reports textbook revolving fund was an important component of the project although its slow, early deliveries of results called its viability into question. The development of Central Law Libraries in each of the beneficiaries was also a major critical success of the project.
8. The component dealing with Law revision and Law reform was important and that importance was appreciated by all beneficiaries although in two cases no significant revision or reform was achieved.
9. Country specific activities represented the heart of CJIP and also represents its most visible successes in view of its assistance to court houses, libraries, and other physical facilities of the beneficiaries.
10. Regional technical assistance and training might have provided the most important longterm benefits of CJIP in terms of the availability for training provided at all levels of the justice systems of the beneficiaries. This training is particularly beneficial at the level of para-legal personnel who bear the responsibility for much of the system.

CONCLUSIONS

1. The project design was appropriate for the CJIP. The overall delivery of services occasioned by the project design was also appropriate and timely and the implementation

of the project was satisfactory. While it is not possible to say that it is exceptional, certainly the project delivered in the manner in which it was anticipated and in some cases performed better than might have been expected. Both design and implementation of the project were therefore positive features.

2. The project was the beneficiary of the fortuitous choice of key personnel who were involved in CJIP over the eight (8) year life of the project. In particular, the early involvement of Dr. Nicholas Liverpool as Project Director and Mr. Dennis Darby as USAID RDOC Project Manager was an important step in establishing the conceptual framework in which the various parties and participants would interact, and set the tone for the co-operation and flexibility which was to serve the project well.
3. As the project aged, it seemed to lose momentum and interest was sustained not by active primary co-ordinators or even active national advisory committees, but by individuals who remained committed to benefiting under the project and the Project Manager's and Project Directors' continuing commitment to CJIP.
4. The slowing down of the momentum of CJIP after 1991 was a natural development given the earlier frenetic activity under the project up to that point and the departure of the first Project Director who had maintained a personal and hands-on relationship at all levels in all beneficiary countries up to 1991.
5. The second project director, Prof. Carneigie, was responsible for the project for the period 1991 - 1993. Because of the reduction in the activities, and the reduced personal involvement of the new project director, some persons were of the view that the project had slowed considerably. However, the fact is that there was no reduction in direction or control from the office of the project director, although at the time of his assuming duties there were important reductions in staff. For example, the Deputy Director returned to St. Vincent, the Primary Co-ordinators ceased to function, and one Secretary was removed from the project office.

6. The last year of the project, 1993\1994 has seen performance which was uneven. The evaluator noted that there have not been any meetings of the respective National Advisory Committees. What was surprising was the number of individuals who had hitherto been closely associated with the project, but who were unaware as to who the current Project Director is. This may well be the result of the fact that with imminent ending of the project there was a consequent loss of interest in its day-to-day operations.
7. The UWI administration of the project was generally effective and delivered in inefficient manner. The suggestion that the 10% of the project which was allocated to the UWI administration might have been excessive is not borne out by comparison with other similar projects and the regional nature of this project made the UWI a natural for the role to co-ordinate the activities in the various primary beneficiary countries.
8. Law library development was one of the outstanding successes of CJIP. All countries involved in CJIP have now either established new central law libraries to benefit the profession or are awaiting the delivery of books for this purpose. Further, the evaluator finds that as a general rule the success of the law library development and the interest which has been shown in Professor Crabbe's draft of the "Law Library Act" indicate that this development is a sustainable one.
9. The evaluator concludes with respect to the impact upon the jurisprudence of the region by the case report text book revolving fund, that the impact was a positive one, especially as it involved the development of the OECS case reports. The view that this development is sustainable is made more plausible, given the level of the enthusiasm for those reports generated in the region. The evaluator also concludes that the early end to the text book revolving fund may very well have prevented this aspect of this component from being the success that it might have been. It is conceded that the UWI was not set up to properly handle the marketing of the texts which had been prepared.

Because of the slowness in getting the text book revolving fund component off the ground and the decision having been made to cancel this aspect of the programme, a number of texts which had been approved and are now available for publication will not be printed.

10. The other donors who operated within the region and who assisted the primary beneficiaries also provided a very useful ally to CJIP. Their activities were supportive and had a positive impact on the project in its attempts to reach its goal of strengthening the justice system of the primary beneficiary countries.
11. Generally speaking, the delivery of the technical assistance and training services by the UWI to the beneficiary countries was timely and effective and certainly appropriate. An examination of the draft analysis of the regional technical assistance and training budget and actual expenditure over the period shows that generally the workshops and training were appropriate and did not unduly burden the project.
12. The evaluator concludes that although all the countries exhibit a heightened awareness of the need to pay due regard to the maintenance of the administration of justice systems, it is not at all clear that the resources needed to maintain these systems and to invest in new technology and in personnel are going to be available over the long haul. This comment certainly raises the issue of sustainability but at the same time, to the extent that the countries' awareness has been heightened, it seems that there is a structure here on which to build future policy changes for the benefit of the justice system. Further the evaluator concludes that even in those cases where CJIP did not directly cause changes it had generally a catalytic effect on these changes and to that extent, may claim some credit for the changes having occurred.
13. The country specific activities which were undertaken by the perspective countries were generally appropriate for the purpose of CJIP attaining its goals and also allowing the respective country to enhance its justice administration system.

14. The evaluator concludes specifically that in relation to the ability of the project to achieve the stated objectives as referenced in the End Of Project Status, (EOPS) that the project did in fact deliver fairly strongly on three of those objectives. The fourth, that is the establishment of legal aid systems throughout the region, failed miserably except in the case of Belize where it has shown a very promising beginning and in Guyana where the indications are that this will be a successful scheme.
15. It is concluded that in so far as there was hope for direct impact by the project on low income groups, women and children, the project has not made any significant contribution in this area. In fact, apart from limited legislation for introduction of a family court in Grenada, St. Vincent, St. Lucia and Belize, as well as legislation on domestic violence (St. Lucia) and proposed legislation on the rights of children in St. Kitts\Nevis, very little has been done which is directly relevant or beneficial to women, children or the poor.
16. The cultural nuances which often affect behaviour in small island societies may sometimes have a negative effect upon projects of this nature. This is because assertive individuals who do not stand on rank, but who could promote success are often distrusted by officials who are concerned with status and position, rather than results.
17. The role of the Primary Coordinator was not given the weight that was contemplated by the project paper, and this, perhaps, contributed to increased time lags between identification of needs, communication of those needs to the project office, and the execution of relevant MOUs for a particular activity.
18. There were several failures to keep formal undertakings given by the countries in their CAPs or MOUs. It may be that a general set of undertakings at the outset of the project as an alternative to specific undertakings with each MOU or CAP would be preferable.

19. The countries, except in the possible case of Belize, did not maintain their NACs as active, viable, consultative bodies after 1991. This led to breakdowns in communication both within country and between the country and the Project Office. In one case, the recommendations which had been solicited from an officer responsible for a particular area of operations in the country's courts were substantially changed by the Attorney General in forwarding the list of requirements to the project office, without reference to the person who had prepared the recommendations.
20. In the final year of the project when more attention was needed to ensure maximum utilization of available resources, there was less engagement by the Project Director's office, and accordingly, less structured approaches to urgent final requests.

RECOMMENDATIONS

1. In any regional justice administration project, it is highly desirable that there should be a strong link with a continuing presence in the Secretariat. It is therefore recommended that a representative of any project be kept full-time either in the OECS or CARICOM Secretariat.
2. Such a project must find ways to ensure the continuation of any National Advisory Committee which is set up, and should, if necessary, make continuing assistance conditional upon the NAC remaining active and involved. The Chairman of such Committees should, preferably, not be the Attorney General, but possibly the President of the Bar Association, or joint Chairmanship between the Permanent Secretary in the Ministry responsible for legal affairs and a representative of the Bar Association.
3. Efforts should be made to strengthen local Bar Associations with a view to ensuring that they have the capabilities to assist with the development of proper legal aid facilities.

4. The institutional capabilities of the offices of the Attorneys General should be strengthened and encouraged to establish viable working relationships with the private Bar.
5. The role of a Primary Co-ordinator who should preferably be a full-time employee of the project, must be emphasized, and the individual given the responsibilities inherent in that role.
6. Ways must be found to protect against the need for small businessmen or contractors to front-end expenditure where reimbursement is not likely to be immediate and automatic.
7. USAID and UWI should explore - along with other potential donors - the possibility of providing significant assistance to the Faculty of Law to allow for the continuation of the text book revolving scheme which has major potential benefits for the jurisprudence of the region. The UWI Faculty of Law should use its good offices to discuss with Florida State University and the administration of the Caribbean Law Institute (CLI) the possibilities of extending CLI's mandate to allow it to assist in the law revision exercises which still need to be completed, particularly in St. Lucia and St. Kitts\Nevis.
8. Persons responsible in the beneficiary countries for the finances of the project should be given some training in project financial requirements preferably with a brief attachment at the relevant USAID office or within the UWI's Bursar's office if the UWI is the grantee.
9. Any follow on project should have a component aimed specifically at modernization of court management systems and the upgrading of registries.
10. It is recommended that attempts be made to assist in the provision of trained personnel who are available for extended periods of one to two years with part of their responsibility being to train local staff in areas such as court reporting and registry management.

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For the purposes of this evaluation, CJIP's application is limited to the countries of the Organisation of Eastern Caribbean States (not including Montserrat), and Belize as primary beneficiary countries, and latterly, Guyana which was added as a primary beneficiary in 1993. The project as presently applied to these beneficiary countries, is divided into two (2) components; the University of the West Indies (UWI) component presently 8.8 million United States dollars, and the St. Kitts component for 1.4 Million Dollars. In the former, the UWI is the grantee, and in the latter the Government of St. Kitts\Nevis is the grantee. The St. Kitts, Nevis component provided a direct grant to that Government for the purpose of erecting a Judicial and Legal Services Complex in that country. In limited areas of application, there were also benefits extended to other countries including Montserrat, Anguilla and the British Virgin Islands, who are "Non-primary beneficiaries".

The Project was the subject of a Mid-Term evaluation carried out by a team comprising Arthur Mudge, Joseph Archibald and Duke E. Pollard in October 1989. This evaluator has had the benefit of reading that report among the other several documents provided by the USAID,

Regional Development Office of the Caribbean (RDO/C), and others. That report proved very useful in this evaluation and several references will be made to it in this report.

CONTEXT, RATIONALE AND STRATEGY

CONTEXT

The beneficiary countries share a common language, culture and history. They are all former colonies of Britain, newly independent countries and members of the British Commonwealth. They are all relatively small or mini-countries in terms of geographic area and their populations, ranging from Belize (9,000 square miles, population 160,000 persons) to St. Kitts, Nevis, with an area of 104 square miles and a population of about 46,000. In addition, they are all developing countries with small economies, and limited resources at their disposal.

They share a common legal heritage based on English Common Law, with a strong - even intuitive belief - in the Rule of Law. But they also share common problems in the administration of Justice. As noted in the Project Paper:

"Due to lack of investment and routine maintenance, the administration of justice is in a serious state of decline throughout the region. Courtroom conditions are deplorable and court management is antiquated. Court registries are bursting with centuries of clutter, a problem which lowly paid and poorly trained and motivated para-legals are incapable of solving. The Laws are in desperate need of reform. Often statutes are not printed, court decisions not reported, and even if they are, law libraries have declined to such a low level, that it is impossible to find them. Legal Aid for the poor is practically non-existent: typically, lawyers are only provided in murder cases."

RATIONALE

- The philosophical underpinning of the CJIP is the conviction that there is an inextricable link between the stability and quality of the justice system, and the capacity to retain democratic principles and institutions, within the respective states. The project in its Logical Framework set out as its goal:

"To maintain and reinforce public confidence in the rule of law and legal systems in the democratic states of the Commonwealth Caribbean."

Its purpose was:

"To strengthen legal systems in the region, especially in Belize (Jamaica) and the Eastern Caribbean".

The fundamental assumption underlying the implementation of the project was that if sufficient resources were directed at the problems of the administration of justice which seemed to inhere in the lack of economic resources to deal with those problems, the countries would be on a surer footing to maintain democracy. The willingness to implement the project was based upon the perceived presence of the political will in the participating governments to update their laws and to provide enhanced proportions of their national resources to the administration of justice. The Logical Framework also assumed that:

"National institutions will devote sufficient human and material resources to address problems and use UWI resources".

Having looked at the full list of assumptions in the Logical framework, the Evaluator is satisfied that the underlying assumptions in the project as set out in the Log Frame, remain valid. The Mid Term Evaluation had equally found the assumptions to have had continuing validity. It,

however, questioned whether the other claims on the budgets of governments would overcome the political will the governments might otherwise have been prepared to show in the increasing the allocation of resources to justice administration.

STRATEGY

According to the project paper "the project strategy is based upon four mutually re-enforcing principles. These were as follows:

1. "Regional activities and institutions are the most effective way of generating a self sustaining process of reform".
2. "Country specific activities are a necessary project input".
3. "Host country policy reform key to project success"
4. "Project activities with the greatest practical import will be emphasised".

This four-legged strategy dictated that in a regional project, the UWI, a regional institution, should have a central role while individual countries should feel that their own concerns are being addressed, to convince them to participate enthusiastically.

DURATION AND METHODOLOGY

The project as indicated above was authorised in 1986 with an initial PACD of July 31, 1991. This was later amended to July 31, 1993 and finally to August 1, 1994.

The project has therefore been on going for eight years, a considerable period for any project. It is the opinion of the Evaluator that this project has gone on for as long as it could. It is time to move beyond CJIP to set and define new goals and find new horizons.

The Evaluation team consisted of a sole Evaluator an Attorney admitted to practise in New York state, Jamaica, Grenada and in England. In order to carry out this final evaluation, the Evaluator had access to documents in the USAID RDO/C office in Barbados including the project paper, the grant agreement and several amendments thereto as well as the Mid Term Evaluation Report prepared by Mr. Arthur Mudge and the team of three Evaluators. The Evaluator also had access to other documentation within AID's office which had bearing on the CJIP as well as other peripheral information relating to the prospective development of a Guyana Justice Improvement Project. Most of the time of the Evaluator in the field was spent in interviewing various members of both public and private bars within the region. In particular, efforts were made in all cases to interview Judges including the Chief Justices, Attorneys General, Presidents of Bar Associations, the Registrars of the Supreme Courts, Librarians and other persons as relevant. The interviews were also conducted with the UWI project team including Dr. Kenneth Anthony, the present project director, the two previous project directors, Drs. Nicholas Liverpool and Professor Ralph Carnegie and members of the UWI financial and accounting staff who had to do with the financial administration of the project.

In addition, the evaluator was pleased to be able to interview Sir Keith Hunt, the Principal of the Cave Hill campus of the University of the West Indies on which the Faculty of Law is situate. At the end of the first four (4) weeks of the evaluation exercise which covered the countries of the Eastern Caribbean and Guyana, the evaluator had held a debriefing session at the AID office in Barbados at which his findings were presented to the Mission director and members of her staff. It was not thought proper at that time to prepare a draft report since there was still going to be the need to visit Belize, which from all preliminary reports had been perhaps the most significantly successful of the participants in the CJIP. The final report is being prepared to meet with the PACD of the 1st August 1994 and is being submitted to the Mission Director in Barbados as early as possible. It is hoped that the final report will be satisfactory however, if there are comments which need to be addressed to the Evaluator, these comments will be welcome.

Up to the late 1960's the beneficiary countries were, relatively speaking, well-to-do members of the Third World. However, as of the early 1970's commencing with the first oil shocks and the subsequent debt crisis, these countries have come under extremely severe economic pressures. These economic difficulties have forced the countries to make hard choices between health, education and welfare on the one hand and e.g the maintenance of the machinery and systems of the administration of justice on the other. It is axiomatic that faced with these bread and butter choices the systems and machinery of justice administration have suffered. The effect is throughout the region run down physical plant and infrastructure, inadequate support materials such as books for libraries, computer and word processing equipment for Registries, benches, chairs and furniture for Judge's Chambers and jury rooms and more significantly personnel of sufficient quality to administer the system with the high integrity bequeathed to it from the former colonial era.

SOCIAL SITUATION

Notwithstanding the economic difficulties into which all these territories had fallen they still clung to a tradition involving the rule of law and equality before the law. These ideals are essential to the preservation of democracy and they are also equally important to the question of the country's ability to attract new investment to foster economic growth. The inadequacies of the justice administration system however threatens not only the courts and their abilities to function in the short term but given the primacy of the rule of law in democratic societies threatens the democratic fabric upon which these societies are premised.

CJIP assumes correctly in the view of this Evaluator, that the primary beneficiary countries as well as other countries referred to as non-primary beneficiaries wished to preserve the democratic way of life and recognised the importance of the rule of law to such preservation. Accordingly, it further assumes that the countries were prepared to protect and to improve the administration of justice systems before any further deterioration would set in.

At least part of the thinking was premised on the basis that if one could ensure:

- the preservation of the rule of law;
- access to the courts, and to the law; and
- clearly up-to-date and easily accessible legal doctrines and rules.

It would then be possible in this societal context to be able to attract investment which would in turn help the economies of the country to develop further. This thinking certainly influenced AID in its conceptualisation of CJIP. Indeed the establishment of the Project is to be seen as part of the overall thrust of US policy of the 1980's of which the Caribbean Basin Initiative was an important part.

The project as revealed in the logical framework was intended to strengthen legal systems in the region especially in Belize, Jamaica and the Eastern Caribbean. It would do this through a project which had a number of components listed as the following:

- Law Library Development
- Case Report Textbook Revolving Fund
- Law Revision and Law Reform
- Country Specific Activities
- Regional Technical Assistance and Training

The goal was given as *"to maintain and re-enforce public confidence in the rule of law and legal systems in the democratic states of the Commonwealth Caribbean"*. The objectively verifiable indicators in relation to this goal would be *"an increasing confidence of domestic and foreign investors; equitable treatment under the law, and increase in the number of indigents receiving legal representation"*.

Non-Primary Beneficiaries

In addition to the primary beneficiary countries it is to be noted that very early in the project it was decided to extend some assistance to a number of other countries referred to as 'non-



primary' beneficiary countries. These countries included Anguilla, Bahamas, Barbados, British Virgin Islands, Cayman Islands, Montserrat, Trinidad and Tobago and the Turks and Caicos Islands. Each of these non-primary beneficiary countries received small amounts of funding under the CJIP which is used for country specific activities within the particular countries. A list of the primary beneficiary countries along with their populations and GDP figures is attached as an Appendix to this report. The project as was designed after comprehensive discussions between USAID in the Caribbean and in Washington, the UWI Faculty of Law, the governments of the individual countries, and representative of the OECS. It contemplated an administration carried out by the UWI Faculty of Law out of which would come the Project Director. The second element of the project was a deputy director who was to be stationed in the OECS Secretariat in St. Lucia. Thirdly, the establishment in each beneficiary country of a National Advisory Committee headed by a Chairman and with a functionary known as a primary co-ordinator who was to be an important link between the NAC and the UWI administration. Fourthly, was AID's USAID/ROD/C in Barbados. In the UWI component of the project the UWI was the grantee and it would receive proposals in relation to the various components of the project. Based upon its analysis and evaluation it would recommend approval to AID. If AID was satisfied, it would grant such approval. In order for the flow of funds then to commence, the country would enter into a Memorandum of Understanding (MOU) which set out not only the work to be undertaken, or the equipment to be acquired, but also in turn what formal undertaking the country would give in relation to the grant under consideration. Overseeing the financial integrity of these operations was the UWI Financial Office and AID's own financial officials in Barbados.

Project Elements

The project had six elements as follows:

- (1) The UWI Administration
- (2) The Law Library Law Development Component
- (3) The Case Report Textbook Revolving Fund

- (4) The Law Revision and Reform Component
- (5) The Country Specific Activities
- (6) The Regional Technical Assistance and Training Component.

UWI Administration

The UWI administration component which was approximately \$860,000 or roughly 10% of the project was intended to compensate the Faculty for undertaking the entire work of administering the project. It should be noted that during the courses of review with representatives from the various countries it was suggested by those representatives that the UWI component took up too great a share of the project fund. However, no one was able to demonstrate that objectively the UWI was in fact receiving more than their due or was in fact profiting from administering of the project. As far as the evaluator has been able to ascertain in projects of this nature the costs of administration generally is considerably in excess of 15% or 20%, and therefore the 10% which was paid to the UWI faculty of Law is not disproportionate given the size of this project.

The first findings of facts that the evaluator would make, therefore, is that the payment to UWI was not exorbitant and in fact the beneficiaries received value for money at the rate at which UWI was paid.

Project Design

In so far as the design of the system is concerned, the evaluator is satisfied that was an appropriate design. *"The project paper indicated that the project manager in AID's Office would assist the UWI project director in co-ordinating and monitoring the work of the primary co-ordinator in each participating country. In turn the primary co-ordinator who will be a member of the National Commission of the country in which he resides will be responsible for managing and co-ordinating all project activities within his respective country including providing progress report for country specific activities . The primary co-ordinators will be contracted by UWI subject to concurrent by appropriate host country officials".* It seems clear that the project

paper contemplated a role of peculiar significance to the primary co-ordinator within the context of the National Advisory Commission and as the link with USAID/RDOC and the project director on the one hand and the country's activities on the other. This critical position which was assigned to the primary co-ordinator was at the very center of the design of the project.

In the course of the evaluation however, it became clear very quickly that but for about two cases, the National Advisory Commission did not view the primary co-ordinator as being of more than passing importance. In most cases the role of the primary co-ordinator was purportedly carried out by the Chairman of the Commission who almost invariably was a high ranking official such as the Attorney General and in one case the Governor General. It would appear that given the cultural nuances of these countries to have Commissions headed by high ranking officials and primary co-ordinators who are seen as being of lesser significance made it difficult for the project to develop the momentum which it should have received from the position of the primary co-ordinator. In small societies such as those in the Caribbean it is difficult not to be always constantly aware of one's relative rank within the hierarchy of these societies and in some cases the primary co-ordinators would have seem to have been reticent in pressing forward with their role for fear of being considered assertive relative to the Chairmen.

This does not, however, deny the correctness of the design. It would have been possible to have built in certain safeguards which would have ensured the primary co-ordinator a proper functioning role without doing violence to the cultural mores of these communities. From the responses received in the various interviews it also appears that shortly after the first project director demitted office, no further primary co-ordinators were appointed. There is some uncertainty as to whether the countries were advised by USAID/RDOC that it would no longer fund primary co-ordinators or whether as was claimed by other persons, USAID\RDOC indicated it would not fund government employees in the position of primary co-ordinators. However, and be that as it may, it seems that primary co-ordinators ceased functioning somewhere in 1991 to early 1992, and that the key role of activists within the Commission fell squarely in the laps of the Chairmen of the various commissions. This in the view of the

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Evaluator - and the findings as made here - was an error which perhaps slowed the momentum of the CJIP at the time when it needed to increase the momentum given that the more spectacular activities had been completed by late 1991.

Another element of the project as designed which changed in or around 1991 was the disappearance of the deputy project director from the Secretariat of the OECS. The departure of the deputy director meant that the concept of a regional official within the OECS being very central to the regional efforts of CJIP was no longer critical. There is no evidence that the departure of the deputy director from the OECS made any significant difference to the way the project developed. There were many who felt that if a future regional project were to be implemented it would be necessary to retain a presence from that project in the OECS Secretariat.

FINANCIAL ADMINISTRATION

Financial oversight for the project was exercised by the Bursar's office at the Cave Hill Campus of the UWI. The evaluator had an opportunity to meet with representatives of the financial staff and to discuss some of the complaints which had been heard from the officials in the respective countries in terms of the flow of funds to pay for different activities. Surprisingly in a project of this nature there were relatively few complaints of failure to make payments which had become due. There were some complaints where it was felt that small businessmen or small contractors were being asked to spend their own money and then to await reimbursement from Barbados. This process sometimes took a reasonably long time although the project director's office and the Bursary felt that there were not many cases in which the delays extended beyond four weeks. The evaluator did however come across one application for reimbursement which had been made from Belize in May and which at up to mid-July had still not been paid. The UWI financial staff felt that the project had worked fairly smoothly. The main difficulty they had found was with individuals in the beneficiary countries not understanding all the requirements of the project in terms of the documentation which needed to be submitted in order to effect payment. This failure they attributed primarily to the high turn over of personnel on

the National Advisory Committees and particularly those persons who were responsible for the accounting procedures.

THE OFFICE OF THE PROJECT DIRECTOR

During the eight-year life of the project the office of Project Director was filled by a member of the Faculty of Law, and was held by three persons in succession. The first Project Director was Dr. Nicholas Liverpool former Dean of the Faculty of Law at Cave Hill. The project was extremely fortunate to have had Dr. Liverpool as its first Director because he brought an unselfish and committed energy to the project and an almost evangelical zeal in his pursuits to ensure that all the beneficiary countries did in fact benefit from the opportunities. This was, perhaps, not surprising as Dr. Liverpool had been one of the architects of the project and could almost claim paternity for it as it begun. The fact is that he gave magnificent service to the project over the first five years during which a considerable amount of the achievements of the project were realized. The project had been intended to last for five years. As the initial PACD approached it became clear that some elements of the project would not have been completed and additional benefits would have been gained by completing them. But not only did Dr. Liverpool serve the project well during the period of his directorship, he continued to be a messenger for and on behalf of the project after he became a judge of the OECS Court of Appeal. It is perhaps instructive that some persons continue to believe that he was involved with the project a considerable period of time after he had ceased to have been so connected.

The end of the period of Dr. Liverpool's directorship of the project saw that position being taken over by Prof. Ralph Carnegie of the Faculty of Law. Unfortunately, the accession to the position of director of Prof. Carnegie coincided with a much less frenetic period of activity by the project. A lot of these more high profile, and high impact activities would already have been completed, and many of those which had not yet been completed were not glamorous projects but matters which required on going day-to-day and week-to-week consideration. At the same time the project lost the deputy project director, and it also at this time seemed to have lost effective use of primary co-ordinators. Indeed the position might have been abolished depending on which view of the circumstances is correct. The evaluator was unfortunately not able to see

any documentary evidence which settled the question as to the ending of the role of the primary co-ordinator. It is however clear that in all cases, primary co-ordinators ceased to exist for all practical purpose at about this time. Secondly, the National Advisory Committee also seemed to function far less effectively and in many cases it now appears that the role of the National Advisory Committee was left to one- or two persons usually the nominal Chairman of the Committee - to carry out the role of the Commission. It is perhaps not surprising that given this lessening of activity on behalf of the National Advisory Committee, as well as the slackening of the pace of activity in the project generally, that the presence of the project director was far

less obtrusive than it hitherto had been. Nevertheless all those persons to whom the evaluator spoke confirmed that they had been satisfied that Professor Carnegie had been an effective replacement for the first director Dr. Liverpool.

The third director Dr. Kenny Anthony, lecturer in the Faculty of Law became director when there was less than one year to run on the project. It is, perhaps, unfortunate that he should have taken over at this time. He had to deal with the fact that in many cases all elements of the project were being wound down and countries were merely seeking to ensure that they could get as much as possible out of the project before it finally closed. It is however regretted that there appears to have been a feeling on the part of many in the beneficiary countries that they were not aware of who the project director was, and that there was a lack of leadership from the faculty at Cave Hill during the last year of the project.

This is perhaps an unfortunate conclusion however to be understandable and given the ending of the project might even have been inevitable.

THE DEPUTY PROJECT DIRECTOR

The initial project paper had conceived of a Deputy Project Director stationed in the OECS Secretariat in St. Lucia. The first and only Deputy Director of the Project was Mr Karl Joseph a former Attorney General of St. Vincent and the Grenadines. As is stated above the evaluator

finds that the idea of stationing a representative of the OECS in the Secretariat particularly to ensure the regional nature of the project was an excellent idea. From discussions with representatives at the Secretariat it seems that there was a period of tension as the deputy director sought to define his role as deputy and his role viz a viz the legal advisor and the Secretariat generally. It does not appear that there was a happy resolution. The presence of the deputy director in the OECS Secretariat did in the view of the evaluator make the project more regional in nature particularly as it affected the area of law revision and reform and harmonization of laws.

USAID PROJECT MANAGER

Over virtually the entire life of the project the interests of US AID/RDOC were excellently served and the interest of the project greatly advanced in the person of the Project Manger at the RDOC, Mr. Dennis Darby. Mr Darby established an excellent working relationship not only with the project director, but with various members of the National Advisory Committees in the beneficiary countries. He was always available to hear their views, and was always willing to try to see whether arguments which were presented could be accommodated within existing AID guidelines. It is perhaps instructive that the legal advisor to the OECS indicated that at first he was opposed to CJIP inter-alia because of USAID's traditional inflexibility. However, he became a convinced supporter of the project when he discovered the extent to which USAID was prepared to try to be accommodating. It is undoubtedly a tribute to Mr Darby and the relationship which he established with the successive directors, the deputy director and all other persons who were involved in the administration of the project. Indeed it is a positive finding of the evaluator that the relationships which were developed by the USAID project manager contributed in a very significant way to those successes which the project was able to accrue.

MAJOR COMPONENTS OF THE PROJECT

As indicated above the major components of the project involved the UWI administration.

- Law Library Development
- Case Report Textbook Revolving Fund
- Law Revision and Reform
- Country Specific Activities
- Regional Technical Assistance and Training

These successive heads are dealt with in the following sections and especially in the section dealing with country specific activities. However in the interest of completeness it is necessary

to deal with Law Library and Regional Technical Assistance and Training here and they are now specifically dealt with in the following sections.

LAW LIBRARY DEVELOPMENT

A critical element of the CJIP was the need to develop Central Law Libraries for each of the primary beneficiary countries. There was wide spread recognition that Library facilities were inadequate in all the countries and that in order to upgrade the quality of the system of administration of justice it would be necessary to upgrade the quality of the library services available to practitioners both in the public and private bars. It is not therefore surprising that in the initial draft budget for the project the component dealing with Central Law Libraries was allocated over US\$600,000. In fact the evaluation has proved quite decisively, and it is submitted here as a finding of fact, that the Law Library Development Component of the project was one of the most successful aspects of CJIP. New Libraries were in fact established in six of the seven primary beneficiary countries while a Law Library was being provided in Guyana which was a late addition to the primary beneficiaries. The only country in which the Library had not yet been established was in St. Kitts and that was due to the failure to complete the court

complex. However, even here the government had now identified space in the new international business companies registry and having communicated that information to the project office and to USAID, it is understood from the Attorney General in St. Kitts that those books would shortly be forthcoming. In so far as this element of the project is concerned therefore each and every beneficiary country benefitted significantly from the provision of a new central law library. Indeed, while in some cases the library material acquired was not as complete as it might have been, in all cases the Central Law Library now represents a vast improvement on what had preceded.

REGIONAL TECHNICAL ASSISTANCE AND TRAINING

This sub-component of the project was allocated an estimated sum of US\$840,000. It was intended to cover a wide variety of training and technical assistance activities at both the national and regional levels. As was pointed out in the publication "Caribbean Justice Improvement Project Two Years of Activities", this represented a *"residual category to support the rule of law and legal systems in the region whose financing under the grant might otherwise have been in doubt"*. Out of this figure of \$840,000.00, \$250,000.00 was set aside to cover operational support for the OECS Secretariat and the salaries of the full time deputy director, a legal assistant and a part-time secretary who were based in the Secretariat. To a very significant degree the RTA&T component was involved with training at all levels. As will appear below in the narrative on country specific activities the training of para-legals was a vital part of this project. With the inadequacy of trained qualified professional personnel, the burden of seeing that the systems delivered justice to all fell heavily on para-legals. Early in the project, therefore, negotiations were conducted with the Barbados Community College and that institution agreed to be the co-ordinator of the para-legal training efforts throughout the region. In each and every case except Dominica (and the late entering Guyana), para-legal training courses were set up. In all cases they provided graduates who were able to work within the legal systems to make a contribution to its improvement. Except in St. Lucia and Belize where the para legal training courses have been taken over by the government now that CJIP funding has ended, the other territories have demonstrated the lack of sustainability of this particular component.

Among the criticisms which might be levelled at most of the para-legal courses offered, is that they tended to be too academic and esoteric for the students, and secondly that they often fostered false expectations that this would help the successful individual to get into the Faculty of Law or Law school in the region. The highly successful Belize para legal course at the University College of Belize was however based on the more practical and less academic Jamaican model and it is perhaps one of the reasons for its undoubted success. Generally one would have to conclude that the para-legal sub-component was not as successful as the project had hoped. The experiences of St. Lucia and Belize, however, indicate that it is possible to have a successful and sustainable para-legal training course, once the commitment of the authorities to such a course is forth-coming.

But the regional technical assistance training programme component of the project not only undertook the training of para-legals. There were a number of other conferences, workshops and seminars and what follows is a mere sampling of those seminars. A full list of activities funded by the regional technical assistance and training component is attached at the end of this evaluation. Examples of conferences and workshops which were staged and funded by CJIP include: "A Workshop on Committal by Statements" for Magistrates which was held in 1987; a Conference of Chief Justices held in Jamaica in August 1987; A workshop on: "The Negotiations of International Contracts" which was held in Barbados from September to October 1987; A conference on: "Stability and Change in Constitutions in the United States and the Caribbean" held in Barbados in 1987, as well as numerous conferences and workshops in 1988 involving a Draft International Convention to prevent torture as well as other training workshops for Magistrates, Bailiffs, Marshalls and Police Prosecutors. The comprehensive listing of such training workshops and seminars is set out, as mentioned above, in the appendix attached to this report.

It is to be noted that the original budget allocation for regional technical assistance and training was the sum of \$840,000.00. The draft budget analysis prepared by the current Project Director which forms an Appendix to this evaluation, and which sets out a list of all events and activities forming part of the Regional Technical Assistance and Training component, reflects the

increased allocation agreed in the final amendment to the grant agreement (Amendment #9) dated February 25, 1993 to a figure of \$M1.46. It is suggested, and this will also be one of the recommendations of the report, that where a project is of a regional nature it ought to provide for a continuing presence in the OECS Secretariat, or in the CARICOM Secretariat in the case of a project for the wider Caribbean. Despite this lack of continuing presence, however, the evaluator finds that regional technical assistance and training under the project was appropriate, and that the delivery of services under this head was timely and effective.

STATEMENT OF WORK

According to the Statement of Work, the Evaluator has been asked to effect a Final Evaluation of the Caribbean Justice Improvement Project. ("CJIP" or The Project") In particular, the activity to be evaluated is stated to be "the University of the West Indies component of the Caribbean Justice Improvement Project". The purpose of the evaluation is to *"seek to assess the progress of this component in achieving the objective of strengthening the justice systems of the six participating OECS primary beneficiary countries, Belize and Guyana which was added as a beneficiary country in late 1993"*.

In particular the evaluator is required to carry out the following specific tasks:

- (a) Assess the progress made, and the impact upon the Jurisprudence of the region by the Project's Case Reports/Textbook Revolving Fund, which is administered out of the UWI Faculty of Law;
- (b) Assess the contribution made by other donors to the project with particular reference to how, if at all, other activities had a positive impact upon the project achieving its goal of strengthening the justice systems of its primary beneficiary countries;

- (c) Assess the timeliness, appropriateness, effectiveness of the UWI delivery of technical assistance and training services to the beneficiary countries under the UWI component;
- (d) Effect an assessment of policy changes, or changes in legislation, which have been implemented in the beneficiary countries, either as a direct result of the implementation of the project, or due to the project acting as a catalyst for change in the beneficiary countries;
- (e) Document progress made in implementing specific activities in each primary beneficiary country, with particular reference to any constraints which may have inhibited the complete implementation of country specific activities;
- (f) Comment specifically on the overall progress of the project in achieving its stated objectives as referenced in the End of Project Status (EOPS) of the project, as well as the likelihood of the project achieving success in effecting those changes in the legal systems of the beneficiary countries which can be financially sustained not only during the life of the project, but independently thereafter by the beneficiary countries;
- (g) Comment specifically on the project's impact, or anticipated impact on lower income groups, differentiating where possible along gender lines.

PURPOSE OF THE EVALUATION

The purpose of the evaluation is, as stated above, "to assess the progress of the UWI component in achieving the objective of strengthening the justice systems of the six OECS primary beneficiary countries, Belize and Guyana which was added as a beneficiary country in 1993". In narrower terms however, the evaluation seeks to determine the difference if any, made

directly or indirectly by the project, to the importance attached by governments of the beneficiary countries, to the system of the administration of justice and lessons learned from the project.

REPORT ON SPECIFIC COMPONENTS OF PROJECT

(A) CASE REPORTS/TEXTBOOK REVOLVING FUND

There can be little doubt that the project has made invaluable contribution to the jurisprudence of the region. Perhaps the single most significant contribution has been the preparation of reports of cases from the OECS court system. The system included the independent countries of Antigua and Barbuda, Dominica, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, as well as the British dependent territories of Anguilla, Montserrat and the British Virgin Islands. Except for a period spanning the commencement of the rule of the People's Revolutionary Government in 1979 to 1991 when Grenada returned to the system, it also included that country. Hitherto, there had been no compilation of reports specifically of OECS cases, although the OECS Court system had existed in its present form for many years. The West Indian Reports to which reference was usually made, primarily covered the larger territories of the English-speaking Caribbean. Moreover, the availability of the West Indian Reports was limited and in many jurisdictions were not remotely current.

The OECS reports are contained in three (3) volumes, two of which have already been published and the third volume is presently being printed. The Reports were prepared by the Hon. Justice Dr. Nicholas Liverpool, the first Director of CJIP, in association with Mr. Cecil Hewlett. In every case in which the evaluator asked judges or practitioners as to the usefulness of the reports, the response was that they were an extremely invaluable contribution to the Jurisprudence and to the administration of Justice in the Region.

There was also a separate casebook which was prepared jointly by Dr. Liverpool and Dr. Albert Fiadjoe, the present Dean of the Faculty of Law. This is a casebook on Bills of Rights in Caribbean constitutions. Volume 1 of these reports has also been prepared and published. According to one of the joint authors, Volume 11 had been ready for

publication some time ago, but its publication was delayed when funding under this head of the project was suspended. In any event, that volume would now have to be revised in light of cases decided subsequent to the preparation.

This head of the project also had a mandate to assist in the production of new texts, using a self replenishing revolving fund for the preparation of textbooks. Under this head, the project contemplated funding the publication of texts on Caribbean legal subjects. The fund would be replenished by the sales of the books produced. This fund was under the total management of the UWI Faculty of Law and was intended to generate a significant volume of scholarship and the further development of a jurisprudence indigenous to the region. In discussion with a former Director of CJIP, Professor Ralph Carnegie, as well as Dean Fiadjoe, it was pointed out that USAID had terminated this sub-component in early 1991, after the Mid-Term evaluation by Arthur Mudge. Project Grant Amendment #6 dated January 30, 1991, shows that the line item for this head was revised from the original \$250,000.00 to \$150,000.00. The Mudge report had been critical of the slow movement in getting materials published under the programme. It was particularly critical of a view that reports might be published even for individual states within the OECS, such as law reports for Grenada which were in preparation. In its report, it stated: "We are not convinced of the utility of the component as presently designed.....". The report also questioned whether reports of more limited coverage would not only compete for the limited market with the regional "West Indian Reports", but could "encourage a more parochial viewpoint tending to perpetuate microstate mentality in the legal profession".

A review of the available documentation and in particular the pamphlet prepared by Velma Newton. "Caribbean Justice Improvement Project: Two years of activities, Sept. 1, 1986 to Aug 31, 1988", indicated that by August 1988, several titles had been approved for publication. These included textbooks on Constitutional Law by Dr. Lloyd Barnett and Professor Carnegie; *"A study of sentencing in the Barbados judicial system"*, by Dr. N. Duncan; *Fiadjoe and Liverpool, "Casebook on Bills of Rights in Caribbean Constitution"*; Laing and Liverpool, *Law and legal systems in the Commonwealth Caribbean*; and Professor Menon's, "Succession of states in respect of treaties, state property, archives and debts." The decision to terminate this section of the project at a time when it was already over committed, has meant that the only titles actually published were the following:

- *"The Constitution and You: Grenada"*, by Dr. F. Alexis *"The Constitution and You: Barbados"*, by Leroy Innis.
- *"The OECS Reports, Vol.1 & 2"*, by Liverpool & Hewlett
- *"Cases on Commonwealth Caribbean Bills of Rights, Volume 1"*, by Fiadjoe & Liverpool.
- *"An Introduction to the Law of Treaties"*, by Menon.

All these publications have been critically received, and although the marketing has not been effectively organised, it appeared that viable markets existed for them. The Faculty of Law views the decision to suspend this part of the project as very untimely. As proof of this assessment, the Dean pointed out that there are presently eight (8) texts which had been approved by the Faculty's publications committee for publication, but which had not been published for want of funds.

The evaluator is of the opinion that the decision to delete this sub-component of the programme was probably premature. It seems precise that the Faculty did not have a clear view as to responsibilities for publication, and was not organised to pursue an effective marketing strategy in relation to the proposed publications. In fact, even those

publications which were actually produced do not seem to have been properly marketed. This fact is recognized in the faculty and, according to the Faculty Dean, in future, a proper marketing plan will be a part of the production process. It seems that there is a sufficient basis here, for recommending that consideration be given to finding some mechanism by which to foster the continuation of this part of the CJIP.

(B) CONTRIBUTION OF OTHER DONORS

The Project Paper made it plain that: "This is Not a multi-donor project. This is a regional initiative spearheaded by the United States". However, it conceded that: "Other donors, usually making small but strategically important grants, have played a seminal role in support of legal institutions in the region, and it is very likely that this state of affairs will continue". In fact, in Section 5.3 of the Grant Agreement, in the section dealing with implementation, it is provided that:

"UWI will establish a Donor Committee consisting of representatives of the UWI Faculty of Law, United Nations Development Program (UNDP), Commonwealth Fund for Technical Co-operation (CFTC), Canadian International Development Agency (CIDA), British Development Division (BDD) and AID."

The committee which was contemplated by the terms of the Grant Agreement and was to hold quarterly meetings was, in fact, set up and did hold meetings. At first these were separate from the meetings of the Project Committee, but in due course, to facilitate easy communication and greater contact, as well as to address the question of attendance at Donor Committee meetings, all the meetings were held jointly with the Project Committee. The fellow donors were conceived as being of particular relevance in the area of court reconstruction and renovation, an area not within the contemplation of CJIP, as well as in law revision.

In all of the beneficiary countries of the OECS and Belize, one of the most important elements of the administration of justice is the Magistrates' Courts. These courts represent the most visible aspect of the justice systems, the aspect with which most citizens interface. To this extent, the problems which confront the Magistrates' courts are a real impediment to improvement of the justice system. On the other hand, improvements to the Magistrates' courts become an immediate and tangible sign of the improvement of the system.

At the commencement of the Project, it was made clear that there was no contemplation that project funds would be spent on the construction or major refurbishing of buildings. As was stated in the project paper: ".....AID funds may be used for low-cost, functional renovation and adaptation of existing structures when accompanied by the country's commitment to policy reforms....." The fact that many of the courts in the OECS and Belize were in various stages of physical disrepair therefore, represented an inhibiting factor in so far as the potential for improvement of this aspect of the justice system. In fact, the CJIP did assist with improvement of physical structures in many cases. In Grenada, CJIP assisted with the refurbishing of courts in the towns of Sauteurs, Victoria, Gouyave and Grenville. The Chief Magistrate of Grenada opined that the repairs were very well done and have contributed very significantly to the improvement of the justice system in that country. Dominica also had major reconstruction of its courthouse at Portsmouth. This was a particularly impressive refurbishing, including as it did, the swapping of the spaces occupied by the magistrates' court and the police station. Here as well, the extent of the necessary refurbishing made it imperative that the beneficiary country take responsibility for a major part of the job including the re-tiling and painting of the whole property.

In St. Vincent, using funds provided under the country-specific activities line item, the project assisted in the repairs to magistrates' courthouses in Georgetown and Colonaire. SVG also effected major improvements in the High Court building in Kingston. There, the heat and the noise of traffic made it almost impossible to carry on the business of the

court. The project provided for the court to be air-conditioned and the government of St. Vincent met the cost of lowering the ceiling.

In Belize, the country-specific activities funds were used in the major refurbishing of six magistrates' courts in Corazul, Orange Walk, Danngriga, Punta Gorda, Belmopan and Belize City. These funds also provided for the sound-proofing and air-conditioning of the Supreme Court in Belize City. These changes in the physical structure in the High Court were of critical importance to the administration of justice, because it allowed the court to sit without the constant disturbance of traffic and the heat, a condition which had not been possible before the adjustments. In other cases however, the fact that the CJIP undertook to provide the equipment for the improved facilities, made the Governments able to devote to repairs/re-construction resources which they would otherwise have had to use in equipping the facilities.

In this regard, the donors' role was critical. For example, the BDD provided assistance in the major refurbishing of the St. David's Magistrates Court in Grenada, while the CJIP helped with the refurbishing of the other four courts referred to above. That donor, also provided the funding to support the employment of Law Revision Commissioners to those countries who were desirous of having them. Among these were St. Vincent and the Grenadines and Grenada, both of whom were provided with a non-resident Law Revision Commissioner. The UNDP provided critical assistance to the Law Revision efforts in Dominica, while the CFTC assisted Belize with the revision of its laws, both the substantive and the subsidiary legislation. The failure of some countries to make use of the funds available for this head of assistance was due at least in part to the failure to make the necessary arrangements with the willing donors. Thus, for example, St. Lucia advised that after extensive search, it had not been able to find a suitable Law Revision Commissioner, although the BDD was willing to assist. Its laws have still not been revised.

(C)

TIMELINESS, APPROPRIATENESS AND EFFECTIVENESS OF THE UWI DELIVERY OF REGIONAL TECHNICAL ASSISTANCE AND TRAINING

A significant sum, (\$840,000.00) was originally provided under the Project for the component of CJIP, "Regional Technical Assistance and Training". Out of the figure initially budgeted, the sum of \$250,000.00 was earmarked for the employment of a Deputy Project Director, who would be stationed in The OECS Headquarters in Castries, St. Lucia and for operational support for the Secretariat. The sum originally provided, was subsequently increased in successive amendments to the Grant Agreement, to the sum of \$1,460,547 provided in the ninth amendment dated February 25, 1993. An important part of the role of the OECS based Deputy Director, was to ensure the efficient delivery of benefits of the Project which were of a regional nature, as well as benefitting the individual primary and non-primary beneficiary countries.

The Project paper gave examples of the kind of activities which were in contemplation under this head. These included:

- Regional training of police prosecutors;
- Regional training of paralegals
- Tele conferencing under the UWIDITE Project a training vehicle for prosecutors, magistrates, court registrars.etc.
- A UWI sub-grant to OCCBA to help local Bar Associations establish legal aid offices.

The project paper had underscored the need for improvement of the quality of personnel in the administration of justice. This was an essential element of the project. It was widely recognized that the quality of such personnel was affected by a range of issues including historically low salaries paid, which negatively impacted upon the ability to attract and retain staff. Notwithstanding those other factors, it was clearly necessary to upgrade those staff who remained in the justice system. At the heart of the justice

systems of all the countries are the magistrates, in which by far the greater number of cases are heard. To this extent, the quality of justice dispensed in these courts is a critical marker for the quality of justice as a whole.

In so far as criminal prosecutions are concerned, the quality of the magistrates and the police prosecutors, (legally unqualified policemen or policewomen who conduct prosecutions on behalf of the state in the Magistrates court) is fundamental. The project in recognition of this fact, actively promoted training for both magistrates and prosecutors. Several national and regional training courses were organised by the Project Committee all over the region.

i) Magistrates' Training

Several training conferences/workshops have been held throughout the region, including conferences in Barbados, St. Lucia, Grenada and Jamaica. The workshops included one on "Committals by Written Statements", "The police prosecution of drug offences", and another on sentencing guidelines. From interviews conducted with a cross-section of magistrates who participated in these conferences, they were widely regarded as extremely useful. In fact, the training workshops for magistrates may have succeeded on two levels. In the first place, the individual participants benefitted from lectures and discussions on elements in the administration of justice such as trial delays, reasonable cause for adjournment and principles of sentencing. Perhaps even more significantly for the regional benefits to be derived from the project, the conferences provided an opportunity to discuss with other magistrates, the principles involved in dealing with these matters. This clearly helps in standardizing the approach to the common problems which face magistrates, many of whom will serve in several jurisdictions during the course of their careers.

ii) Police Prosecutor Training

Among the specific areas of required training was that in relation to police prosecutors who were responsible for most of the prosecutions in the magistrates courts of the OECS. It is clear that in many cases, these prosecutors were not adequate to the task of prosecution, faced as they most often are, by qualified attorneys appearing for defendants. Several courses were held, and some police prosecutors were able to attend the Regional Police Training Centre in Barbados, in order to upgrade their skills. From the discussions held with magistrates in St. Vincent and the Grenadines, Grenada, St. Lucia and Dominica, it is impossible to say that the general level of police prosecutors has been improved.

However, at least in Grenada and Dominica, the evaluator was able to identify some police prosecutors who were generally regarded as having shown impressive improvement after attendance at the Regional Police Training Centre in Barbados, or at other training sessions held throughout the region. In the case of Dominica, the police prosecutor who had received most training, had in turn helped to co-ordinate a two day course for junior police prosecutors, along with a magistrate, a State Attorney and the Director of Public Prosecutions. This development is relevant to the question of sustainability of the policy reforms implemented pursuant to the project. It demonstrates that this element of the project is in fact sustainable, without large government outlays, given the necessary commitment.

iii) Para-Legal Training

It was clear in the conceptualization of the project that the ability to upgrade and maintain the level of the administration of justice, was dependent, to a large degree, upon the availability of paralegals to relieve the pressure on qualified legal personnel. It was conceived that each of the primary beneficiary countries would set up a paralegal training course based upon models already in place in Barbados and Jamaica. This was to be done using the facilities of State

Community Colleges. As far as the evaluator has been able to ascertain, the success of this part of the project has been uneven, for a number of different reasons. In St. Vincent and the Grenadines, the paralegal training course at the St. Vincent Technical College, ended in 1993, with only five graduates over the five (5) years the course ran. The principal of the Technical College (where the course was held) to whom the evaluator spoke in that country, cited the academic nature of the course and its intensity (four evenings per week, three hours each), as well as the difficulty participants had in using public transport to get to and from the College in Arnos Vale. The government had contributed to the course in kind, because it had given the use of the space without charge, and had borne any costs associated with the late opening of the facility. However, the College had decided that it could no longer offer the course, as with the loss of project support in 1993, the government was not able to sustain the cost. In St. Vincent, the students paid a nominal fee of ECS\$ 50.00 per term. The government decided what would be the cost of attending the course.

In *Grenada*, the para-legal course run by the Grenada Community College had also come to an end, with the ending of CJIP funding, and there only three persons had graduated. The evaluator had the chance to speak with two of the three graduates. The views expressed were uniformly positive, although there were some thoughts that the course was probably too academic, and should perhaps have been modified to achieve greater utility. In Grenada, the co-ordinator of the paralegal programme indicated that thoughts were also being given to re-starting the course at the Grenada Community College, if funds could be found. Given the possible cost per person of about \$1,000.00, the evaluator is not at all sanguine about the prospect of this being done.

In *St. Lucia*, the paralegal course has been extremely successful. There, the course was started with a class of six (6) in 1988, of whom four (4) went into the second year in 1989. There were three graduates in 1990 and seven (7) in 1991.

There were thirteen (13) new admissions in 1991, of whom twelve (12) went on to the second year with ten (10) graduating in 1993. Fifteen (15) were admitted in 1993. Forty five (45) persons have participated in the course including the fifteen (15) students admitted to the first year in 1993. An equal number are expected to enter in 1994.

A total of eighteen (18) persons have graduated from the paralegal course. Perhaps even more significant is the fact that the Sir Arthur Lewis Community College which runs the course, has secured the full support of the private Bar, and a two-person committee had been established to review the course and make recommendations to improve it. The report is due shortly. The relatively strong success of the St. Lucia programme has indicated that it is clearly sustainable, a critical output of the CJIP. This result contrasts starkly with the poor results achieved by the rest of the project in St. Lucia.

In *Dominica*, no paralegal training had been started at the Community College, although the CJIP had made provision for funds to be made available to the Clarence Dupigny College for these purposes. The reason given by several members of the Bar Association, was that most practitioners were opposed to the idea, fearing that paralegals would "steal" their clients, especially in the area of conveyancing and wills. This view had apparently pre-dated the coming into force of the CJIP. The President of the Bar, a former Attorney General pointed out that as far back as 1985, that had been the attitude of the Bar. It was extremely encouraging to note however, that two recent graduates of the Hugh Wooding Law School, one of whom is a magistrate, along with three other persons, are in active discussion with the UWI Resident Tutor in Rouseau, to commence a paralegal course by September 1995.

None of the other primary beneficiaries however, is able to match the success of the paralegal programme run by the Adult Continuing Education Department at

the University College of Belize (UCB). There, the UCB has offered the course from 1990 and the government of Belize has already accepted the challenge to continue the course, despite the project's ending of funding in 1993. There has been a total of almost sixty (60) graduates in the three (3) graduating classes, 1992, 1993 and 1994. The classes have consisted of persons who were qualified notaries, civil servants from the Customs Department, Family Court staff, as well as members of the registry staff of the Courts. At first the students enrolled in the course were mainly more mature persons who had wide practical experience of legal matters. There was no significant academic requirement for admission, beyond High School graduation. In the most recent two (2) years, the applicants have tended to be recent school leavers, and as the credibility of the course has been enhanced, the number of applicants has increased. The College has accordingly decided to increase its entrance requirements. Responding to the view that the curriculum was too academic, the UCB has also amended its curriculum in order to make it more practical than its Barbadian counterpart. It has also been recommended that the school will further upgrade the certificate in Paralegal studies to become a Diploma course, equivalent to the first two years of a four year Degree Course.

UCB also benefits from having an active Paralegal Advisory Committee, including the Chief Justice, which is constantly reviewing the performance of the programme. The school has also made an innovation by which the clerical officers who are also preparing to become court reporters, will be able to qualify for the paralegal certificate by doing some additional work. It is noteworthy that there are seven such persons, and the Chief Justice who acts as the chairman of the Belize National Advisory Committee, and works closely with the school, has stated that efforts are being made to have them separately classified within the civil service, to recognize the specialist nature of their work.

(iv) Teleconferencing Under UWIDITE

Part of the efforts aimed at developing the cadre of personnel in the administration of justice was to be fulfilled by extending the role played in legal training through the UWI Distance Teaching Experiment (UWIDITE). These were facilities at which teaching was effected by signals received via satellite. As early as 1987, the UWIDITE facilities were already available in four of the six primary OECS beneficiaries. They were not available in St. Kitts and Nevis, and St. Vincent and the Grenadines. The project provided funding for the extension of UWIDITE facilities to these territories by 1988, and also assisted in the provision of furniture and equipment for the centre in Grenada. Pursuant to these efforts, the University was able to institute the Challenge Programme through which the first year of the LL.B of the UWI could be done in the territory of the beneficiary countries. This programme excited a lot of interest in the territories. However, it proved difficult to sustain because even when the participant successfully completed the programme, there was no guarantee that there would be a place in the University in the Second year of the LL.B. course. This was because of the limited space available, and the fact that the admissions were based on the allocation of the quota system for admissions from the countries. Nevertheless, the programme did make a contribution, and continues to produce persons who are qualified to enter the second year of the UWI LL.B. course.

v) Sub-Grant To OCCBA On Legal Aid

The Project paper recognized that the OECS countries and Belize provide very limited legal aid services to the public. In St Vincent, Dominica and in Grenada, legal aid was provided for defendants by way of a limited public defender system, but only in the case of capital offences. Even here, this assistance was not available at the Preliminary Enquiry, but only at the Assizes. In the case of St. Vincent and the Grenadines where a limited Government mandated scheme is operational, the system has recently been amended to allow for representation at

the Preliminary Enquiry. In Grenada, assistance through the Public Defender System is similarly only available in the case of capital offences. Here, however, only vestiges of a privately run Church-sponsored legal-aid system remain in existence. Nevertheless, one of the resident High Court judges, indicated that in some other serious cases which came before him involving offences such as wounding with intent or attempted murder, he would order that the accused be represented. In light of the voluntary nature of the system however, it is not clear how he enforces his order. In St. Lucia also, there appears to be no effective system of legal aid, although there had previously been a scheme operated by the Catholic Archdiocese in that country. There were no signs of any legal aid in that country however, as far as could be determined from interviews conducted there. In the case of Antigua and St. Kitts and Nevis, there is no operational legal aid system, and no apparent efforts being made to implement one, commitments in MOUS notwithstanding.

In *Belize*, a legal aid system is now in place, which is intended to provide assistance to persons who qualify, starting with non-contentious matters of a civil nature. The government has provided for a qualified attorney who heads the office, and there are also two (2) other assistants. Although at the time of the visit of the evaluator there was no incumbent attorney, that person having recently left, there was a first year Norman Manley Law School student who was manning the office. Interestingly, the president of the Bar Association indicated that members of the private bar do provide assistance to the legal aid office when requested to do so, and this is done pro bono. No criminal legal aid assistance is provided at this time.

As far as could be ascertained from interviews with the persons in both the public and private sectors, there seems to be a consensus that there is an urgent need for a more comprehensive system of legal aid. However, by the same token there appears to be a reluctance on the part of state officials to do anything to promote

such a system. This reluctance seems to grow out of the feeling that in a small society with limited resources, the provision of legal aid help to accused persons at the expense of taxpayers, should be of lesser priority than the other needs of the populace. Part of the reluctance to provide more government-mandated legal aid also seems to be the feeling among significant numbers of the population, that many accused persons are in fact guilty, and should not be the beneficiaries of taxpayers' money.

Under the Regional Technical Assistance/Training aspect of the project, it was contemplated that efforts should be instituted to make legal aid more available to the public in the primary beneficiary countries. Among the methods to secure this, was to make a grant to the Organisation of Commonwealth Caribbean Bar Associations to assist individual territories to develop legal aid services. OCCBA did not, in fact, receive the sub grant referred to. It should be noted that there appears to be some evidence from the documents reviewed by the evaluator, that OCCBA did make some efforts to encourage legal aid. Certainly, there were several meetings of various persons, and OCCBA's legal aid committee to consider proposals for setting up legal systems. In any event, OCCBA was unable to effect any meaningful change in the approach to the provision of legal aid. In fact, neither among the private practitioners nor government representatives, was the evaluator able to find any awareness of serious activity by OCCBA in the area of provoking policy changes in legal aid assistance.

(D) AN ASSESSMENT OF POLICY CHANGES, OR CHANGES IN LEGISLATION, WHICH MAY HAVE BEEN IMPLEMENTED IN THE BENEFICIARY COUNTRIES, EITHER AS A DIRECT RESULT OF THE IMPLEMENTATION OF THE PROJECT, OR DUE TO THE PROJECT ACTING AS A CATALYST FOR CHANGE

In order to properly assess the extent of the policy changes made as a direct or indirect consequence of the project, it is necessary to re-visit the Project Paper. There is no

question that the intention was to effect positive and measurable changes in government policies with respect to the administration of justice, as well as governments' perceptions of the importance of allocating sufficient resources to this aspect of government. As noted in the Project Paper: "As a result of the project, the Governments of the participating countries will review their legal systems, consider methods to improve the efficiency and sustainability of the system, and undertake appropriate reforms. The proposed reforms may include authorizing the use of photocopies for both the registration and filing of documents -departing from the archaic practice in vogue in at least one state of copying the records by hand and free document searches and making of true copies.

Another potential reform is to provide more incentives for persons to enter legal service." The Project paper proceeds to list a number of specific "potential policy changes" to provide such incentives. These include:

- Government commitment to reform of judicial retirement legislation, and of Bars and government to changing the practice preventing retired judges from appearing in court;
- Government commitment to providing a larger share of its budget to the justice system;
- Commitment of governments and Bar Associations to improving legal aid and public defender systems;
- Commitment to law revision/law reform;
- Government commitment to modernizing document filing and search fee structure;
- Government commitment to increasing court fees and recycling to pay for court administration;
- Charging user fees for maintenance of law libraries.

i) Retirement Age\Post Retirement Court Practice

Several of the countries have indeed implemented policy changes which reflect a determination to enhance the administration of justice. With respect to the above indicative list of proposed policy changes, it should be noted that because of the strong legacy of the English legal tradition, which is the predominant influence among the legal systems of the beneficiaries, there are some practices not susceptible to easy change. Such a practice is that which prohibits High Court justices from appearing before the court after retirement. There is considerable and perhaps even universal resistance in all the territories visited so far to this idea. Even among active judges nearing retirement who were interviewed, there was a consensus that, to appear in court before other judges with whom one may have sat in court, and who were almost invariably his friends, could seriously compromise the principle that justice not only be done, but should "manifestly be seen to be done". There is a conviction that a change which would relax this practice could create the perception in some cases that justice may be affected by the personalities involved in a trial.

One attorney general even suggested that he did not object in principle to judges being allowed to participate in court practice after retirement, especially as salaries and pensions were not such as to allow them to retire without further working. However, he felt that all judges were sufficiently committed to and supportive of the practice, that they plan with this in mind.

In addition, while most persons conceded that at present retirement age of 60 years for High Court judges, and 65 for Judges of the Court of Appeal, most judges are still perfectly capable, there was a reluctance to commit to effecting any change in this area. Part of the reason for this reluctance is found in the fact that historically, judges were selected from practitioners in the public service. While this is now less consistently true, it remains fairly common. The effect of an increase in the retirement age would be to reduce the opportunities for advancement among the younger members of the public service, with a

corresponding increase in frustration on the part of those who see themselves being denied.

It is the view of the evaluator that any expectation that there was likely to be a immediate change in these time-honoured practices, was seriously misplaced. The legal profession in the beneficiary countries is deeply wedded to the tradition of not allowing the judges to practice in courts after retirement.

ii) Increasing Share Of Estimates Of Expenditure

In each jurisdiction visited, the evaluator was assured that it was the intention of the governments to increase the share of budgeted estimates allocated to the administration of justice in order to ensure the sustainability of the project. However, only in the case of St. Vincent and the Grenadines was the evaluator provided a breakdown of the allocations in the estimates for the Ministry of Justice over the period 1991-1994. While these figures, appended to this report as an appendix, show increases in each year, the evaluator was unable to confirm that the increase was not only in absolute terms but also in percentage terms. Even in the case of this beneficiary, an analysis of the increase in the allocation, shows that over the four year period there was an increase of 37.14% in the allocation, but 41% of that increase, was for the Family Court which was not in existence in 1991.

(iii) Commitment of Governments, Bar Associations, Bar Associations to Developing Legal-Aid or Public Defender Systems

In defining the project goals, purpose and outputs, the project paper listed as a principal output:

- Legal Aid Systems Established; and
- Public Defender Systems Improved.

The project paper recognized that the countries did not have a developed system of legal aid or public defenders to support the numerous litigants who make use

of the court system. It was clearly contemplated that at the end of the project, the primary beneficiaries would have set up viable legal aid schemes. In fact, as noted above, the Project Paper had indicated that a provision was to be made to the Organisation of Commonwealth Caribbean Bar Associations (OCCBA) to allow them to assist the beneficiaries to develop such schemes. However, the evaluator has found that the project did not, in fact, deliver this money to OCCBA. In two of the jurisdictions visited, Antigua and Barbuda and St. Kitts/Nevis, no effective legal-aid is in effect. In Dominica, Grenada, St. Vincent and St. Lucia, there were limited schemes, which provided legal aid in capital cases only. In these jurisdictions however, except in St. Vincent which has recently extended legal aid to preliminary enquiries, these only apply at the Assizes. In Grenada the remnants of a scheme (GRENCODA) operated by the Catholic Church is all that remains. In St. Lucia as well, there had apparently been a small scheme operated by the Catholic Archdiocese.

Belize, as noted above, has set up a legal aid system which provides assistance for non-contentious civil matters. The legal office is staffed by a qualified attorney, and when he is not available, the private bar has been available to give pro bono advice on a rostered basis.

In Guyana, the Bar Association and the Government has just co-operated in setting up the beginnings of a scheme. The Government has provided rented space in a building and a qualified attorney to be in the office. In every case in which the question as to the necessity of legal aid was raised, it was conceded that there was a dire necessity for assistance to litigants. This was particularly true in Criminal matters where accused persons are charged with serious offences. Despite this widespread consensus however, there was no case in which there was any meaningful plan to upgrade the system. In fact, there seems to be a feeling that this is not a priority in any of the beneficiary countries visited so far. It has to be concluded therefore, that as far as the objective of a legal aid system/public

defender system is concerned, the primary beneficiary countries have made no progress under CJIP.

iv) Commitment of Government to Law Revision\Law Reform

The project paper provided that: "*Because of the substantial antiquity of these states' laws, law reform (modernization of statutes and regulations) should be included in the process to the greatest extent possible.Legal harmonization is also an important objective that can be injected into the process through the OECS Secretariat in St. Lucia.*" Under the terms of the project, a total of \$1.75 million was budgeted for the sub-component, "Law Revision and Reform". The primary beneficiary countries at the beginning of the project were all in a position of not having had a recent revision of their laws. As examples of the out-dated revisions which existed, St. Vincent, St. Lucia and Grenada had last had their laws revised in 1926, 1957 and 1958 respectively. St. Kitts and Dominica had their last revisions in 1961 and Antigua in 1962.

As noted in the Mid-Term Evaluation: "The Governments of the primary beneficiary countries recognised the seminal importance of reforming and revising their laws on a timely basis in order to.... (c) Provide such a legal infrastructure as was perceived to be required for the establishment of a favorable investment climate." An underlying premise of the project is thus that without up-to-date and readily ascertainable laws, these economies would have considerable difficulty in attracting new investors, and economic growth would thus be impeded.

The opportunity to effect a revision of the laws of the territory, a process which normally takes about three (3) years, also provided a chance to effect some reform of those laws to make them more inclusive of modern concepts. Additionally, the fact that the OECS was actively pursuing a policy of harmonization among the respective countries of the region, was another positive feature of this sub-component of the project. The role of the Caribbean Law

Institute (CLI) as it affected the efforts to modernize and harmonize the Commercial Laws of the CARICOM countries, is relevant here. CLI has capabilities and funding superior to CJIP for law reform.

In this area of law revision/reform, other donor agencies had previously helped the beneficiary countries. The United Kingdom through the British Development Division, the Commonwealth Fund for Technical Cooperation (CFTC) and the United Nations Development Program (UNDP) had all helped by providing technical experts in law revision. The United States through the CLI, a joint project between Florida State University and the UWI, had also made significant contribution particularly in the area of reform and harmonization. The funding made available under the project was intended to provide for the preparation of the material, printing and publishing, but not for the employment of the Law Revision Commissioner. Four of the six countries visited up to 7/12/94, had managed to complete their revisions. In the case of both Grenada and Antigua, it was conceded that the revision was not as complete and thorough as they might have been. In Grenada, the acting law revision commissioner, was completing the preparation of another volume of revised laws, to include the Criminal Procedure Code, the Criminal Code, the Road Traffic Act and the Insurance Act. In Antigua, the revised laws had been sent to the printers, but they had apparently found so many shortcomings with the material, that the process was taking longer than it was thought that it should, and will be considerably more costly. However, the legislation was available in each territory, except in Antigua, and in each territory, sets of the revised laws are available for purchase by practitioners.

There was little evidence which the evaluator was able to discern, which pointed to the project producing meaningful law reform. Indeed, there were examples of law reform such as Law Library Acts, Family Court Acts, Companies Acts and Insurance Acts in some of the jurisdictions. There were also other Acts which

have been introduced in almost identical forms in several jurisdictions, and which have come out of the OECS Secretariat in St. Lucia, such as Drug Forfeiture legislation. However, the fact is that these initiatives owe more to the work of the Caribbean Law Institute (CLI,) than to CJIP. While it is recognized that CLI is an entirely different and separate project, it clearly would make sense for USAID to pursue every effort to try to secure assistance under that project for the countries who have so far failed to complete their revisions.

The Mid-Term evaluation referred to "formal undertakings" given by beneficiaries to establish Law Reform Commissions. The fact of the matter is that only Dominica has established a "Law Commission" with a mandate for reform, and a Director of the Commission. The Law Commission has been specifically called that since it incorporates both a revision and a reform function. In Grenada, there was an individual (a former magistrate), who was working on a revision of laws which had not been included in the 1990 revision. However,

this was not a Law Reform Commission, and in Antigua a former judge of the OECS Court is slated to be appointed as Law Revision Commissioner.

The Commission in Dominica, which falls under the purview of the Attorney General and Ministry of Legal Affairs, is intended to be responsible for both reform and continued revision. Even here however, the appointment of a Director with one assistant is demonstrably inadequate to deal with all the issues covered by Law Revision and Reform. The truth is that CLI is more designed to produce the law reform being contemplated, than CJIP. The suggestion that the CJIP should have a law reform element appears to be less of a fully thought-out position than an afterthought, intended to support the other aspects of CJIP. As part of minor law reform efforts, legislation has been introduced to increase the jurisdiction of Magistrates' courts in Dominica and Antigua, and is under consideration in St. Vincent and Grenada.

Critical law reform issues such as those suggested in the Mudge Mid-Term report on CJIP have however remained unaddressed. Some of these reform issues include the inability to make any meaningful changes in remuneration so as to attract and retain staff in key areas of the administration of justice. The Mudge report while being prepared to concede that there were real difficulties facing governments in their efforts to address these issues, still believed that they had failed to employ "their best efforts to effect desirable or agreed reforms in their national legislation". This evaluator recognizing the economic difficulties faced by these small economies is less willing to suggest such implied criticism, than was the Mudge report.

While country specific activities findings for individual primary beneficiaries are included in a subsequent section of the report, it would be impossible to conclude this section without noting the strong developments which were made by the Commonwealth of Dominica in the area of law revision. As noted above, the Commonwealth of Dominica is the only country that has established a Law Commission. More importantly however, are the innovations which were introduced in the preparation of the present revision. Dominica was able to use a desktop publishing programme to compose and typeset a camera ready set of documents for offset printing. The development of the capabilities not only saved an estimated \$20,000.00, but will in future make it far easier for Dominica to keep its laws updated. In fact, a further revision is presently being completed hopefully by February 1995, which will bring the laws current up to January 1, 1993. Perhaps just as important as the Dominican experience in itself is the fact that the experience is being shared with other jurisdictions. This helps to further an object of the CJIP by developing regional capabilities. Thus, St. Kitts & Nevis has sent two members of staff to Dominica to explore the prospects of utilising the same methodology in that country.

v) Government Commitment to Modernizing Document Filing and Search Fee Structure.

One of the earliest and most critical problems identified with respect to the administration of justice in the primary beneficiary countries had to do with the problems of registries. In all the jurisdictions, there were practices which had continued in some cases, for hundreds of years, and which now were extremely difficult to change. These practices included the need to have documents such as deeds, wills, or grants of letters of probate or administration written out by long hand by registry staff. It is not surprising that an early decision under CJIP was to commission the assistance of the National Center for State Courts in Virginia, USA, to review the registry practices of the beneficiaries. The NCSC report was done in 1987. The Mid Term Evaluation of CJIP, carried out by Arthur Mudge et al in July 1989, concluded that the "NCSC report did not appear to have gained the attention of most registrars and their staff. Only a few registrars and virtually none of their staff showed any substantial grasp of the Report, its findings and its recommendations".

That NCSC report in 1987, was followed and perhaps superseded by another commissioned by CJIP in 1992, prepared by Mr. Ernest Wilkinson, former Chief Registrar and Registrar of the Court of Appeal in Grenada, and retired Jamaican Supreme Court Justice, Mrs. Ena Allen. The consultants preparing the second report naturally had the benefit of the previous which had been done. According to the Wilkinson-Allen Report, the preparers were "*required to present registry improvement proposals which take cognisance of, and discuss in detail, those policy reforms and other systemic changes which particular Governments would be willing to effect as a quid pro quo to obtaining funds for registry improvements under the auspices of the CJIP*".

The CJIP project Paper in analysing the difficulties facing the administration of Justice as far as the registries were concerned, stated: "Court room registry

conditions and the breakdown in the publication of laws,are all reflections of the same dollars and cents problem." The respective registries in the beneficiaries were improperly or inadequately staffed, and the consequence of time-honoured practices had given rise to problems of space and timeliness. The Wilkinson-Allen report made it quite clear that in every case, the crush of antiquated documents combined with the absence of any legislation for the timely destruction of antiquated and non-usable records (except in Grenada), had a deleterious effect on the ability of the courts' registries to function in the best interests of speedy justice. In each case, there were complaints from the private Bar, as to the length of time that it took to file documents, or to find documents which had previously been filed. The report concluded in all cases that the problem was one primarily of inadequate space for the registries, given the numerous tasks which they were all asked to perform, and the growth of the numbers of filings in each individual category. The fact is that the function as Court Registrar was only one of the functions which had to be performed in the registries. They were also registrars of deeds, births, deaths, marriages, companies, patents, trade marks, and often auxiliary magistrates and marriage officers. In Antigua, the report identified seventeen (17) positions which the registrar of the High Court held by virtue of being registrar.

In most of the jurisdictions as well, the fees for both filing and for searches had not been revised for many years. It appears that there may have been a reluctance to increase fees when the quality of the service being offered was so low, while at the same time it was not recognized that the inadequacy of the inflows from fees, impacted upon the ability of the registry to provide an efficient service. The consequences of this unwillingness to increase fees are felt in the inability to provide the tools to upgrade the quality of the service, in both human and equipment terms.

In every case in which the consultants in the Wilkinson-Allen report raised the matter with the appropriate authorities, there was a recognition that there was an urgent need to do something to improve the system. The primary difficulty was, as noted above, space. There was therefore a need for governments either to construct additional facilities, or to re-organise their use of existing facilities in order to provide for the requisite space. The problem was of course not only one of space, but of technology as well. In many cases, long documents had to be transcribed by hand into large books in order to be properly authenticated. Many of these functions would be unnecessary with a judicious use of computers, microfilm or microfiche and photo-copying machines, provided that the relevant laws were amended to admit their use. If these new technologies are to be introduced however, (and CJIP was certainly willing to provide the technology if not new construction,) the governments needed to show their own commitment to upgrading the existing systems, by the provision of suitable structures more capable of accommodating the various activities of the registries. Regrettably, the evaluator has found that seven years after the NCSC report and nearly two years after the Wilkinson-Allen report, the governments have made little provision in the way of additional space for their registries. Some concessions have been made in terms of reorganizing registries into sections for the convenient use of computers. For example, four computers being supplied to the registry in Dominica will be used respectively for:

- Births, deaths, marriages, (Civil Status)
- Companies, patents, trade marks
- Deeds
- Court documents.

However, the existing space allocated to the already cramped registry, is not being increased, although it is hoped that more efficient use of existing space will make it more user friendly. The evaluator is constrained to conclude that while

intellectually there is a recognition of the need to enhance the facilities in registries in order to improve the quality of the service, the competing claims on limited government resources are such that little can be expected to be done in the short or medium term.

vi) Increasing Court Fees to Pay For Court Administration: Charging Using Fees For Maintenance of Libraries

Although in most of the jurisdictions there had been talk of the need to increase court fees to a more economic level, the evaluator was only able to document one in which fees had actually been increased. This was in Antigua where the weight of opinion, both in the private and public bar, was that the increases had been too steep and not selective enough in application. Most Bar Association representatives suggested that they would be willing to pay increased fees if the result would be an increase in efficiency of the registries. However, there was general skepticism that increased fees would be translated into improved service if the fees went into the Consolidated Funds of the respective territory. On the other hand, in all the territories there is a long tradition against earmarking specific revenues for specific expenditures. In fact, even when the authorities have said that particular imposts will be used for certain purposes, this has often not happened.

It seems that given the inability to expand the space accorded to existing registries, the real solution must be found in the suggestion that (a) fundamentally, Supreme Court registries be recognised as a separate animal from registries performing other functions; and (b) responsibility for those parts of the registries performing those other functions should be transferred elsewhere. This could mean in many cases, legislation to transfer those functions, for example, to a Registrar General for births, deaths and marriages, under a Ministry of Health, or some other Ministry. A decision to pursue this solution would undoubtedly signal a real commitment to tackling the problem of the registries for

the first time. Short of such insitutional or legislative changes however, it is still possible to alleviate the difficulties by providing more space.

It is fair to say that until the governments are convinced that they are defeating their own best interests by not rectifying these problems, they will put no premium on such improvements.

As far as the question of library user fees are concerned, Professor Crabbe of the Faculty of Law at the UWI had, at the CJIP's request, produced a draft Law Library Act for OECS countries. The draft law was first produced in 1988 and has been passed in St. Vincent. The draft law has been passed in Grenada and in the lower House in Antigua, where it still needs to go to the Senate. The draft law seeks to allow for the establishment of law library committees with the right to impose user fees, which would be used to assist in maintaining the currentness of material in the libraries. As far as can be determined however, the law library legislation has not yet been brought into force in any jurisdiction. While this section has dealt with some of the policy changes brought about by CJIP or for which it acted as a catalyst, the following section, (E), also highlights additional policy changes so consummated, and for which the project may rightly in the view of the evaluator, claim some credit.

(E) DOCUMENT PROGRESS MADE IN IMPLEMENTING SPECIFIC ACTIVITIES IN EACH PRIMARY BENEFICIARY COUNTRY, WITH PARTICULAR REFERENCE TO ANY CONSTRAINTS WHICH MAY HAVE INHIBITED THE COMPLETE IMPLEMENTATION OF COUNTRY SPECIFIC ACTIVITIES

The project paper provided that "country specific activities" would be funded to the tune of US\$2.35 million. It was the largest single line item in the total provision for the project. *"The purpose of this sub-component is to fund activities which are not covered by other project elements, but which are of particular importance to that country.....The level of support received by each participating country will depend*

upon the country's willingness to adopt reforms and modernize procedures so that maximum benefit is derived from the grant."

To reinforce the point that no beneficiary would be entitled to any particular sum under this head, the project specifically provided that apart from a sum of U.S. \$50,000.00 which each country would get for Quick Impact Activities (QIAs) to "jump-start" the project, countries would not be treated alike.

The country specific activities were outlined in the Country Action Plans (CAPS) which were to be developed by each primary beneficiary country. The development of the CAPS represented a condition precedent to the delivery of the \$50,000.00 grant to each beneficiary country referred to above, the "Quick Impact Activities" representing a sub-component of the Country Specific Activities. Each country therefore did submit a CAP, upon the approval of which, a Memorandum of Understanding (MOU) was executed between the UWI and the country. According to the documents reviewed, CAPS for St. Vincent and the Grenadines and for Grenada were approved by May 1987, while CAPS for Antigua and Barbuda, Belize, Dominica and St. Lucia were approved by March 1988. The activities identified in the CAPS varied from country to country according to their specific needs. However, they may roughly be said to fall into the following categorizations:

- Court renovations/adaptations; modernizing court management\record systems with computer support; essential commodity procurement.
- Assistance to local Bar Associations for legal aid;
- Establishment of UWIDITE facilities.
- Assistance to Eastern Caribbean Court of Appeal.
- Public Education programmes.
- Continuing legal education; research assistance to judges.

The success of individual countries in reaching the goals set out in the CAP however, varied from one country to the next. Clearly, it was not intended that these CAPS should be regarded as cast in stone, and to that extent, failure to address any item or group of items does not necessarily mean that there was a failure of the country specific aspects of the project for that country. They were intended to be a guide to help the country focus on dealing with those matters identified as being of the greatest urgency. Nevertheless, as is apparent from the quote from the project paper above, to a certain limited extent, the success of the country in fulfilling the country specific activities in its CAP may be used as a measure of the commitment of the country to improving its justice system, subject to those constraints which inhibited performance.

ANTIGUA & BARBUDA

Court Renovations/Adaptations; Modernizing Court Management/Record Systems with Computer Support; Essential Commodity Procurement

The Antigua Country Action Plan, like those of other primary beneficiaries, had indicated that country accorded high priority to the refurbishing of magistrates' courts, the courts with which citizens were most likely to become involved. It was also anxious to pursue modification of the existing High Court Building. The building in which the High Court and Registry were housed consequent on the earthquake of 1973, lacked a jury room and had substantial limitations in terms of library and registry space. The Mudge Report at the mid-term of the project stated that: "The bulk of Antigua's funds have been programmed for the subject considered to be of the highest priority; a major addition to the building converted for courthouse and registry use after the 1973 earthquake."

The government had given a commitment that it would come up with funds to match AID's contribution for the High Court reconstruction, while it prepared its long term

plans to construct a new court complex. By the time of the Mid-term evaluation however, the government of Antigua had apparently given up on any prospect of a new court complex in the short term, and had determined to proceed on the extension of the temporary High Court. Notwithstanding this fact however, the government has failed to produce its share of the funds for the work on the High Court building, and the reconstruction contemplated has not been effected. Nevertheless, by way of mitigation it should be pointed out that at the time of this final evaluation however, there appeared to be a significant amount of work being done in the building housing the High Court, including painting. This was particularly concentrated in the area of the High Court registry, where consequent on the registry being provided with computers under CJIP, there was a compelling need to provide a safe environment for the equipment.

It is the view of this evaluator, that this refurbishing represents an instance where CJIP had a major catalytic effect on the government's efforts in the area of improving the quality of the administration of Justice. It seems clear that but for the impetus toward enhancing the justice system given by the CJIP, little would have been done in the area of court improvement in the High Court. At the same time, the project achieved considerable success in the upgrading of the several magistrates courts in the twin-island state, according to the Acting Chief Magistrate Cumberbatch. Most of these courts benefitted from furniture and equipment provided under the project, including air conditioning. It should be noted that many of the benefits to the courts were provided under the QIA sub-component, and were therefore done very early in the project.

As with most other beneficiary countries, Antigua and Barbuda required specific actions to address its court management and records management capabilities. It had long been recognized that the registry system in Antigua was inadequate to deal with the demands of a modern legal system. The failure to provide funds for the extension of the High Court meant that the constraint caused by inadequate space which was over-riding, could not be addressed in any meaningful way. However, Antigua had acknowledged the need for increasing and upgrading the staff of its registry, a need highlighted by the

Wilkinson-Allen Report which pointed out seventeen (17) functions performed by the Registrar. As a consequence, the government had now appointed a Deputy Registrar, in addition to the Assistant Registrar which it had always had. At the time of this final evaluation, the Deputy Registrar was acting as Registrar and had been so for some time, the Registrar having vacated office some months previously. The net effect of this situation was that the strength of the Registry staff remained the same as before the new appointment.

The Acting Registrar informed the evaluator that five (5) computers which were being provided under the CJIP were due to arrive shortly, Antigua having entered into an MOU for this purpose. The computers were to be allocated to the registry and the Judges of the Supreme Court on the basis that one each would be used for:

- Births and deaths
- Land/Deeds Registry
- Trademarks; Companies
- Court Registry
- The secretary to the resident judges

In addition, the Registry was being supplied with cabinets, a fax machine and air conditioning units. Although the space problem still would not have been addressed, the acquisition of these essential items, seemed calculated to go some way towards helping to make the registry more efficient.

The government of Antigua/Barbuda had also given a commitment to provide space in the renovated Supreme Court for the Central Law Library. The failure of the government to provide the matching funds for the High Court extension, made Antigua unable to deliver on its commitment to provide space for a central law library therein. However, the government did arrange accommodation for the law library across the

street from the Courts, and the evaluator had a chance to view it. The library was extremely well appointed, and from discussions with the para-professional assistant librarian who was on duty at the time of the evaluator's call, is well appreciated and widely used by the profession, both private and public. This was confirmed by a group of private attorneys with whom the evaluator met during the course of the visit to Antigua. The private Bar was however critical of the hours of opening which coincided with regular office hours, and no Saturday hours. Regrettably, it seemed not to have occurred to the Bar to make any concrete proposals to mitigate the difficulties caused by the present opening hours. It was suggested that the Bar might make an offer to pay a limited amount of overtime for the staff to open say on a Saturday morning, as a way of helping itself.

The assistant librarian had received some training under the project, and this partially fulfilled a commitment made by Antigua to the project, to send two para-professionals for librarianship training. The volumes had been properly catalogued, and in addition, the individual acting as librarian had been trained in bookbinding. (A space within the office of the Registrar was provided for binding.) This skill helped to facilitate maintaining the currentness of reports such as the All England Reports, which can be bound by the librarian/binder.

Naturally, the issue of sustainability as it affects the continued upkeep of the currentness of volumes in the library, has also to be considered. There was no evidence from the interviews conducted, or documents reviewed, that the government of Antigua and Barbuda had made provision in the budget for the upkeep of the library. However, the evaluator was assured by the Attorney General that the government was committed to building on the foundation provided by CJIP, and would ensure appropriate budgetary allocations to maintain its currentness.

To this end, Antigua and Barbuda's Lower House had passed a Law Library Act 1994, with provisions for a Law Library Board as a legal person. The Board would have the

power to impose fees for use of the library facilities, and this would be one of the sources of revenue to ensure the sustainability of the project. The law is based upon the draft prepared by Professor Crabbe, then director of the legislative drafting programme in the Law Faculty at Cave Hill. That draft bill which was first introduced at the "Third Meeting of the Legal Affairs Committee of the OECS" held in St. Vincent on July 30, 1988, itself represents one of the continuing positive aspects of CJIP, the ability to influence the harmonious development of the law in the OECS. The legislation is due to be sent to the Senate shortly for that body's consideration. Already, the photocopying equipment which had been provided under the programme was a source of funds as attorneys were required to pay for photocopies of material obtained in the library.

Assistance To Local Bar Associations For Legal Aid

As noted above, an important element of the CJIP was the hope that viable legal aid systems would be established in each of the primary beneficiary countries. Also as noted above, no measurable progress was recorded in any of the territories in respect of this goal. Antigua was no different in this respect. Here there exists the rudiments of a public defender system in that accused persons

facing capital charges are eligible for state provided counsel. This assistance is also limited to the trial at the Assizes, and not at the stage of the preliminary enquiry.

The former president of OCCBA to whom the evaluator spoke at the end of the evaluation on the issue of the proposed grant to OCCBA to assist in the developing of legal aid systems in the primary beneficiaries, indicated that the grant was never made. This was because the countries had failed to respond to requests from OCCBA for an outline of the provisions which would form the

context of a legal aid system. The effect of this failure in Antigua is that there continues to be no legal aid system.

Assistance To Eastern Caribbean Court of Appeal

Under the country specific activities, each individual beneficiary country (except Grenada), undertook to make available a sum of ECS\$3,000.00. Grenada was, at the appropriate time, not a member of the OECS court system and so was not required to contribute. Subsequent to that however, Grenada has rejoined the OECS system. Antigua in furtherance of its commitment to provide the funds as set out here, did enter into an MOU for this purpose.

Public Education Programmes

According to the publication put out by the Project at the end of the second year of activities, *"it was envisaged that funds under this head would be utilised to help local Bar Associations institute and undertake public education programmes in the field of legal and human rights. It was also envisaged that special attention would be paid to the needs of the underprivileged and minorities -the rights of women, children, the poor and handicapped."* Again the evaluator could find little evidence that any progress had been made in this area. Certainly, no legislation had been introduced which spoke to these particular constituencies, except for Family Court legislation in St. Vincent and in Grenada. There had however been two booklets published, ostensibly under the Textbooks revolving Fund, but which were seen as part of the public education programme. These were: "The Constitution and You: Barbados" by Attorney Leroy Innis, and "The Constitution and You: Grenada", by Dr. Francis Alexis. Both books were apparently well received, but follow up booklets of the same type were abandoned when the funding under the Case books sub-component was exhausted.

Continuing Legal Education: Research Assistance to Judges

It was contemplated that under the Regional Technical Assistance and Training section of the project, where countries requested, help would be made available to "keep members of local bar associations in touch with recent developments in the law." It was envisaged that where such requests were received, continuing legal education programmes would be run on an annual or bi-annual basis. The project did provide several continuing legal education seminars under the regional technical assistance component. These programmes included courses for magistrates and Judges, and are more appropriately dealt with under the regional technical assistance aspect of this report.

There had been some thoughts being given to instituting the system widely used in the United States, of law students "clerking" for judges. The students would research legal points for judges in cases in which the Judge had to make important findings of law. The clerks also would in some cases prepare a draft opinion for the judge which could form part of the judge's final judgement. As far as this was concerned however, there does not appear that anything has been done under the project. No new policy initiative has therefore arisen from this proposal in any beneficiary.

Law Revision/Law Reform

Although this topic has its own section and is dealt with there, it seems to the evaluator that it is of such fundamental importance that it should also be dealt with under the head of country specific activities. Indeed the project paper provided that: "Requests for assistance in financing the publication of revised statutory and legislative laws should be included in the Country Action Plans."

This is not to say that it was in any way funded out of this component of the project. However, such a large amount of the total budget was earmarked for the

Law reform/Law revision exercises. (U.S.\$1.75 million) in the individual territories, that it is useful to look at it here.

In Antigua, unlike in at least four (4) of the other primary beneficiary countries, there was a considerable lapse of time from the start of the CJIP to the appointment of the Law Revision Commissioner. At least some of the delay seemed to have been occasioned by a difference between the Government of Antigua and the British Development Division, as to who should be appointed Commissioner. In due course, a commissioner was appointed (he was the incumbent Governor General), and he commenced work on a revision of the laws. Before this was complete however, the commissioner fell ill, and it became necessary to engage the services of another interim Commissioner, Dr. Liverpool, to complete the revision, with respect to both the Substantive and Subsidiary Legislation.

It is to be recalled that the CJIP was only responsible under the project for the "preparation of material, printing and publishing," of the revised laws. The cost of the Commissioner was that of the country or such other donor as might have agreed to bear such cost. The extended delay in the appointment and the subsequent illness of the commissioner have combined to cause a delay in completion of the printing of the revised statutes up to the present time. Moreover, the Attorney General in his interview with the evaluator stated that the publishers claimed to have found so many errors in the drafts submitted for printing that they were of the view that they should re-negotiate their charges. In the view of the A.G., what was being produced was really a consolidation, rather than a revision. This was particularly true because there were several laws which were not included in the "revision", including the Companies Act, and laws on Insolvency, Insurance and Motor Vehicle Laws.

The government has now agreed to appoint a new Law Revision Commissioner in the person of a former Judge of the OECS Supreme Court, Mr. Justice James Mitchell. It is hoped that this will allow Antigua to catch up in its law revision activities and stay current, while at the same time participating in the law reform initiatives especially in Commercial Law, being pursued in the region through CLI. The fact that Antigua is producing a revision at this time given their late start is itself a basis for encouragement. The decision to appoint a new Commissioner is an even more cogent indication that the government is committed to the law revision exercise, that it is sustainable, and intends to try to ensure this.

Training

The Project Paper allocated a total of \$840,000.00 to the component, Regional Technical and Training. Of this amount, the sum of U.S. \$250,000.00 was set aside to provide for the funding of a full-time Deputy Director and a part-time secretary, who would be based in the OECS Secretariat in St. Lucia. It was also intended to cover the cost of the operational support that the secretariat was expected to give in the implementing of the project.

The other main element of this component of the project was the training of para-legals. The Barbados Community College which had a viable para-legal course agreed to act as co-ordinator and external examiner for courses to be instituted by the beneficiary countries. It is appropriate to deal with this here since MOUs requesting funding for books and recurrent cost items of the para-legal training programmes of the respective territories, were signed by the countries under the Country Specific Activities head of the project. Antigua, like the other beneficiaries, commenced a para-legal course in 1988. The course had been "enthusiastically received", according to the mid-term report. A total of fifteen students presented themselves for the first year examinations. The two year

course which was based on the more academic Barbados model, was funded for the first three (3) years in Antigua to the tune of almost U.S. \$40,000.00. The students were not asked to pay anything towards the cost of the course. It is perhaps small wonder that when funding for this head expired in 1993, the Antiguan government stated that it would not be willing to continue to fund the para-legal course on its own. The effect is that at present there is no para-legal training in Antigua and Barbuda. So much for sustainability.

Constraints To Further Achievement

In terms of making use of the existence of CJIP, one would have to conclude that Antigua and Barbuda did not make optimum use of those opportunities. The most disappointing aspects of this failure were the inability to provide the matching funds which would have allowed for the extension of the Supreme Court, the inability to deliver a set of revised laws in a timely manner and the end of the para-legal programme.

It was not clear from the interviews conducted with the members of the government or the private Bar why Antigua and Barbuda failed to provide their share of the funds. However, it should be noted that despite the relative strength of its tourist industry, its main foreign exchange earner during the period of the project, Antigua did experience considerable economic difficulties. It would appear that competing claims from other areas of the national economy prevented the allocation of the requisite funding for the project. Other factors which perhaps affected Antigua's ability to secure benefits from the project included the following: It appeared that much useful energy and time were used up in the controversy over who should be allowed to carry out the revision exercise. Antigua and Barbuda in this regard, were not singular in the failure to honour

commitments given in respect of the project, to set up a Law Reform Commission as well as to initiate and establish a legal aid system for the country.

One aspect of the Antiguan problem which was also responsible for inadequate performance under CJIP, and which was a contributor in each beneficiary which "under-performed", was the failure of local leadership at the level of the National Advisory Committees (NAC). From a meeting with a group of private attorneys, it seems clear that there was very little in the way of co-operation between the private bar and the previous Attorney General's chambers. It also seems that the dynamic leadership which should have come from the previous A.G. and chairman of the NAC was not present, the latter being not entirely unconnected with the question of who should carry out the revision of the Laws. It is submitted that the best designed USAID project may reduce, but cannot eliminate this kind of purely local problem.

BELIZE

Court renovations/adaptations; modernizing court management/record systems with computer support; essential commodity procurement.

In the case of Belize, like in most of the other jurisdictions within the project, the functional disrepair of the courthouses provided the greatest challenge to the project. According to the mid-term report, under the Country Specific Activities for Belize, there was a total of \$416,045.00 programmed and \$341,500.00 of that sum was for courthouse renovation. This related particularly to the renovation of the Supreme Court building in Belize, both courtrooms and Judges' chambers. The handsome old colonial building in which the courts were housed, suffered from the fact that it was impossible to conduct court without blocking off the adjoining streets. In addition to the noise of traffic, the heat in the Summer months made the courtrooms unbearable for the participants in any hearing.

The solution therefore was to provide for the air-conditioning and soundproofing of the courts, including double-glazing of the windows. The chambers of the Judges were also air-conditioned. The refurbishing and renovation has now been almost, but not completely, accomplished, but the High Courts of Belize are now exemplary in the appearance. When the evaluator visited, workmen were still involved in putting in partitioning walls; installing electrical work for the computer equipment which was being provided under the programme; ducting for additional air condition was also in place. The Government of Belize had used its own funds to provide a fifth Supreme Court in Belize City, and this would ensure that while the Court of Appeal sat, there would be no need to suspend sittings of the High Court.

The evaluator met with the architect on the project and was assured that all work would be completed by the 1st day of August 1994, the PACD, subject to the arrival of windows which had been ordered from the United States. In fact, the architect assured the evaluator that the refurbishing could have been completed but for the fact that the previous certificate sent for payment in May 1994, had not yet been honoured. He had, because of that, been unwilling to push the sub-contractors for completion on schedule when they had not received payment for work long done.

It should be noted that this was one of the few occasions on which the evaluator had seen a case of delayed payment. Here, it appeared from follow-up discussions with the various persons responsible for processing of the claim, that the reason for the delay was the fact that the claim had been sent to the UWI Finance Office (by fax) instead of being sent to the UWI project office for approval.

In addition to the considerable work done and being done on the Supreme Court, the project also made significant contributions of equipment and commodities to

the magistrates courts in Belize City and in the rural districts. Chief Magistrate Adolph Lucas pointed out that air conditioning had been placed in the Magistrate's chambers in the Belize City Magistrate's court. The court in Belize City had also been provided with a computer which would be very useful in helping to keep its records up to date. A photocopying machine had also been secured under CJJP.

Central Law Library

The Belize CAP had also envisaged the development of a Central law library in the Supreme Court building in Belize City to serve the profession, and under the terms of the technical assistance provided by the UWI, the services of the Jamaican Supreme Court librarian had been provided to assist in assessing the needs and setting up of that library. It proved impossible to establish a central law library in the Supreme Court building in Belize City. The inability to give effect to the proposal to house the library in the Supreme Court building has probably led to a much better library than could have been accommodated there. The library which was finally established is situated in a building a few minutes walk from the Supreme Court. It is managed by a trained para-professional librarian, Mrs. Sylvia Hulse, who had received her training under the CJJP in Barbados. It was well stocked with materials which had been ordered under the project. The librarian had also received training in binding and was in fact binding several of the volumes available in the library.

The evaluator was advised that the library was widely used and this was confirmed by a young member of the profession who was in the library at the time of the visit. By way of indicating a willingness to adopt policy changes for the benefit of the administration of justice, the government of Belize was also considering implementing the draft Law Library Act which had been prepared by Professor Crabbe for the OECS, in order to allow for the charging of fees for use of the library. Up to the present time however, the operations of the library fell under the control of the Supreme Court.

Assistance To Local Bar Associations For Legal Aid

Given the nature of Belizean polity as having both English and Spanish speaking sections, it highlights the need for a competent system of legal aid which can assist the disadvantaged in presenting his case before the court, especially if as in some cases, he is not a native speaker of the language used in the courts. This need was obviously recognized by the Belizean government.

Unlike in the other beneficiary countries, the government had implemented a significant policy reform in that there had been established a viable legal aid system. The legal aid office had been moved from premises which it shared, to the discomfort of its clients, with the police prosecutors' office into its own quarters near to the library and Supreme Court. The legal aid office was staffed by a qualified attorney at law, paid for by the government. At the time of the visit of the evaluator however, the attorney had just resigned to go into private practice, and a replacement had not yet been found. Notwithstanding that fact however, the office was being manned by a law student who had completed his first year at Law School, along with two competent assistants. In any event, the office had managed to forge such a close and constructive relationship with the practising bar, that it was able to call upon the members of the Bar to assist when no attorney was in office and the need was one of urgency. The legal aid office had apparently benefitted from a grant from the CJIP which had for a time provided salaries for its staff attorney, and had received technical assistance from the UWI in the form of equipment. It had continued to provide a valuable and cost effective service to the needy public. It is fair to say that the Belize legal aid system was the most developed of the primary beneficiaries, and CJIP clearly can claim credit for this development.

Training

One of the highlights of the successful intervention of the CJIP in Belize was in the area of training, and in particular the para-legal programme at the University College of Belize. (UCB) The programme was based on the more practical approach of Jamaica rather than on the more academic approach of the Barbados Community College. In Belize, the paralegal course had started in 1990, and in common with the other courses offered by the college, was run on a semester system. It had at first attracted mainly civil servants from Customs, Family Court legal personnel, and others with a similar interest in the law.

In three full years of operation, the school had turned out almost sixty (60) graduates, an average of about 20 per year. While at first the entrance requirements were not stringent, necessitating merely graduating from High School, the demand for entry into the course had become so great that heightened standards had now been imposed. New entrants are now required to have at least 6th Form or Junior College status. The college also requires an eighty per cent (80%) attendance record to graduate, and this has been achieved without difficulty.

The real success of the para-legal course however, is to be found in the fact that the Government of Belize has willingly accepted the responsibility for continuing the training at the college now that CJIP funds have ended. It is perhaps instructive that among the territories which had offered the para-legal course, Belize was the only one which had charged students a fee approaching an economic rate. The success of the programme may also be gauged from the fact that the UCB is now proposing to upgrade the course to a Diploma course and ultimately to the equivalent of the first two years of a four year degree course. Perhaps of equal significance is the view expressed by the Chief Magistrate that, in the future, the lay magistrates who overwhelmingly staff the magistrates' courts, (only the Chief is a qualified attorney), should at least be required to have a para-legal certificate.

The UCB was also instrumental in offering a course to court stenographers which was now being attended by seven members of the court staff. This course could also lead to the grant of the certificate in para-legal studies, for the participant who was prepared to do a few extra credit hours of work. The course tutors were all members of the private bar, and were well paid compared to those in other beneficiary countries.

Chief Magistrate Lucas was also full of praise for the contributions made by the project to training for the Magistrates and court bailiffs, as well as the police prosecutors. There can be little question that the training provided to justice administration personnel in Belize was not only useful but timely and effective. As far as police prosecutors were concerned, the government has apparently decided that it would wish to remove prosecutions in the magistrates' courts from these persons, and it has now established a separate Prosecution Unit.

Public Education Programmes

As far as this sub-head is concerned there does not appear to have been any significant activity in Belize.

Continuing Legal Education; Research Assistance to Judges

As with the preceding sub-head, no activity worthy of mention, except as to the training efforts for magistrates and other court personnel referred to under "Training", below. In passing it may be noted however, that two volumes of a "Belize Law Report", which has never previously appeared, are presently being prepared. It is safe to say that without CJIP this would not have taken place, and again highlights the catalytic effect that CJIP had on the systems of administration of justice in the primary beneficiary countries, even when it did not directly cause such changes.

LAW REVISION AND LAW REFORM

Law Revision

Belize was in the fortunate position at the start of the project, of being the only primary beneficiary country which had a revision of its laws less than twenty (20) years previously. Its main legislation had been revised in 1980 although its subsidiary legislation had not been revised at the same time. The fact that Belize attained independence in 1981 made it necessary to produce a Supplement to the revised statutes. At the same time, it was necessary to provide the revised subsidiary legislation.

CJIP provided funding for the printing of the Supplement. The project also paid for the preparation and printing of the subsidiary legislation. The government of Belize had also evidenced its commitment to the process of continuous revision by appointing as Law Revision Commissioner, Professor Ralph Carnegie of the UWI, with the responsibility for the revision of the subsidiary legislation. Government had also increased its budgetary allocation to the item of law revision. In addition, the government had secured the services of a legal drafts person with the assistance of the CFTC. It should be conceded, however, that Belize does not currently have in place, a Law Reform or Revision Commission.

Law and/or Policy Reforms

In the area of law reforms, the government had shown itself to be willing to give effect to at least some of the commitments given in its CAP. The government had increased the number of Puisne Judges called for in the Civil Service Establishment by one. In addition, a Family Court had been established in 1989. This court was now fully functional and was staffed by a Family Court magistrate and staff provided by the government of Belize.

Not only in the Supreme Court, but also in the magistracy, the GOB has shown its commitment to enhancing the administration of Justice by appointing additional magistrates in Belize City and Belmopan. It is further, the only beneficiary with the limited exception of Dominica (referred to hereafter) that has attempted to upgrade the remuneration of its staffers involved in justice administration. Since the inception of CJIP and it appears, at least partly in response to it, the salaries of most legal personnel has been raised by over 50%. Moreover, the income taxes on the gratuities of contract officers has been abolished. This has had the effect of increasing the salaries of the officers concerned.

In another policy move of considerable significance, the GOB has moved to establish a Prosecution Unit which is separate from both the Director of Public Prosecutions and the Police Prosecutors' Branch. This unit, headed by a legally trained Crown Counsel and staffed by civilians, will be responsible for prosecuting cases in the magistrates' courts throughout the country. In a country where legally trained staff is at a premium, and where only the Chief Magistrate is a trained attorney, this move is of the utmost significance. The catalytic effect of CJIP is unmistakable here.

Constraints To Further Achievement

By any measurement, the achievements of the Belizean Government in making use of the CJIP were impressive. There, they had managed to secure a significant refurbishing of the Supreme Court. Never mind that considerable work still needed to be done on the outside of the building and the roof, they had now provided courts which could sit without interruption from noise and heat. A reasonable Central Law library had been provided, policy reforms had been implemented in terms of increasing the remuneration for justice administration personnel. Most significantly, an incipient but viable legal aid system with support of the Government and the Bar Association had been established. The number of Judges had been increased, and the quality of the lay magistracy was

being upgraded, with a para-legal training programme which was superior to any other in the region.

The most positive elements noticed in Belize, which seem to have assured this level of success, were the commitment of both the private and the public bars and their willingness to work together, the general commitment of successive Attorneys General and Bar Association Presidents, and the outstanding leadership given by successive chairmen of the NAC, but especially by the current Chief Justice, Sir George Brown who was totally dedicated to getting the most out of the CJIP. It was perhaps also not just a coincidence that in Sir George Brown and the Solicitor General, Gian Ghandi, the NAC had two members who remained from the inception to the end of the project. This element of continuity was one that was missing with negative consequences, in other beneficiaries.

Belize suffered from two basic constraints in not securing more than it did from CJIP. In the first place, there was a severe shortage of qualified personnel. The effect of this is still seen in the high proportion of non-Belizean attorneys in the public service as well as at the private bar. Even where the government has been able to attract considerable interest on the part of Non-Belizeans, (and the increased salaries and gratuities now available are not unattractive), they are unable to retain them because of the great demand and better remuneration in the private sector.

The second major constraint therefore is the inability of the budget to compete for and retain the personnel which is so badly needed in the public sector. But even here there is hope, for the view that public servants at all levels in the administration of justice, including court reporters, are a special group is one that is apparently strongly advanced by the Chief Justice, and is likely to be accepted in the long run.

DOMINICA

Court renovations/adaptations; modernizing court management/record systems with computer support

In the Commonwealth of Dominica, much of the work of refurbishing was done on the magistrates' courts. The previous High Court building had been destroyed by fire, circa 1979. The new High Court was now situate in the old treasury building, and that building also housed the Registry. Unlike in other beneficiaries, the Government had avoided the dependence on air-conditioning, and continued to use fans where possible. The chambers of the resident judge are, however, air-conditioned. No significant amount of physical work was done on the registry, which as in all other territories visited, had a space problem. Such a problem can only be properly addressed by legislation to separate the Court Registry from the other functions performed by these registries; land, deeds, civil status, professional licences, companies etc.

What was impressive however, was the attention paid to the refurbishing of the magistrates' courts. The chief magistrate indicated that he was particularly pleased with the work done under CJIP with the rural courts. The court in Portsmouth which the evaluator had a chance to see, was exercise in creativity. The refurbishing involved the swapping of space with the local police station, and the re-painting of the entire premises, part of which was paid for by the government. Other courts in Castle Bruce, Delice and Marigot had also been refurbished with CJIP funds.

The other main physical facility which was provided under the project was the central law library. The new library is situate in the same building as the High Court. It is extremely well stocked with books and furniture and equipment provided under CJIP. It is also staffed by two para-professionals who had received library training under the CJIP in Barbados. One of these was also a binder, and his ability to do this was a major asset

to the library. In fact, the judgements of the High Court are now available in annually bound volumes from the library. The evaluator was extremely impressed by this particular public servant, who although not being confirmed as librarian, a position in which he has acted for some considerable period, nevertheless treated his role with almost parental dedication.

Essential Commodity Procurement

The National Center For State Courts (NCSC) report on registries as well as the Wilkinson-Allen report, had both pointed to inadequacies in the various registries of the region. In Dominica, the need for assistance in the form of computers had been recognized, and approval had been received for the acquisition of five computers, one of which was for the resident Judge, and the other four for the registry. Although the need had long been recognized, the equipment was only now being acquired as the project wound down to its end. It was also interesting that even as the project entered its last days, efforts were still being made to secure items of equipment which could be sourced locally. It is to be observed however, that these efforts which were seen in some quarters as attempting to circumvent the Chairman of the NAC, were apparently not appreciated, and failed to get support of the authorities.

Assistance To Local Bar Associations For Legal Aid

The government of the Commonwealth of Dominica had included in its Country Action Plan, a commitment to establish a legal aid system for the benefit of persons who were unable to afford legal assistance. As in all other jurisdictions, the local Bar Association through its president, professed its support for the principle of legal aid for those who could not afford such assistance. As in those other countries, existing legal aid was limited to a small public defender system in respect of capital cases, and then only at the assizes.

The project had envisaged that local Bar Associations would be assisted by OCCBA in establishing legal aid schemes. It has already been noted that OCCBA was unable to assist. In any event, this evaluator was not convinced that there was a real commitment to providing a viable legal aid system in this, or indeed in any of the other beneficiaries, except for Belize.

Assistance to Eastern Caribbean Court of Appeal

The Government of Dominica provided EC \$3,000.00 from its country specific activities allocation for the OECS Court of Appeal, in fulfillment of its commitment so to do.

Training

This was an area in which are persons involved in the administration of justice, were very pleased. Chief Magistrate Emanuel indicated that he and other magistrates had each attended no less than three seminars for magistrates put on by CJIP. Bailiffs from Dominica had also benefitted from attendance at two separate courses for bailiffs. Police prosecutors, widely viewed in the beneficiary countries as a drawback to the proper administration of justice had also received training. Not only had the general standard of prosecutions been raised, but among this group, one of the senior police prosecutors had, with the assistance of a magistrate, a Crown Counsel and the Director of Public Prosecutions, managed to put on a course for junior prosecutors in Roseau, stretching over two consecutive weekends. What is significant about this, is that it demonstrates that at least in this aspect of the project, the hoped-for sustainability is achievable after the PACD.

One area in which Dominica had made no progress in spite of its formal commitments to the contrary, was in relation to para-legal training. Here, the opposition of the local legal fraternity operated to prevent the commencement of the course which was to have been held at the Clarence Dupigny College. The profession seemed to take the view that the paralegals were a threat to their business. The fact that there is not currently a Legal

Profession Act in force which would give the professionals the protection that they sought, was probably a factor in this decision.

Law Revision and Reform

The laws of Dominica had last been revised in 1961, several years before Independence. There was clearly a need to revise the laws again. Dominica had with the aid of the UNDP in 1985, secured the services of a Law Revision Commissioner. It had also appointed an understudy to the Commissioner, as well as a Law Revision Commission to advise the Commissioner. When its revision exercise was complete, it discovered that the cost of printing the volumes needed was more than the allocation under CJIP. It was also discovered that if the composition and typesetting were done in Dominica, using Desktop publishing capabilities which could be acquired, it would save considerable cost, and would in addition, create an additional skill to be used for the benefit, not only of Dominica, but of the region.

It was decided that this would be done. The result was that Dominica was able to produce typeset and camera-ready proofs by 1990, and a complete set of its revised laws by 1991. By June 1992, enabling legislation had been passed bringing the revised laws into effect. The desktop publishing skill now enjoyed by Dominica is the envy of the other beneficiaries. In fact CJIP undertook the cost of representation from Grenada visiting Dominica to observe that country's capabilities in the area of law revision. In addition, Dominica has appointed a Director, Law Commission who has responsibility for both revision and reform. At present, a supplement is being prepared by the Director which should be available in February 1995, and would include all laws up to January 1993. En passant, it should be noted that the evaluator was deeply impressed by the energy knowledge and dedication of this public servant, whose family seemed to have a tradition of commitment to public service generally, and the law in particular.

While the Director believes that in order to achieve sustainability the present department should be expanded to a minimum of 5 persons, it cannot be gainsaid that the Law revision aspect of the CJIP in Dominica has been a remarkable success. It is the view of the evaluator that sustainability is assured, and perhaps even more important, is the availability of a new skill which can be readily transferred to other countries in the region. Five hundred (500) sets of the revised laws were printed, and most have been sold, although the accounting for all sets is not as precise as it might be. It is understood that there are 115 sets remaining, but not all are accounted for.

Constraints To Further Achievement

It goes without saying that Dominica made exceptionally good use of the opportunities under CJIP. By virtue of its success in the area of law revision alone, it would have been entitled to claim that it had benefitted from the CJIP. But Dominica also has other benefits to show. For example, as part of its commitment to CJIP, it agreed to increase the jurisdiction of its magistrates' courts. This has been done and should take some of the pressure off the High Court, which presently only has one resident Judge.

Dominica was also fortunate in having strong leadership from the Attorney General in the early days of the project, as well as an energetic Primary Co-ordinator, who was anxious to get things done. The presence on the NAC of other individuals such as the present Director, Law Commission, also helped to give a focus and direction which greatly helped the project in Dominica. On the other hand, there may have been even more success for the project here if not for what appears to have been a tendency to stand on rank, a phenomenon always to be reckoned with in small societies. There was an incident in which an enthusiastic public servant appeared to go directly to the Project Director without the necessary approval from the authorised officer. This created some difficulty and the goods which could have been sourced locally, will not now be provided for Dominica, under CJIP. The suggestion here is that certain cultural patterns of behaviour can affect the ability of the project to deliver and it is possible that without this

tendency towards being overly sensitive, it might have been possible to have secured even greater benefits for Dominica. The country also, like other beneficiaries, also experienced economic difficulties which constrained its capacity to commit resources to areas for which it had given commitments. Nevertheless, that Dominica made a successful use of CJIP however, is beyond question.

GRENADA

Court Renovations\Adaptations: Modernizing Court Management\Record Systems With Computer Support

At the commencement of CJIP the High Court which was housed in the Parliament Building was serious in need of repair and additional construction. However, CJIP was not intended to provide for this. It had been decided that with financing from the British Development Division without AID involvement, the Registry and Library facilities at the Court House were to be reconstructed. This has turned out not to be possible and while there have been some renovations and limited additions done to the Court Complex under the project, major work still needs to be done on the High Court in Grenada.

As far as facilities renovation was concerned, however, substantial work was done on the rural courthouses. CJIP funds were made available for improvements in the Courts at Grenville, Victoria, Sauteurs and St. Marks. The Chief Magistrate expressed complete satisfaction with the work done at each of these Court houses except in Granville where she indicated that the nature of the problem had been so vast that it was already beginning to show signs of falling into further disrepair. In the rural Magistrate's court in the town of St. David's, however, funds had been received from the British Development Division and according to the Chief Magistrate, this had been used to great success in the refurbishing of that court. In any event, in all the rural courts, AID funds had assisted in providing benches, chairs, filing cabinets, desks and other equipment which was needed for the court.

The other area of facilities improvement in Grenada was the provision of a Central Law Library. Prior to CJIP there had not been a Central Law Library which was of much use to members of the Profession, both at the Public and private Bar. As a result of CJIP, space was provided within the High Court complex and this has now been fully stocked with books and materials provided under the Project. In addition to books the Library has also now received a new photo copier and a fax machine is due to be installed which will assist the Library in receiving Case Reports or other documentation from the UWI at Cave Hill. While the Library is a considerable improvement to what had obtained before, the Evaluator was somehow disappointed by the lack of many up-to-date Reports, as well as of a preponderance of old books and materials, some of which would appear not offer any great assistance to the modern day practitioner. The Library was currently staffed by a Para-Professional Librarian who received training under CJIP in Barbados.

As far as the equipment available to the Registry was concerned, Grenada does not seem to have benefitted to the extent that they might have. It is true that it had amended its Deeds Registration Act to obviate the necessity for hand copying of Deeds which had obtained in the past and which had been a source of great delay and complaint by the Bar Association. This was being facilitated by the use of a photo copier which was provided under the CJIP. In 1987, CJIP had provided \$99,615 to pay for additional staff for two (2) years to bring the recording of Deeds, which had been years in arrears, current. However, as a general proposition, Grenada did not secure the computer assistance that it might have done with respect to its Registry. Again, as in the case of the other Registries throughout the Region, space was the major problem and it may very well be that any meaningful change in the operations of these Registries will require not only changes in laws but changes in the physical location to give them more space.

Assistance To Local Bar Associations For Legal Aid

In Grenada, again like in other beneficiary countries, there was only a limited public defender system, which only applied to capital offences. Although most persons interviewed in Grenada said that they were supportive of the development of a proper legal system there seemed to be no real impetus to do so. As noted in other parts of this report it is doubtful that OCCBA could have provided the necessary technical assistance to local Bar Associations to set up legal Aid systems as the project paper had contemplated. Therefore, in Grenada as elsewhere this initiative must be regarded as a failure.

Assistance To Eastern Caribbean Court Of Appeal

Grenada, under the terms of its country's specific activities, pledged EC\$3,000.00 to the Caribbean Court of Appeal Library.

Law Revision and Law Reform

The Government of Grenada did manage to complete its law revision exercise. Notwithstanding the completion however it has been found necessary to take on board a former Magistrate as a temporary Law Revision Commissioner in order to produce supplements in respect of Laws which had not been included in its original revision. These Laws are presently being produced and it is hoped that the Acting Commissioner will be able to provide the supplement by early 1995. While the Evaluator was in Grenada the Attorney General raised the matter of additional costs to Grenada of the supplemental revision which was being done and which was going to cost the Grenadian Government an additional £50,000. He indicated that the Grenadian Government had managed to raise approximately £31,000 of this sum and sought from the USAID Project Director some assistance in relation to meeting balance of the costs.

The Evaluator has now learnt that subsequent to this conversation the project has agreed to provide Grenada with the shortfall and this will allow Grenada to complete the printing of the additional supplementary revised Laws which it had not been able to do previously. This is perhaps another victory for AID's flexibility, a feature of CJIP which was highly commended by the OECS Legal Advisor.

As far as Law Reform was concerned, the amendments of the Deeds Act which was referred to above was the major reform executed by the Grenadian Government as a consequence of the CJIP. Family Court Act has also been passed in Grenada, although it was apparently not yet in force. There does not appear to be any long term plan to keep a Law Revision Commissioner operative so as to keep the Revised Laws updated.

Training

Like the other beneficiary countries of the OECS and Belize, Grenada suffers from a shortage of trained personnel at all levels of the system of administration of justice. It was therefore important that training be provided for personnel who are involved in justice administration. Under the Regional Technical Assistance Programme, Magistrates were able to participate in various training seminars throughout the region. In addition, Public Prosecutors benefited from courses in Barbados and Court Bailiffs from courses specifically designed for Court Bailiffs.

However, perhaps the most important area of need was in the area of Paralegals. Unfortunately, Paralegal training in Grenada must be considered to have been far from successful. Over the period of five years that the course was maintained, there were only a total of three graduates with a Certificate in Paralegal studies. Of these, one works in a law firm, one works in an insurance agency and the third works in the Grenadian Industrial Development Corporation. (GIDC). The course which was taught at the Grenada National College ceased when CJIP funding expired. From all reports, it was considered to be too academic and also might have suffered from the fact that the

students were not required to pay anything approaching an economic rate for their courses. In any event, the Government of Grenada decided that it could no longer afford to maintain the cost of this course. The previous co-ordinator of the paralegal course, however, states that it may be possible to resuscitate the course in the future providing people are willing to pay the full costs. As far as this Evaluator is concerned, it seems that there is no real hope of this being done.

Constraints On Further Achievements

It is fair to say that the achievements of Grenada under CJIP were very modest. Although there were some gains in terms of refurbishing of rural Magistrate's court and to some limited extent the revision of laws and the reform of the Deeds Act, there were many other areas where the project seems to have made little or no difference to the administration of justice in Grenada. To take but a few in the area of legal aid, in the area of paralegal training and in the area of the Court Registry little seems to have been achieved. Overall it seems that while Grenada was grateful for the goods and equipment and the books which were provided for the Central Law Library there was need for considerably more communication. One of the real difficulties with respect to constraining features in Grenada, was an apparent breakdown in communications between the various members of the National Advisory Committee from time to time. The Evaluator found it difficult to get a consistent thread as to who was responsible as Chairman and/or primary co-ordinator over the course of the project. While it is clear that at some point the then President of the Bar Association Mr Carol Bristol, Q.C. (later Chief Justice) was Chairman of the NAC, the mid-term report found that he had tried to do too much and that the project might have been better served if he had managed to delegate some of the responsibilities. Again the question of strong leadership of the National Advisory Committee as well as consistency in membership which would have provided the continuity useful over a project lasting for eight years seems to have been missing. Thus, it is not surprising in so far as the paucity of reforms in Grenada are concerned. This Evaluator is far from sanguine about any prospects of real sustainability

as far as CJIP in Grenada are concerned, because there are real questions as to the commitment of the government to allocating sufficient resources to justice administration.

GUYANA

The decision to extend the CJIP to Guyana was taken in 1993 consequent upon the election of a new Government in that country. As a result of this belated extension, there are fewer achievements to note and it is impossible to deal with the issue of country specific activities in the way done for the other countries above.

It suffices to say that in the relatively short period of about one (1) year since Guyana was included, the country has entered into MOUS for the purchase of a wide range of law books for the Central Law Library, and for the acquisition of equipment for the Guyana Court of Appeal Library, Court Registry, Legislative Drafting Department and the Attorney General's Chambers. The books which were yet to arrive in Guyana would be stored at the AID Mission in Georgetown until arrangements for the Library are put in place. The equipment includes fax machines, computers and peripherals, and photo copy machines.

Efforts were made to effect repairs to eight (8) rural Magistrate's courts. Unfortunately, the time available before the PACD was limited and there was no opportunity for any of the courts to be refurbished.

Legal Aid Development

One very positive development in Guyana which augured well for the Guyana Project when it is implemented is the commitment of both the Government and the private bar to developing a viable legal Aid system. The Government had made space available in one of its buildings, and legal aid services were available in petty civil cases, as well as

criminal matters. Legal advice was being provided by members of the private bar. The Government had also managed to secure assistance for the legal aid office from Canadian sources to the tune of G\$1 million.

Constraints To Further Achievement

Given the limited time that the project applied to Guyana, it would be unfair and unwise to try to draw any conclusions with respect to constraints. It does not seem unreasonable to say, however, that given the level of interest by the Attorney General and the President of the Bar, and the need which is evident in Guyana, that the prognosis for a Guyana Justice Improvement Project is excellent, especially because in dealing with one single administration, the project would be easier to administer than with seven (7) separate sovereign states, and the UWI as grantee.

ST. KITTS and NEVIS

Court Renovations/Adaptations: Modernizing Court Management/Record Systems With Computer Support

The performance of CJIP in St. Kitts has to be seen in the context of the decision to grant US\$1.4 million to that country in order to reconstruct its Supreme Court which had been destroyed by a fire in 1982. Since that time the Court and the Court of Appeal have had to rely on temporary accommodation which also houses the Registry. The accommodation provided here is quite unsatisfactory and the Government of St. Kitts has been making attempts to construct a new building to replace the one that has been destroyed ever since the time of the fire.

Although a separate MOU was entered into by the Government of St. Kitts and Nevis for the construction of the new court some years ago, and at least as far back as 1987 plans had been prepared for the new building, at the time of the visit of the Evaluator

at Basseterre only the foundation of the new court building had been laid. In addition, there appears to have been a major engineering problem as the foundation had run into a very high water table and this has necessitated having to pump thousands of gallons of water out of the now constructed foundation. Nevertheless, the Attorney General assured the Evaluator that this major problem now seems to have been overcome, the new Court should be completed sometime around May to June 1995. It should be noted that the funding for this new court facility is not strictly a part of the UWI component of CJIP, but represents a separate grant to the Government of St. Kitts to assist it in its difficulty in replacing the destroyed Supreme Court.

As far as the efforts to develop a Central Law Library are concerned, this development has been held hostage to the failure to complete the Supreme Court. It is envisaged that the Central Law Library would have been housed within the new Supreme Court. However, since that building is still not yet complete it was not possible for the project to provide the books and other equipment which were necessary for the Library. The Attorney General assured the Evaluator that space had been found in the new Registry for International Business Companies which was now available. As a consequence the Government was now requesting that the books for the Library for which an MOU had previously been executed be sent to St. Kitts where they would be housed for the present in the Library in this new office facility.

Essential Commodity Procurement

Pursuant to a letter of December 12, 1992 from the Office of the Project Director to the Government of St. Kitts, approval had previously been given for the procurement of a wide range of equipment including five (5) new computers and support material. This also included a computer for the Nevis registry. None of this equipment had yet arrived.

Assistance To Local Bar Associations For Legal Aid

In St. Kitts, as in the other OECS territories there is no evidence of any significant improvement in the facilities for legal aid. Here again there is a limited public defender system in place with respect to capital offences. However there is no formal legal aid system as such, nor does it appear that any is likely to be established in the short term. As in the other territories both members of the private and public bars suggested that a legal aid system to give assistance to the disadvantaged was necessary but the Evaluator is not very hopeful about any prospects of any meaningful legal aid system being developed in the near future. To this extent it is fair to say that the efforts of CJIP as far as legal aid is concerned are not going to bear fruit.

Law Revision and Reform

The last revision of the laws of St. Kitts and Nevis had been accomplished in 1961 and there was a reprint of that revision in 1976. Since that time there have been numerous new laws passed and in fact St. Kitts and Nevis had secured its independence from Britain.

As with other Eastern Caribbean countries the British Development Division had indicated that it would consider favourably a request from the Government of St. Kitts to provide the services of a Law Revision Commissioner. Despite this offer no Commissioner has been appointed by St. Kitts and in fact no Law Revision had taken place in that country. It is fair to say that seemingly, the entire energies of the Government in so far as it affected the administration of justice is concerned, has been focussed on the construction of the new court house which is still being built. It seems unlikely that in the absence of a follow-on project of some kind that the laws of St. Kitts will be revised, although that country has recently appointed a Law Revision Commissioner/Draughtsman. That person however, seems to have no duties involved in the revision of the laws.

Training

St. Kitts, like the other countries of the Eastern Caribbean and Belize, still benefitted from the training provided by the UWI to enhance the administration of justice. Two persons from St. Kitts participated in the workshop in Barbados for para-professional law librarians, while other persons involved in the administration of justice such as Bailiffs, Marshalls and Magistrates, all attended various workshops or seminars held throughout the region.

There had also been instituted a paralegal training programme which was based on the more academic Barbados model. Classes were conducted three times each week for a period of three hours and the course benefitted from an extremely enthusiastic co-ordinator in the early days. No payment was required of the participants during the course and when CJIP funding for the programme ended the Government of St. Kitts was unwilling or unable to continue this programme. The effect is that after being in existence for approximately four years the paralegal course in St. Kitts has ended with a total of three graduates with paralegal certificates.

ST. LUCIA

Court Renovations\Adaptations; Modernizing Court Management\Record Systems With Computer Support

In St. Lucia there was need for major extensions to the existing high court facilities in the court complex in Castries since it was widely recognised that the Supreme Court's facilities in the court complex were hopelessly inadequate, as well as in the Magistrates' court around the island. It was decided that although it meant going outside of the normal scope of CJIP, the project would assist with a major extension of the building which housed the courts provided the Government of St. Lucia came up with matching funds to support this development. The Government of St. Lucia had agreed to provide

approximately EC\$500,000 in order to complete this structure. In the end, towards the end of 1989 the Government advised USAID that it had decided to shift its priorities and the money which it had earmarked for the extension of the courts was no longer available. The effect of this is that there has been no extension of the court complex and the problem surrounding limited space continues to exist to the present day.

This lack of space had implications as well for the Registry which is extremely cramped. The Evaluator was taken by the Registrar to the various areas of the Registry and it seems quite clear that in the absence of a new building the Registry will be unable to function efficiently. In addition to the Registry the requirement for the development of a Central Law Library also could not be accommodated because there is no space on the building for this Library. The small library in the court at present is quite inadequate for both Bench and Bar and it had therefore been decided that the Central Law Library which was to be provided for St. Lucia would be housed in the building in which the OECS Court of Appeal is located. While this was an admirable decision, the problem which the Evaluator noted was that most of the private practitioners were unaware that the St. Lucian Central Law Library was in fact the Library which was now housed in the OECS Court of Appeal building.

Essential Commodity Procurement

The Registrar pointed out that the Court had received approval for a total of seven (7) air conditioning units, and they had also got under the project a fax machine and a laser printer. Approval had also been received from the Office of the Project Director - UWI for the computerisation of the Registry and the equipment was awaited. It was anticipated that with the delivery of the computers the Registry would be able to function more efficiently by allocating different computers to different areas of the Registry's operations. CJIP had also provided some furniture and fixtures for various rural Magistrate's Court.

Assistance To The Eastern Caribbean Court Of Appeal

As with the other OECS countries the Government of St. Lucia arranged for ECS\$3,000 to be given to the Court of Appeal as part of its own specific country activities. The Evaluator also learnt that as part of St. Lucia's country specific activities, the Judges of the OECS Court of Appeal were provided with Laptop computers so as to facilitate the preparation of Judgements, with modems to facilitate transfer of the data from the place of sitting to Castries, the seat of the court.

Law Revision and Reform

According to the findings of the Mid Term report: "As a quid pro quo for the assistance from the CJIP for the revision of its laws which were last revised in 1957 the Government of St. Lucia undertook to:

"make available such logistical support as was necessary for any Law Revision Commissioner to be appointed; appoint a new Law Revision Committee to advise the Commissioner in the event that an expert other than a local person is appointed for the purpose, and conduct periodic revision to maintain the currentness of principal statutes and sub-ordinate legislation".

In fact, despite the possible availability of a Law Revision Commissioner being provided by the British Development Region St. Lucia has failed to complete a revision of its laws.

Assistance To Local Bar Association For Legal Aid

St. Lucia was in the same position as the other Eastern Caribbean countries in that it only had a limited public defender system geared towards providing assistance in capital cases. The Catholic church had in 1989 implemented a legal aid facility. However at the time

of the Evaluation there is no indication that any of that effort remains alive. What is also clear is that the Bar Association has not received any assistance and maybe has not sought any assistance in the establishment of a viable legal aid system.

Training

The one really bright spark in St. Lucia's approach to CJIP was the success of the paralegal training course at the Sir Arthur Lewis Community College. In three graduating classes the school had managed to deliver eighteen graduates. What is even more significant is that the St. Lucian government had agreed that it would take over responsibility for running the course now that CJIP funding was no longer available. This is yet another case where a particular aspect of the project is shown to be sustainable in the absence of ongoing project funds. It is also somewhat surprising in light of the limited success which St. Lucia had in other areas despite the opportunities for assistance under CJIP. However, the energy of the Dean at the College, responsible for co-ordinating the course, probably explains the success of this element in St. Lucia, as well as its failure in the other areas.

CONSTRAINTS ON FURTHER ACHIEVEMENTS

The St. Lucian experience is again evidence of the fact that where there was an absence of dedicated and dynamic leadership it was impossible for the beneficiary to secure the available benefits.

Some members of the Bar also alluded to the fact that the then NAC Chairman, the previous Attorney General was a candidate to carry out the work of the Law Revision Commissioner. This might have compromised not only that aspect of St. Lucia's efforts, but all its CJIP efforts in general.

The private Bar was of the almost unanimous view that the previous Attorney General who was Chairman of the National Advisory Committee for most of the project, had shown little or no interest in making the project work in a beneficial way for St. Lucia. In fact, it is instructive that one of the persons to whom the Evaluator spoke had himself been a primary co-ordinator for a period of twelve months. He however, stated that he had only taken his stipend for two months. Thereafter, he had refused to collect any allowance or stipend for the next ten months as the National Advisory Committee was achieving nothing for which he could claim to have done any work. Also, the lack of continuity which was apparent in some of the other less successful territories is again shown up in St. Lucia. In the course of discussions with various members of the legal profession, one could not help the feeling that the National Advisory Committee did not establish any meaningful relationship with the Bar Association and this probably hampered its ability to request help in those areas which were of most critical importance to the Association.

It should be conceded however that an indexing of the Laws of St. Lucia had been done by the Attorney General, and this is a minor plus in St. Lucia's efforts to benefit from CJIP. It should also be noted in passing that the overwhelming opinion from the private Bar was that Attorneys General ought not to be the persons charged with the responsibility for the managing of assistance projects such as CJIP. It is felt that Attorneys General are too much caught up in the general politics of the respective governments and that it would be much better to have a private attorney to be responsible for matters of this kind. This is a view with which the Evaluator has some sympathy. It should also be noted further that there appears to have been no meetings of the St. Lucian National Advisory Committee after the departure of the first project director in 1991. This it is suggested was a failure on the part of the NAC and probably goes some way in explaining why St. Lucia failed to benefit more fully under CJIP.

ST. VINCENT AND THE GRENADINES

Court Renovations\Adaptations: Modernizing Court Management\Record Systems With Computer Support

It had been long recognised that the existing court facilities for the High Court and the Magistrate's court in Kingstown, St. Vincent were quite inadequate. In addition the existence of the Registry (within the same building) in which documents dating back to the 18th century were housed had also helped to make the situation almost wholly untenable.

Various plans had been contrived to ease the problem of the court including a plan to move the Registry to the site now presently occupied by the island's main jail. There was also a plan to extend the existing court and parliament building but this was turned down by the authority for the preservation of historic buildings on the basis that it would have affected the historic nature of the existing structure. For all practical purposes, the prospect of expanding that building is now dead and any alleviation of the difficulties with respect to this building must be met firstly, from the move of the Magistrate's court to rented premises nearby and secondly, from the proposal to remove the Registry as and when space becomes available at the present site of the prison. Notwithstanding the inability to do anything in terms of the construction of additional space, CJIP did make an important contribution to the comfort of the court room by air conditioning judge's chambers as well as providing computer and word processing equipment, typewriters and furniture under the quick impact activity both for the court and for the Registry.

The government of St. Vincent had made a contribution to the refurbishing of the court by paying the cost of lowering the ceiling in order to facilitate the other improvements to the basic structure.

The removal of four Magistrates' courts to the nearby Lyric Building is also a direct result of the CJIP and therefore the project can again claim credit for being a catalyst in helping to improve the administration of justice.

St. Vincent had also passed a Family Court Law and the Family Court had in fact been set up although the territory has had difficulty in finding a suitable Magistrate for the court. A public address system has also been installed in the court and this makes it easier for the proceedings to be followed by all parties concerned. The inability to expand the Supreme Court building so as to provide additional space had implications for the country's undertaking to establish a central Law Library. This problem has been overcome by renting of space again in a nearby building for the establishment of the Library. CJIP provided approximately \$50,000.00 for the purchase of both reference books and text books for the library, as well as furniture, shelving and other equipment. The Library would benefit greatly from having a photo copying machine so as to facilitate Attorneys who wish to make copies of cases.

CJIP funding also assisted St. Vincent and the Grenadines to make considerable improvements to the court room facilities in the Magistrate's court outside of the capital including courts at Georgetown and Colonaire. The court at Barrouallie had not been improved although plans for improvement had been available since 1969. It was the view of the Attorney General that the plans which had been implemented for the improvement of the courts were well executed. In particular the Attorney General was grateful for chairs, benches, furniture and shelving which had been provided not only for the court but also for the Attorney General's Chambers as well as the office of the Solicitor General.

St. Vincent had also passed a Law Library Act - Act 9/1991 to govern the operation of the Library. This gave the Law Library Committee the right to impose user fees in respect of the use of the Law Library. However at the time of the visit of the Evaluator

no fees had yet been set for the use of the Library, as the Act had apparently not been brought into force.

Assistance To Local Bar Associations For Legal Aid

St. Vincent also like the other OECS countries had a rudimentary public defender system for capital cases only. Although historically assistance in such cases only applied at Assizes the law had recently been amended to allow for representation in preliminary enquiries. Nevertheless, all persons spoken to expressed the view that there was need for a comprehensive legal aid system. However, the Bar Association has made no progress in implementing such a system. Once again the observation that OCCBA has not been able to assist the country is relevant and true.

Assistance To Eastern Caribbean Court Of Appeal

Under their country specific activities section of the project, St. Vincent and the Grenadines provided EC\$3,000. for the OECS Court of Appeal.

Law Revision and Reform

St. Vincent was provided with a Law Revision Commissioner who had been made available by the British Development Division. The Commissioner was resident in the United Kingdom but made timely visits to St. Vincent during the course of the Law Revision exercise. Although there was considerable delay in the course of the revision it was eventually completed and St. Vincent now has a complete and up to date set of revised laws. However, there does not appear to have been any appointment of a Law Revision Commissioner or a Law Reform Committee pursuant to the formal undertakings by the Government of St. Vincent and the Grenadines in its Country Action Plan (CAP).

Despite the completion of the law revision exercise in so far as it affected the substantive legislation the Secretary of the Bar Association pointed out that not all of the subsidiary legislation had been produced in the course of the revision. This exercise still needs to be done.

Training

Several nationals of St Vincent and the Grenadines had benefitted from the regional technical assistance and training component of the CJIP. e.g. for the Library which was opened in 1991 the Librarian Miss Joyce Ollivierre and the Assistant Librarian Mrs. Laidlaw had both received training as para-professional Librarians in Barbados. They had training as well in cataloguing and book binding.

Police prosecutors had also received training at various workshops and seminars held for those individuals throughout the region and Bailiffs had also been similarly benefitted by workshops and seminars put on for them by CJIP. The Chief Magistrate to whom the Evaluator spoke was particularly appreciative of the conferences for Magistrates which had been put on by CJIP. He had attended three such conferences including one dealing with delays, and another with sentencing.

St. Vincent and the Grenadines had also instituted a course leading to the certificate in para-legal studies at the St. Vincent Technical College. The course had run until 1993 but had stopped with the end of support funding by CJIP. Students had been asked to pay very little in terms of contribution towards the cost of the courses and they had complained about its academic nature as well as the length of time that the course took. The course was run over four evenings each week for three hours each. There was difficulty in getting from Kingstown to Arnos Vale and then back to Kingstown and often further out to the country where the participants resided. The course in para-legal studies had produced a total of five graduates over the four years that it operated. Here again, with the ending of the funding and the government's inability or unwillingness to

continue the course it is clear that this aspect of the project is not sustainable in St. Vincent and the Grenadines.

Constraints On Further Achievements

As in the other cases of territories who failed to maximise the benefits received under CJIP, one has to look at the question of leadership at the level of the National Advisory Committee and the relationship between the Public and the Private Bar. It seems from an overview of the history of the project as it affected St. Vincent that while the Deputy Project Director, Karl Joseph remained at the OECS Secretariat in St. Lucia, St. Vincent had a lot more significant contact with CJIP. Once Mr Joseph ceased being Deputy Director and returned to St. Vincent, momentum was lost and the impetus seemed to have waned. This is perhaps not surprising because it also coincided with the ending of the term of the first Project Director, Dr. Liverpool who had brought a special energy and involvement to the project. It also appears that after this period there were very few meetings, if any, of the National Advisory Committee and the lack of the element of continuity referred to in other countries above was also a factor in the failure to maximise the benefit here.

With respect to the question of leadership, the view was also expressed that during the chairmanship of the previous Solicitor General very little activity took place and it was only after his departure from St. Vincent that a new impetus was developed under the prodding of the present A.G., at the same time that the project began winding down to its end in the last year of the project.

It should be noted in fairness however that St. Vincent and the Grenadines was the only country which was able to demonstrate with figures that it had actually increased its budgetary allocation towards the administration of justice in the period 1991 to 1994. In 1991 the total amount allocated was \$1,691,588.00 and this increased by 28% in 1992 and by a further 9% up to 1994. There does appear to have been some kind of

commitment on the part of the government to making use of the project, but it seems that this commitment was not translated into actually putting forth the energy necessary to claim the benefits which were available.

**(B) PROGRESS OF PROJECT IN ACHIEVING STATED OBJECTIVES IN EOPS:
PROSPECTS OF SUSTAINABILITY OF CHANGES AFTER PACD**

Under the terms of the Logical Framework, the project purpose was stated to be "to strengthen legal systems in the region especially in Belize, Jamaica and the Eastern Caribbean". The end of projects status indicators were listed as the following:

- i) Increase in the speed of Trials and Appeals.
- ii) Better trained Judges, Magistrates, Prosecutors and Para-legals.
- iii) Increase in the number of modern and ascertainable laws.
- iv) Improved legal aid and public defender systems.

In at least three of these areas most of the countries covered by the project have made some improvement and in the fourth category one country has made significant progress.

Increased Speed Of Trials

If one looks at the increased speed of Trials it is possible to point to the experience of St. Vincent where a Fifth Magistrate was appointed by the Government specifically to deal with preliminary enquiries. This resulted in a liquidation of substantially all of the outstanding Preliminary Enquiries and brought the backlog of those cases down to manageable proportion. The setting up of Family Courts in St. Vincent, Grenada and St. Lucia dealing specifically with matters relating also has the effect of enhancing the speed with which matters come to trial by taking those cases out of the normal Magistrate's courts.

A Family Court Judge had also been appointed in Belize and in St. Kitts the Government was preparing family legislations to introduce in camera hearings. The St. Kitts government was presently carrying out a review of laws relating to rights of the child. This exercise had not yet been completed but the report is expected shortly.

Another way in which the speeding up of trials is being achieved is by increasing the jurisdiction of the inferior courts so as to take pressure off the court of record, the Supreme Court. Jurisdiction of the Magistrate's Court has been increased significantly in Dominica, Antigua and Belize and in each case it is anticipated that this will have the effect of speeding up matters which come on for trial. As if to exemplify the proposition that merely changing the level of the jurisdiction of the courts is not sufficient to ensure the speedy resolution of all disputes, the experience in Dominica has been that once judgment has been received in relation to the higher threshold limits in the Magistrate's court, the Court Bailiffs who are required to enforce those judgments must often travel out into the rural areas. However the Bailiffs have been told that there is a limit to the amount of travelling they are able to do each month. The effect of this limit is to curtail the ability of the Bailiff to carry out their duties in all the places in which they might have otherwise have gone, and restrict the ability to dispose of cases expeditiously.

Better-Trained Magistrates and Other Court Personnel

In each jurisdiction which was visited the Chief Magistrate and in some cases other Magistrates, confirmed the value of training courses which they had attended. The value was not only in terms of the course content itself but in the opportunity it gave to Magistrate to meet and to discuss issues of common concern and potential common approach to common problem. CJIP provided this opportunity on numerous occasions as is shown from the list of seminars, workshops, courses, which were carried out under the Regional Technical Assistance and Training element of the project. Not only was this done for Magistrates but there were instances where Judges of the High court also had the opportunity to participate in workshops which helped them to improve the quality of justice that they were called upon to administer.

Police prosecutors, Bailiffs and Para-legals were an especially important part of the CJIP and by and large the training afforded to these para-professionals may be said to have been both timely and appropriate. If one looks at the para-legal training in the various territories it will be seen that the results varied from no training at all in Dominica to extremely successful turn out of graduates in Belize. On the other hand, in each territory apart from Dominica, there were some graduates and in many cases these graduates have rejoined the administration of justice system with the ability to make an enhanced contribution. In other cases, they have attempted to go on to Law School, although the continuing quota system which controls the entry into the faculty of Law at the University of the West Indies makes it difficult to enter the Faculty of Law on the basis of para-legal training only. The same would apply where individuals have undergone the challenge programme in their respective territories under which they are able to receive training for the first year of the Bachelor of Laws degree.

Police Prosecutors who are the mainstay of the prosecution in most of the smaller territories have also had significant benefits from the various courses held for Police Prosecutors. The outstanding example of the success is the case of Dominica where as indicated elsewhere in the report a graduate of such a course was able to organise a week-end seminar for junior police prosecutors in the Commonwealth of Dominica. In most other cases certainly in Grenada, St. Lucia, Antigua and St. Kitts the Magistrates confirmed that there had been improvement in the quality of police prosecutors.

Increase In Number of Modern and Ascertainable Laws

In so far as CJIP hopes that one of the End Of Project Status (EOPS) would have been an increase in number of modern and ascertainable laws the project can claim more than modest success in that the substantive laws and subsidiary legislations in five of the seven primary beneficiary countries have now been brought more or less up to date. The countries, with the exception of St. Kitts and St. Lucia, have managed to produce revisions and in some cases (Grenada and Dominica) are presently in the process of producing supplements to those revised laws. In addition the Dominican success in developing a desktop processing capability which

is allowing that country to keep its laws revised on an ongoing basis is a credit to the project and in particular highlights the sustainability of this aspect of the project which is arguably one of the most critical. It would be naive to suggest however that the quality of all these revisions is of uniformly high standard. One has to bear in mind the comments of the Attorney General of Antigua as to the quality of that revision as well as the Grenadian experience which now requires the production of supplemental volumes to take account of laws not included in the previous revision. One has also to bear in mind the fact that Belize had previously had a revision and it was the only their supplementary legislation which needed to be dealt with. Notwithstanding these comments however it is clear that CJIP has made a significant and indeed a sustainable difference in relation to the question of updated revised laws for each of the primary beneficiary countries.

By way of a recommendation here the Evaluator strongly suggests that AID should make all attempts necessary to try to ensure that those countries, St. Kitts and St. Lucia, who have so far failed to complete a revision of their laws be assisted to do so. In this regard all efforts should be made to discuss the matter with the Caribbean Law Institute and its new Executive Director, a former director of CJIP, to see whether and to what extent the mandate of CLI may be amended with or without some additional funding, to assist those countries to complete that exercise.

Legal Aid

The fourth objective of the EOPS that is improved legal aid and public defender system must be considered to have been a major failure of CJIP. While one can readily conclude that this is so, one has first to commend the efforts which were made by Belize to develop a viable legal aid system. One also has to commend the incipient effort in Guyana which was only latterly brought into the programme to develop a legal aid system.

All the countries of the OECS in which the question of legal aid was discussed appeared to support the need for such a system. However it is quite clear that there is no political will nor

indeed any real urgency even among private practitioners for the development of such a system. While the failure therefore is a failure of the project to realise its objectives the Evaluator would suggest that it is more a failure of the respective jurisdictions and their inability to grasp the importance of legal aid, particularly as it likely to affect the rights of disadvantaged persons, children and women.

No project however well designed, and well intentioned, can overcome apathy and disinterest on the part of beneficiaries, regardless of the amount of money which is placed at the project's disposal. It should also be observed to the extent that the project paper contemplated that the Organisation of Commonwealth Caribbean Bar Associations (OCCBA) would be the motive force behind technical assistance to local bar associations in the development of legal aid, that assumption seems to have been an erroneous one. The fact is that OCBA which meets probably once or twice per year at the time of the meetings of the Council of Legal Education, and does not have either the administrative, the bureaucratic or the institutional capabilities to have delivered on this project assumption. It was an assumption in the view of the Evaluator was without basis and discussions with a former president of OCCBA as well as a legal aid Attorney who had been involved in the discussions with the various countries confirmed that this was a wrong assumption.

CONCLUSION

Given the purpose set out above to strengthen legal systems in the region, it is submitted that CJIP had effectively delivered on three of the four indicators, and the project can be pleased with the extent of that delivery. It also seems clear that the nature of the policy reforms which have been instituted in order to arrive at these objectives will enable these changes to sustainable. A critical feature of any well designed project. Sustainability in most of the areas and in most of the countries seems to be assured given the heightened interest in and commitment to reform of the administration of justice systems.

(G) **PROJECT'S IMPACT OR ANTICIPATED IMPACT ON LOWER INCOME GROUPS DIFFERENTIATING WHERE POSSIBLE ALONG GENDER LINES**

In this section the Evaluator is required to comment upon specifically the Project's impact on lower income groups. It is anticipated that the evaluation should also seek to evaluate the impact which the project has along gender lines wherever possible.

In the Project paper in a section "Summary and Recommendation" it is stated that *"the law would be modernised and made more intelligible to citizens, courts will function better and economically vulnerable groups (e.g women, children and the poor) will be benefitted"*.

It is fair to say that the impact of the project on the disadvantaged members of the society including specifically women, children and the poor is to be gleaned from the contributions which the project may have made to making the legal system more accessible to these particular groups. It needs to be said at the outset that this was perhaps the most difficult part of the project and it is also the most difficult to measure its success. The most pervasive assistance which could be given to all these groups would have been in the area of the provision of legal aid to assist the disadvantaged throughout the various territories within the project. However, it will be seen from the country analyses above that save for the very commendable efforts being made by Belize in the area of legal aid and the promising beginnings in Guyana, in no other territory within the project has there been any significant improvement or development of legal aid for the benefit of the disadvantaged. It is submitted that in the absence of any real development in the principles and the law governing legal aid and public defenders, it is not possible to say that there have been any meaningful impact as required under the terms of this section of the project.

There is however a ray of hope with respect to children and women. As indicated above, in St. Vincent and Grenada Family Court legislation has been implemented and St. Lucia has also passed a Family Court Act. St. Lucia has also now passed a Bill on domestic violence which aims at protecting women and children within the context of the family. Belize also has introduced a Family Court with its own Judge in charge. St. Kitts is studying legislation to protect the rights of children. Given these developments one is encouraged that increasing

attention is being directed towards the rights of women and children and that this increased attention is probably a direct or least an indirect result of the CJIP. To be sure there is not the concentration in any of the territories or throughout the region in general on issues relating to gender which is so topical in more developed societies e.g. North America and Europe. The very fact that legislation with respect to the rights of women, children and the family is at all being introduced in these countries is instructive and a credit to the project.

It should be noted however, that thought still needs to be given to the precise nature and role of the Family Courts which are being established. Given the nature of the OECS Court systems and the inability of any one territory within that system to add to the jurisdiction of the High Court, it seems clear that this area of Family Court development is one which lends itself to a very strongly regional approach and Governments should be encouraged in this direction. It is recommended that Governments should discuss this question of the Family Court to see whether and to what extent it needs to be part of the High Court of the OECS, or whether they will remain as they currently are, as a Magistrate's Court.

As a general comment with respect to the impact on lower income groups and the implications for legal aid in the region, the Evaluator would wish to re-emphasise what seems to be clear from the course of the Evaluation. The project papers' view that legal aid would be developed using local Bar Associations assisted by the Organisation of Commonwealth Caribbean Bar Associations (OCCBA) was not a viable assumption. OCCBA has neither the institutional nor the administrative capabilities to have delivered on that assumption. It is therefore recommended that any assistance which is needed by the respective Bar Associations in the development of legal aid should come from such sources as have the experience and institutional capabilities to pass on their knowledge to these Bar Associations.

FINDINGS

In the light of the extensive chronicling of the evidence which has gathered, and the responses received from interviewees, in relation to various aspects of the project, the evaluator summarizes the findings in the section set out below. Thereafter, the report will list conclusions drawn from the findings as well as recommendations which may be considered in the event of a subsequent project or a decision to complete any of the unfinished work under CJIP.

1. The responses from the representatives of the beneficiary countries were positive with respect to their views as to the success of the project.
2. The project has clearly increased awareness of the critical role of the administration of justice in the preservation of democracy, and the ability to attract and retain businesses for economic development.
3. No aspect of the CJIP was without support as to its validity in any beneficiary country. Government officials were particularly grateful for the equipment and physical facilities provided under CJIP, and were especially aware that CJIP now gave them leverage with their governments in their efforts to secure increases in budgetary allocations for administration of justice.
4. The Faculty of Law at the University of the West Indies as a regional institution, was able to impact on the countries which maintain it, and in this way CJIP assisted with developing a greater understanding of the role of the institution in Caribbean development
5. USAID\RDOC retained a deft control of the project, but showed itself willing to adapt and to be flexible for the benefit of the project and the beneficiaries.

6. All interviewees conceded that CJIP either:
 - a) directly benefitted justice administration in the primary beneficiary countries; or
 - b) at least acted as a catalyst in generating several of the policy reforms implemented by the beneficiaries.

7. The case reports textbook revolving fund was an important component of the project although its slow, early deliveries of results called its viability into question. The development of Central Law Libraries in each of the beneficiaries was also a major critical success of the project.

8. The component dealing with Law revision and Law reform was important and that importance was appreciated by all beneficiaries although in two cases no significant revision or reform was achieved.

9. Country specific activities represented the heart of CJIP and also represents its most visible successes in view of its assistance to court houses, libraries, and other physical facilities of the beneficiaries.

10. Regional technical assistance and training might have provided the most important longterm benefits of CJIP in terms of the availability for training provided at all levels of the justice systems of the beneficiaries. This training is particularly beneficial at the level of para-legal personnel who bear the responsibility for much of the system.

CONCLUSIONS

1. The project design was appropriate for the CJIP. The overall delivery of services occasioned by the project design was also appropriate and timely and the implementation of the project was satisfactory. While it is not possible to say that it is exceptional, certainly the project delivered in the manner in which it was anticipated and in some cases performed better than might have been expected. Both design and implementation of the project were therefore positive features.
2. The project was the beneficiary of the fortuitous choice of key personnel who were involved in CJIP over the eight (8) year life of the project. In particular, the early involvement of Dr. Nicholas Liverpool as Project Director and Mr. Dennis Darby as USAID RDOC Project Manager was an important step in establishing the conceptual framework in which the various parties and participants would interact, and set the tone for the co-operation and flexibility which was to serve the project well.
3. As the project aged, it seemed to lose momentum and interest was sustained not by active primary co-ordinators or even active national advisory committees, but by individuals who remained committed to benefiting under the project and the Project Manager's and Project Directors' continuing commitment to CJIP.
4. The slowing down of the momentum of CJIP after 1991 was a natural development given the earlier frenetic activity under the project up to that point and the departure of the first Project Director who had maintained a personal and hands-on relationship at all levels in all beneficiary countries up to 1991.
5. The second project director, Prof. Carnegie, was responsible for the project for the period 1991 - 1993. Because of the reduction in the activities, and the reduced personal involvement of the new project director, some persons were of the view that the project had slowed considerably. However, the fact is that there was no reduction in direction

or control from the office of the project director, although at the time of his assuming duties there were important reductions in staff. For example, the Deputy Director returned to St. Vincent, the Primary Co-ordinators ceased to function, and one Secretary was removed from the project office.

6. The last year of the project, 1993\1994 has seen performance which was uneven. The evaluator noted that there have not been any meetings of the respective National Advisory Committees. What was surprising was the number of individuals who had hitherto been closely associated with the project, but who were unaware as to who the current Project Director is. This may well be the result of the fact that with imminent ending of the project there was a consequent loss of interest in its day-to-day operations.
7. The UWI administration of the project was generally effective and delivered in inefficient manner. The suggestion that the 10% of the project which was allocated to the UWI administration might have been excessive is not borne out by comparison with other similar projects and the regional nature of this project made the UWI a natural for the role to co-ordinate the activities in the various primary beneficiary countries.
8. Law library development was one of the outstanding successes of CJIP. All countries involved in CJIP have now either established new central law libraries to benefit the profession or are awaiting the delivery of books for this purpose. Further, the evaluator finds that as a general rule the success of the law library development and the interest which has been shown in Professor Crabbe's draft of the "Law Library Act" indicate that this development is a sustainable one.
9. The evaluator concludes with respect to the impact upon the jurisprudence of the region by the case report text book revolving fund, that the impact was a positive one, especially as it involved the development of the OECS case reports. The view that this development is sustainable is made more plausible, given the level of the enthusiasm for those reports generated in the region. The evaluator also concludes that the early end

to the text book revolving fund may very well have prevented this aspect of this component from being the success that it might have been. It is conceded that the UWI was not set up to properly handle the marketing of the texts which had been prepared.

Because of the slowness in getting the text book revolving fund component off the ground and the decision having been made to cancel this aspect of the programme, a number of texts which had been approved and are now available for publication will not be printed.

10. The other donors who operated within the region and who assisted the primary beneficiaries also provided a very useful ally to CJIP. Their activities were supportive and had a positive impact on the project in its attempts to reach its goal of strengthening the justice system of the primary beneficiary countries.
11. Generally speaking, the delivery of the technical assistance and training services by the UWI to the beneficiary countries was timely and effective and certainly appropriate. An examination of the draft analysis of the regional technical assistance and training budget and actual expenditure over the period shows that generally the workshops and training were appropriate and did not unduly burden the project.
12. The evaluator concludes that although all the countries exhibit a heightened awareness of the need to pay due regard to the maintenance of the administration of justice systems, it is not at all clear that the resources needed to maintain these systems and to invest in new technology and in personnel are going to be available over the long haul. This comment certainly raises the issue of sustainability but at the same time, to the extent that the countries' awareness has been heightened, it seems that there is a structure here on which to build future policy changes for the benefit of the justice system. Further the evaluator concludes that even in those cases where CJIP did not directly cause changes it had generally a catalytic effect on these changes and to that extent, may claim some credit for the changes having occurred.

13. The country specific activities which were undertaken by the perspective countries were generally appropriate for the purpose of CJIP attaining its goals and also allowing the respective country to enhance its justice administration system.
14. The evaluator concludes specifically that in relation to the ability of the project to achieve the stated objectives as referenced in the End Of Project Status, (EOPS) that the project did in fact deliver fairly strongly on three of those objectives. The fourth, that is the establishment of legal aid systems throughout the region, failed miserably except in the case of Belize where it has shown a very promising beginning and in Guyana where the indications are that this will be a successful scheme.
15. It is concluded that in so far as there was hope for direct impact by the project on low income groups, women and children, the project has not made any significant contribution in this area. In fact, apart from limited legislation for introduction of a family court in Grenada, St. Vincent, St. Lucia and Belize, as well as legislation on domestic violence (St. Lucia) and proposed legislation on the rights of children in St. Kitts\Nevis, very little has been done which is directly relevant or beneficial to women, children or the poor.
16. The cultural nuances which often affect behaviour in small island societies may sometimes have a negative effect upon projects of this nature. This is because assertive individuals who do not stand on rank, but who could promote success are often distrusted by officials who are concerned with status and position, rather than results.
17. The role of the Primary Coordinator was not given the weight that was contemplated by the project paper, and this, perhaps, contributed to increased time lags between identification of needs, communication of those needs to the project office, and the execution of relevant MOUs for a particular activity.

18. There were several failures to keep formal undertakings given by the countries in their CAPs or MOUs. It may be that a general set of undertakings at the outset of the project as an alternative to specific undertakings with each MOU or CAP would be preferable.

19. The countries, except in the possible case of Belize, did not maintain their NACs as active, viable, consultative bodies after 1991. This led to breakdowns in communication both within country and between the country and the Project Office. In one case, the recommendations which had been solicited from an officer responsible for a particular area of operations in the country's courts were substantially changed by the Attorney General in forwarding the list of requirements to the project office, without reference to the person who had prepared the recommendations.

20. In the final year of the project when more attention was needed to ensure maximum utilization of available resources, there was less engagement by the Project Director's office, and accordingly, less structured approaches to urgent final requests.

RECOMMENDATIONS

1. In any regional justice administration project, it is highly desirable that there should be a strong link with a continuing presence in the Secretariat. It is therefore recommended that a representative of any project be kept full-time either in the OECS or CARICOM Secretariat.
2. Such a project must find ways to ensure the continuation of any National Advisory Committee which is set up, and should, if necessary, make continuing assistance conditional upon the NAC remaining active and involved. The Chairman of such Committees should, preferably, not be the Attorney General, but possibly the President of the Bar Association, or joint Chairmanship between the Permanent Secretary in the Ministry responsible for legal affairs and a representative of the Bar Association.
3. Efforts should be made to strengthen local Bar Associations with a view to ensuring that they have the capabilities to assist with the development of proper legal aid facilities.
4. The institutional capabilities of the offices of the Attorneys General should be strengthened and encouraged to establish viable working relationships with the private Bar.
5. The role of a Primary Co-ordinator who should preferably be a full-time employee of the project, must be emphasized, and the individual given the responsibilities inherent in that role.
6. Ways must be found to protect against the need for small businessmen or contractors to front-end expenditure where reimbursement is not likely to be immediate and automatic.
7. USAID and UWI should explore - along with other potential donors - the possibility of providing significant assistance to the Faculty of Law to allow for the continuation of the text book revolving scheme which has major potential benefits for the jurisprudence of

the region. The UWI Faculty of Law should use its good offices to discuss with Florida State University and the administration of the Caribbean Law Institute (CLI) the possibilities of extending CLI's mandate to allow it to assist in the law revision exercises which still need to be completed, particularly in St. Lucia and St. Kitts\Nevis.

8. Persons responsible in the beneficiary countries for the finances of the project should be given some training in project financial requirements preferably with a brief attachment at the relevant USAID office or within the UWI's Bursar's office if the UWI is the grantee.
9. Any follow on project should have a component aimed specifically at modernization of court management systems and the upgrading of registries.
10. It is recommended that attempts be made to assist in the provision of trained personnel who are available for extended periods of one to two years with part of their responsibility being to train local staff in areas such as court reporting and registry management.

APPENDICES

1. List of Primary Beneficiary Countries
2. Budgetary Allocation to Justice Administration in St. Vincent and the Grenadines, 1991-1994
3. List of Persons Interviewed
4. Bibliography of Documents Consulted
5. General Framework questions, used in Interviews
6. Latest Logical Framework
7. Regional Technical Assistance and Training: Draft Budget Analysis by Project Office

PRIMARY BENEFICIARY COUNTRIES UNDER CJIP

<u>COUNTRY</u>	<u>AREA</u>	<u>POPULATION</u>
Antigua & Barbuda	170 sq. miles	64,000
Belize	9000 sq. miles	160,000
Dominica	289.5 sq. miles	72,000
Grenada	133 sq. miles	89,088
St. Kitts & Nevis	104 sq. miles	46,000
St. Lucia	238 sq. miles	134,000
St. Vincent & Grenadines	150 sq. miles	107,000.

GOVERNMENT OF SAINT VINCENT AND THE GRENADINES
BUDGETARY ALLOCATION TOWARDS THE
ADMINISTRATION OF JUSTICE

DIVISIONS	RECURRENT EXPENDITURE ESTIMATES			
	1991	1992	1993	1994
Ministry of Justice	647,271	700,783	670,525	694,120
Family Court	-	314,258	277,310	256,956
Magistracy	519,655	599,971	635,869	637,071
Registry and High Court	524,662	556,677	623,251	731,763
TOTALS	1,691,588	2,171,689	2,206,955	2,319,910

PERSONS INTERVIEWED

ST. VINCENT AND THE GRENADINES

Parnell Campbell, Esq., Q.C.	Attorney General
Donald Brown Esq.,	Solicitor General
Carl Joseph, Esq.,	Director of Public Pros.
Adrian Saunders, Esq.,	Secy. Bar Association
Ms. Monica Higgins,	Principal, Technical Coll.
Mr. Errol Mounsey,	Chief Magistrate
Madame Justice Monica Joseph,	High Court Judge
Ms. Ianthe Leigertwood,	Deputy Registrar
Mr. Eldon Millington	Registry Clerk
Ms. Olliviere	Librarian
Mrs. Laidlaw	Asst Librarian

GRENADA, CARRIACOU & PETIT MARTINIQUE

Mrs. Linda Grant,	Pres. Grenada Bar Assn.
Rita Joseph Esq.	Grant & Grant Attorneys at Law
Carol Bristol, Esq. Q.C.	Former Chief Justice
Ms. Gail Charles,	Registrar
Mr. Justice Lyle St. Paul,	High Court Judge
Hon. Dr. Francis Alexis,	Atty. Gen., Min. of Legal Affairs
Mrs. Claudia Mark-Benjamin,	Co-ordinator Paralegal Training
Mrs. Mark,	Chief Magistrate
Ms. Annette Isaacs,	Personal Assistant to Atty. Gen.
Ms. Andrews	Librarian

GUYANA

Michael Dos Santos, Esq. S.C.	Atty. Gen.
Peter Britton, S.C.	Pres Bar Assn.

ST. LUCIA

Ms. Isabella Shillingford	Registrar
Ms. Floreta Nicholas	Chief Magistrate
Parry Husbands, Esq. Q.C.	Former Atty. Gen.
Winston Cenac, Q.C.	Pres. Bar Assn.
Marius Wilson	Secy. " "
Winston Hinkson	Private Barrister(Former P. C.)
Vernon Cooper)
Hilford Deterville) Attorneys-at-Law
Robert Innocent)
Brenda Flossaic-Fleming)

THE COMMONWEALTH OF DOMINICA

Mr. Justice Odel Adams	High Court Judge
Mrs. Singoalla Blomqvist-Williams,	Registrar
Mrs. Suzanne Ducille,	Deputy Registrar
Mr. Ray Harris,	Director, Law Commission
Mr. Ronan David,	Pres. Bar Assn.
Mr. Asquith Riviere,	Magistrate
Mr. Julian Eloi	State Attorney
Mr. Julian Emanuel	Chief Magistrate
Insp. Clem Francis	Officer i/c Administration
Mr. Davis Moise,	Magistrate
Supt. Mathias Lestrade	Acting Asst. Police Chief
Inspector Clem Francis	Officer i/c Administration
Inspector Burton	Police Prosecutor
Mr. McPherson Breedy	Primary Co-ordinator N.A.C.
Mr. Purcell Christian	Librarian/Binder
Hon. Jenner Armour, Q.C.	Atty. Gen. Min. of Legal Aff.
Mr. Julian Johnson,	(Perm Secy, Min. Legal Affairs (Attorney at Law

ANTIGUA

Hon Clare Roberts	Attorney General
Mrs. J. Giraudy-McIntyre	Acting Registrar
Mr. Cosbert Cumberbatch	Acting Chief Magistrate
Justice Albert Redhead	High Cour Judge
Dr. Ermina Oshoba	U.W.I. School of Continuing Studies
Colin Derrick, Esq.,	Asst Pres. Antiguan Bar Assn.
Mrs. Cecile Hill	Attorney at Law
Franklyn Clarke, Esq.	" " "
Justin Simon Esq.,	" " "
Gary Collins Esq.,	" " "
Septimus Rudd, Esq.,	" " "(Former Reg.)
A. N. Other	Assistant Librarian

ST. CHRISTOPHER & NEVIS

Charles Wilkin, Esq.,	President Bar Assn.
Emile Ferdinand Esq.,	Attorney at Law
Mr. Winston Patterson	Registrar, Supreme Court
Hon. Tapley Seaton, Esq.,Q.C.	Attorney General
Mrs. Dulcie Richardson	Frmmr. Co-ordinator Paralegal
Mr. Constantine Richardson	UWI Resident Tutor

BARBADOS

Mr. Webster
Mrs. Maria Maynard
Sir Keith Hunte
Dean Albert Fiadjoe
Mrs. Velma Newton

Senior Accountant UWI
Accounts Clerk
Principal Cave Hill Campus
Dean, Faculty of Law
Acting Law Librarian

BELIZE

Sir George Brown, KT.
Philip Zuniga, Esq.,
Mr. A.W. Thurton
Derrick Courtenay, Esq.,
Mr. Joey Bellisle
Mr. Adolph Lucas,
Ms. Laurel Grant
Ms. Lovinia Daniels.
Gian Ghandi, Esq.,

Chief Justice
Pres. Bar Association
Architect
Member NAC
Chair, ACE, UCB
Chief Magistrate
Clerk of the Court
Accountant
Solicitor General

JAMAICA

Dr. Lloyd Barnett, Atty. at Law,
Ms. Nancy Anderson, Atty. at Law

Former President, OCCBA
Former member OCCBA Legal
Aid Committee.

BIBLIOGRAPHY

Partial List of Documents Consulted

Scope of Work

Project Paper

Project Grant Agreement dated Aug 26, 1986

Amendment # 1 dated Sept. 29, 1986

Amendment # 2 dated April 3, 1987

Amendment # 3 dated Aug. 21, 1987

Amendment # 4 dated Sept. 30, 1987

Amendment # 5 dated June 5, 1989

Amendment # 6 dated Jan. 30, 1991

Amendment # 7 dated April 10, 1991

Amendment # 8 dated Sept. 30, 1991

Amendment # 9 dated Feb. 25, 1993

"Caribbean Justice Improvement Project: Two years of Activities, September 1, 1986 - August 31, 1988". (Report produced by Faculty of Law).

The Mid-Term Evaluation, by Arthur Mudge et alios

Wilkinson and Allen Report on Registries.

"Faculty of Law praised". Article in B'dos Advocate, 6/13/94.

USAISD file re GJIP

CAPS of various countries

MOUs of various countries

Other USAID documents

8. Was it satisfactory? If not, why not?

9. Are you aware of the CLI project?

10. Do you see any overlap between the projects?

11. What are your views on the way the project was administered by the US/AID RDO/C?

12. What did you hope to get at the end of the project?

13. What do you think of the project EOPS? Were the project EOPS appropriate? Is the project sustainable in the absence of continuing funding from external sources?

14. Has the project had any discernible impact on

The Law Libraries

The law revision/reform situation

Personnel training and development (How many people from your jurisdiction Trained under the project?)

Availability of Case reports and textbooks

15. What effect has the project had on the availability of justice for the poor, disadvantaged, women? e.g. Any legislation for women or family rights that would probably not have come about without the Project?

LOGICAL FRAMEWORK

<u>NARRATIVE SUMMARY</u> <u>UWI</u>	<u>OBJECTIVELY VERIFIABLE INDICATORS</u>	<u>MEANS OF VERIFICATION</u>	<u>ASSUMPTIONS</u>
To maintain and reinforce public confidence in the rule of law and legal systems in the democratic states of the Commonwealth Caribbean.	<ol style="list-style-type: none"> 1. Increase in confidence of domestic and foreign investors; 2. Equitable treatment under the law increased; 3. Increase in the the number of indigents receiving legal representation. 	<ul style="list-style-type: none"> - Increase in amount of domestic and foreign investment; - Reform of outdated laws affecting disadvantaged groups; - Periodic public opinion polls/reports. 	<ul style="list-style-type: none"> - That the government and the economy will remain stable; - The existence of political will in the participating governments to update current laws; - The existence of a literate population.
<u>INTROSE</u> In strengthen legal systems in the region, especially in Belize, Jamaica and the Eastern Caribbean.	<ol style="list-style-type: none"> 1. Increase in the speed of trials and appeals; 2. Better trained judges, magistrates, prosecutors and paralegals; 3. Increase in the number of modern and ascertainable laws; 4. Improved legal aid and public defender systems. 	<ul style="list-style-type: none"> - Decrease of backlogs of cases awaiting trial and appeal in relation to the number of new cases and appeals filed; - National Statistics/Periodic reports and evaluations; - Periodic reports and evaluations; - Increase in the number of indigent suspects receiving legal representation. 	<ul style="list-style-type: none"> - Political will of participating governments to provide increased portions of national resources for the justice system; - Political stability; - UWI will act quickly and efficiently to implement the project; - National institutions and governments will continue to support and accept UWI as a regional institution; - National institutions will devote sufficient human and material resources to address problems and use UWI resources.
<u>OUTPUTS:</u> <u>UWI Operational Support</u> - Funds UWI Project Director and staff for life-of-project.	<ul style="list-style-type: none"> - Establishment of office to implement and manage the project; - Contracting with a Director and necessary support staff. 	<ul style="list-style-type: none"> - Periodic reports and evaluations. 	<ul style="list-style-type: none"> - UWI is the chief vehicle for regional justice improvement efforts; - UWI is fully committed to Project implementation; - UWI is capable of implementation.
<u>Law Library Development</u>	<ul style="list-style-type: none"> - UWI develops basic core collection list for law libraries; - UWI and AID select central library in each country to receive core collection. 	<ul style="list-style-type: none"> - Periodic reports and evaluations. 	<ul style="list-style-type: none"> - National systems are sufficiently alike to allow a uniform basic library to be useful; - National government or recipient institution commit to staffing and budget to maintain collection and agrees to make it available to the justice sector.
<u>Cash Reports/Textbook Revolving Fund</u> - Publication of law treatises, reporters, and other legal materials required in the region.	<ul style="list-style-type: none"> - Increase of publication of legal material within the region; 	<ul style="list-style-type: none"> - Periodic reports and evaluations. 	<ul style="list-style-type: none"> - Sufficient interest expressed by authors in writing and compiling legal materials; - Sufficient interest expressed in purchasing published legal material to make fund self-supporting.

INITIATIVE SUMMARY	OBJECTIVELY VERIFIABLE INDICATORS	MEANS OF VERIFICATION	ASSUMPTIONS
<u>Law Revision and Reform</u>	<ul style="list-style-type: none"> - Technical assistance provided for law revision; - Publication of revised laws of the various countries. 	<ul style="list-style-type: none"> - Revision of laws and subsidiary legislation in the Region/periodic reports and evaluations. 	<ul style="list-style-type: none"> - Governments recognize the need to undertake law revision; - Governments willing to undertake policy reforms necessary for law revision; - National governments devote sufficient national resources to carry out law revision.
<u>Country Specific Activities</u> - provides facilitation and/or funding for country specific activities.	<ul style="list-style-type: none"> - 15 discrete national activities funded region-wide within eighteen months; - Possibilities include: <ul style="list-style-type: none"> . court management; . court renovations/adapting existing structures; . computer applications in record management; . technical assistance to public defender systems; . administrative reform planning; . aid to local bar associations; . assistance to legal aid groups; . essential commodity procurement, eg. typewriters, file cabinets, desks, photocopiers, office supplies etc. 	<ul style="list-style-type: none"> - Periodic reports and evaluations. (It is not possible to identify precisely the mix of the program requests which will be received). 	<ul style="list-style-type: none"> - Countries have genuine desire to improve legal systems; - Countries are prepared to begin activities immediately.
<u>Regional Technical Assistance and Training</u> - provides regional training and technical assistance.	<ul style="list-style-type: none"> - 5 regional training courses undertaken. - 105 legal system personnel trained. - 2 regional technical assistance activities undertaken. 	<ul style="list-style-type: none"> - Periodic reports and evaluations. 	<ul style="list-style-type: none"> - Regional level training appropriate in certain areas. - Strong national commitments will allow workload of training group to be adjusted to allow participation. - Problematic areas appropriate for regional technical assistance.
<u>Jamaica Specific</u> - Renovations of RMCs*, Supreme Court, Supreme Court Library and Registry. - Commodities supplied for the RMCs, Supreme Court, and Supreme Court Library and Registry. - Training - Printing of required legal materials. - Improvement of the Court reporting system *Resident Magistrate Courts	<ul style="list-style-type: none"> - Improvement in the physical facilities for for 26 RMCs and the Supreme Court; - Delivery of commodities to the RMCs and the Supreme Court; - 26 RMCs supplied with copies of the Laws of Jamaica and specific law reports; - Extension of the volume capacity of the Supreme Court Law Library; - Increase in the holdings of the Supreme Court Law Library; - Equipping of Supreme Court Law Library with necessary commodities such as photo copiers and book labeling machines; - Training provided to Supreme Court Registry staff; - Expansion and automation of record keeping capacity of Supreme Court Registry; - Judges, prosecutors and court staff trained in short courses. - Computerization of the decoding phase of Court Reporting. 	<ul style="list-style-type: none"> - Periodic reports and evaluations . 	<ul style="list-style-type: none"> - The Government of Jamaica is prepared to commit staffing and budget to maintain physical improvements, equipment, book and collections financed under the project; - The Supreme Court possesses the will and capacity to prepare a comprehensive plan for procurement and distribution of commodities for the RMCs; - Supreme Court possesses the will and capacity to raise fees charged to legal practitioners for library usage; - Government of Jamaica will allow government employees to participate in training activities; - Government of Jamaica has the will and capacity to raise fees for filing documents in the Supreme Court Registry.

REGIONAL TECHNICAL ASSISTANCE AND TRAINING
DRAFT BUDGET ANALYSIS

PURPOSE OF FUNDING	BUDGET
<u>1987</u>	US\$
To the Organisation of Eastern Caribbean States (OECS) for operational support	250,000.00
OCCBA Planning Committee on Legal Aid - Holiday Inn, Port-of-Spain, Trinidad (January 31, 1987)	5,000.00*
Workshop on "Committals by Written Statement" held at the Dover Convention Centre, Barbados (February 27, 1987)	21,530.00
Visit of Mr. Austin Davis of the Hugh Wooding Law School to the Eastern Caribbean territories to develop a training course for paralegals	2,500.00
Visit of an IBM representative from Barbados to the OECS Secretariat, to train staff in the operation of a computer	78.00
Visit of Nancy Anderson to Belize to assist in the establishment of a paralegal training programme	997.00
Conference of Chief Justices held in Jamaica (August 7 - 8, 1987)	13,052.00
For the supply of 30 copies of Elizabeth Kossman's Report on the St. Lucia Law Library	159.00
Visit of Mr. Austin Davis of the Council of Legal Education and Mr. Alwyn Archer of the Barbados Community College to Grenada, St. Vincent, Dominica and Antigua (July 5 - 10, 1987)	969.00
Miss Sarah Riddell's visit to Montserrat to assist in the establishment of the Montserrat Law Library	766.00
For the attendance of the Secretary attached to the Deputy Director's office at the OECS Secretariat at a computer training course (August 1987)	479.00
For the attendance of Mr. Keith Sobion, Dr. Lloyd Barnett, Ms. Nancy Anderson and Professor Michael Millemann at the final planning process for the Conference on Legal Aid in Trinidad. (Travel to Barbados June 12 - 14, 1987)	4,000.00*
Meeting of the Chairmen of the National Advisory Committees and the Primary Coordinators (August 26, 1987)	5,690.00
	c/f 305,220.00

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PURPOSE OF FUNDING	BUDGET
	US\$
	b/£ 305,220.00
For the training of 16 paraprofessional law librarians at the UWI Faculty of Law, (September 14 - October 31)	63,878.00
Workshop on Negotiation of International Contracts held at the Faculty of Law, UWI, Barbados (September 20 - October 30, 1987)	53,243.00
Meeting of Registrars and HCSC Team held in Barbados (October 1 - 3, 1987)	5,050.00
For the attendance of the Trinidad and Tobago Supreme Court Registrar at the HCSC debriefing session	353.00
Conference on "Stability and Change in Constitutions" held at the Dover Convention Centre, Barbados (November 19 - 22, 1987)	15,305.00
<u>1988</u>	
Visit to Grenada UWIDITE Centre by two representatives from St. Vincent.	544.00
Visit of Mrs. Velma Newton to St. Lucia to provide library services	604.00
Meeting of Principals of tertiary institutions from St. Lucia, Antigua, Grenada, St. Vincent, Dominica, St. Christopher and Nevis and Mr. Austin Davis - held in Barbados on February 12, 1988 to discuss the paralegal programme	4,236.00
Kingston Legal Aid Clinic - to assist in the administration of the paralegal programme for Belize	10,918.00
Reproduction of 72 copies of the Report on Court Registry improvements	1,092.00
	c/£ 460,603.00

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PURPOSE OF FUNDING

BUDGET

US\$

b/£

460,603.00

To the Barbados Community College to assist with the paralegal training programme (1988/89).

10,910.00

To the Institute of Accounting and Business Studies to cover the cost of scholarships for thirteen students (1988)

9,263.66

Visit of Belizean Juvenile Justice Officers to Miami for training (September 11 - 24, 1988)

3,000.00

Grant to the National Judicial College to undertake a pilot programme on Judicial Education in the Caribbean

22,000.00

Seminar on Draft American Convention on Torture, held at the Dover Convention Centre, Barbados (May 4 - 5, 1988)

1,750.00

Legal Aspects of Nursing Teleconference (UWIDITE) at the UWIDITE Centres: Antigua, Barbados, Dominica Grenada, St. Lucia, Trinidad & Tobago (May 11 - 13, 1988)

19,705.52

Mrs. Yvonne Lawrence's visit to Belize to assess the adequacy of the law library facilities in Belize (1988)

1,140.00

Seminar on the Independence of Judges and Lawyers in the Commonwealth Caribbean held at Mount Irvine Bay Hotel, Tobago (September 12 - 13, 1988): Attendance of Belizean Participants

4,019.00

Magistrates' Conference held at the Holiday Inn, Port-of-Spain, Trinidad (October 30 - November 8, 1988)

16,402.00

Workshop for Bailiffs and Marshals held at the Caribbee Hotel, Barbados (November 14 - 25, 1988)

22,537.00

For the attendance of Dr. Daphne Douglas at the CARALL Meeting in Guyana

062.00

c/£

573,008.18

PURPOSE OF FUNDING	BUDGET
	US\$
	573,000.10
<u>1989</u>	
Visits to the USA and U.K. by Sir Denys Williams to facilitate a Report on Judicial Education (December 2, 1988 - January 15, 1989)	0,797.09
Conference on "Human Rights and Juvenile Justice" held at the Dover Convention Centre, Barbados (April 23 - 28, 1989)	19,342.00
Visits to Paralegal programmes in Jamaica and Barbados (April 23 - 28, 1989) by S. Cattouse and T. Gonzalez of Belize	4,737.70
Visit of two representatives from St. Kitts to the Antigua UWIDITE Centre	500.00
National Centre for State Courts: Report on Court Registries and Court Management Systems in the Commonwealth Caribbean	67,572.00
To Mrs. V. Newton for researching, writing and supervising the production of the Report on the first two years of Activities of CJIP; to Cole's Printery Ltd. for the printing of the booklets on the Report	4,075.00
To the Norman Manley Law School for the purchase of furniture and equipment for the Legal Aid Clinic	26,000.00
Police Prosecutors' Seminar held at the Layou River Hotel, Roseau, Dominica (June 2 - 4, 1989)	2,492.08
IDLI/CJIP "Training Workshop on International Project Financing and Contracting" held at the UWI Faculty of Law, Cave Hill, Barbados (June 5, - 17, 1989)	06,054.00
Workshop on Law Reporting held at the Bellevue Hotel, Belize City, Belize (August 6 - 13, 1989)	27,462.00
To the Institute of Accounting and Business Studies to cover the cost of scholarships (1988-89) for the paralegal programme	9,263.66
	c/£ 829,304.51

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PURPOSE OF FUNDING

BUDGET

	US\$
	029,384.51
b/£ Workshop for Bailiffs and Marshals held at the Chateau Caribbean Conference Room, Belize City, (August 6 -13, 1989)	3,362.00
Judicial Symposium held at the Caribbee Hotel, Barbados (September 4 - 5, 1989)	16,594.50
ICJ Seminar on "The Judiciary and Human Rights in the Commonwealth Caribbean, held in Grenada (September 11 - 12, 1989)	21,754.00
Symposium on the Role of the Ombudsman in the Commonwealth Caribbean, held at the Dover Convention Centre, Barbados (November 26 - 29, 1989)	13,694.00
Tracey Thompson's Report on Judicial Clerkship	25,000.00
To OCCBA for the conduct of a Seminar in Grenada (September 9 - 10, 1989) and subsequent visit to Antigua and St. Lucia of four representatives	4,720.00
Meeting held in Barbados (UWI, Faculty of Law, Cave Hill) on July 31, 1989 to evaluate the performance of the students in the first-year paralegal exams and to plan for the second year.	3,106.60
To assist in funding participants in the Legal Education Workshop held in Jamaica in 1989	6,750.00
<u>1990</u>	
To facilitate a visit by Mr. Justice P.H. Dhagwati at the Barbados Bar Association Commonwealth Caribbean Symposium	4,690.84
Workshop on Law Reporting held at the Darrymore Hotel, Antigua (April 1 - 9, 1990)	31,009.00
Probation Officers' Workshop held in Dominica (May 28 - June 2, 1990)	34,639.00
Workshop for Marshals and Bailiffs of the Supreme Court - Trinidad, held on June 23, 1990	2,604.71
c/£	990,269.16

PURPOSE OF FUNDING	BUDGET
	US\$
	b/E 998,269.16
IDLI/CJIP "Workshop on International Project Financing and Contracting" held at the UWI Faculty of Law, Cave Hill, Barbados (June 24 - July 7, 1990)	80,863.00
To the Institute of Accounting and Business Studies to cover the cost of scholarships for paralegal training	16,984.00
Mr. Alick Lazare (Dominica): Consultancy to undertake study in six OECS independent states regarding the range of fees charged for filing and search documents in the High Court and Magistrate's Courts	9,920.00
The Belize Family Court Training Workshop, held at St. Martin's Community Centre, Belize City (August 6 - 10, 1990)	5,480.00
Seminar for Police Prosecutors held at Langfords, the Police Training School, Antigua (October 15-16, 1990)	
<u>1991</u>	
Workshop on "The Police Prosecution of Drug Offences" held at 'No Problem Apartments' in Grenada from March 15 - 16, 1991.	6,862.75
Continuing Legal Education programme over the UWIDITE System, held during the period March 2 - July 20, 1991	34,515.00
Seminar on the Administration of Justice in Barbados, held at the Paradise Village and Beach Club, Barbados, from May 31 - June 1, 1991	9,296.30
Paraprofessional Law Librarian Workshop held at the UWI Faculty of Law, Barbados, from July 8 - 19, 1991	27,843.90
	c/f 1,190,034.11

PURPOSE OF FUNDING

BUDGET

US\$

b/f 1,190,034.11

Workshop for Magistrates held in St. Lucia
from August 11-20, 1991

27,014.00

1992

To conduct a series of Workshops for
the programme in Judicial Education

49,615.07 ✓

Seminar for Registrars of the OECS Region, held in
St. Lucia (July 15-16, 1992)

7,060.00

For the services of Sir Clifford Hammet for a one-year
period to the West Indian Law Indexing Project

8,014.71

SUMS PROVIDED FOR PARALEGAL PROGRAMMES
IN THE PRIMARY BENEFICIARY COUNTRIES

Antigua and Barbuda

21,043.00
8,800.00

Belize

20,724.00

Grenada

20,994.00

St. Kitts-Nevis

20,994.00
14,259.00

St. Lucia

16,740.00
14,422.00

St. Vincent and the Grenadines

16,740.00
14,422.00

c/f

1,450,875.89

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PURPOSE OF FUNDING	BUDGET
	US\$
	b/f 1,450,875.89
Seminar for Magistrates' of Belize, held in Belize in June, 1992	9,416.00
Magistrates' Training (Belize)	15,584.00
Court Registry Improvements	150,000.00
Consultancy fees, travel and subsistence expenditure:	
E. Allen	11,950.00
E.C. Wilkinson	12,374.00
<u>1993</u>	
Consultancy Fees on behalf of Sandra John	983.51
Training of Bailiffs and Marshals	13,968.70
First Workshop for Bailiffs (July 14-16 1993) held in St. Lucia	11,379.66
Second Workshop for Bailiffs (July 28-30, 1993) held in St. Lucia	9,651.64
CARALL/CJIP Conference on Law Revision	12,522.88
UWIDITE Teleconferences	<u>110,547.00</u>
Total Committed	1,809,253.28
Total Grant Allocated	<u>1,460,547.00</u>
Excess amount committed over allocated budget	<u>348,706.28</u>
Total Savings on Commitments:	
1) Excess of Commitments over allocation	348,706.28
2) Balance available from allocation (Appendix)	<u>14,721.39</u>
	<u>363,427.67</u>

*Estimated:

+Assumed from Regional Technical Assistance & Training

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REGIONAL TECHNICAL ASSISTANCE AND TRAINING DRAFT BUDGET ANALYSIS

ESTIMATED BALANCE AFTER DEDUCTION OF COMMITMENTS

Balance as per Bursary's Statement of Accounts
(July 1993)

US\$325,494.04

Commitments

Court Registry Improvements
Magistrates' Training (Delize)
Training of Marshals and Bailiffs
Judicial Education Seminar Series
UWIDITE Teleconferences

150,000.00
15,584.00
13,968.20
- 20,672.95 *
110,547.00

310,772.65

Estimated Balance Available

US\$ 14,721.39