

PD-ARB-905

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UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

South Pacific Regional Development Office

American Embassy, Suva
Department of State
Washington, D.C. 20520

August 28, 1990

Mr. John Sutter
Grant Administrator
The Asia Foundation
465 California Street, 14th floor
San Francisco, CA 94104

— CMP/CGLC
— CAR

Dear Mr. Sutter,

Re: Grant 879-0251-G-SS-0169

Pursuant to the authority contained in the Foreign Assistance Act of 1961, as amended, the Agency for International Development (hereafter referred to as "A.I.D." or "Grantor") hereby grants to The Asia Foundation the sum of \$45,249 to provide support for a program in Fiji, as described in the Schedule of this grant and the Attachment 2, entitled "Project Proposal".

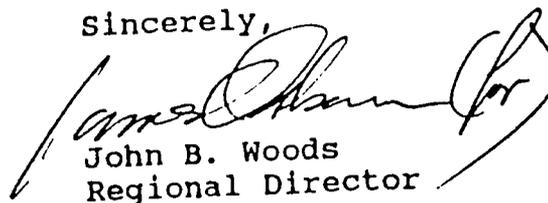
This Grant is effective and obligation is made as of the date of this letter and shall apply to commitments made by the Grantee in furtherance of program objectives during the period beginning with the effective date and ending September 30, 1991.

This Grant is made to The Asia Foundation, on condition that the funds will be administered in accordance with the terms and conditions as set forth in Attachment 1, entitled the Schedule, Attachment 2, entitled "Program Description," and attachment 3 entitled "Standard Provisions", which have been agreed to by your organization.

11

Please sign the original Grant and each copy of this letter to acknowledge your receipt of the grant, and return the original and all but one copy to USAID/RDO/SP.

Sincerely,


John B. Woods
Regional Director

Attachments:

1. Schedule
2. Program Description
3. Standard Provisions

ACCEPTED: The Asia Foundation

Name: _____
Title: _____
Date: _____

BPC: QDEA9027879KG12

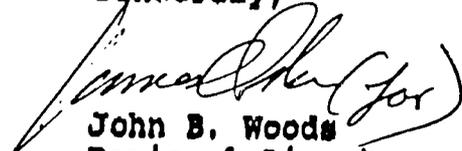
APPROP: 72-1101021

RESCNTL: S990399

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FUNDS VERIFIED-	\$45,249.00	
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Please sign the original Grant and each copy of this letter to acknowledge your receipt of the grant, and return the original and all but one copy to USAID/RDO/SP.

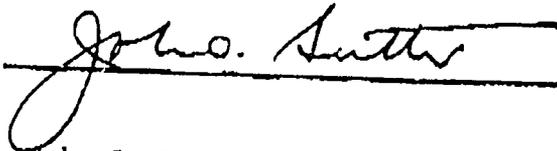
Sincerely,


John B. Woods
Regional Director

Attachments:

1. Schedule
2. Program Description
3. Standard Provisions

ACCEPTED: The Asia Foundation



Name: John O. Sutter

Title: Grant Administrator

Date: 29 August 1990

BPC: QDEA9027879KG12

APPROP: 72-1101021

RESCNTL: 8990399

INPUT VOUCHER	DATE	BY
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FUNDS VERIFIED.	8/29/90	JW
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Schedule

A Purpose of Grant

The purpose of this Grant is to provide support for the Fiji Judicial Staff Training Activity, as more specifically described in Attachment 2 to this Grant entitled "Project Proposal."

B Period of Grant

The effective date of this Grant is the date of signature of the Grant letter. The expiration date of this Grant is September 30, 1991.

C Amount of Grant and Payment

1. A.I.D. hereby obligates the amount of \$45,249 for purposes of this Grant.

2. Payment shall be made to the Grantee in accordance with procedures set forth in Attachment 3, "Standard Provisions."

D Financial Plan

Financing under this Grant shall be in accordance with the "Financial Narrative" found on page 5 of Attachment 2, "Project Proposal."

E. Reporting and Evaluation

1. The Grantee shall provide upon a six-monthly basis a description of activity progress under this Grant.

2. The Grantee will submit quarterly "Financial Status Report" SF-269, on an accrual basis no later than 30 days after the end of the period, in an original and two copies to A.I.D./M/FM/PAFD, Washington, D.C. 20523. The final financial report must be submitted within 90 days of after the conclusion of the grant.

3. The Grantee shall submit an original and one copy of SF-272, "Federal Cash Transactions Report," within 15 working days following the end of each quarter to M/FM/PAFD, and a copy to USAID/RDO/SP.

F. Indirect Cost Rate

The indirect cost rate under this Grant is 23.5 percent.

G. Authorized Geographical Code

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

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ASIA FOUNDATION

REVISED PROJECT PROPOSAL

A. Summary

Country:	Fiji
Activity Title:	Judicial Staff Training
Total AID Request:	\$45,249
Total Value of Other Resources:	
Activity Location	United States
PVO Name and Location	The Asia Foundation P. O. Box 3223 San Francisco, CA 94119
Central Headquarters:	Same as above.
Contact Person:	Ed Anderson Area Director Pacific Islands The Asia Foundation P. O. Box 3223 San Francisco, CA 94119 Tel: (415) 982-4640
Date of Revised Submission to AID:	23 August 1990

B. Activity and Purpose

The Asia Foundation (TAF) proposes a one-year program to strengthen the capacity of the judiciary of Fiji. The program emphasizes Ministry of Justice staff training in the United States linked with observation tours or internships with rural or small town courts. This core activity is reinforced through the attendance by the Chief Registrar of the Supreme Court at a Fall 1990 U. S. Conference of Court Administrators. The training and support activities will focus upon substantive as well as procedural aspects of law and on the management of court and case flow issues covering a wide variety of legal issues.

The overall goal of this project is to strengthen the legal system in Fiji and promote awareness of and adherence to the law in the government and society. To achieve this goal TAF will focus upon training within the Ministry of Justice of Fiji to improve the efficiency of the judicial system. This strengthening of a major pillar supporting the institutions of democratic government is intended to promote the rule of law and the fair and consistent administration of justice by 1) increasing access to the law among government officials, the legal profession and private citizens and 2) improving judicial training in key areas of the law. The training and observation tour elements of the program in particular are also aimed at promoting understanding and cooperation between the U. S. and the Pacific Island nations.

Fiji continues to be governed without a constitution. The military remains an important factor even though the 1987 coup leader, Major General Sitiveni Rabuka, stepped down as Minister for Home Affairs and Immigration in January 1990. He has indicated that the military will not tolerate attempts to destabilize the country, including labor union activity and public protests of any kind. He has stated publicly that the military installed the interim government and therefore retains the responsibility of safeguarding it. Adi Kuini Bavadra, widow of the deposed President Bavadra, leads the opposition Coalition Party, but no timetable has been set for elections. Regulations have been formulated to require annual registration of all newspapers and magazines, with the information ministry having authority to reject any application for registration. Along with the banning of foreign journalists, this is a serious blow to freedom of the press. A draft constitution, still under review, will reserve the premiership for ethnic Fijians, and establish racially-based voting.

In spite of this situation, it is encouraging to note that the Ministry of Justice has been able to exert a moderating influence in Fiji and has attempted to prevent encroachments upon democratic principles. The judicial system, however, is weakened by abrogation of the Constitution and the departure of legal personnel after the 1987 coup. TAF believes that more efficient courts tend to restore confidence in the legal system, uphold justice in the absence of a constitution, enhance judicial profession prestige, and attract better law graduates to judicial careers.

It should also be noted that computerization of the legal information system planned for 1991 stands to benefit substantially from the timely judicial administration training provided in this program.

C. Past Activities

The development of democratic institutions is a prerequisite for the development of a pluralistic society. The larger goal is thus to encourage the development of the democratic process by supporting the growth of a judicial system that is effective, fair and responsive to the needs of its citizens. The existence of legal procedures and established court systems is not enough to achieve this goal. Even with the best laws and the most modern court systems, the quality of justice is never better than the people who administer it. Excellence in judicial training is a basic pre-condition for the development of pluralistic societies where public participation is encouraged, human rights are protected and democratic institutions are allowed to develop and flourish.

The Asia Foundation has long been at the forefront of developing judicial excellence in Asia and the Pacific. In FY 1990 TAF supported the participation of Chief Justice Timoci Tuivaga of Fiji in the Third Chief Justices' Conference co-sponsored by TAF and LAWASIA in Manila. The Conference sessions stressed the utility of pre-trial settlement conferences and the procedure of continuous trial.

Additionally, for many years the Foundation has supported judicial training activities in Bangladesh, Indonesia, Korea, Malaysia, Pakistan, the Philippines, Sri Lanka, Taiwan, and Thailand. More recently it has begun supporting a series of significant training programs for judges in the appellate and lower courts in Indonesia as well. These TAF-supported projects have included library development, specialized training in U. S. institutions

Through the years these activities have afforded the Foundation a great deal of experience and enabled it to build widespread resource contacts in the field of judicial education and training in the U. S. and the region. This current project builds upon previous AID and TAF efforts to provide resources and strengthen professional competence within the Department of Justice.

D. Beneficiaries

The immediate beneficiaries of this training will be the participant judges of the Ministry of Justice.

E. Anticipated Accomplishments

Training of Ministry of Justice officials in the administration of law and pre-trial negotiation/settlement practices and procedures.

F. Implementation

This program's training will be conducted by an American consultant expert in judicial training for a two-week consultancy in Fiji. The United States-based National Center for State Courts would provide an expert consultant.

G. Time Frame

The American consultant will be scheduled at the convenience of the Department.

H. Assumptions

The Asia Foundation assumes that a strong interest exists for the training of judges, and that the need for this training also exists. Since a training project of this type cannot be successful without continued training or follow-up, it is also assumed that responsibility for the training of new court staff will be taken by the Government of Fiji. The Ministry of Justice has already shown such interest.

I. Evaluation

The Asia Foundation will sign separate letters of agreement for each sub-grant provided through this project. Both the Chief Registrar of the Supreme Court and the respective program participants will sign the letters. The Asia Foundation will make all arrangements for the training programs in the United States. It will provide air tickets, per diem and allowances directly to the training participants and will pay tuition and fees to the training institutions. No funds will be transferred from TAF to the Department under this grant.

The Asia Foundation will utilize its established procedures for monitoring and evaluating under this project. Letters of agreement covering sub-grants clearly state the project's objectives, TAF's expectations, and the sub-grantee's obligations. Each participant will be required to submit a narrative report to TAF that provides an evaluation of that component of the project.

The Asia Foundation will provide a substantive report to AID/Fiji upon completion of the activities. The report will describe the sub-grants provided during the year, and review overall project in relation to its broad objectives and goals. Rather than a strictly quantitative assessment, the report will attempt to analyze the institutional impact of the project activities. TAF will provide AID/Fiji with a financial report for the project.

J. Financial Narrative (revised 23 August 1990)

<u>Expenses</u>	<u>Amount</u>
1. Training registration fees University of Nevada's National Judicial College (two week sessions) (\$1,600/participant x 5 = 8,000)	\$ 8,000
2. Participant air travel to the U. S. and return \$3,000/participant x 5	15,000
3. Observation tour per diem allowance \$105/day x 14 days x 5 participants	7,350
4. International travel allowance \$50/participant x 5	250
5. Participation in 1990 Court Administrators Conference a) airfare - \$3,000 b) conference fees - 500 c) observation tour per diem allowance - 1,050	4,550
6. Travel insurance	250
7. TAF program service costs (for monitoring and evaluation)	1,239
8. Total direct costs (1 through 8)	36,639
9. Indirect costs (23.5% of 8)	8,610
<u>GRAND TOTAL (8 + 9)</u>	<u>\$45,249</u>