



AGENCY FOR INTERNATIONAL DEVELOPMENT
UNITED STATES OF AMERICA AID
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11 de febrero de 1999

ACTION MEMORANDUM TO THE DIRECTOR

TO Kenneth C Ellis, DIR
FROM Deborah Kennedy de Iraheta, SO#2 *DK de Iraheta*
SUBJECT Project Assistance Completion Report - Federation of Bar Association

In accordance with Handbook 3, Chapter 14, and USAID/El Salvador Mission Operation Manual, Chapter 770 entitled "Project Close-Out" and Chapter 8015 entitled "Close-Out of Contracts, Grants, and Cooperative Agreements," attached is the Project Assistance Completion Report (PACR) for the Federation of Bar Associations Project No 519-0373 The Project terminated on schedule on September 30, 1994

The PACR summarizes accomplishments of the Project, including its evaluation and orderly close-out

Recommendation That you approve the attached Project Assistance Completion Report

APPROVED *Kenneth C. Ellis*
DISAPPROVED _____
DATE 11 Feb. 99

Drafted by
BMolina, SO#2 In-draft Date 5/14/98

Clearanced by
SCarter, SO #2 In-draft SC Date 05/15/98
LPizarro, OCG In-draft PL Date 06/10/98
TPutscher, A/CONT (draft) PL Date 6/11/98
PKranstover, SDO In-draft PL Date SD2 cleared on June 15/98 (see memo attached)
DMcFarland, D/DIR DM Date 2/11/99

**PROJECT ASSISTANCE COMPLETION REPORT
PROJECT NO 519-0373
FEDERATION OF BAR ASSOCIATIONS**

I. SUMMARY OF THE PROJECT.

A. Brief Project Description

The Project began on September 26, 1990 with total funding of \$500,000 from an ESF grant of funds Counterpart contribution to the project was waived The project was intended to last four years The objective of the project was to strengthen the Salvadoran Federation of Bar Associations and prepare the Bar to take a more active role in justice system improvement as a professional independent monitor of the judiciary and to provide legal education and establish professional standards for legal practitioners The project instituted a reciprocal, professional association between the U S non-profit InterAmerican Bar Foundation (IABF) and the Salvadoran Federation of Bar Associations (SFBA) through which the IABF assisted the SFBA in carrying out project activities

B. Goal and Purpose of the Project

The purpose of the project was to strengthen the Salvadoran Federation of Bar Associations to enable it to better serve its members interests as well as those of the citizenry in general

C. Project Components

The Project had the following components (1) a continuing legal education program, (2) a law-related education program, and (3) activities related to strengthening the SFBA institutionally

D. Present Status of the Project

The project closeout date was September 30, 1994 As of September 1994, the date of the last Project Status Report, the project had remaining funds of US\$ 23,722 During the last six months of the project, the SFBA has been encouraged to identify other sources of funding and where appropriate to participate in the NGO component of the Judicial Reform II Project

II. FINANCIAL STATUS

(NOTE FOR CONT TO BE CHANGED IN THE CLEARANCE PROCESS)

ELEMENT	OBLIGATIONS	EXPENDITURES
1. Admin. & Managmt	\$204,307	\$169,016
2. Cont'g Legal Education	91,074	87,786
4. Law-related Educ	98,019	98,019
5 Audits/Evaluations	-0-	-0-
7. Instit Strengthening	38,592	22,449
8. Overhead	42,820	-27,619
	TOTAL:\$478,629	\$478,629

III. PROJECT ACCOMPLISHMENTS

The SFBA has substantially increased its presence in Salvadoran society and the services offered to associates and the legal community in general. Official institutions such as the Ministry of Justice and the Institute for Liberty and Progress have used the SFBA as the dissemination channel for important government programs. Private institutions have also begun requesting SFBA cooperation in the organization of seminars on critical issues. The SFBA is for the first time in its history offering its associates access to up-to-date reference materials, including special printing of new legislation. A library open to all the legal community is now functioning at SFBA headquarters. While in the past, judicial facilities were the general recourse for meetings or seminars, today the SFBA headquarters is considered the ideal place for these events.

The SFBA has continued to expand its services to, and thus presence in, the wider community through its Law-related Education Program and legal clinic. The former provides information (through television and radio programs) on the law in response to real life problems described in viewers' letters and uses the services of several prestigious lawyers who have volunteered their time. The write-in clinic delivers a similar service through a local newspaper. Additionally, the program has distributed wallet-size cards that enumerate individuals' rights.

In 1994 the SFBA stepped up activities aimed at introducing a constitutional amendment to make membership in a national bar obligatory for all lawyers to this association (as opposed to the Supreme Court). The SFBA also became active in sponsoring discussions on other proposed constitutional amendments aimed at increasing judicial independence.

The SFBA conducts elections among its members to elect its

representatives to the National Council of the Judiciary and also to present a slate of Supreme Court candidates to the General Assembly which selects these magistrates

IV EVALUATIONS AND AUDITS

A. Evaluations

The InterAmericas Group, Inc prepared a mid-term evaluation of the Project in June 1993

Conclusions The implementation of various project activities responds to the needs and interests of many if not all the members of the legal community. However, the Project intended these activities to be a means to an end "to improve the administration of justice in El Salvador by strengthening the organized bar's role as an effective advocate of high professional legal standards." The strong consensus of all interested parties interviewed during the course of the evaluation was that the project had not adequately addressed that fundamental objective. To achieve this during the remaining period of the project would have required a major shift in strategy, resource allocation and operating procedures.

The bifurcation of the SFBA decision-making structure initiated for the purpose of implementing the project activities had serious negative effects on the operational effectiveness of the organization, especially in its ability to achieve the institutional strengthening objectives. Various factors contributed to delays and limited progress during the first 18 months of the project. During the last 6 to 8 months there was a dramatic increase in the level of activities. Thus, at the time of the evaluation, the level of activity was consistent with the project design and requirements.

Recommendations

- (1) Formulate a strategic plan to take the initiative in preparing for the establishment of a modern bar organization in El Salvador by creating a common federation for that organization, assessing the SFBA's capability to become that organization and developing a strategic plan to transform SFBA or initiate a new institution.
- (2) Plan for additional human and financial resources to formulate and carry out the plan, and give consideration to establishing direct links between SFBA and USAID.
- (3) Seek and obtain maximum assistance from organized bars in other relevant countries.
- (4) Track closely related political developments and coordinate

efforts as appropriate with the Judicial Reform II coordination mechanism

(5) Continue to implement the Continuing Legal Education (CLE) and Law Related Education (LRE) programs and plan for their transition in the context of the various scenarios

B. Audits

The final audit report of 1994 included a finding related to the indirect cost rates. The Grant Agreement included a provisional indirect cost rate of 12 percent which was charged during the life of the project. After PACD the contractor established final rates for the period of the project of 17 percent. The grant was amended and IABF reimbursed for the actual indirect costs.

V LESSONS LEARNED

Despite some advances, the project has not overcome the institutional weaknesses required to transform itself into a self-sustaining organization, which takes an independent role in promoting legal reform and public service, and representing professional interests. The project has provided information to the SFBA and other members of the legal community on how such goals have been reached by bars in other countries, but to date has not been able to generate the momentum either within or outside of the SFBA to carry such actions forward.

While the project has undeniably reinforced the image and activities of the SFBA, and exposed its members and the rest of the legal community to ideas as to how it might function more dynamically, most observers (and the projects evaluators) concur that the further transition to a self-sustaining, independent institution with an active role in development of the legal sector may require much more time, or in the end be achieved only by a different organization. The latter seems most likely, since most versions of the proposed constitutional amendment dealing with a compulsory bar now no longer mention the Federation, but "some such entity "

VI RECOMMENDATIONS

- a) Support the membership of the SFBA to amend the bi-laws of the Federation of Bar Association in order to have just one Association in lieu of fifteen that disagree in many aspects
- b) The Federation should become financially self-sufficient
- c) More attention should be given by the Association regarding its responsiveness to the needs the community as well as to the members of the bar

d) Activities should be supported which build the Federations' image and prestige, which at the present are extremely low

e) To establish good relations with law schools so that law students (young lawyers), become interested and active in the affairs of the Federation

Being more responsive to the citizenry means that the Federation will have to sponsor programs of law related education, legal aid program and legal clinics to the poor

An important first step toward implementing these Unfortunately, to implementing these recommendations is to establish one united Federation

VII. POST-PROJECT MONITORING AND FOLLOW-UP ACTIONS

During the last six months of the Project, the SFBA was encouraged to identify other sources of funding and, where appropriate, to become involved with the Judicial Reform II

USAID has met with members of the SFBA, as well as member organizations to discuss important role bar associations can play However, SFBA and members are not as yet committed to goal of an apolitical association and to promote legal reforms to establish strong federation

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