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MID-TERM EVALUATION OF THE GUYANA JUSTICE
IMPROVEMENT PROJECT

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I. EXECUTIVE SUMMARY

This is the report of the conclusions and recommendations of the interim evaluation of the Guyana Justice Improvement Project ("the project"). The evaluation was conducted in Guyana during December 1996. The draft report was issued in January 1997.

The Project

The project was authorized in September 1994. Its purpose was "to improve the effectiveness and efficiency of the Guyanese justice system." The life of the project is four years with the PACD being September 1998.

Objectives: The major end of project conditions to be accomplished by the PACD are:

--"The court caseload and administrative support structure will be actively managed by the judiciary relying on professional court managers."

--"Court facilities will have been refurbished."

--"Access to law will have been improved through a sustainable current library collection and through sustainable current publication of case law and statutory law."

--"The Guyana Bar Association will have become more effective in support of the justice system."

Activities: To accomplish its objectives the project includes work with the Ministry of Legal Affairs (MOLA), with the court system, with the Bar Association and with the Georgetown Legal Aid Clinic. Selected facilities of the court system are to be renovated using funds generated under the PL 480 Title III program. Project funds are used to provide technical assistance, materials and training to: (i) improve the operation of the court system; (ii) organize and operate the library of the High Court as well as its outreach to other elements of the court system; (iii) create a modern court reporting service; (iv) update (from 1973 when the previous efforts were abandoned) the revision and compilation of statutory law and the head-noting and indexing of selected Supreme Court cases and publish the results; (v) organize and conduct training events for lawyers and members of the judiciary. The project also provides grants to the Guyana Bar Association and to the Georgetown Legal Aid Clinic in support of their work. Project activities during the first two years of the project's life were to be focused on the renovation of court facilities, the supplying of library materials and the further analytical and design work needed to support the full implementation of the components of the project during the second two years as well as that of possible additional activities.

Implementation Arrangements: The MOLA is the GOG organization which is responsible for the project. USAID and the MOLA entered a grant agreement in September 1994. MOLA is to be responsible for the use of GOG funds provided in support of the project. AID is directly responsible for the use of AID funds for its own management and for the conduct of audits and

evaluations. The responsibility for the use of the AID funds for the conduct of the other project activities is with the University of the West Indies (UWI) with which AID entered a Cooperative Agreement in June 1995. UWI in turn entered an agreement with the University of Guyana (UG) to provide logistic support and assistance in arranging for procurement of local goods and services. UWI and UG maintain a combined project office at UG.

Financing: The life of project funding for the project is to be \$3 million from AID and the equivalent of \$1 million (to be generated through the PL 480 Title III program) from the GOG. To date AID has obligated \$1.330 million under the Grant Agreement and has subobligated \$937,315 under the Cooperative Agreement with UWI. As of September 30, 1996 only \$223,000 of that latter amount had been expended. The GOG has made available approximately the equivalent of \$485,000.

Accomplishments

The basic implementation and monitoring arrangements have been entered and are functioning. All long term personnel called for by the project are now in place. The basic analytical work for the original components of the project has been conducted so that, in general, the full implementation of the components can be carried forward in the remaining life of the project. Initial grants have been made to the Bar Association and the Georgetown Legal Aid Clinic.

Eight Magistrate Courts outside of Georgetown have been completed; and work has begun on three other Magistrate Courts outside of Georgetown, on the Supreme Court's facility in New Amsterdam and on the building for the High Court Library. Some resource materials for the High Court Library have arrived, and the balance of the materials to be procured has been ordered so that it will be available when the renovated facility is ready in the spring of 1997. The persons chosen to be the Librarian and the Assistant Librarian have received their initial training. The first of two persons to receive training in legal drafting at UWI has completed the course. Several workshops and lectures for judicial personnel and practicing lawyers have been held using both Guyanese and foreign legal experts.

The progress has been sufficient to conclude that there is a reasonable chance that many of the components can be completed substantially as planned within the life of the project. However, the problems identified in the report will need to be addressed, and there is reason for concern that the objective of the largest component of the project--that of improving the management of the court system--will be difficult to achieve.

Problems

The implementation of the project has suffered from three main problems. The first is that the GOG has not met its commitments to appoint a full time, professional court manager and to provide the level of salaries and support required to attract and hold the personnel needed by the court system. The second is that there have been serious delays in carrying out the various implementation steps--such as getting personnel in place and completing the planned analyses--with much of the important work having taken place only in the last six months. The third is that

there are still gaps in the preparation for stage two of the project. An integrated program for working with the Registry of the High Court and a comprehensive training plan for the administrative personnel of the court system has not been completed; no work has been done in preparing for possible additional activities; and there is a need for significant programming work--including further revision of the project's budget and achieving greater specificity concerning the outputs and end of project conditions to be achieved.

Confronting these problems has required more effort on the part of the USAID Project Manager than would be expected and such effort is likely to be required in the future as well. Fortunately, that official is well prepared and well received. However, steps should be taken to strengthen the implementation performance of UWI.

Recommendations

Various suggestions are made in the report for next steps to take in carrying out the project. The following are the major recommendations.

1. USAID should not provide additional resources for the components concerning court management, court reporting and the High Court library until an appropriate person has been appointed as a full time, professional court manager. However, if the USAID is confident that progress is being made on this matter it might provide resources on a staged basis until full compliance is achieved.

2. USAID should provide support for any preparations which may go forward to implement a "closed unit" status for the court system (such as determining the level of fees to be charged and the scope of work and qualification statements for the positions to be supported under the new approach). However, only if the GOG in fact meets its commitment to provide adequate salaries to attract and keep appropriate personnel for the court system should USAID consider increasing the level of its support for renovation work on court facilities or making major investments in equipment for the court system.

3. A program to strengthen the independence and performance of judges and magistrates should be added to the project in stage two. This component would include an expansion of the training program now part of the component on continuing legal education for judicial personnel and lawyers and also address the terms of service of judges and magistrates. It would help prepare for the establishment of a judicial career and an on-going judicial training capability.

4. As soon as practical, and certainly before the preparation of the workplan for year three of the Cooperative Agreement, UWI and USAID should prepare a revised budget and implementation schedule for the remaining life of the project which reflects the adjustments to the program resulting from developments during the first two years' of implementation and the results of the upcoming bench and bar conference. The main factors to take into account are: the dropping of the component on case reports and publications, the increase in the financial needs of the court reporting and the law revision components, the possible utilization of computer

equipment in several components and the requirement of increased attention to the training and other needs of judges and magistrates (if the recommendation to do so is accepted).

5. In preparing a revised budget and program statement for the project, USAID should seek to obtain from the GOG more specific financial and procedural undertakings for the maintenance of the equipment and facilities supplied or renovated under the project.

6. The revised program statement should include greater specificity as to the outputs and end-of-project status which will be achieved.

7. To assist in completing the revised program statement and the budget and implementation schedule UWI should utilize the services of a program planner experienced in work in the justice sector.

8. The full implementation of the court management and court reporting components should include the short term, periodic services of an experienced court reporter and a court administrator from a more advanced court system to supplement the resident technical assistance which is now being provided or is planned.

9. The project should support interchanges between the Bar Association and the Georgetown Legal Aid Clinic and similar organizations in other countries--including the US. These interchanges should be focused on obtaining technical advice on a collegiate basis.

10. UWI and USAID should adopt measures to strengthen the implementation performance of UWI. One possibility would be for the current UWI Program Manager to become a consultant to the project for legal and other analyses as well as for providing advice on local conditions and relationships while UWI appoints a person to be in charge of implementation who has had substantial experience in the management of activities--preferably in the justice sector. The new Program Manager would not need to be resident in Guyana if he were to visit regularly and frequently. Both of the persons might be part-time so that they could continue to perform other responsibilities which were not in conflict with their work on the project.

II. PURPOSES AND METHODOLOGY OF THE EVALUATION

The project described below calls for an interim evaluation to be conducted at the end of the first two years of the project's life. According to the Project Paper (PP) the interim evaluation was to:

- assess the effectiveness of implementation arrangements,
- measure progress in producing anticipated outputs,
- identify problem areas,
- make recommendations for needed improvements,
- determine what, if any, modifications should be introduced to the design of the project.

The results of the interim evaluation were to be used in the bench and bar conference looking toward the "rolling redesign" of stage two of the project.

USAID/Guyana asked Management Systems International (MSI) to conduct the interim evaluation under its AEP-0085-I-00-6018-00 contract with AID. The scope of work for the interim evaluation is given in Annex 1 to this report. It reflects the purposes expressed in the PP. The scope calls for a single evaluator who is to devote 22 work days to the effort.

The evaluator supplied by MSI spent the period December 5 through 20, 1996 in Guyana. During that time the evaluator conducted interviews with the 26 persons listed in Annex 3 to this report. Several of these persons were interviewed twice. The evaluator also reviewed the documents listed in Annex 4 to this report as well as the general files of the USAID concerning the project. The evaluator also visited the major facilities of the judicial system of Guyana--the building of the Court of Appeal, the building of the High Court and its Registry, the building of the MOLA, the facility under renovation for the High Court library--as well as the facilities of the Magistrate Courts of Georgetown which are to be renovated, the facilities of two Magistrate Courts outside Georgetown which have been renovated and the offices of the implementing organizations located at the University of Guyana.

The tentative conclusions and recommendations of the evaluator were discussed with the USAID Representative and the AID Project Manager before the evaluator left Guyana. The draft report was prepared after the return of the evaluator to the United States.

III. DESCRIPTION OF THE PROJECT, GOVERNING AGREEMENTS AND FINANCING

The project was authorized in September 1994. (For a description of the evolution of the design see part IV A 1 below.) Its purpose was to improve the effectiveness and efficiency of the Guyanese justice system. It called for life of project funding of \$4 million--\$3 million from AID and the equivalent of \$1 million from the GOG using PL 480 Title III funds. The PACD was set at September 1998.

Components: The work under the project was organized into 10 components each of which is discussed in part IV B below. During the first two years of the project's life (stage one) work was to focus on renovating the facilities of the court system and preparing the analytical/ design work so that full implementation of the components could take place during the final two years (stage two). The possibility of additional activities also was to be studied during stage one and design work performed on any such activities which were chosen for implementation during stage two.

Responsible Counterpart Organization: The Ministry of Legal Affairs (MOLA) is the responsible GOG counterpart organization. AID signed a Grant Agreement with the MOLA in September 1994 which described the program to be followed, included an illustrative budget for the four years of the project, obligated an initial \$860,000 from AID, and set forth the several responsibilities of the parties including the covenants of the GOG discussed in part IV A 2 below. The Grant Agreement was amended in July 1996 to increase the amount obligated by AID to \$1.330 million. The potential life of project funding from AID remained the same although the distribution of the funding among the various line items was modified.

Beneficiary Organizations. The main beneficiary organizations are the MOLA, the court system, and the Bar Association. Goods and services for government organizations are to be procured by the project's implementing agents. Support to non-government organizations will be provided through sub-grants. All of those organizations have representatives on the Advisory Committee created to provide guidance to the implementation of the project.

Primary Implementing Organization: The main implementing organization is the University of the West Indies(UWI) which signed a Cooperative Agreement with AID in June 1995. Under the Cooperative Agreement UWI is responsible for carrying out all the activities except for the renovation of court facilities which is conducted by the MOLA, for AID's own project management and for audits and evaluations which are to arranged directly by AID. However AID retains the right to approve (or disapprove) all major actions taken by UWI. The Cooperative Agreement includes an estimated budget of \$2.554 million and a completion date of July 1998. However, AID is to decide at the end of each year of the Agreement's life whether or not to continue the Cooperative Agreement for another year. If there are sufficient funds available AID can extend the life of the Cooperative Agreement until September 1998. The initial obligation under the Cooperative Agreement was \$602,315. The obligated amount was increased to \$937,315 in July 1996 to cover the first two years of the Agreement's life.

Secondary Implementing Organization: UWI entered a contract with the University of Guyana (UG) in July 1995 under which the latter would help carry out the work on the project by providing logistic and administrative support and by assisting in identifying and contracting for goods and services in Guyana. The life of the agreement is from June 1995 until mid-September 1998. The illustrative budget of the life of the agreement is for \$124,329. (This amount is included in the budget of the Cooperative Agreement.)

IV. PROJECT COMPONENTS

A. Design and Implementation

The following sub-parts discuss the design and implementation of the overall project. They provide conclusions concerning the overall effectiveness of the work performed to date and make recommendations concerning the next steps to be taken. The discussion takes into account (but does not repeat) the information, conclusions and recommendations provided in part IV B below concerning work on the project's components.

1. Design

Strategy Statement:

The project was designed to carry forward the program which had been proposed in the May 1993 Strategy for Supporting Democratic Stability in Guyana. The strategy had been prepared by the firm Thunder & Associates, Inc. under an IQC. It contained an Annex providing a summary description and assessment of the legal system and making several proposals for interventions. The strategy recommended providing rapid assistance through the existing Caribbean Justice Improvement Project (CJIP) and then following with additional assistance either through providing additional resources to CJIP or creating a separate project.

The strategy statement recommended support for the following components: (I) develop a one year program at the UG to produce paralegal personnel to work as clerks to lawyers; (ii) improve the legal library system through technical assistance, training and the procurement of materials; (iii) improve the operation of the Court Registry through technical assistance, training and equipment (including the computerization of the work of the Registry over the "medium term"); (iv) provide in-service training to court reporters, police prosecutors, government officials with legal drafting responsibilities and judges and magistrates (largely through participation in training conferences); (v) provide technical assistance in the design of a funding strategy for the legal aid clinic whose creation was under discussion; (vi) provide technical and financial support for law reform and law revision and for the creation of a capacity to publish the results of that work; and (vii) support the modification of the Company Law and the development of a Hire Purchase Law through the work of the Caribbean law Institute under the CJIP.

The strategy did not provide an estimate of the resources needed for the program nor provide a tentative schedule for implementation. It did identify the need to obtain a commitment from the GOG "to make working conditions more amenable to the retention of qualified staff in the Registry" and "to recruit a more highly trained person to manage the affairs of the Court Registry."

Project Identification Document

The Project Identification Document (PID) was prepared by a team composed of AID personnel and consultants supplied by the RONCO corporation. It stated that the project's goal was "to increase trade activity in the form of increased imports and exports" and the project's purpose was "to increase private sector confidence in the legal structure of trade and investment relationship so as to produce increased private sector investment in trade related businesses." The PID also stated that "Further, the Project will result in a more effective and efficient administration of justice for all Guyanese" leaving the impression that this would be a secondary accomplishment. However, all the listed end of project conditions to be achieved relate to the operation of the justice system or the state of public understanding and use of the justice system and not to the operation of the economy.

The PID followed the general thrust of the 1993 strategy statement including building on the experience of CJIP (if not actually using its resources) and placing importance on obtaining a GOG commitment for better salaries for justice sector personnel and the appointment of a professional court manager. However, the PID narrowed the focus of the project by not including training for police prosecutors or work on law reform in general and on Company Law and Hire Purchase Law in particular (in contrast to law revision which was included); but it expanded the focus to include support for the head-noting and publishing of selected High Court opinions and the providing of grants to the Bar Association.

The PID set forth the components (including the additional analytical work required) and the approaches (e.g. emphasis on "low tech" solutions) which have governed the design and implementation of the project to date. It placed central importance on working to improve the performance of the Court Registry. It called for the use of PL 480 Title III resources to supply the GOG's contribution to the project, and it assigned financial and implementation responsibility for the renovation of facilities to the GOG. It proposed the two stage approach to the implementation of the project and left open the possibility of expanding the scope of the project during the second stage to carry out the implementation of activities studied and designed during the first stage. It provided a tentative project budget of \$4 million (\$3 million from AID and \$1 million from the GOG).

The PID identified two policy issues: (i) whether the project should include substantive law reform, and (ii) whether the project should include work on land titling. It recommended against including either of those topics. The PID left for consideration during final design how AID's technical and material resources for the MOLA and the court system would be procured and monitored.

The Project Paper

The Project Paper (PP) was completed and the Project authorized in September 1994. It was prepared by a team of AID personnel and consultants from the RONCO corporation. (A summary description of the project is given in part III above.)

The PP did not change the composition or approach of the project as outlined in the PID. However, it did change the goal of the project to be "to strengthen institutions of democracy in Guyana" and the project purpose to be "to improve the effectiveness and efficiency of the Guyanese justice system." This made the goal and purpose more consistent with the end of project conditions which largely were retained from the PID.

As is usual, the PP provided additional detail concerning the budget and proposed an implementation schedule for stage one of the project (the first two years). The major decisions made by the PP concerned implementation arrangements. They were:

(I) to use (through the mechanism of a Cooperative Agreement) the University of the West Indies (UWI) as the institutional contractor for implementing the project;

(ii) to have UWI enter a sub-grant with the University of Guyana (UG) to perform logistic, training and other services in Guyana;

(iii) to make the Ministry of Legal Affairs (MOLA) the formal GOG organization responsible for the activities;

(iv) to form a project management team consisting of the UWI program manager, the UG program manager, the person in the MOLA responsible for the operation of the project and the USAID project manager (plus the Court Management Advisor when that person assumes the duties of the position) which will meet regularly and as needed;

(v) to create an Advisory Committee for the project consisting of the project management team plus the Chancellor of the Court System, the Chief Justice of the High Court, the Attorney General/Minister of Legal Affairs, a representative of the Bar Association, and a representative of the Ministry of Finance;

(vi) to require that UWI provide three resident long-term advisors--the UWI program manager to have overall responsibility for the implementation of the project, the Court Management Advisor to work with the court system, and a Law Revision Commissioner to be responsible for the law revision component;

(vii) to require that UG provide a full time program manager to assist the UWI program manager; and

(viii) to require that the procurement of goods and services by UWI and UG be performed through competitive procedures, that procurement usually be from Guyana or the West Indies and that AID approve each procurement process and result.

These implementation arrangements were the result of the design team's conclusions that: (I) the financial and administrative arrangements of the MOLA and the UG were not yet strong enough to justify providing AID funds directly to them; (ii) the UWI's experience in implementing USAID-financed projects, including CJIP, would enable it to perform the implementation

responsibilities of an institutional contractor; (iii) the participation of UWI in the project would provide intellectual prestige to the effort and access to the legal resources of the Caribbean region; (iv) the participation of UG and the use of consultants from Guyana and the West Indies would be responsive to local sensitivities and contribute to a low cost and expeditious implementation; and
(v) there was a need for the active involvement of USAID in the implementation of the project given the fact that this type of project was new to the GOG and to the AID Guyana program.

Conclusions and Next Steps

In general the design of the project seems appropriate. The components deal with important aspects of the justice system. The need for further analyses is recognized. Local conditions and sensitivities were taken into account in adopting a "low tech" approach and in choosing the implementation arrangements. Ideally it might have been better not to have created a project in which much of stage one is devoted to preparing for full implementation of the program only in stage two--some two years later. However, given the desire of USAID to move forward quickly in strengthening democracy in general and the judicial sector in particular the adoption of "rolling design" type of project seems reasonable.

The weakest aspects of the design appear to be: (I) its overestimation of what could be expected of the GOG in the way of policy change and financial support and of the capacity of UWI to meet the responsibilities of an institutional contractor; (ii) its very strong emphasis on procurement of technical services either from Guyana or the West Indies which responded to the historical context of Guyana and to its wishes but which probably contributed to the delays and difficulties of implementation which have been experienced; (iii) its failure to provide baseline data and quantification of targets for measuring progress toward achievement of the purpose or the various end of project conditions which are to be achieved; and (iv) the relatively low level of attention and resources devoted to the task of improving the independence and performance of the judges and magistrates. These aspects are discussed further in the following sub-parts.

2. Covenants

As indicated above there have been two major commitments from the GOG which have been identified since the design of the project began. They were included in the Grant Agreement of September 1964 which was signed by the Attorney General and Minister of Legal Affairs. Neither has been met. Furthermore, while the GOG has provided (largely through the use of PL 480 Title III funds) the local financial resources called for by the various components of the project, there are indications that the local resources budget adopted in the project may not be adequate to achieve the purpose of the project.

Appointment of Court Manager

Section 4.2 of the Grant Agreement states that "Before the long term court administration adviser is contracted, the Government of Guyana will appoint an appropriately qualified person as chief

court manager, reporting to the Chief Justice." Early in the life of the project the GOG advertised for a person to be the Court Manager. Thirteen replies were received, but none of the applicants was considered suitable. Despite repeated expressions of concern on the part of the UWI Program Manager, the USAID Project Manager, the USAID Representative and the US Ambassador--the GOG did not take further steps to recruit for the position. Then, in March 1996 (some 18 months after the signing of the Grant Agreement) the GOG appointed the acting Court Registrar as the acting Court Manager, and UWI and USAID proceeded to identify and contract for the Court Management Advisor. However, USAID made it clear that it still expected the GOG to appoint a permanent Court Manager. That appointment has not yet taken place although the Head of the Presidential Secretariat has informed USAID that steps are being taken to do so.

It is not clear why there has been such delay in meeting this basic commitment. There has been some discussion of whether the Court Manager should report to the Attorney General rather than to the Chief Justice and of how the splitting of responsibilities between the Court Registrar and the Court Manager should be achieved. Perhaps these discussions have not been concluded. Whatever the reason, the situation would seem to require serious consideration as to whether additional resources should be provided to those components involving the operation of the court system (i.e. court management, library improvement and court reporting) until the commitment is met. The evaluator recommends that they not be provided; but recognizes that if progress, in fact, is being made in meeting this commitment the good of the project may call for USAID's going forward even before it is fully accomplished.

Adequate Compensation

Section 5.1 of the Grant Agreement states that "The Government of Guyana will compensate personnel of the court system at a level, which, combined with suitable working conditions, will be adequate to attract and retain qualified personnel." The AID Representative states that he thought that this covenant, as stated, was not realistic given the economic conditions facing Guyana, and the conditions which he cites were serious indeed. Furthermore, Guyana remains under the dictates of an International Monetary Fund structural adjustment program which limits its ability to increase government expenditures. (Still the 1997 GOG budget does call for a 20% increase in public sector salaries which includes the possibility of merit increases for persons in "critical positions.")

There is unanimous agreement that the current salaries and working conditions of the administrative staff of the court system are inadequate. Many would conclude that no amount of technical and material assistance to the court system will produce significant and lasting improvement unless the caliber of the personnel of the system also is improved and that requires a higher level of salaries. Indeed, many of the current members of the administrative staff of the court system do not have the schooling and experience which would permit them to absorb the types of training which the project anticipates providing.

There has been considerable discussion of the possibility that the court system could be granted a status similar to that of the customs service. This status, which is sometimes referred to as a "closed unit," would permit the court to use its revenues (e.g. court fees) to finance its budget

(either directly or through some set-off arrangement with the Ministry of Finance) and to adopt a level of salaries which is higher than that generally prevailing in the GOG. Some say that this has been agreed to in principal, but that it will require legislative action which might take six months to a year. Others assert that no political decision has been taken to support this approach, and that it is not likely that such a decision will be taken before the elections in 1997. Furthermore, if and when such legal status is granted there would still be a need to adopt the appropriate level of fees for the services provided by the court system and to obtain the approval of the Ministry of Personnel Services to the new job descriptions and salary levels which would be proposed. All of this would take considerable time--easily all of 1997.

Thus the project faces a most unappetizing choice. It can wait to invest further resources in the improvement of the court system until such time as the commitment has been met and thereby risk not having the time to complete the project as planned, or it can go forward with additional resources before the commitment has been met and risk spending resources on inappropriate personnel and having little prospect that the improvements introduced will be sustained. The most immediate problem relates to the type of training which it is reasonable to provide under the current conditions. (See part IV A 3 below.)

There is no right answer to this dilemma. However, if the project decides to go forward working with the current personnel under the current salary and working conditions it would be advisable for UWI and USAID to set forth in writing what effect they believe the GOG's failure to meet this commitment will have on the level of achievement which is now expected of the project. (See discussion in part IV A 6 below.)

Local Support for Project Components

The Illustrative Financial Plan for the Grant Agreement indicates that the GOG will provide the equivalent of \$ 1 million over four years in support of seven components of the Project. Furthermore, Sections 5.2, 5.3 and 5.4 of the Grant Agreement state that the GOG will provide:

--"sufficient resources for the training of court officials and staff to sustain levels of qualification and competence achieved under the project";

--"adequate maintenance of the facilities refurbished and equipment acquired under the project";

--"adequate security of the facilities refurbished and equipment acquired under the project."

To date these commitments are being met--largely through the use of PL480 Title III funds. However, the delay in getting implementation of most of the components underway has meant that there has not yet been a need for significant local resources apart from the court renovation component which is being carried out by the GOG. Furthermore, there is some indication that the maintenance of the renovated facilities may not be as good as it should be. (See part IV B 1

below.) Obviously, it will be important for the project to monitor quite closely the GOG's performance of these commitments. To make such monitoring more realistic it would be desirable to prepare estimates of the level of local resources which would be needed to meet the commitments. This could be done as part of the preparation of a revised budget for stage two of the project.

3. Budgets and Use of Funds

The PP and the Grant Agreement present a life of project budget of \$4 million. \$3 million is to be provided by AID and the equivalent of \$1 million by the GOG. During the first two years (stage one) AID is to provide \$1.76 million and the GOG the equivalent of \$.51 million. During the second two years (stage two) AID is to provide \$1.24 million and the GOG the equivalent of \$.49 million.

Dollar Funding

Of the \$ 3.0 million to be provided by AID \$.645 million is to be handled by USAID directly for such purposes as project management, audit, evaluation and contingency and \$ 2.355 million is to be handled by UWI and UG to carry out the project activities. In later versions of the budget included in the Cooperative Agreement with UWI and in its workplans the level of budget resources planned for utilization by UWI and UG was increased to \$2.554 million with the level of resources to be handled by USAID being reduced correspondingly to \$.446 million.

The budget revision of July 1996 reduced the expected use of funds by UWI and UG during the first two years from \$1.537 million in the PP and \$1.302 million in the UWI Cooperative Agreement to \$.937 million which was the total amount then obligated by AID under the Cooperative Agreement. As of September 30, 1996 only \$.223 million had been reported as expended by UWI and UG. This reflected the delays experienced in getting the project's implementation under way.

Thus to date there has been no shortage of dollar funding.

Local Currency Funding

All the resources provided by the GOG are handled by it pursuant to its own standards. Since the source of the local currency is the PL 480 Title III program reports on the generation and utilization of the funds are provided to USAID by the Ministry of Finance. UWI does not play a role in the monitoring of these funds. For 1995 the equivalent of \$475,000 was budgeted for the renovation of courts and some \$143,000 was expended. In 1996 the equivalent of \$342,857 was budgeted for the renovation of courts and the building for the High Court library, for a grant to the Georgetown Legal Aid Clinic and for local training. All the funds are likely to be expended. For 1997 the budget includes the equivalent of \$514,286 for the renovation of courts, for an additional grant to the Georgetown Legal Aid Clinic, for training related to the court reporting component and for the local salaries of personnel involved in the law revision component).

The availability of the Title III funds to date has been adequate given the pace of implementation of the project, and it appears that the GOG will meet its financial commitment to provide the equivalent of \$1 million to the project. However, in the future there is likely to be a shortage of local funds arising from three factors. The first is the USG's decision to reduce the PL 480 Title III program throughout the world. The second is the need for funds to address the renovation of the High Court Buildings (see part IV B 1 below). The third is the increase in local costs of training which will arise as the fuller implementation of the various project components is achieved. Of course, this latter cost may be met through project dollar financing as well.

Next Steps

As part of the process for deciding on the composition of the project in its stage two there should be a revision of the life of project budget. Obviously the revised budget will reflect the program and implementation decisions taken. Given some of the recommendations made in this interim evaluation it may be necessary to re-negotiate the budgets for UWI and UG. In any event, it would be helpful to have: (i) a program type budget organized by component and including the level of funding to be provided by the GOG as well as by AID through the UWI Cooperative Agreement, and (ii) periodic reports on the utilization of those component funds. This program budget and reporting would be in addition to the budget of the Cooperative Agreement and the associated financial reporting which is organized by categories of expenses.

4. Personnel

Long Term

Project funds are being used to pay for the full time services of five professionals--the USAID Project Manager, the UWI Program Manager, the UG Program Manager, the Court Management Advisor and the Law Revision Commissioner. The USAID Project Manager has a contract directly with AID. The UG Program Manager has a contract with UG. The others have contracts with UWI. The contracts with UWI and UG run until July 1998. The selection of these persons by UWI and UG was pursuant to informal competitive procedures (including advertising) approved by the USAID.

Except for the USAID Project Manager (who assumed his duties in February 1995) the assumption of duties by the long term personnel was very substantially delayed from the dates originally planned. The UWI Program Manager and the UG Program Manager assumed their duties in November and December 1995 which was nearly a year later than called for in the PP and nearly four months later than called for in the UWI Cooperative Agreement. The Court Management Advisor assumed her duties in July 1996 which was a year later than planned in the PP and nine months later than planned in the UWI Cooperative Agreement. The Law Review Commissioner assumed his duties in December 1996 which was nearly a year later than had been planned in the UWI Cooperative Agreement.

Except for the Law Revision Commissioner, all of these professionals are resident in Guyana. The USAID Project Manager is from Jamaica and the Law Revision Commissioner is from Canada. The others are Guyanese. The USAID Project Manager has his office in the USAID building in Georgetown. The UWI and UG Program Managers have their offices together at the university campus on the outskirts of Georgetown. The Court Management Advisor has her office in the MOLA building in downtown Georgetown. The Law Revision Commission will reside in Barbados and have an office at UWI. During his periodic trips to Georgetown he will be accommodated in the MOLA building. While the physical separation of the members of the project team could lead to less cohesion than would be desirable none of the professionals thought that it has been a problem to date. If a problem does arise from the physical location of the advisors it most likely will be the result of the Court Management Advisor's not being located in the Court Registry itself.

The USAID Project Manager is a lawyer with degrees from UWI, the Norman Manley Law School in Jamaica and the London School of Economics. He has practiced law in Jamaica and been associated with USAID justice sector activities in the entire English speaking Caribbean region since 1980. He participated in the design of the current project. As a consequence, he is unusually well prepared to meet the responsibilities of the Project Manager for this project. He has taken a very active--indeed, a proactive--approach to his duties. He appears to enjoy the respect of all the parties involved in the project including those whom he has had to "push." He enjoys particularly strong rapport with the local authorities.

The UWI Program Manager was selected from among seven candidates who responded to advertised requests for expressions of interest. He is a lawyer with a degree from London and experience in both private practice in Guyana for six years and in government service--10 years as legal consultant and then General Counsel for the CARICOM Secretariat and some 20 years in various positions with the GOG. He is a well known and respected member of the legal profession in Guyana. However, the delays in implementation of the Project which occurred during the year that he has been in his position has caused UWI and USAID to rethink whether he is the appropriate person to be the manager of UWI's work in Guyana. At the time of the interim evaluation the draft of a report from UWI to USAID on this topic was being reviewed by the relevant officials of UWI before being submitted to USAID. The evaluator did not see the draft. However, it does appear to the evaluator that the strengths of the current UWI Program Manager are his legal reputation and his relationships with the leading figures of the legal profession in Guyana and not his management skills or his approach to meeting implementation problems.

The UG Program Manager is a graduate of the UG and holds a Masters Degree in Business Administration from the University of Slovenia. She was a sector planner for the State Planning Commission for four years and a loan portfolio manager for the Cooperative Agriculture and Development Bank for 10 years. She has not had previous experience in the legal sector. She has been working on the project for the past year under the direct supervision of the UWI Program Manager and the indirect guidance of officials of the UG and of USAID.

Background information concerning the Court Management Advisor and the Law Revision Commissioner are provided in sub-parts IV B 3 and 4 below.

Short Term

To date the project has provided short term consultants from outside Guyana on five separate occasions. There were two consultations by librarians (one from the Law Faculty of UWI and one from the law school in Trinidad); there were two analyses (the Court Reporting Survey and the Docket Audit) performed by US firms; and there was a regional training session to which judges and lawyers from various Caribbean countries were sent. In addition to the consultants from outside Guyana the project has funded the work of a Guyanese firm to perform an analysis of the demand for and cost of publishing the revised legislation being prepared.

The two US firms and the Guyanese firm were selected through competitive procedures. The other short term consultants were not. It is worth noting that of all the short term consultants only the law librarian from UWI was a member of the UWI staff. The work of these short term consultants is discussed in the relevant subparts in IV B below.

Next Steps

The procurement process for identifying and contracting both long term personnel and short term consultants from outside Guyana has been slower than planned. While there are different factors contributing to the delays in the particular procurements, it would seem that there may also be a common problem. However, what that problem is not clear. Some say the problem is that it is hard to find persons who are willing to live in (or even come to) Guyana given some of the hardships involved. Others say the problem is that specialists are not always available when they are needed. Some complain that the need for advertising and following other competitive procedures slows the process. Others think that UWI simply needs to be more proactive and expeditious in taking the various steps involved in the procurement process. All of these factors may be relevant.

In order to try to minimize delays in the future it would seem advisable from the first to seek expressions of interest or proposals from persons of firms from outside the Caribbean region as well as from within it. Preference could still be given to Caribbean sources and the presumed lower cost of these sources would make them attractive in any event. It also would be wise for UWI and USAID to bring directly to the attention of persons and firms which they know any advertisements for procurement. This, in fact, has been done in the past when the original advertisements did not produce appropriate responses.

5. Workplans, Reports and Monitoring

USAID's monitoring of the project is performed through the Project Manager's participation in the meetings of the project management team and of the Advisory Committee (see sub-part IV A

1 above) and through the receipt of reports from UWI. In addition the USAID Project Manager maintains close working relations with all the entities involved in the project.

The Cooperative Agreement with UWI requires UWI to provide USAID with quarterly progress reports and yearly workplans. The latter are to be approved by USAID. The sub-grant agreement between UWI and UG calls on the latter to provide similar reports to UWI. Although UWI is responsible for monitoring the work performed under the project with the various participating Guyanese entities, it is not required to obtain progress or other reports from these entities.

Workplans

The initial yearly workplan from UWI covering the period June 1995 through May 1996 was due by June 30, 1995. It was submitted in December 1995--which was within a month of the assumption of their duties by the UWI and UG Program Managers. USAID made extensive comments and requested a revised submission. The revised workplan was submitted on February 14, 1996 and accepted by USAID on March 19. USAID advised UWI that in preparing the second annual workplan UWI should provide greater description of the activities and make specific references to the starting and completion dates and the resources needed. In fact, the first annual workplan provided little information beyond what already was in the Cooperative Agreement itself.

A draft of the second annual workplan (for the period June 1996 through May 1997) was submitted to USAID in June. In a letter of June 18 USAID requested revision of the workplan to provide linkages among the several components and between the component activities and the project's objectives and to compare what originally had been planned for stage one with what, in fact, would be achieved. A revised workplan was submitted on July 11. It contained more detailed information and projections, including a revised implementation schedule, than did the first annual workplan. However, it did not provide the linkages which USAID had requested and was more a status report than a planning document. Furthermore, the schedule for implementation proved to be unrealistic--or, at least, largely wrong.

The workplans are prepared jointly by the UWI and UG Program Managers. Representatives of the cooperating Guyanese organizations are not formally involved in the preparation of the workplans. Drafts of the workplans are sent to UWI for comment. Once agreement is reached between the UWI field and home office personnel the workplans are submitted to USAID for review and approval. As indicated above, USAID has requested substantial revisions in both the first and second annual workplans. It is not yet satisfied with the quality of the planning.

The evaluator agrees that better planning is necessary. The documents should be more comprehensive and the implementation issues better explained and addressed. The scheduling needs to be more realistic. In addition, it would seem to be useful to have greater participation by the relevant Guyanese officials in the workplan process--either in the drafting or in review and discussion of the draft. Undoubtedly the current process includes informal consultation with these officials, but a more formal involvement could help make the process more definitive and, perhaps, timely implementation more likely.

Consideration should be given to changing the planning period from annual to semi-annual. The shorter time frame might make it easier for people to visualize the details of the various activities and to form realistic judgments. Consideration also should be given to providing the short term services of an experienced planner to assist in the preparation of a revised implementation schedule for stage two of the project and of the workplan for the period from the completion of the revised project design following the upcoming conference through the first six months of the third year of the Cooperative Agreement.

Quarterly Progress Reports

The first Quarterly Progress Report from UWI (for the period September--December 1995) was submitted at the end of December 1995. It was quite sketchy and did not provide the information and analyses called for in the Cooperative Agreement. USAID brought this to the attention of UWI by letter in January 1996. Subsequent Quarterly Progress Reports (for January--March 1996, April--May 1996 and June--August 1996) have become more complete--probably in response to the letters of comment and suggestion which were provided by USAID to the submissions. The most recent report included (for the first time) an updated work schedule for the next quarter (September--November 1996).

Despite their improvement over time, the quarterly reports remain largely a listing of past events. There is little discussion of problems and of proposed steps to meet them, and the schedule of future work is in terms of start dates rather than completion dates. They do not compare planned levels of effort and outputs with achieved inputs and outputs. They reflect the nature and shortcomings of the annual workplans and the process by which those workplans are prepared (e.g. without the participation of the cooperating Guyanese entities). Any effort to improve the quality of the planning, as suggested above, could also address the need for improved reporting.

Advisory Committee

The Advisory Committee has met five times (in February, March, May, July and October 1996). While the purpose of the Advisory Committee is to provide a way to keep interested officials and organizations aware of what is going on in the various components of the project and to encourage coordination among all the organizations, its meetings amount to a form of periodic reporting on the project by the UWI Program Manager and the representatives of the key cooperating organizations. The USAID Project Manager attends these meetings and thus has the opportunity both to hear these periodic reports and to encourage informal discussions of problems.

On occasion it appears that some members of the Advisory Committee act as if the Committee is to make decisions concerning implementation of the project. However, this does not seem to have caused any serious problems, and all the participants appear to find the meetings useful.

Project Management Team

The UWI Cooperative Agreement calls for weekly project meetings of the UWI and UG Program Managers, the USAID Project Manager, and the Permanent Secretary of the MOLA. These weekly meetings are no longer held formally. However, there appears to be frequent contact among these persons, and they think that the current informal system works well. While this may well be the case, one disadvantage of the present informal system is that there are no written decision notes or assignments of actions which can be shared with the superiors of the members or used as a basis for follow up inquiries. Given the need to avoid to the extent possible further delays in implementation, it may be worth instituting such written records as an aid to action.

Audits and Evaluations

This interim evaluation is the first assessment or evaluation of the project performed by an external person or entity. To date no audit has been conducted of the project or of UBI's and UG's handling of the AID funds. Plans are underway for the conduct of such an audit in the next quarter.

6. Targets and Results

The targets and results sought by the project are of two types. One type consists of the particular analyses and steps to be funded by the project which are included in the implementation schedules discussed in the following sub-parts. The other type consists of the end-of-project conditions listed in the Logical Framework included in the PP. (Annex 2 to this report is a copy of that Logical Framework.)

The Logical Framework does not give interim targets and, except in a couple of instances, does not quantify the objectively verifiable indicators or provide baseline data against which to measure progress. Neither do the workplans prepared by UWI to date provide such data and quantification or measurements of interim progress.

What quantification exists is that contained in the USAID's Results Review and Resources Request for 1996--98 (the R4) which was prepared in March 1996. It contains baseline data and yearly targets for: the percentage of legal professionals with a favorable perception of the efficiency of the courts, the size of the backlog of cases in the courts and the number of requests for legal documents from the High Court's legal library.

Goal

The Goal of the project is "to strengthen institutions of democracy in Guyana." The indicator is stated as "Heightened opinion of system's fairness and efficiency in eyes of actors in system and citizens of Guyana." Interviews and opinion surveys are to be used in measuring progress. The UWI was to conduct a survey to obtain baseline data and then conduct yearly surveys to measure the changes in that opinion.

UWI did not conduct the baseline survey in 1995. However, USAID did so late in the year through sending questionnaires to 30 members of the private bar chosen at random. All replied. The form consisted of 27 questions concerning the person completing the form, his experience in various stages of the judicial process and his opinion about various aspects of the judicial system. Several of the questions requested the recipient to supply the reasons for his answer.

USAID calculated the replies to the question on the form which asked the recipient to rate the percentage of efficiency of the court system and concluded that 40 percent of the respondents had a favorable perception of the efficiency of the courts. While this may be an accurate tabulation for that one question the result seems much more positive than would be expected given the overwhelmingly negative response to other questions concerning particular aspects of the judicial system. The most positive conclusion from the survey was that the large majority of the respondents believed that there was a heightened display of interest in making improvements in the legal system on the part of the GOG and others.

Next Steps. UWI was to conduct a follow-on survey in 1996. As of the time of the interim evaluation this had not been done. It would seem to be wise at this point to review whether the use of this type of questionnaire is the best way to collect relevant data and to decide whether the universe of recipients should be larger and contain persons other than lawyers. Indeed, it would be useful for UWI to reinforce the scientific validity of this effort by obtaining the services of a professional opinion survey consultant who is familiar with the experience in other countries in obtaining and updating similar information.

Purpose

The Logical Framework states that the purpose of the project is "to improve the effectiveness and efficiency of the Guyanese justice system." The indicators of accomplishment are several end-of-project conditions:

--"Court caseload and administrative support structure proactively managed by judiciary relying on professional court managers."

--"Court facilities refurbished."

--"Access to law improved through sustainable current library collection and sustainable current publications of case and statutory law."

--"More effective Guyana Bar Association support of justice system."

The Logical Framework indicates that the existence of these end-of-project conditions will be determined through interviews and inspections of facilities and reports. No quantification is provided to measure progress or success. The R4 does include projections of the number of requests for legal documents expected to be made to the library. Even considering that there are only about 250 lawyers active in Guyana, the numbers seem very modest showing an increase over four years of only 105 requests per year over the 1995 level of 295 requests.

Outputs

The Outputs identified in the Logical Framework are statements of specific aspects of the first end-of-project condition quoted above rather than traditional outputs such as the number of people trained, documents produced, equipment installed and functioning etc. The Outputs do not address the other end-of-project conditions. There are no interim targets; and, in general, the Outputs are not expressed in quantified terms. This is even true of the output of "case delay significantly reduced." The R4 does provide figures for the case backlog in 1995 and projections of significantly reduced levels over the following four years. However, the basis of the figures is not defined and the baseline number is much smaller than that in the Docket Audit which was prepared subsequently.

Next Steps

The absence of interim targets is not a major problem for the conduct of this interim evaluation since, except for the court renovation work, most of the work to date has been preparing for full implementation. Furthermore, the absence of quantification of most of the expected results will not prevent the exercise of informed judgment when the final or impact evaluation is performed. However, it would be both helpful to that final evaluation and of assistance in keeping the project implementors focused on what needs to be done if the description of the end-of-project conditions (both at the purpose and output levels) included more specific and quantified measures and if the output levels included the traditional types of information such as projections of the numbers of people to be trained. Given the experience of the first two years of the project and the analyses which have been conducted, such greater specificity should now be possible. This effort could be included in the preparation of the next workplan. Should UWI engage the services of a consultant planner as suggested in IV A 5 above, he might also address this aspect.

It also would be helpful if in implementing the various components information purposefully was gathered concerning the current state of performance of the aspects of the operation of the court system which are to be improved. A beginning on this for the operation of the court system was made in the Docket Audit. However, further disaggregation by major steps would be useful. Information concerning the other components also should be gathered. Suggestions for this are made in the relevant sub-parts of IV B below.

7. Other Donors

The PP describes several types of other donor assisted activities which are related to the justice sector. The other donors involved are Canada, Australia, the UK and the Inter-American Development Bank (IDB). Most of the assistance is modest in size. The most important to date has been the support which the UK is providing to the renovation of the High Court Building in Georgetown (see sub-part IV B 1 below). The IDB has approved \$ 1 million for improvement of the Land Registry system (which physically is located in the High Court Building), but that activity has not yet got underway. Then too, local organizations have provided support to the case reports and publication effort. (See subpart IV B 6 below.)

The Cooperative Agreement with UWI states that UWI will foster the "establishment of a 'Other Donor Committee' whose mandate will be to act as a catalytic agent in the mobilization of other donor resources." UWI was to assess the areas of the project which "could be usefully complemented by other donor resources" and then approach other donors concerning their possible assistance to those areas. These steps have not been taken.

Next Steps

Since there are needs of the judicial sector which are not being met by the project and which if unmet could reduce the impact of the project (e.g. completed renovation of the High Court Building), it is important that other donors be encouraged to work in complementary ways. The USAID faces the question as to whether to push UWI to implement this aspect of the program or to take on the burden of doing so itself. (In either event the effort would be carried out in conjunction with the Guyanese authorities.) The evaluator did not meet with representatives of the other donors and thus has no direct information concerning their attitudes. However, his general experience is that USAID can be more effective than implementing organizations in obtaining cooperation from other assistance agencies. This is not to say that UWI should not assist, but it does suggest that the initiative should fall on USAID.

8. Implementation Agents

The basic mechanism chosen for the implementation of the project was a Cooperative Agreement with UWI. That organization would be responsible for procuring the goods and services necessary to carry out the project and would monitor the use of those goods and services to assure that the purposes of the project are achieved. The only aspects of the project which were not to be carried out through the Cooperative Agreement were the component concerning the renovation of court facilities which was conducted directly by the GOG with PL 480 Title III funds and the program oversight by USAID (including the costs of the Project Manager, evaluations and audits).

Overall responsibility for UBI's performance was placed with the Principal of the university. Operational responsibility was placed with the Dean of the Faculty of Law. Both of those officials reside in Barbados which is the site of the university. To carry out its responsibilities UWI would provide a full time Program Manager to reside in Guyana and would enter an agreement with UG under which the latter would provide logistic and other administrative services to the project in Guyana. UWI was to prepare annual workplans and quarterly progress reports for USAID's review and approval. UBI's resident Program Manager was to coordinate the implementation of the various aspects of the project with USAID and the participating Guyanese organizations (the MOLA, the court system, the Ministry of Finance, the Bar Association, and the Georgetown Legal Aid Clinic).

Cooperative Agreement

The Cooperative Agreement was signed with an effective date of June 1, 1995. This was nine months after the signing of the Grant Agreement between USAID and the MOLA and five months after the initial CPs of that agreement were met. Since the selection of UWI as the implementing organization was made in the course of preparing the PP no competitive selection was required. Rather the lapsed time was devoted to negotiation of the terms of the Cooperative Agreement.

The Cooperative Agreement has a potential completion date of July 31, 1998 and an estimated financing level of \$2,553,608. (This amount is to cover program costs, the administrative and overhead costs of UWI, and the payments to be made to UG under the agreement described below.) The initial obligation was \$602,315 which was estimated to be sufficient to support activities through March 31, 1996. The Agreement provides that in the last 30 days of each contract year USAID can decide to continue the Agreement for another year; and, if funds are available, the life of the Agreement can be extended until September 30, 1998. On May 1, 1996 USAID notified UWI that it wished to continue the Agreement for another year (i.e. at least until June 1, 1997); and on July 26, 1996 USAID obligated an additional \$335,000 to finance activities through the second contract year.

The Cooperative Agreement incorporates the basic description of the project as set forth in the PP and the Grant Agreement with the MOLA. It includes a preliminary implementation schedule for the components of the project for which UWI had responsibility. The schedule was quite general and almost entirely limited to the first year and a half of the life of the Agreement.

Agreement Between UWI and UG

On July 14, 1995 UWI and UG signed an agreement (effective June 8) under which UG undertook to provide: office space for the UWI Program Manager and any support staff, a competitively selected Program Manager to carry out its responsibilities, assistance in identifying and providing local training and short term technical assistance, and other logistic and administrative support. The UG was to cooperate in the preparation of the yearly workplans and quarterly progress and financial reports. The agreement was to run until September 13, 1998 and had a budget of \$124,329. This covered the salaries of the Program Manager, a secretary and an office assistant as well as other direct costs and an overhead charge of 10%.

Implementation Experience To Date

In previous sub-parts of this report various aspects of the implementation experience are discussed. Here we provide some overall, summary comments concerning UWI's and UG's performance to date.

Accomplishments. UWI and its resident Program Manager enjoy a good reputation with the GOG officials involved in the project and with informed observers in Guyana. This reputation is

an asset for the project. Having UWI as a channel for providing external advice probably makes such advice more acceptable to Guyana's institutions.

Delays. Perhaps the main failing of the project's implementation to date has been the delays in getting key personnel identified and on the job and providing in a timely way the short term consultant services required. Key dates in the implementation schedules included in the agreements and the planning documents almost never have been met. This resulted in a bunching of analytical work in the final quarter of CY 1996 and the failure to produce all the analytical work which was to be accomplished in stage one of the project. (For instance, there is no comprehensive training plan and no preliminary design for new activities to be undertaken in stage two.) GOG officials are aware of these delays, but they do not appear to be highly critical and emphasize the importance of looking forward. Nevertheless, these delays have put in doubt the feasibility of completing important parts of the work of the project within the current PACD. This situation appears to result in part from the consultative type decision making and procurement procedures which are built into the project and in part from some weakness in UBI's management.

Planning and Followup. The planning, as evidenced in the annual workplans and quarterly progress reports, has not been as complete and as creative as would be desirable and the follow up to anticipate and solve problems has not been very proactive. As a result USAID has had to be more actively involved in implementation than would be expected. Neither UWI nor UG have modified their usual procedures in order to expedite implementation of the project. However, at USAID's urging UWI has sought to address the problem through conducting a review of the performance of the resident Program Manager and through trips every three months to Guyana by the Administrative Assistant to the Dean of the Law Faculty.

Next Steps

In addition to the recommendations made under the discussions in the above sub-parts, UWI and USAID should consider modifying the current assignment of duties in order to take better advantage of the resident Program Manager's exceptional knowledge of Guyanese legal procedures and institutions while reinforcing the planning and implementation follow up of the program.

One possible arrangement would be for UWI to name a Program Manager who would not be resident in Guyana but would visit frequently (as is planned for the Law Revision Commissioner and probably the court administration/court reporting advisor). The current UG Program Manager would continue to be primarily responsible for administrative and logistic aspects of the work in Guyana and the current UWI Program Manager would become a consultant on local legal questions and institutions and carry out special tasks such as preparing analyses of possible additional activities and providing advice on specific problems.

Under this arrangement it might not be necessary for the current and new Program Manager to be assigned full time to the project.

This would permit them to pursue other professional interests which did not present conflicts with their duties to the project. That possibility and the agreement to let the new Program Manager remain resident outside Guyana should make it easier to obtain the services of a person with significant and broad experience in the planning and management of activities of courts and other legal institutions.

B. Substantive Programs

The following subparts provide a description of the accomplishments to date of the work on the components of the project. They also describe the problems which have arisen in the implementation of the components and make recommendations concerning the next steps to be taken.

1. Renovation of Court Facilities

The design of the project included the renovation of the physical facilities of the court system including: the High Court and the Court of Appeals buildings in Georgetown, the Supreme Court building and Magistrate Courts in New Amsterdam, the Magistrate Courts building in Georgetown and the Magistrate Courts in the rest of the country which needed such work. (The design also called for the renovation of facilities for the new High Court Law Library. That is discussed in part IV B 2 below.) Renovation work was to include the provision of necessary furniture and filing equipment. The renovation work was to be carried out by the GOG as part of its \$1 million contribution to the project. The estimate was that \$600,000 of that amount would be devoted to the renovation work of which \$100,000 would be used for furniture and equipment. As indicated above, these funds were to be generated under the PL480 Title III program.

Magistrate Courts

In implementation planning it was decided to give priority to the renovation work on Magistrate Courts outside of Georgetown since the survey of space needs for the court facilities in Georgetown, which included the Magistrate Courts, would take some time. The survey was to be financed by the British Government. In fact, the scope of the survey was reduced to cover only the Supreme Court building in Georgetown.

Work on eight Magistrate Courts outside of Georgetown began in May 1995 and was completed in November. In November and December 1996 work was begun on an additional three Magistrate Courts outside of Georgetown and on the Supreme Court's facility in New Amsterdam. (The facilities of the remaining nine Magistrate Courts outside of Georgetown either were adequate or had been renovated by the GOG prior to the implementation of the project.) Renovation work on the Georgetown Magistrate Courts is planned for 1997. PL 480 Title III funding appears adequate for this program with the equivalent of \$142,857 having been used in 1995, of \$214,285 likely to be used in 1996 and of \$164,285 budgeted for 1997--for a total of \$521,427.

Thus it appears that the project will accomplish its purposes as regards the renovation of the Magistrate Courts.

However, there is some indication that greater attention will have to be placed on the aspects of the proper equipping and maintenance of the facilities. The evaluator visited two Magistrate Courts outside of Georgetown which had been renovated under the project. One had been substantially reconstructed and the other "fixed up." The result in both cases was a well constructed building with electricity and a yard free of trash and located in proximity to a police station which provided security and access to telephone communication and lockup facilities. However, both buildings were becoming rather dusty; the toilet facilities, while functional, were not well cleaned; and several panes of glass were missing from the windows of one of the buildings. Furthermore, in neither building was there equipment for storing files and the police officials stated that the Magistrate and his clerk carried the files with them and kept them in the Magistrate's house.

The High Court Building

As a result of the discontinuation by the USG of the PL 480 Title III program, the project no longer plans to assist in the financing of renovation work on court facilities other than the Magistrate Courts, the Supreme Court's facility in New Amsterdam and the new High Court Law Library in Georgetown. The main omission from the program is the High Court Building in Georgetown which is in need of major renovation. The reason for the omission is the high cost of the work which is needed. (The original estimate was a cost on the order of the equivalent of US \$5.7 million.) It also was thought that--given the importance of the building to the operation of the justice system, its historic value and its prominent location in the middle of the capital city--over time the GOG and other donors would see that the needed renovations were performed.

To date work has begun on portions of the roof of the High Court building; the Guyana Bar Association has provided funds for the renovation of a few judges' chambers and the British Government has agreed to contribute the equivalent of \$143,000 to the renovation. However, at the moment the prospect is that by the end of the project it is unlikely that the High Court Building will be significantly renovated. This is likely to limit severely the favorable impact expected from the renovation component on the operation of the judicial system, on the morale of its personnel and on the perception of the public concerning its efficiency and importance. Thus it would seem that the needs of the High Court building would be an important topic for any expanded Other Donor effort which may be undertaken (See part A 7 above.) It also would seem that seeking additional PL 480 funding for the renovation of the High Court Building could be an appropriate response to the GOG's taking effective action to address the financial and personnel needs of the judicial system. (See sub-part IV A 2 above.)

Next Steps

The USAID should remind the MOLA of the need for funding and attention to the maintenance of renovated buildings and seek more specificity from the MOLA on its plans for performing the

related commitment. (See sub-part IV A 2 above.) The USAID also should include the need for funding to complete the renovation of the High Court Building on its agenda for discussion with other donors.

2. High Court Library

The design of the project included the construction or renovation of a facility for the High Court Library, providing materials and equipment for the operation of the library and training and advisory services for its personnel. The High Court Library was to be the center of the library system for the judiciary. It was to be a reference library with limited borrowing rights for judges and facilities for photocopying of material by others. It would be open to use by lawyers, law students and, perhaps, members of the general public. Eventually the library was to provide services to judicial offices and courts located outside of the High Court building in Georgetown.

The Project Paper estimated a budget amount of \$260,000 for the support of this component from the project. This amount was divided into technical assistance (\$50,000), training (\$20,000), books (\$150,000) and other commodities (\$40,000). In subsequent budget revisions this amount has varied and is now shown as \$245,000. As of September 30, 1996 only \$16,028 had been expended. Although the Project Paper did not include an amount to be provided by the GOG, in subsequent PL480 Title III programming the equivalent of \$171,500 was budgeted for the purpose of the renovation and expansion of the building to house the library.

Although the work on this component is behind schedule it is still possible for the purpose of the component to be achieved by the end of the project. The most difficult task will be creating an effective system to serve the courts and offices outside Georgetown and to assure that the system receives the funds and assistance necessary for it to continue to grow.

Renovation of Building

The High Court Library is to be located in a renovated building on the same grounds as the High Court building itself is located. The building is to be thoroughly renovated and a second story added to provide more space. The plans for the allocation of the space in the facility were reviewed and commented on by one of the library consultants provided by the project. Initiation of the work was substantially delayed from the original expectation while the GOG carried out the steps required for its letting of the contracts (including approvals from the Parliament). Work began in November 1996 and is scheduled to be completed by March 1997. It is being financed by the equivalent of \$171,428 in PL 480 Title III funds.

Equipment and Materials

The project is to supply the equipment and materials for the library. To date the project has supplied a photocopy machine and \$100,000 worth of legal books from a previously existing regional project. The initial donation was made in July 1995. It was supplemented with books and materials acquired with \$30,000 from the project. These books and the photocopy machine

are temporarily housed in space in the Parliament building which is close to the High Court building. A representative of the High Court Registry is in charge of the collection which is open to the public as a reference library. Once the renovated facility is completed the books and the photocopy machine will be moved to it together with those books and materials which were judged worthy of keeping from the old High Court Library.

In anticipation of the opening of the new High Court Law Library, the project is now in the process of ordering additional books and materials. \$70,000 of project funds are currently budgeted for this purpose. Lists of the desired texts have been prepared and circulated among the key authorities for comment. It is expected that UWI will place the formal order by December 22, 1996, and that the books and materials will be available in-country by April 30, 1997.

At the moment no additional equipment is the process of being procured. However, since the equipment and supplies likely to be needed (including computers, printers and ancillary equipment) are available locally without significant waiting periods their purchase may reasonably be planned to occur close to the time when the Law Library building will be ready for occupancy and security for the equipment and supplies will be easier to provide. \$40,000 of the current budget for the component is available for this purpose.

Apart from the need to assure the timely arrival of the books and materials to be ordered from outside the country, the main concern re this aspect of the component would appear to be what equipment may be needed to support the outreach of the Law Library to other units of the judicial system and to other libraries. The Project Paper suggests that communication by FAX machines may be used and that after they have been tried there should be a study of their adequacy for the purpose as well as of the needs of the other units. However, it would seem that consideration of the needs of the other units of the judicial system could be analyzed even now and that the pros and cons of using fax communication or the need for other ways of managing texts might be analyzed as well. Since the two librarians who will be responsible for the operation of the Law Library have been chosen and have received initial training in UWI and are now continuing their other jobs while waiting for the renovation of the Law Library to be completed next March, they might be used in any such effort under the direction of a more experienced library consultant.

Another aspect of this component which deserves attention is the need to assure the availability of the government funds needed to maintain the equipment and facilities provided by the project and to permit the reference material to be kept up-to-date and, if possible, to expand its scope following the completion of the project. For instance, during the visit of the evaluator to the temporary home of the Law Library in the Parliament building it was learned that the photocopy machine supplied by the project had remained inoperative for the last two months for lack of the equivalent of \$607 to buy the part and installation services which are available locally. Furthermore, there are not yet detailed and reliable projections of what amount of financing will be needed to operate the library properly and to maintain and expand its collections. (The preliminary estimate provided by the two library consultants who have been involved in the project to date were very different.) It will be important to arrive fairly soon at a reliable figure

for operating costs for the library so that amount can be taken into account in any discussions with the GOG along the lines proposed in part IV A 2 above.

Training

The Project Paper calls on the GOG to nominate a law librarian and assistant law librarian for the High Court Law Library and states that they will be provided in-country training. To date the implementation of this aspect of the component has been carried out in three stages.

The first stage was the conduct of a one week in-country training course in March 1996 by the librarian from the law school located in Trinidad. The topics covered were general ones concerning the needs and operations of law libraries. 14 persons attended the course. They were from the libraries of the Court of Appeal, the Supreme Court, the Office of the Attorney General, the Office of the Chief Prosecutor and the University of Guyana. The librarian who gave the course reported that most of the participants lacked the preparation and experience which would enable them to benefit from the training and to become professional library personnel.

The next stage was the choosing of the two persons to become the professional staff of the Law Library of the High Court. Although the Project Paper and the UWI Cooperative Grant Agreement projected that this selection would take place in mid to late 1995 it did not occur until August 1996 very shortly before the persons chosen were to depart for a seven week training program at UBI's law library in Barbados. The person chosen to be the Assistant Librarian had attended the March 1996 in-country course representing the Office of the Attorney General. The person chosen to be the Librarian is a senior teacher in a secondary school.

The third stage was the training provided in UWI for seven weeks in September--October 1996. The program was arranged for the particular needs of the two trainees. While there does not appear to have been any formal, written evaluation of the training program by either UWI or the trainees, both of the trainees stated that they found it to be valuable, but both also expressed the need for additional guidance and training as they undertake their responsibilities in the Law Library. Tentative plans exist to provide such support from the UWI law librarian.

Since the two librarians will not assume their positions in the Law Library until the renovated facility is ready next March there will be a hiatus in their preparation which could be negative for their morale. It would seem to be much more desirable to bring them onto the Court Registry rolls early in the new budget year (which begins in January) and seek to further their understanding of the working of the libraries. (This would be particularly the case for the person who is to be the chief librarian since she at present does not work in a library.) Perhaps they could visit other libraries in Guyana to obtain a better understanding of their collections and procedures and thus accelerate the thinking about future cooperation.

Technical Assistance

To date technical assistance has been provided by the two law librarians who were in charge of the training activities described above. Upon the completion of the one week in-country training

course in March 1996 the librarian from the law school in Trinidad spent another week visiting the libraries of the organizations which had sent representatives to the training course. She prepared a report on their operations and needs. She returned for a week in June 1996 and submitted a report which made suggestions concerning the needs for publications and some views on the issue of what fees might be charged for the use of library materials. However, a disagreement between the consultant and UWI and AID as to whether it was feasible for her to prepare a schedule of fees and a tentative operating plan for the future High Court Law Library undermined the usefulness of the visit.

The Law Librarian from UWI was then asked to prepare a tentative Operational Plan for the High Court Law Library. She submitted that plan in November 1996. It set forth a number of principles to be followed in the operation of the library, made an estimate of the equipment and material support which would be required for the Law Library itself and set out a schedule of steps to be taken in getting the new facility up and running. These include some additional visits by the consultant to provide refresher courses and on the job assistance to the law librarians.

These consultancies--and especially the latter--have helped to get persons to think about what will need to be done. However, many steps are left to be done next spring immediately after the renovated facility is to be ready. These include items of various complexity from the setting up of the Law Library Committee which, it is recommended, should set the rules and policies to be followed and oversee the performance of the library on behalf of the various constituencies of users through the preparation of budget needs to the preparation of job descriptions of the personnel (full or part time) who will support the operation of the Law Library. It also leaves all work on outreach and inter-library connections to begin in the middle of 1997. It would seem that some of this work could be gotten underway in the period before the renovated facility is ready so that so much need not be done at one time thereafter and so that time sensitive steps (such as preparing the operating budget) could be taken while they might still have influence on next year's decisions. Starting these steps sooner also could help keep up the interest and morale of the two persons who are waiting to assume their duties.

Next Steps

While it appears that the work related to this component is now on track and that the new library will be in operation next spring, there are a few steps which could be taken in the near future to accelerate implementation and increase the likelihood that the purpose of this component will be fully achieved. Analysis could be undertaken now of how best to enable outlying courts and legal professionals to have access to the resources of the new library. Firmer estimates could be prepared concerning the funding which will be needed to meet the on-going operational and acquisition costs which the library will be facing after it opens. Further preparations for the operation of the library (such as those mentioned above) could be undertaken. Involving the two persons who have been nominated to be the Librarian and Assistant Librarian in such efforts would enable them to be brought into the work of the project earlier than now planned.

3. Court Management

The design of the project makes the improvement of the management of the court system the most important component. It was to be given priority attention during stage one and the budget provides more resources to it, by far, than to any other of the project's components. When combined with the components concerning court reporting and the law library, both of which are the responsibility of the staff which also manages the court, the attention to improvement in the operation of the court system is the overwhelming concern of the project.

The approach of the component was to devote stage one (roughly the first two years) to completing the analyses and appointing the personnel necessary to implement a full scale program in stage two. The key steps on the latter were: (I) the appointment by the GOG of a professional, full time administrator as the Court Manager with sufficient authority to be able to manage the resources and staff of the Registry, and (ii) the supplying by the project of a resident Court Management Advisor to work with the Court Manager on the preparation and implementation of the program which will include substantial in-country training of the staff.

The analyses which were to be produced in stage one consisted of:

- a docket audit,
- an analysis of the lines of administrative authority,
- a review of the Rules of Court, and
- an analysis of the need for training of the staff and a plan for providing the training.

During the full implementation of stage two equipment and material would be supplied to the court system and training provided to the staff. Additional analyses would be conducted on topics such as: records management, case assignment and management, jury utilization, inventory control, and internal operating procedures. Short term technical assistance in addition to the long term advisor would be provided for these analyses and the implementation of their recommendations. Given local conditions and the importance of using sustainable solutions to problems, in all the analytical and programming work to be conducted preference was to be given to low technology approaches.

The budget of the Project Paper and the Grant Agreement with the MOLA provided \$1,224,300 for this component. (\$404,700 for the long term advisor, \$150,000 for other technical assistance, \$200,000 for training, \$300,000 for equipment with the balance being used for project management) However, the budget of the Cooperative Agreement with UWI includes a line item showing only \$426,731 which later was revised downward to \$378,105. As of September 30, 1996 no expenditures have been reported.

The budget for this component in the Project Paper and the Grant Agreement called on the GOG to provide the equivalent of \$50,000 for training. However, the PL 480 Title III budgets have not included funds for this purpose.

Progress on this component in stage one has been mixed. On the one hand, the Court Manager has not been appointed and the arrival of the Court Management Advisor was delayed by nearly a year from the original schedule. A full training plan for the court staff has not been prepared and there is not yet an agreed life of project implementation plan for the work. On the other hand, although delayed, the docket audit has been completed, and the status report prepared by the acting Court Registrar and the workplan for 1966-1967 prepared by the Court Management Advisor provide at least a preliminary analysis of the topics which were to be addressed by the analyses of the lines of administrative authority and the operation of the Rules of the Court.

One of the principal objectives of the component is to reduce the large case backlog in the court system. This backlog problem was well known and of great concern even before the conduct of the docket audit. Various ideas for addressing the problem in the short run are being discussed. One is for the court system to contract for the services of retired judges and senior private lawyers to act as judges for a limited time to handle cases. Another idea is to bring in judges and senior lawyers from other Caribbean countries to act as judges for a limited time. (Presumably this would reduce the problem of potential conflicts of interest arising from the use of local lawyers as temporary judges.) Another idea is for the court system to declare publicly that cases will be considered still active only if the plaintiff notifies the court system formally by a certain date that he still is pursuing it. Another idea is to have law students (from Guyana or other Caribbean countries) act as law clerks to sitting judges to help them expedite their work. Lastly, there are ideas which address long term improvements in the system as well as the short term needs--such as placing more responsibility on counsel for being prepared and refusing requests for adjournments except in rare cases and making counsel responsible for arranging the serving of some notices through private channels. The project might assist the process of considering these ideas by financing public fora or bringing in persons from other countries which have adopted such measures. However, even if successful, these immediate measures will not have made less necessary the accomplishment of the full management improvement program which is contemplated by the project.

Given the delays which this component has suffered and the continued lack of a permanent Court Manager (the acting Court Registrar is also the acting Court Manager) there is a danger that this component, as designed, will not be successfully completed before the PACD. This danger is increased by the fact that there has not yet been a resolution of the problem of achieving the level of salaries for various positions within the court system which is necessary to support the recruitment and retention of personnel of a caliber needed to absorb the training and implement the procedures to be adopted. What to do about this situation is one of the major issues facing the project.

Court Management Advisor

In the Grant Agreement the MOLA agreed that "Before the long term court administration advisor is contracted, the Government of Guyana will appoint an appropriately qualified person as chief court manager, reporting to the Chief Justice." The covenant has not been met; but the project has provided a long term court management advisor who assumed her duties in July

1996. (The MOLA did appoint the acting Court Registrar also as acting Court Manager in August 1996. See part IV A 2 for a discussion of the implementation of the covenant.)

The delay of approximately a year in identifying and contracting for the services of the Court Management Advisor was due both to the discussions which were held with the MOLA on the need for the appointment of a full time, professional Court Manager and to the problems of procurement. None of the four responses to the first advertisement by UWI were found to be adequate and further steps had to be taken to identify an appropriate candidate.

The person finally chosen for the position is Guyanese. She is a graduate of the UG and UWI and took her law degree in Trinidad in 1983. She was then clerk to the Chancellor of the court system of Guyana for four years and thereafter was a magistrate in Guyana, Belize and the Tucks and Caicos for a total of eight years. She has been given an office in the MOLA rather than in the facility in which the acting Court Registrar is located because of a shortage of space in the latter facility. She prepares monthly reports which she sends to the Dean of the Law Faculty of UWI with copies to the UWI Program Manager and to USAID, and she attends the quarterly meetings of the Advisory Committee.

It appears that the Court Management Advisor is not yet fully utilized. When she arrived to take up her duties she had the impression that most of the personnel of the court system did not really understand what she was to do; and, indeed, she encountered some resistance to her attempt to gather information and opinions. While the situation has improved somewhat during the five months since her arrival she thinks that it still would be useful to provide the personnel of the court system with a more thorough orientation concerning the purpose of her presence and the content of her proposed workplan. Furthermore, there appears to be some question as to whether her duties include working with the management of the magistrate courts as well as that of the High Court and whether she is responsible for preparing a comprehensive training plan for the administrative personnel of the court system during the balance of the project's life. The latter task is complicated by the question as to whether the court system will be able to recruit and hold better prepared personnel or will have to continue to operate with its current level of personnel. (For a further discussion of this matter see part IV A 2 above.)

For the services of the Court Management Advisor to be utilized fully it will be necessary to integrate them with the work to be conducted in response to the docket audit and the court reporting analysis which are discussed below. It also will be necessary for the Court Management Advisor to have good working access to an authority within the court system who can provide her with appropriate guidance and support. That person was to be the Court Manager. The failure to appoint that person has left the Court Management Advisor in the position of having to forge direct relationships with such officials as the acting Court Registrar, the Permanent Secretary of the MOLA and the Chief Justice of the Supreme Court. While this situation may be liveable it does not seem conducive to making the progress which was anticipated in the design of the program.

Court Management Advisor's Workplan

At the request of the project authorities the Court Management Advisor conducted an initial review of the operation of the court system together with recommendations for its improvement. In her review the Court Management Advisor was to hold discussions with the short term consultants who were to prepare the docket audit and the analysis of alternative approaches to court reporting. Her report was to be ready by the end of August 1996 and then be discussed, together with the report being prepared by the acting Court Manager, as a basis for future work under the component.

The Court Management Advisor completed her report and in September sent copies of it to interested persons including the Chancellor, the Chief Justice of the Supreme Court, the Attorney General, the acting Registrar of the court system and USAID. (UWI previously had seen a draft.) While some of the recipients of the report provided comments in writing others have not yet read or commented on the report. A final version of the report was printed and circulated in November 1996.

The report took the form of a series of recommendations concerning the High Court and a Summary Workplan for the advisor for the period July 1996 through June 1997. It did not take into account or incorporate the Status Report prepared by the acting Registrar and Court Manager or the Docket Audit which was prepared later in the year. In response to comments on an earlier draft the report does suggest which specific officials should be responsible for carrying out the various recommendations.

The report makes a series of recommendations concerning changes in procedures and calls for the procurement of the short term services of an archivist, a microfiche specialist, a computer programmer and an accountant. It also recommends that training be provided in the English language to those legal clerks, registry officials and notaries who do not meet acceptable standards and in preparation for the sworn clerks examination. However, the report does not try to estimate the cost of implementing the recommendations.

No formal discussion has been held among the project authorities concerning the report nor has it been officially accepted. However, the Court Management Advisor has been told to go forward with those steps which are not controversial and do not need changes in policy to be implemented. However, to date none of the recommended steps have been taken and the Registry has not yet identified the personnel who are suitable candidates for training. Thus the implementation of the workplan already is several months behind the proposed schedule.

Status Report Re Supreme Court Registry

At the request of the project authorities the acting Registrar, who is also the acting Court Manger, prepared a status report on the operation of the Supreme Court Registry. The Status Report was completed in August 1996. It provides a useful description of the composition and operation of the Registry. The report also contains a series of recommendations but it does not provide an estimate of the costs of carrying out those recommendations, a description of how the

recommendations should be implemented, a schedule for their implementation, or a prioritization among them by importance or doability. Thus the report as it now stands is not an action program.

Docket Audit

The original design of the project called for the Docket Audit to be completed by May 1995. The Cooperative Agreement with UWI and the second year workplan changed that target date first to January and then to August 1996. The work finally was done in October and the report issued in November to USAID. The recent delay in the accomplishment of this task was due to difficulties in the procurement process. UWI advertised for the consultancy within the Caribbean region. Only one response was received (from Antigua and Barbuda). Thus in June 1996 it was decided that the request for proposals should be advertised outside the region, including in the United States. There was no response to that advertisement by UWI. Then in August USAID itself then began to search for an appropriate consultant. Through various channels USAID identified two firms (one from St. Vincent and one from Florida) which were interested and might be suitable. The firm from Florida was chosen. One of its staff had been involved in the work on court reporting which is discussed in part IV B 4 below.

The scope for the work was very broad. In addition to the development of information on the size of the backlog of cases in the courts and on the pace at which cases progress toward hearing and determination, it called for the consultant to review and make recommendations concerning the rules of court and desirable technological improvements. The scope also called on the consultant to develop a system of records management, prepare a detailed training budget for all categories of staff in the Supreme Court Registry and to outline the parameters of a statistical database to keep track of cases. One work month was allowed for the accomplishment of the work.

At the time of the interim evaluation the report had not yet been circulated to the Guyanese officials for their comment. However, the evaluator was able to read it. As did the Status Report of the Acting Registrar and the initial report and workplan of the Court Management Advisor, the Docket Audit report presents a summary description of the operation of the Supreme Court and its Registry and in the process makes several recommendations for changes in procedures and for additional work to be performed. Most of the findings in the report concerning the problems facing the operation of the court and the Registry are known to persons familiar with the court system. However, their systematic presentation and highlighting in the report probably are useful as is the presentation of the total number of pending cases in the High Court and the Land Court as of November 1996. Unfortunately, the absence of appropriate records made it impossible for the Docket Audit to present an analysis of the time during which the cases have been pending (for instance by type of action or geographical location of the parties) or of the time in fact taken to accomplish the various major steps in the handling of various types of cases.

The Docket Audit report makes a considerable number of recommendations for changes in procedures and calls for the Rules Committee (which has not met in two and a half years) to take the responsibility for their implementation. Many of the recommendations--both as to changes in

procedures and other matters-- are similar to those made by other observers, including the reports issued by the acting Registrar and the Court Management Advisor mentioned above. However, the Docket Audit report does place somewhat more emphasis on achieving a greater level of effort by all of the judges and magistrates. The report also calls for using consultant services to determine the costs of running the Registry and the appropriate level of fees to help meet those costs and to assist in the setting up of the systems to carry out the various steps which are recommended. The report includes a budget of \$82,000 to procure the equipment and consultant services it estimates are required to carry out the recommendations.

The report did not include a detailed training budget for all categories of staff in the Registry and it did not provide the baseline data and parameters for a statistical database to be used in a case tracking system. Given the wide scope of work, the deficient record keeping of the court system and the limited time for performance of the scope of work this is understandable. However, the further implementation of this component should include further work on these aspects.

Next Steps

It is important that a program be agreed to for the conduct of this component for the balance of the life of the project. That program needs to provide priorities both in importance and in the timing among the various steps to be taken. It should also include a realistic budget for the program. There are three reports described above. However, none of them presents such a program. Furthermore, it is not clear that the priorities of the authors of the reports would be the same even when there is general agreement about the deficiencies to be addressed. In short, there is a major programming task to be performed.

It is very important to obtain the views and guidance from the various authorities and would be beneficial to obtain suggestions and observations from a wide circle of informed observers. This would be possible through the holding of the workshop/discussion concerning the second stage of the project which is planned for the near future. However, someone will have to prepare the program document which incorporates the results of the workshop/discussion. Then too, it would be desirable that a draft of the program document or at least an integration of the various reports be prepared before the workshop/discussion so that it might be used to help focus the deliberations.

Given his experience, his knowledge of local conditions and his intimate involvement in the conduct of the project to date, the USAID Project Manager would be a most appropriate person to prepare the program statement. (Of course, he should be able to rely on the acting Registrar, the Court Management Advisor and the UWI Program Manager for assistance.) Should this not be feasible because of the other duties of the USAID Project Manager, the Project could consider using the consultant services of a person with court administration and AID project experience to perform this function.

The evaluator recommends that in developing the program for the balance of the project the following be given consideration:

--The program should include short term consultant services from an experienced court administrator from a more developed court system. This person could complement and reinforce the experience and work of the resident Court Management Advisor. He could bring some additional perspective concerning the possible use of modern technologies, personnel motivation and supervision and the conduct of training programs for court staff. His periodic visits could be used to reinforce the importance of meeting deadlines in taking planned actions. Since English is the working language it should not be too difficult to identify an appropriate person. (It is possible that the same person who provides consultant services for court reporting might provide these consultant services as well.)

--A training needs assessment should be an important and early step in the program. The creation of some kind of on-going training capability in the court system or under its guidance should be part of the program. The short term assistance of a person from a court staff training program in another country could be useful in planning, conducting and analyzing the results of such a training needs assessment and in the design of a training capability. The problem of the capacity of the current staff to absorb training is considered serious and there is some possibility that a replacement of some of the current staff may be possible over time. This would make even more important the creation of an on-going training capability.

--Without abandoning the guiding principle that, given local conditions, "low tech" approaches usually should be used in the operation of the court system, analyses of the pros and cons of using modern techniques should be undertaken. This already has taken place in the case of court reporting, and the report of the Court Management Advisor includes recommendations for the use of computerization in certain circumstances. Indeed, the possibility of using computer based systems can be an important incentive to achieving the requisite improvement in manual systems. In any event, it is likely that proposals will be made for further computerization and it would be better to have analyzed the possibility than not.

While there is much to be done to accomplish the objectives of this component of the project and not very much time left to do so, it does not seem advisable for the project to provide additional, substantial resources to this component until two basic conditions have been met: an appropriate person has been made the full time, professional Court Manager and there is an agreed program of the nature described above.

4. Court Reporting

The Project Paper states that a study of alternative court reporting methods would be conducted during the first stage of the implementation of the project. The purpose would be to determine which technology is most appropriate for Guyana's needs. Thereafter the project would provide the equipment and training necessary to implement the recommendations. The Project Paper's budget for this component was \$40,000. In the Grant Agreement with the GOG the budget line item for this component was only \$20,000. The UWI Cooperative Agreement budget also did not have a separate line item for Court Reporting until recently when it included \$40,000 for the

first two years and \$33,000 for the third year for a life of agreement total of \$73,000. In fact, as of September 30, 1996 no expenditures had been made for this component.

The Project Paper and the Grant Agreement with the MOLA did not call for financial support from the GOG for this component. However, in recent programming of PL 480 Title III balances for use in 1997 the equivalent of \$235,714 has been included for this component. This was in response to the recommendations expected from the court reporting consultancy described below.

Despite the delayed performance of the initial analysis of alternatives, it appears that there is a reasonable chance that the satisfactory implementation of this component can be achieved by the PACD. However, that outcome heavily depends on the timely appointment of an appropriate Court Manager, as discussed in part IV B 3 above, on the timely identification and procurement of the external consultant services which will be required and on the availability of the funds which will be necessary to carry out the recommendations of the study.

Study of Alternatives

The implementation schedule in the Project Paper called for the study of court reporting alternatives to be completed by June 1995. The Cooperative Agreement with UWI had a target date of January 1996 which was revised in the Second Year Workplan to August 1996. The later target date was met. The report of the study has been circulated to the key persons involved in the project and has been favorably received.

The delay in completing this step of the component was due to the long delay in procuring the services of the US firm which conducted the work. There were no responses to the original advertisement by UWI for expressions of interest. Furthermore, there were no responses to a subsequent advertisement in the Washington Post which was arranged by USAID. However, through his own work contacts the USAID Project Manager had become aware of the firm A.P. Gross & Company, Inc. and sent it a copy of the advertisement with an invitation to present an expression of interest. Thereafter UWI negotiated a contract with that firm for \$13,045 for the production of the study.

The study recommends the use of computer compatible stenotype court reporting. (It concluded that the use of tape recording which had been under active discussion earlier was not suitable because local conditions of noise and other factors would make it unreliable.) The study recommends the training over two years of 28 court reporters to serve the various courts and the provision of the equipment and initial supervision which would be required to introduce the new approach. It calls for an in-country training course of about a year for the court reporters and the use of two experienced foreign court reporters to be resident in Guyana (for a combined total of 12 person months) to assist in the initial training cycle and to provide actual court reporting services in selected courts as a way of "jump starting" the effort and providing on-the-job demonstrations to the interested staff of the judicial system. It also recommends that an experienced consultant in court reporting make periodic visits to Guyana to oversee the effort over a two year period.

The study contains a description of the equipment and materials which will be needed for the training course and for the introduction of the new approach in the courts. It provides a budget to carry out its recommendations. The resource needs, as estimated by the study, would be \$219,713 for a contract for the external court reporters and the consultant services; \$39,241 for the equipment and supplies for the in-country training center; and \$99,356 for the equipment and supplies for the court system. (The salary of the local teachers and the cost of the teaching space would be additional to these budget estimates; however the report estimates that the salaries might total the equivalent of \$25,714.)

Thus, the report is estimating a total program cost of \$358,310 plus the cost of local instructors and the use of local teaching space. This is well in excess of the total budget amounts currently identified for this component--i.e. \$73,000 in the dollar project budget and the equivalent of \$235,714 in the PL 480 Title III budget for 1997. Of course, it may well be that a somewhat lower cost can be achieved through further analysis and negotiation. However, the apparent shortfall in funding is large enough that the need to deal with this situation is one of the reasons for the budget review recommended in part IV A 3 above.

Given the limited time remaining in the life of the project the report recommended that an effort be made to organize the local training program as soon as possible. It suggested that the UG be used as the training site and the local organization which would be in charge of the training. Since the new university year begins in January, the report recommended that date be the target for beginning. Conversations have been initiated with the UG about this possibility.

It does not seem likely that the training effort can be organized by January 1997. The reasons are several. (1) There is only one court reporter on the rolls of the Court Registry at present. (2) Although it is reported that the Ministry of Public Service has approved the filling of 14 positions for court reporters in the Court Registry, that decision has not yet been formalized nor the appropriate persons identified to fill them--much less actually hired and in place. (3) A Court Manager has not yet been identified, much less appointed and in charge of the overall management improvement effort, and it would seem unwise to proceed with substantial project expenditures on the court management components (including court reporting) until that occurs. (4) No contract has yet been arranged for the external services which the report indicates are necessary properly to carry out the program. Those services are to include assistance in the design of the curriculum of the in-country training. (5) The availability of the budget resources necessary to carry out the full program for the component has not yet been assured.

Next Steps

While it is important to keep a sense of urgency alive given the limited time remaining before the PACD, it would seem preferable to address the issues listed in the preceding paragraph before proceeding with the funding of the training courses. Discussions with the UG can continue in the meantime so that there is a clear understanding which can be formalized and implemented when the other conditions permit. Steps can also be taken to advance the process of procuring the external consultant services and to make the adjustments in the project's budget which will be necessary.

5. Law Revision and Publication

The Project Paper includes a component to bring-up-to-date the compilation of statutory law (including subsidiary legislation) which had been abandoned in 1977, the publication of the results of the compilation and the creation of a system for keeping the compilation current in the future and for providing the public with such up-to-date information on a sustainable basis. The major elements of the component were to be: (i) the provision of an experienced Law Revision Commissioner to perform the compilation, (ii) the conduct of a study of the demand for and the costs of production of the publication of the up-to-date compilation, (iii) the provision of equipment for and the training of legislative drafters and other personnel of the Office of the Attorney General who are responsible for drafting new legislation and compiling existing legislation, and (iv) the creation of a sustainable system to keep the compilation and publication effort going after the end of the project.

The Project Paper and Grant Agreement budget included \$525,000 for this component. \$225,000 was for technical assistance and \$300,000 for the publication effort. The budget of the Cooperative Agreement with UWI included a line item of \$249,715 for the component. As of September 30, 1996 no funds had been expended from this line item. However, some training and the conduct of the cost and publication study have taken place as indicated below.

The Project Paper and Grant Agreement budget included a GOG contribution of the equivalent of \$75,000 for the cost of local staff. However, the budget for the use of PL480 Title III resources currently includes only the equivalent of \$14,285 for 1997. This would be used for the cost of the expanded staff of the Office of the Parliamentary Counsel of the MOLA.

As described below, the assumption of duties of the Law Revision Commissioner has been seriously delayed and it is doubtful that the purpose of the component can be fully achieved within the time remaining in the UWI contract or even the project.

Law Revision Commissioner

The Project Paper provided for a long term resident assignment for an experienced Law Revision Commissioner for two and a half years. It originally was thought that the person would be someone from the Caribbean region. However, early in the implementation of the project it was decided that recruitment should be open to other areas using the British legal traditions--such as Canada, Australia and New Zealand.

The position was advertised by UWI in April 1996. 14 replies were received. The project Selection Committee chose four persons to be interviewed in person or by telephone. After doing so on June 12, 1996 the Selection Committee recommended that UWI contract with an Australian national. The negotiations between UWI and the candidate selected continued for several months. The main issues were whether the Law Revision Commissioner needed to reside in Guyana or could live and work elsewhere (e.g. Australia) while making periodic trips to the

country and if it was necessary for him to live in Guyana whether his contract could include an allowance for his children to attend boarding schools in Australia. In September the candidate notified UWI that he had accepted another position and was no longer available.

UWI then contacted the other three finalists none of whom was still interested in the position. In view of the urgency of getting the work underway UWI then turned to a Canadian who had expressed an interest in the position in April 1996. He preferred to live in Barbados and make periodic trips to Guyana since the facilities (including computer capacity and support) and resource materials at UWI for his work would be much better than those available in Georgetown. After considerable discussion the GOG and USAID agreed to the non-resident assignment. A contract was finally negotiated and signed in December 1996 for \$170,000 to cover the advisor's services for the balance of the project. He made an initial visit to Barbados and Guyana in December to prepare the way for his full assumption of duties in January 1997. Thus he will have approximately 19 months to complete the tasks.

The tentative plan for carrying out the work is for the Law Revision Commissioner to address the compilation of primary legislation using the research resources of UWI which has a full set of the Official Gazette and Parliamentary Enactments of Guyana for the relevant years. The person in the Office of the Chief Parliamentary Counsel of the Office of the Attorney General who is to work with the Law Revision Commissioner will work on subsidiary legislation. The Law Revision Commissioner will travel to Guyana on the average of two times a month to provide guidance and to discuss any issues which may arise from his research and work at UWI.

There are three aspects of the work of the Law Revision Commissioner which will need special attention. One aspect is that the GOG does not seem to be fully accepting of the wisdom of the non-resident aspect of the assignment. Although the passage of time and a strong performance by the Law Revision Commissioner should diminish the skepticism, the situation would seem to call for extra sensitivity by both the Law Revision Commissioner and UWI to be sure that the Chief Parliamentary Counsel's "felt needs" are met.

Another aspect needing attention is whether the key staff members of the Chief Parliamentary Counsel are effectively included in the work. This includes the two persons being trained in legal drafting at UWI and the legal assistant now working in the office. The non-resident nature of the assignment may make it more difficult to assure that they are getting the necessary on-the-job training.

The third aspect is the length of time which will be necessary to complete the compilation of the legislation. While it is still too early to come to a firm conclusion on this question, it does seem that 19 months is rather short since there are some 20 years of legislation to address and, judging from the experience of similar efforts in other countries, the entrance of the data into computerized form will not be easy. It will be important that a realistic workplan be prepared by the Law Revision Commissioner for review and approval by UWI and the project authorities in Guyana, and that this workplan be revised and the revisions approved on a quarterly basis. Any problems which arise must be given prompt and effective attention if the deadline is to be met.

Study of Demand and Costs of Publication of Compilation

A Guyanese firm was chosen to perform the study of the demand for and the costs of production of a publication of the revised and updated compilation of the legislation. A public request for expressions of interest was issued by UWI and two responses were received in August 1996. (One expression was from a group of persons under the leadership of the Head of the Political Science and Law Department of the UG. The other, which was selected, was from a marketing, management and consulting firm.)

A contract for \$3,000 was entered in August 1996 and the study report delivered in early September. The major findings of the study are:

(1) Given that four hundred laws have been passed since the last compilation was issued, it is likely that some 24 loose-leaf type volumes of 700 pages each will be necessary;

(2) The cost of production of that material in Guyana would be approximately the equivalent of \$57,142 for the camera-ready artwork (desktop publishing) and \$250,000 for printing and binding of 500 copies (\$500 per copy) or \$428,571 for 1,000 copies (\$428 per copy);

(3) Assuming twenty legislative acts each year totaling 150 pages of text the annual cost of producing an updated compilation would be the equivalent of \$3,268 for 500 copies and \$4,339 for 1,000 copies;

(4) The demand for the publication will vary by its price and be dependent on the marketing effort which is made, but using a medium price of the equivalent of \$464 for the set, the estimated effective demand from non-GOG persons would be: lawyers, 108; other private sector purchasers, 80; embassies and institutions, 25; and overseas purchasers, 40. Thus the sale of a total of 253 sets would generate the equivalent of \$117,392;

(5) While the medium sale price used is greater than the cost per copy of a run of 1,000 copies, the effective demand is far below that run and the experience of the distribution of the 1973 publication would indicate that caution must be exercised in making judgments on demand.

The conclusion of the study is that a publication of 500 sets could be justified by private demand (253 sets) and the needs of the government itself (300 sets). However, that run would assume that some entity would provide the equivalent of \$189,643 necessary to make up the difference between the income to be generated by sales outside the GOG and the cost of producing the 500 sets. In fact, the need for up-front support would more likely be the full cost of production (\$250,000) since income from sales would be generated only after the production was completed and the sales took place over time. While that amount is within the budget contained in the Project Paper for publication (i.e. \$300,000) the current UWI budget for this total component (including technical assistance and training) is only \$275,115 which appears to leave less than \$100,000 for this aspect of the component.

One way to address the shortfall (apparently on the order of the equivalent of \$150,000) might be to have the GOG pay for the 300 sets which it will receive. The budgets of the entities receiving the sets could be used to pay for them, but since the production costs will have to be paid "up front" the MOLA might create a trust fund to which project funds and the GOG's own contribution for production payments could be made. Since this contribution would not have to be made before the budget year 1998 there would seem to be time for making the arrangements. The proceeds of the sale of the sets to both the receiving GOG entities and to the private purchasers could be deposited in the trust fund to assure the financial support which will be required for the continuation of the effort after the completion of the project.

Another way to meet the apparent shortfall in funding for this component would be to modify the budget of the project to increase the budget for this component at the expense of some other activity. The budget review suggested in part IV A 3 above would be such an occasion.

A third way would be to reduce the initial run below the 500 sets until the gap between sales and costs is in the range of the funds available for this aspect of the component. The implication of this last approach is that the GOG would receive less sets than it may want for itself. Since the production probably will not take place until mid-1998 it may be advisable to wait until at least late in 1997 to reanalyze the costs and demand in order to come to a firmer conclusion as to the appropriate run to support.

Equipment and Training

Equipment. To date the Inter-American Development Bank (IDB) has supplied a computer and scanner to the Office of the Parliamentary Counsel of the MOLA. The cost was the equivalent of \$4,000. The project is supplying a fax machine and a photocopier for this office both of which are to arrive in December 1996. The Law Revision Commissioner will provide his advice on whether additional equipment will be needed.

Training. The project to date has supported the attendance of two representatives of the Office of the Attorney General at a 15 month drafting program at UWI. The first trainee began the program in October 1995 and is expected to return to the MOLA by January 1997. The second trainee began the training in October 1996. The total cost of this training program is \$15,000. The project also has approved local training in the use of computers for the clerk/typist in the Office of the Chief Parliamentary Counsel of the MOLA. The cost of this training will be the equivalent of \$200. At present no further training has been planned for this component except for the on-the-job training provided by the Law Revision Commissioner. However, the Law Revision Commissioner is to make further suggestions for training as the work progresses.

Next Steps

The most important next step is to receive the workplan of the Law Revision Commissioner and to monitor its execution to try to solve expeditiously any problems which arise. Given the short time remaining in the life of the project there is little room for delay.

6. Case Reports and Publication

The Project Paper included a component to support the headnoting, indexing and publishing of selected Guyanese cases on a sustainable basis. The effort was to start with the most recent year for which opinions were available and then work backward until reaching 1974 the year in which similar earlier work had stopped. As in the case of Law Revision and Publication, the component was to support the study of the demand for and costs of producing the publication and then to assist in the publication and the setting up of a sustainable system to continue the work.

The Project Paper's budget included \$20,000 for this component all of which would be used for technical assistance, including the demand and production cost study. The budget of the UWI Cooperative Agreement includes the funds for this component under the line item L&C Reports. Although the Project Paper called for a GOG financial contribution of the equivalent of \$30,000 for local staff and publication costs, the PL 480 Title III budgets have not included funds for this purpose.

During the early stages of implementation of the project it was learned that an effort to perform the work which was to be done under this component already was underway. The then Chancellor of the court system had obtained funds from private sources in Guyana including the Rotary and Lions Clubs. The funds were used to hire 14 lawyers to work under the direction of the Chancellor and a senior lawyer from the Office of the Public Prosecutor. Despite the recent retirement of the Chancellor the effort has continued under his direction. However, the retired Chancellor thinks that the new Chancellor will assume the responsibility for the work while he remains involved as a representative of the Rotary Club.

According to the retired Chancellor the editing has moved forward from 1974 and has reached 1980. He expects the editing to reach the current year within 18 months and that printing will take place as each year is completed. The first publication should be out in December 1996 to cover 1976. It will be a run of 400 to 500 copies. However, plans for distribution and decisions about the sale price have not yet been taken.

The retired Chancellor told the evaluator that funding from the Rotary and Lions Clubs will be adequate to support the completion of the editorial work and the publication of the results over the next 18 months. Thus assistance from the project during that time would not be needed. (This is inconsistent with the now retired Chancellor's letter of August 21, 1996 to the UWI Program Manager which requested the equivalent of \$71,428 to cover printing costs. Presumably more private funds were found subsequent to the sending of the letter.) The retired Chancellor does recognize, however, that something might go wrong with his plan which would occasion the need for assistance from the project so he wants to be sure that AID is kept informed of the progress made and the plans for the future.

Next Steps

It may be desirable for the project to be able to meet any unforeseen need for support of this work over the next 18 months and it could be helpful for the project to offer to address those aspects for which there are no current plans and funds--namely, the conditions of sale and the planning for the continuation of the effort to keep the results up to date. However, there are also good reasons for eliminating this component from stage two of the project. Funds most likely will be short in a few of the other components of the project and, given past experience, it may be difficult to get an adequate proposal for funding in any event. This decision should be taken in the context of the upcoming discussions of stage two of the project.

7. Strengthening the Guyana Bar Association

The Project Paper includes limited support for the Guyana Bar Association as a means for fostering its involvement in raising professional standards, in educating the public concerning the justice system and in promoting the reform of the judicial system.

Funds for this work are included under the line item of Legal Aid and Law Related Education in the budget of the Project Paper. That amount is \$80,000 from the project for Bar Association Grants (this has been reduced slightly to \$79,000 in the most recent budget for the UWI Cooperative Agreement) and the equivalent of \$20,000 from the GOG for offices and publications. However, these budget amounts also are to support the work discussed in parts IV B 8 and 9 below.

The Bar Association has played a role in the development and conduct of the continuing education activities discussed in part IV B 9 below, and these activities did get a fairly prompt start. However, the submission of the Bar Association's own proposal for a strengthening grant was long delayed from the target dates in the Project Paper (February 1995), in the UWI Cooperation Agreement (July 1995) and in the Workplan for the Second Year (June 1996). The actual submission took place at the end of October 1996. It required the active intervention by both the USAID Project Manager and the UWI Program Manager to assist the Bar Association in completing a proposal for the equivalent of \$23,260. The proposal was accepted by UWI and AID in mid-November, but the approval was subject to the condition that the Bar Association would agree to permit lawyers who work for the GOG to become full, voting members of the Association. However, the Bar Association has so far refused to meet that condition and no funds have been expended.

The proposal basically is for the acquisition of equipment for office operations, for desktop publishing and for teaching. It also includes a small amount (\$1,000) for working capital for the first year. The activities which the Bar Association would like to undertake include a program of continuing legal education for lawyers and the publication of synopses of cases not included in the Law Reports (see part IV B 6 above), of notes on recent cases and on current events of interest to its members. However, the proposal does not provide any details concerning the educational and publishing activities to be implemented--much less a schedule for their conduct.

It would be useful to obtain such details (probably in the form of a workplan) in the near future as a way of encouraging prompt implementation of the activity.

The proposal presents a technical analysis justifying the costs of the planned acquisitions and a cash flow analysis to demonstrate that it will be viable after the first year of operations based on the assumptions of income generation which are made. These assumptions include the Bar's being able to raise its membership from the current level of 113 to at least 150, achieving a level of contributions to its work from lawyers and organizations of the equivalent of \$714 per year and developing a certain demand for its publications and training events. The proposal recognizes that achieving its purpose will require the Bar Association to do the following:

- review and revise its income generating possibilities;
- adopt an "aggressive enrolment policy;"
- consult with the authorities concerning an exemption from the payment of corporate income taxes; and
- exercise control over the desk top publishing costs.

The assumptions and undertakings in the proposal seem doable. However, given the difficulty which the Bar Association has had in the past in completing its proposal, the present weak state in which it finds itself, and the importance of the role which the project is likely to want the Bar to play in continuing legal education (see part IV B 9 below), it would seem desirable that the project pay close attention to the implementation of the grant should it eventually be made. Furthermore, the establishment of close working relationships with the new President of the Bar Association will be important to overcome the current disagreement on membership policy and to be sure that the Bar Association feels itself knowledgeable about and in some way involved in the overall project effort.

To assist the Bar Association in its institutional strengthening it could be useful for the project to sponsor exchange visits with Bar Associations in other countries. Such visits could be focused on particular problems (such as fund raising or relationships with the judiciary) or aimed at more general institutional strategies. They could be used as another means of opening the Guyanese legal system to the experiences of other countries. The Caribbean countries, Canada and the US would be reasonable choices because of their relative proximity to Guyana. In the case of the US either the American Bar Association's Washington office or USIS might be of assistance in arranging contacts.

Next Steps

Assuming that the dispute concerning the Bar Association's rules of membership for lawyers working for the GOG is resolved, it will be important to get from the Bar Association at an early time a workplan for carrying out the grant. To supplement the positive effect of the grant on the

performance of the Bar Association, the project should seek to organize exchange visits between the Bar Association and similar groups in other countries.

8. Strengthening the Georgetown Legal Aid Clinic

The Project Paper did not include a separate component for the strengthening of the Georgetown Legal Aid Clinic. However, under the description of the ways in which the GOG financial contribution would be used it mentions the topic of legal aid and law related education. Furthermore, under the PL 480 Title III budgets since the beginning of the project the equivalent of \$20,000 was provided to the Georgetown Legal Aid Clinic in 1996 and an additional contribution of the equivalent of \$100,000 is planned for 1997. These amounts supplement a contribution of the equivalent of \$42,857 which was made to the Georgetown Legal Aid Clinic from PL 480 funds in 1994--before the project came into existence.

The Georgetown Legal Aid Clinic was formed in 1993 by private lawyers who had been involved in an earlier clinic which had ceased operating in 1993. The Clinic opened in office space provided by the GOG, had the assistance of a lawyer seconded to it by the GOG and received the institutional strengthening grant from PL 480 mentioned above. That support enabled the Clinic to operate until April 1996 when it obtained the additional PL 480 Title III grant to enable it to keep operating until the end of the year. During that time it was to prepare a proposal to justify the providing of any additional support from AID or PL 480 resources.

The proposal from the Georgetown Legal Aid Clinic was presented to the Acting Attorney General in September 1996. The proposal reported on the level of activity which had been reached by the Clinic and stated that its services were means tested and used mainly by women. It stated that its current staff consists of the Managing Attorney (who is the President of the Association of Women Lawyers and seconded from the Office of the Attorney General), an office manager, a social worker, a clerk typist and an office assistant. The proposal stated that for the future the Clinic would like to place the lawyer seconded from the GOG on its own paid staff, seek another seconded lawyer from the GOG, employ the part time services of a lawyer to work on criminal law matters, obtain its own copies of the Law Reports and obtain the services of a professional fund raiser for a limited time.

The proposal requested a grant of the equivalent of \$100,000 which it would deposit in an interest bearing account. The interest and principal would be drawn down as needed over the next three years to meet any budget deficits. During that period the Clinic would seek to raise private donations and take other measures which will lead to its sustainability. The proposal includes a cash flow projection over the next three years.

No independent evaluation of the work of the Clinic has been performed, and the leaders of the Clinic readily admit that they have not been able to date to raise any significant amount of private funding for their work. Furthermore, there is a lot of skepticism as to whether any but the most junior private lawyers will donate time to the work of the Clinic since the tradition of pro bono work in Guyana is weak and once young lawyers get established they want to devote their

full time to expanding their practice. Nevertheless, USAID supports the proposal based on the type of work which the Clinic performs and on the fact that it appears to be meeting the needs of a large number of women. The PL 480 Title III budget for 1997 contains the equivalent of \$100,000 for this purpose.

Next Steps

The current issue for the project is what amount of time should be spent by its personnel in monitoring the use of the new grant and the progress being made by the Clinic in reaching a sustainable mode of operations. The grant of the equivalent of \$100,000 is substantial and, if successful, would be an important contribution to the development of the justice system in Guyana. However, given all that needs to be done under the project during stage two, it would seem that monitoring of this PL 480 grant should be given a secondary priority.

9. Continuing Legal Education for Judicial Personnel and Lawyers

As stated in part IV B 7 above, the budget of the Project Paper includes \$80,000 for Legal Aid and Law Related Education for private lawyers and \$25,000 for General Training (short term and overseas) for members of the judicial system. The budget, as revised, of the UWI Cooperative Agreement includes \$79,000 for Grants to the Bar Association and \$130,000 for Technical Assistance and Training. Through September 30, 1996 there were no expenditures under the line item for Grants to the Bar Association and only \$904 under the line item for Technical Assistance and Training.

The Project Paper calls for the GOG to provide the equivalent of \$20,000 for Legal and Law Related Education which is related to the activities discussed in parts IV B 7 and 8 above. The Project paper also calls for the GOG to provide the equivalent of \$125,000 to cover the cost of short term in-county training for the judicial system. Although the USAID proposed that the equivalent of \$42,857 be allocated for in-country training during 1995 that was not done, and to date PL480 Title III budgets have included only the equivalent of \$7,143 for local training support in 1996.

The relatively small use of training funds to date reflects the long delay in getting an effective proposal from the Bar Association, the delay in implementing the court management and court reporting components of the project and the fact that the judicial authorities have not yet taken on responsibility for preparing a judicial education program. The training events which have taken place largely have been the result of actions by organizations outside the Bar Association and judiciary such as the Caribbean Council on Legal Education and by the USAID Project Manager.

Continuing Education for Lawyers

To date the Project has assisted in the holding of two programs in continuing education for lawyers.

Lecture Program. In November 1995 the Bar Association sponsored several lectures over a two day period. The equivalent of \$872 was provided from PL 480 Title III funds in support of the program. The program was in three parts. (i) A retired Chancellor presented a lecture on Constitutional Law (including the socialist principles of the Guyana Constitution and the merits and demerits of the Guyana Constitution.) (ii) Two Guyanese lawyers presented a lecture on forensic medicine. (iii) A retired Chancellor presented two lectures on the topics of The Law of Opposition and Related Matters and An Examination of Certain Provisions of Order 32 of the High Court Rules. 25 persons attended the lectures on Constitutional Law. It is not recorded how many persons attended the other lectures, but the USAID Project Manager who attended the sessions reports that 20 persons attended each of them.

Regional Training. A three day program took place in November 1996 in commemoration of the 25th Anniversary of the Caribbean Council of Legal Education which sponsored the event. The program was attended by 17 legal professionals from other countries of the Caribbean and by 26 legal professionals from Guyana. Presentations were made on such topics as sentencing, evidence, court management, delay reduction and alternative dispute resolution. The project provided the equivalent of \$32,035 to cover the attendance of the persons from other countries and the use of the facility in which the program took place.

No formal evaluations were conducted of these programs and their impact, but informal comments have been favorable. However, some dissatisfaction was expressed with the adequacy of the fees allowed to the local professional who made presentation although that person was paid the same fee as the participants from abroad. At present there are no concrete plans for additional continuing education events for lawyers. As pointed out in part IV B 7 above, planning for such events is a major undertaking of the Bar Association.

Educational Programs for the Judiciary

To date the Project has supported two educational programs aimed at the members of the judiciary--Judges and Magistrates. (In addition, a three day training course for Justices of the Peace was held in November 1995. It was funded from PL 480 Title III, but not technically considered to be part of the project.)

Magistrates Training. In August 1995 15 Magistrates attended a two day workshop which was opened by the Chancellor and closed by the Chief Justice. The Presenters were two retired Chancellors. The topics covered were evidence, decision making and writing, sentencing and the examination of mistakes which lead to reversals on appeal. The equivalent of \$4,271 from PL480 Title III funds were used to support the workshop.

Workshop on Constitutional and Administrative Law. In December 1995 the current Chancellor, two retired Chancellors and 14 judges (including the Chief Justice of the High Court) attended a two day workshop on administrative law. The equivalent of \$5,000 from PL 480 Title III funds was used to support the workshop. Coordination of the program was the responsibility of the current Chancellor and a judge of the Eastern Caribbean Supreme Court who attended the

workshop as did the Coordinator of a UWI/UNDCP Drug Control Project, the Dean of the Law Faculty of UWI and two senior lecturers from that faculty. The Attorney General opened the workshop and the AID Project Manager gave the concluding remarks during which he described the project, its actions to date and its plans. The following presentations were made during the workshop:

- The Importance of Law to the Administration of Justice (by the Coordinator of the UWI/UNDCP Drug Control Project);
- The Changing Face of Natural Justice (by one of the senior lectures from UWI);
- Judicial Review of Administrative Action (by a retired Chancellor);
- The Role of the Judge in a Democratic State (by the judge from the Eastern Caribbean Supreme Court);
- Human Rights and Administrative Law (by another senior lecture from UWI).

A formal evaluation was conducted only on the Workshop on Administrative Law. It consisted of a session during the final afternoon to discuss the quality of the Workshop and the use of forms through which the participants could rate 17 aspects of the program. The ratings were generally favorable with the weakest aspects being the providing of advance information concerning the workshop, the distribution/availability of documentation and the adequacy of the presentations. However, there appeared to be a consensus that it would be a good idea to hold such workshops annually.

The judicial education aspect of the project does not seem to be receiving the importance that was given it in the Project Paper. Responsibility for the organization of these educational events for the judiciary seems to have fallen *de facto* on the USAID Project Manager. Furthermore, the Guyana-specific judicial education plan which the Project Paper stated would be designed and implemented has not been prepared, nor has assistance been sought from external sources (such as the Judicial Conference of the United States and the Federal Judicial Center mentioned in the Project Paper). While recognizing that judicial training will be effective only if it is wanted and that local traditions may require great sensitivity in the way in which training for judges is described and conducted, it does seem that the project should become more forceful in the conduct of this topic.

Next Steps

Steps for the preparation of the judicial education plan should be taken soon and the judicial system encouraged to name a person who will be in charge (on behalf of the Chancellor) of the topic of judicial training. This might be made a special task for the UWI Program Manager working with a consultant who is an experienced judicial educator from the Caribbean or the US. The law faculty of the UG might be asked to participate in the thinking and planning. The experience of the USAID Project Manager also could be tapped. The work might be done as part

of any effort to have the project devote more attention to judicial independence and performance. (See part IV B 10.) In any event, judicial education should be one of the important discussion topics for the meeting being planned to discuss the prospects for stage two of the project.

10. Preparation for Phase II

The design of the project provides for two stages. Work under the first stage (which would last approximately two years) was to include priority work on court rehabilitation, library rehabilitation and court management and reporting. The major analytical work to be conducted during this stage consisted of:

- a court docket audit,
- an analysis of lines of administrative authority and responsibility in the court system,
- a review of the Rules of Court and their functioning,
- a study of alternative approaches to court reporting,
- an analysis and proposal for the division of duties between the Court Registrar and the Court Manager to be appointed,
- an operational plan for the Law Library,
- a study of the demand for and costs of production of the publication of the revised legislation of Guyana,
- a proposal for support for the Guyana Bar Association,
- a proposal for support for the Georgetown Legal Aid Clinic,
- a comprehensive training plan for the support staff of the court system, and
- a judicial education plan.

Based on the experience of stage one and the above listed analytical work, a detailed program for stage two would be prepared to achieve full implementation of the components. The program would be the result of consideration by a bench/bar conference on the experience of stage one, the various analytical reports and the results of this interim evaluation.

As described in the preceding parts, much of this analytical work was performed. The main shortfalls are the absence of a comprehensive training plan for the support staff of the court system and of a judicial education plan. However, in order to facilitate the work of the bench/bar conference and to help focus the decision making of the project authorities it also would be desirable to produce a court management workplan which integrates the recommendations of the several consultant analyses which have been produced concerning court management and court reporting.

Additional Topics

The design of the project also included the possibility that stage two could include work on additional aspects of the justice system and mentions the topics of alternative dispute resolution (ADR), family courts, legal defense and legal education. It called for these possibilities to be studied during stage one so that work on them could begin in stage two if there were funds

available and agreement to move forward as a result of the bench/bar conference. The budget of the Project Paper included a line item for System Planning to be used for this purpose. It was to be funded at a level of \$100,000 from the Grant and the equivalent of \$100,000 from the GOG's contribution. This line item disappeared from the project budget as later revised, but the intention of conducting the studies remained. However, they were not performed. It appears that this was the result of the general delay in the startup of the project and of the project's personnel being too preoccupied with implementing the original components of the design to take on the additional tasks involved. (A private group of lawyers is reported to be working on the creation of a foundation to provide alternative dispute resolution services. That effort may result in a proposal for assistance from the project. However, the analysis is not the result of the work of the project.)

The current situation presents the project with a dilemma. On the one hand, the effective time remaining for implementing the project before the PACD is between 19 and 21 months and a great deal of work is still necessary on the components which have been started in stage one. On the other hand, the project as originally designed did not provide for work on topics which are important to the improvement of the performance of the justice system. In addition to those mentioned above as possible additional activities, there are two major topics not being addressed or being addressed less forcibly than would be desirable: the reform of key laws and the strengthening of the independence and performance of the judges themselves.

Given the circumstances now facing the project it would seem wise to limit the expansion of the scope of the project to topics which would have clear impact on the main purposes which the Project is trying to achieve and to limit the number of "new starts" to avoid dispersion of effort. Keeping in mind that the two main foci of the work of the project in stage two will be the operation of the court system and the completion of the law revision effort, one can judge the appropriateness of the various possible "new starts" which have been suggested.

Legal Education. Legal education (that is, the education of lawyers in universities and law schools) is certainly an important determinant of how well a legal system, including its courts, will operate. However, in the case of Guyana, this aspect may not lend itself well to support from the project. Persons preparing to be lawyers usually have taken basic university courses at UG, then attended the law courses of UWI for two years and thereafter were admitted to one of the two professional Caribbean law schools located in Jamaica and Trinidad. UG is in the process of upgrading its faculty of political science and law in order that students may complete their basic studies in-country and then go directly to one of the professional law schools. It expects to achieve this status in the near future. Thus to assist in improving the quality of the legal education of lawyers the project would need to take into account two or three educational institutions only one of which is in the country. This does not seem feasible.

Law Reform. Law reform (that is the discussion of changes in statutory law, the drafting of proposed laws embodying the changes and the building of support for the adoption of the changed laws) is important in any legal system. It is particularly important in a society which is shifting its predominant mode of economic organization toward a free market and closer integration to international trade and investment. Many laws need to be adjusted or created to make that process complete. Moreover the project already is supporting the training of two legal

drafters for the Office of the Parliamentary Counsel in the Office of the Attorney General who might be used in any law reform effort. However, law reform is a large and complicated undertaking. There probably is not enough time left in the project to organize the effort and carry it out--even allowing for the fact that the product of work on law reform which has been performed under a regional project financed by USAID might well be adapted for use in Guyana.

ADR. ADR is important and useful, but it is supplementary (not key) to the work of the court system. However, if a private group comes forward with a proposal it might be supported if it is not too expensive and if it appears that the monitoring required of the project's personnel would be minimal.

Legal Defense. Legal defense should receive some attention from the Georgetown Legal Aid Clinic. It might be possible to build on the experience of the Clinic to support broader coverage. However, the feedback from the work of the Clinic is not likely to be available until the latter part of 1997 and that would seem to be too late to initiate a new undertaking.

Family Court. Strengthening the way in which the court system handles matters related to family disputes and domestic violence could be quite useful, and would be likely to be of most benefit to women and the poorer strata of society. The PP included work on this topic as a possibility for stage two. However, this work would not seem to be a priority for the project as it is currently justified.

Judicial Career. Thus one would seem to be left with the possibility of increasing the project's attention to the role of the judiciary (including Judges and Magistrates)--their independence, their performance, their support and their training. This would certainly be in direct support of the focus of the project as currently operating. Furthermore, the expanded scope could build on the judicial education component which already is included in the project. As in any country this can be a very sensitive topic. To be successful the effort will need the support of the leadership and the members of the judiciary. Indeed, it would be ideal if the initiative could come from the judiciary itself. Certainly its representatives would have to be involved in both the planning and the conduct of each step taken to carry out this topic. A first step could be to include as part of the training needs assessment, which would be part of the process of preparing the judicial education plan, a review of the conditions of service, the performance and the need for support of the judiciary. This could be followed by expanded educational programs and increased contacts between the Guyanese judiciary and that of other countries (including associations of judges and judge-run training organizations). Changes in the laws governing the judiciary might follow in order to give its members greater independence of action and clearer standards of performance to follow. While there probably is not time enough remaining in the project to fully implement such an undertaking (even if there were sufficient resources) it should be possible to make a useful start on the effort. Perhaps the most important achievement would be the acceptance of the desirability of having a judicial career and of a plan of action to move toward it.

Next Steps

As stated above, before the conference is held to discuss the possible composition of the stage two program it would be desirable to prepare a court management workplan which integrates the recommendations of the several consultant analyses which have been produced concerning court management and court reporting. It also would be desirable to prepare a short concept paper concerning a possible additional component to strengthen the independence and performance of the judiciary. The latter effort could be assisted by a consultant experienced in the issues and lessons learned in efforts to improve judicial training and the judicial career.

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V MAJOR CONCLUSIONS, ISSUES AND RECOMMENDATIONS

This part of the report lists those conclusions, issues and recommendations which appear to the evaluator to be of major importance. The facts and reasoning lying behind them is provided in the previous parts of the report.

A. Major Conclusions

1. The project is established, accepted and favorably viewed by the Guyanese cooperating organizations and informed Guyanese observers. They think that the project is addressing important problems and that it is now showing signs of progress. There is no sign of political or other opposition to the project. There are signs that the project has contributed to making the issues of improved justice more prominent in the public mind.

2. Despite the delays in getting the program fully underway, there is a good chance that most of the components can be completed by the current PACD. However, completion of the Law Revision component may require some extension of time and the success of the Court Management Improvement component is in doubt because of its complicated nature and the factors mentioned below.

3. Most of the basic decisions made during the design of the project have proven to be correct and are being followed. Low cost and "low tech" approaches are being used. Importance has been given to using local and Caribbean consultants. UWI has provided intellectual prestige and important regional connections to the work of the project. The focus on analytical work during the first stage of the project has been shown to be necessary. The consultative approach to decision making has contributed to the favorable views currently held concerning the project. Nevertheless, the implementation of each of these decisions has caused some problems which need to be addressed. (See below.)

4. The principal shortcomings of the design are that it overestimated the capacity of the GOG to meet the commitments it undertook and of UWI to manage the program, that (largely because of its use of rolling design) it did not identify quantified measures of progress and success, and that it did not include sufficient attention to the performance and the training and other needs of judges and magistrates.

5. The GOG has not yet met two of the commitments which, from the early stages of the design effort, were considered fundamental to the success of the project. One is the appointment of a full time, professional court manager. The other is the improvement in the salary and working conditions of the administrative staff of the court system so that appropriate persons can be recruited and retained. This situation is a matter of serious concern.

6. USAID's monitoring is active and well received by the organizations and persons involved in the project. The monitoring was not able to avoid significant delays and shortfalls in many components of the project nor to date has it been able to obtain the GOG's full performance of the commitments mentioned above given the local conditions facing their implementation.

However, the interventions of the USAID Project Manager were crucial to getting the project's activities underway during the six months between the signing of the Cooperative Agreement and the assumption of duties by the UWI Program Manger and to bringing several subsequent important personnel and program matters to successful conclusions.

7. UBI's implementation of the program has not been as proactive and as expeditious as would be desirable. There have been serious delays in identifying and contracting personnel--both long and short term--in completing analytical work and in obtaining satisfactory proposals from potential cooperating organizations. UBI's relationships with potential consultants from outside the Caribbean region are not strong; UBI's resident Program Manager is stronger as a legal expert than as a program manager; and authority to make personnel and program decisions is retained in UBI's home office.

8. The planning and reporting of project activities have not provided as much support to the work of the project as they should. With encouragement and advice from USAID, UWI has improved the quality of its annual workplans and quarterly reporting; but they still do not adequately identify and address problems and the implementation schedules provided often are not met. The workplans have not been used to provide greater specificity or quantification to the targets for progress and accomplishment.

9. The advisors and consultants selected to provide services and their work to date have been well received except in one case. The problem has been the delays experienced in arranging for their services. However, the nature of the program in stage two will call for the services of advisors who may be available more readily outside the Caribbean region and thus the recruitment procedures and expectations may need to be adjusted.

10. The availability of funds has been adequate to support the activities undertaken to date. However, it is not clear that this will remain the case given the evolution and clarification of the needs of the program which has occurred during stage one of the project. A reassessment of the budget is now called for.

11. There is a need for a major programming exercise which will incorporate the information and analyses produced to date, identify more specifically (and quantifiably) what will be the results of the project's activities, provide a realistic implementation schedule for the balance of the life of the project, clarify what are the budget availabilities and needs for the balance of the life of the project and identify with some concreteness what is the budget support and particular policy and administrative changes which will be needed from the GOG to permit the successful conclusion of the project.

12. Given its centrality to the work of the project and the problems confronting its implementation the court management component needs increased attention. A coherent program plan should be developed from the various analytical studies which have been prepared during stage one. A comprehensive training plan for the administrative personnel of the court system is needed. A strategy is needed for dealing with the possibility that the GOG will not meet its

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commitments concerning the appointment of a full time, professional court manager and the provision of adequate salaries and other support for the personnel of the system.

13. The analytical work on possible new activities for stage two has not been done and there are no concrete plans at present to accomplish that work.

B. Major Issues

The major issues facing the accomplishment of the project at this time are the following.

1. Should the USAID provide additional resources to the work of the court management improvement, the court reporting and the law library components before the GOG has met its commitments to appoint a full time, professional court manager and to provide the salaries and other support necessary to attract and hold appropriate persons as administrative staff of the court system?

2. How can the project avoid in the future the substantial delays which have occurred in the past in the recruitment and contracting of personnel and consultants and in the production of analytical work and proposals for the use of project funds? What changes in personnel assignments and in procedures followed by the various participating organizations may be necessary?

3. How can the planning of the activities under the project be improved so that their implementation is more likely to be achieved and the results being sought are more concretely expressed.

4. Would it be advisable to utilize consultant services from significantly more advanced court systems even from outside the Caribbean region and to begin to study the possible use of more modern approaches to management (e.g. computerization)?

5. Would it be advisable to increase the attention (and resources) of the project to improving the independence and performance of judges and magistrates--including supporting the creation of a judicial career and an on-going, in-service training program for them?

6. What additional steps may be necessary to assure that the GOG provides the resources necessary properly to maintain the facilities and equipment provided through the project and to continue the operation of the improved systems which are introduced with the assistance of the project?

C. Major Recommendations

The following are the major recommendations of this report. They have been included in the discussions of next steps under the various sub-parts of part IV above.

1. USAID should not provide additional resources for the components concerning court management, court reporting and the High Court library until an appropriate person has been appointed as a full time, professional court manager. However, if the USAID is confident that progress is being made on this matter it might provide resources on a staged basis until full compliance is achieved.

2. USAID should provide support for any preparations which may go forward to implement a "closed unit" status for the court system (such as determining the level of fees to be charged and the scope of work and qualification statements for the positions to be supported under the new approach). However, only if the GOG in fact meets its commitment to provide adequate salaries to attract and keep appropriate personnel for the court system should USAID consider increasing the level of its support for renovation work on court facilities or making major investments in equipment for the court system.

3. A program to strengthen the independence and performance of judges and magistrates should be added to the project in stage two. This component would include an expansion of the training program now part of the component on continuing legal education for judicial personnel and lawyers and also address the terms of service of judges and magistrates. It would help prepare for the establishment of a judicial career and an on-going judicial training capability.

4. As soon as practical, and certainly before the preparation of the workplan for year three of the Cooperative Agreement, UWI and USAID should prepare a revised budget and implementation schedule for the remaining life of the project which reflects the adjustments to the program resulting from developments during the first two years' of implementation and the results of the upcoming bench and bar conference. The main factors to take into account are: the dropping of the component on case reports and publications, the increase in the financial needs of the court reporting and the law revision components, the possible utilization of computer equipment in several components and the requirement of increased attention to the training and other needs of judges and magistrates (if the recommendation to do so is accepted).

5. In preparing a revised budget and program statement for the project, USAID should seek to obtain from the GOG more specific financial and procedural undertakings for the maintenance of the equipment and facilities supplied or renovated under the project.

6. The revised program statement should include greater specificity as to the outputs and end-of-project status which will be achieved.

7. To assist in completing the revised program statement and the budget and implementation schedule UWI should utilize the services of a program planner experienced in work in the justice sector.

8. The full implementation of the court management and court reporting components should include the short term, periodic services of an experienced court reporter and a court

administrator from a more advanced court system to supplement the resident technical assistance which is now being provided or is planned.

9. The project should support interchanges between the Bar Association and the Georgetown Legal Aid Clinic and similar organizations in other countries--including the US. These interchanges should be focused on obtaining technical advice on a collegiate basis.

10. UWI and USAID should adopt measures to strengthen the implementation performance of UWI. One possibility would be for the current UWI Program Manager to become a consultant to the project for legal and other analyses as well as for providing advice on local conditions and relationships while UWI appoints a person to be in charge of implementation who has had substantial experience in the management of activities--preferably in the justice sector. The new Program Manager would not need to be resident in Guyana if he were to visit regularly and frequently. Both of the persons might be part-time so that they could continue to perform other responsibilities which were not in conflict with their work on the project.

Scope of Work

Attachment 1

Article I - Title

Mid-term evaluation of the Guyana Justice Improvement Project.

Article II - Purpose

The purpose of the mid-term evaluation is to assess the effectiveness of the implementation arrangements, measure the progress in producing anticipated outputs, identify implementation problem areas, make recommendations for any improvements needed and determine what, if any, modifications should be introduced in the design of the Project.

The primary users of the information which will be generated by the evaluation will be the University of the West Indies, the University of Guyana, the Government of Guyana, USAID/Washington and USAID/Guyana. This evaluation will cover Phase I of the project, and the evaluation, along with other reports, will be used by USAID, and project partners and clients to review the needs of the judicial system and plan for Phase II of the project.

Article III - Background

Since 1989, Guyana has made remarkable progress in moving toward a democratic government and a market economy. USAID is assisting in this transition through a development program which has two strategic objectives: (1) expanded economic opportunities for the urban and rural poor, and (2) strengthened democratic institutions and processes. GJIP is one of two projects contributing to the latter strategic objective.

The Guyanese judicial system has severely deteriorated, and confidence has eroded in the law being the basis for the resolution of disputes, the protection of personal and property rights, and protection from arbitrary acts of government. The GJIP was designed and approved with the goal of strengthening the institutions of democracy and the purpose of improving the effectiveness and efficiency of the justice system.

Guyana did not benefit from some earlier programs funded by the donor community to improve judicial systems in the English-speaking Caribbean because of its socialist orientation. For example, Guyana was not an early previous beneficiary of the recently concluded Caribbean Justice-Improvement Project (CJIP) which was authorized in 1985, and which had a mandate to strengthen the legal systems of

English-speaking countries in the Caribbean, including, but not limited to, Belize, Jamaica, Antigua and Barbuda, Dominica, Grenada, St. Kitts and Nevis, St. Lucia, and St. Vincent and the Grenadines. With the advent of free and fair elections in Guyana in late 1992, Guyana was added as a CJIP beneficiary, and the procurement of approximately US\$100,000 worth of books was effected for the Guyana High Court Library prior to the May 31, 1995, Project Assistance Completion Date. Because of political factors and general economic decline, Guyana's judicial system deteriorated while those of other Caribbean countries generally improved through both internal and external efforts.

GJIP was authorized on September 8, 1994, and a Grant Agreement was executed with the Ministry of Legal Affairs the same day. The Project Assistance Completion Date is September 30, 1998. The project has four primary components; court management; facilities refurbishment, access to law, and training. A wide spectrum of activities are included under the project components, e.g. law revision, court administration, law library development, law printing, strengthening of the Bar association, training programs, and facilities renovation and refurbishment.

At the end of the project, it is expected that the following main objectives will have been achieved:

- (1) The court caseload and administrative support structure will be managed by the judiciary relying on professional court managers.
- (2) Court facilities will have been refurbished.
- (3) Access to law will have been improved.
- (4) The Guyana Bar Association will have become more effective in support of the justice system.

Under GJIP, USAID intends to provide US\$3 million for the various interventions identified above, with the Government of Guyana providing the Guyanese dollar equivalent of US\$ 1 million of Public Law 480 Title III funding for other interventions, largely in courthouse rehabilitation, law revision, legal aid and local training.

The GJIP Grant Agreement between USAID/Guyana and the Government of Guyana provides for the implementation of most project activities through the University of the West Indies (UWI). On June 14, 1995, a Cooperative Agreement was executed with UWI for the management of these activities through a resident Programme Manager based at a project office located on the campus of the University of Guyana (UG). The Project also provides for UG participation in those aspects of the Project being managed by UWI, and the funding of this joint management relationship is through a sub-agreement between UWI and UG. A full-time UG Programme Manager acts as the UG

implementation counterpart to the UWI Programme Manager.

A USAID Project Manager has specific responsibility for monitoring and advising on the implementation of all elements of the project.

Article IV - Statement of Work

To evaluate the mid-term progress of the Project, USAID/Guyana seeks to obtain the services of a short-term consultant to perform the tasks outlined in the following statement of work:

(a) The evaluator is required to provide a detailed analysis of how well the implementation arrangements between UWI, UG and USAID/Guyana are working to achieve the objectives of the project. Specific comments on the efficacy of the implementation arrangements put in place by UWI and UG, as well as the effectiveness of USAID management, are required.

(b) The evaluator is required to examine the project's logframe and provide detailed comments on the implementation progress of each component identified therein. The evaluator will determine if progress toward planned results is satisfactory by considering each activity, implementation schedules, and constraints.

(c) The evaluator is required to identify and provide detailed information on any existing problems of a human or financial nature, which inhibit the effective implementation of the project or any sub-component of the project and provide specific recommendations for the resolution of each problem identified.

(d) The evaluator is required to identify any modifications to the project design which are thought necessary to optimise the efficacy of project implementation.

(e) The evaluator will determine if project objectives and activities and their underlying hypotheses remain valid, and recommend modifications as appropriate.

Article V - Methods and Procedures

A. Review, prior to starting actual project evaluation activities in Guyana, material to be provided by USAID/Guyana on the project, to obtain information regarding:

1. The operation of the justice system;
2. The operational structure and functional parameters of the Guyana Justice Improvement Project; and
3. Progress to date.

B. Once in Guyana, interview appropriate individuals in USAID/Guyana, the UWI representative, UG representatives, the

Attorney General, Judges, Magistrates, select members of the Judicial and Magisterial Staffs, Librarians and members of the private Bar, including the President of the Bar Association, to assess how the development needs of the justice system are being satisfied by the project. Evaluation activities are to include day trips to Essequibo and Berbice if these are found necessary to improve the Evaluator's understanding of the scope and nature of the Project's activities.

While performing the evaluation, the evaluator will maintain close contact with the USAID Project Manager for GJIP and the USAID/Guyana Representative.

Article VI - Work Period/Level of Effort

The evaluator will be required to work a six - day, eight hour per day workweek. Two workdays will be allowed for documentation review prior to arrival in Guyana, and the consultant will spend 18 days in Guyana (16 workdays and 2 non-workdays). Two days will be allowed for travel, and two days for finalizing the draft and final reports after return to the United States. Evaluation activities will begin on or about November 8, 1996.

Article VII - Reports

The evaluator will be required to submit draft and final reports of the evaluation. These reports are to contain:

- (a) an Executive Summary which states the development objectives of the activity evaluated; the purpose of the evaluation, study method(s) used, findings, conclusions and recommendations, and lessons learned about the design and implementation of this type of development activity;
- (b) The body of the report should include expanded discussion of
 - (i) the purpose, study questions, and findings of the evaluation;
 - (ii) the economic, political and social context of the project;
 - (iii) evaluation methods; (iv) conclusions drawn from the findings and (v) recommendations based on the findings.

Appendices to the report are to include a copy of the evaluation Scope of Work, the Logical Framework of the Project, a list of documents consulted, and individuals and agencies contacted.

Prior to departure from Guyana, the evaluator will discuss and present a preliminary draft report outlining process, findings, conclusions and recommendations. A complete draft report will be submitted to USAID/Guyana by express mailing service within seven days of the consultant returning to the US.

Two copies of a final report, as well as a diskette containing the final report in Wordperfect 5.1 or 6, are to be sent by express mailing service to USAID/Guyana by the consultant within seven days

after receiving USAID/Guyana's written comments on the complete draft report.

Article VIII - Evaluation Consultant

The evaluation is to be conducted using the services of one consultant.

(1) The consultant chosen for the evaluation must be (a) familiar with the jurisprudence of the British legal system and be an Attorney at Law ; (b) experienced in the evaluation of a justice system improvement project in a developing country; (c) a United States citizen, and (d) have an employment record which indicates no potential biases or vested interests with the Project's implementing organizations.

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NARRATIVE SUMMARYOBJECTIVELY
VERIFIABLE INDICATORSMEANS OF VERIFICATIONASSUMPTIONSGOAL

To strengthen institutions of democracy in Guyana.

Heightened opinion of system's fairness and efficiency in eyes of actors in system and citizens of Guyana.

Public opinion polls

Interviews and questionnaires for system participants

Other Guyana democratic institutions well sustained

PURPOSE

To improve the effectiveness and efficiency of the Guyanese justice system

Court caseload and administrative support structure proactively managed by judiciary relying on professional court managers.

Interviews with personnel. Examination of reports.

Guyanese economy will improve and revenues will increase.
Adequate salary levels to attract and retain qualified personnel.

Court facilities refurbished.

Inspection of facilities.

Access to law improved through sustainable current library collection and sustainable current publication of case and statutory law.

Inspection of library
Inspection of publications
Examination of update system

Adequate demand at feasible prices

More effective Guyana Bar Association support of justice system.

Examination of reports
Interviews with actors in system

Motivation of private lawyers

OUTPUTS

Case delay significantly reduced through :

- (1) Availability of reliable court records
- (2) Timely production of reliable trial transcripts,
- (3) Streamlined court administrative procedures by Court Rules revisions, and
- (4) active court management of docket.

Reduction of case backlog

Examination of court records

Court records retrievable on request, and intact

Transcripts provided within 6 weeks of trial

Examination of transcripts

Management information system reporting continuously number and types of cases entering system, extent of backlog by case type, and current status of all pending actions.

Computer system installed providing current and timely reports on demand, with formal reports published at least once per session

Examination of current reports

Court administration lines of authority and responsibility clearly delineated and understood.

Current, accurate, and accessible organization charts and manuals

Examination of charts and manuals

Qualified professional court manager reporting to Chief Justice.

Qualifications and reputation of incumbent, reporting to Chief Justice, with oversight of entire court system

Examination and interview

Cases assigned to judges by court system itself.

Functioning of unbiased assignment system

Examination of assignments
Interviews of actors in system

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ANNEX 3

PERSONS CONSULTED BY EVALUATOR

USAID

Mr. Patrick McDuffie
AID Representative

Mr. Dennis Darby
Project Officer

Ministry of Legal Affairs

Mr. Bernard De Santos
Attorney General & Minister of Legal Affairs

Mr. Ronald Fraser
Permanent Secretary

Mr. Charles Ramson
Former Acting Attorney General

Mr. Cecil Dhurjon
Senior Counsel
Chief Parliamentary Counsel

Ms. Brenna Charles
Librarian
to be Assistant Law Librarian of Supreme Court Library

Court System

Hon. Cecil Kennard
Chancellor

Hon. Desiree Barnard
Chief Justice of the Supreme Court

Justice Aubrey Bishop
Former Chancellor

Mr. K. Juman Yassin
Chief Magistrate

Ms. Sita Ramlal
Acting Registrar and Court Manager of Supreme Court

University of Guyana

Professor Harold Lutchman
Vice Chancellor

Professor Calvin Eversley
Head, Department of Political Science and Law

Mrs. Yvonne Hinds-Weatherspoon
Counterpart Programme Manager

Guyana Bar Association

Mrs. Pearlene Roach
President

Mr. Peter Britton
Senior Counsel
Former President

Mr. Ashton Chase,
Senior Counsel
Chairman, Caribbean Council of Legal Education

Mr. Miles Fitzpatrick
Senior Counsel

Georgetown Legal Aid Clinic

Ms. Josephine Whitehead
Attorney-at-Law
Secretary

University of the West Indies

Mr. Andrew Burgess
Dean

Faculty of Law
Cave Hill Campus, Barbados (by telephone)

Mrs. Crystal Bishop
Administrative Assistant
Cave Hill Campus, Barbados (by telephone)

Mr. Brynmor Pollard
Programme Manager

Technical Advisors of Project

Ms. Bridgette Nurse
Court Management Advisor

Mr. Harris Weinberg
Law Revision Commissioner
Cave Hill Campus, Barbados (by telephone)

Miscellaneous

Ms. Carmen Hardyal
to be Law Librarian of Supreme Court

ANNEX 4

DOCUMENTS CONSULTED BY EVALUATOR

- 1) A Strategy for Supporting Democratic Stability in Guyana by Thunder & Associates, Inc. dated May 31, 1993
- 2) Project identification Document, Guyana Justice Improvement Project AID
- 3) Project Paper, Guyana Justice Improvement Project AID
September 8, 1994
- 4) Project Grant Agreement Between GOG and AID
September 8, 1994
- 5) Amendment No. 1 to Project Grant Agreement Between GOG and AID
July 8, 1996
- 6) Project Implementation Letters No. 1 (October 12, 1994), 2 (December 8, 1994), 3 (May 22, 1994) and 4 (June 7, 1995) to the Project Grant Agreement Between GOG and AID
- 7) Cooperative Agreement Between AID and the University of the West Indies (UWI) effective June 1, 1995
- 8) Amendment No. 1 to the Cooperative Agreement Between AID and UWI dated July 26, 1996
- 9) Agreement between UWI and the University of Guyana (UG) dated July 14, 1995
- 10) UWI Annual Workplans for 1995--1996 and for 1996--1997
- 11) UWI Quarterly Progress Reports for the periods: September--December 1995, January--March 1996, April--May 1996, and June--August 1996
- 12) Minutes of the Advisory Committee for the UWI/USAID Guyana Justice Improvement Project for meetings on: February 26, 1996; March 25, 1996; May 2, 1996; July 22, 1996; October 21, 1996
- 13) Outline of training course for librarians sent to UWI in September 1996
- 14) Operational Plan for 1997--1998 for Central Law Library of Guyana prepared by UWI consultant (Newton) and dated November 1996
- 15) Reports of law library consultant (Renie) on: Law Librarian Training Programme of March 11--

22, 1996 and on visit of July 7--13, 1996

16) Status Report by Acting Registrar/Supreme Court Manager pf August 1996

17) Court Management Advisor's Initial Report and Workplan for 1996--1997

18) Report of Consultation by Czerenda Consulting on Docket Audit of Supreme Court Registry of November 1996

19) Report of Consultation by A.P.Gross & Co. on Court Reporting of August 1996

20) Report on Demand and Production Cost Study of Statute Printing in Guyana by Marketing, Management & Consultancy Inc. of September 1996

21) Guyana Bar Association Proposal for funding dated October 31, 1996

22) Georgetown Legal Aid Clinic Proposal for funding submitted in September 1996

23) UWI revised budget submitted on November 29, 1996 for year two of the Cooperative Agreement

24) UWI financial report for August--September 1996 submitted on November 1996

25) Questionnaire on Legal System used in public opinion survey conducted in 1995

ANNEX 5

LIST OF LONG TERM, PROJECT FUNDED PERSONNEL IN PLACE

<u>Position</u>	<u>Name of Person</u>	<u>Date Assumed Duties</u>
USAID Project Manager	Dennis Darby	February 1965
UWI Program Manager	Brynmor Pollard	November 1995
UG Program Manager	Yvonne Hinds-Weatherspoon	December 1995
Court Management Advisor	Bridgett Nurse	July 1996
Law Revision Commissioner	Harris Weinberg	December 1996

ANNEX 6

LIST OF ABBREVIATIONS AND ACRONYMS

AID	U.S. Agency for International Development
AID/W	Washington Headquarters of AID
CJIP	Caribbean Justice Improvement Project
GBA	Guyana Bar Association
GJIP	Guyana Justice Improvement Project
GOG	Government of Guyana
MOLA	Ministry of Legal Affairs
PID	Project Identification Document
PP	Project Paper
Registry	Registry Office of the Supreme Court of Guyana
UG	University of Guyana
UWI	University of the West Indies
WP	Work Plan
USAID	Office of AID in Guyana

ANNEX 7

CHRONOLOGY of KEY EVENTS

	<u>1994</u>
Project Paper Approved	September
Grant Agreement Signed with MOLA	September
PIL NO. 1 Issued	October
Initial CPs Met	December
	<u>1995</u>
AID Project Manager Assumes Duties	February
Renovation Begun on 8 Magistrate Courts not in Georgetown	May
Cooperative Agreement with UWI Signed with Initial Obligation of (\$602,315)	July
Contract between UWI and UG Signed	July
Donation of Books to Law Library (temporarily located in Parliament Building)	July
Magistrate Training Course	August
First Person from MOLA Leaves for Drafting Training at UWI	October
UWI Program Manager Assumes Duties	November
Renovation Completed on 8 Magistrate Courts not Located in Georgetown	November
UG Program Manager Assumes Duties	December
Bar Association Sponsored lecture on Constitutional Law	December

Bar Association Sponsored Workshop on Administrative Law	December
	<u>1996</u>
First Meeting of the Advisory Committee	January
Acting Court Manager Named by GOG	March
Second Meeting of the Advisory Committee	March
UWI Workplan for June 1, 1995--May 31, 1996 Received	March
In-country Training for 14 Library Personnel	March
Opinion Survey Conducted	March
Third Meeting of the Advisory Committee	May
Workplan for June 1, 1996--May 31, 1997 Received	July
Court Management Advisor Assumed Duties	July
Cooperative Agreement with UWI Amended to Add \$355,000	July
Fourth Meeting of the Advisory Committee	July
Acting Court Manager's Status Report Delivered	August
Court Management Advisor's Workplan for 1996-1997 Delivered	August
Court Reporting Consultant Report Delivered	August
Legal Aid Clinic Proposal for PL 480 Funding Delivered	September
Demand and Production Cost Analysis for Printing of Revised Statutes Delivered	September
Librarians' Training in UWI	September- October
Bar Association Proposal Submitted	October
Second Person from MOLA Leaves for Drafting Training in	October

UWI

Fifth Meeting of the Advisory Committee	October
Draft Operations Plan for Law Library Submitted	November
Regional Training Events in Honor of Council of Legal Education	November
Renovation Begun on Law Library	November
Renovation Begun on Additional 3 Magistrate Courts Outside of Georgetown	November--December
Docket Audit of Supreme Court Submitted	December
Law Revision Commissioner Assumed Duties	December
Interim Evaluation of Project Conducted	December