

PROJECT CRANT AGREEMENT

between

THE UNITED STATES OF AMERICA,  
acting through  
THE AGENCY FOR INTERNATIONAL DEVELOPMENT  
("A I D ")

AND

THE REPUBLIC OF SOUTH AFRICA  
("GRANTEE")

for the

ADMINISTRATION OF JUSTICE PROJECT

DATE September 21, 1994

FISCAL DATA

Appropriation 72-11X1014  
Budget Plan Code GSSX-94-21674-KG13  
Agreement No 674-0301-G-4182-00  
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Project No 6740301 00  
Amount Obligated US\$1,500,00

Agreement No 674-0301-G-4182-00

Grant Agreement for the  
Administration of Justice Project

Between The Republic of South Africa ("Grantee")

and

The United States of America, acting through the Agency for  
International Development ("A I D ")

**Article 1: The Agreement**

The purpose of this Project Grant Agreement "Agreement" is to set out the understandings of the parties named above ("Parties") with respect to the undertaking by the Grantee of the Project described below ("Project"), and with respect to the financing of the Project by the Parties

**Article 2: The Project**

SECTION 2 1 Definition of the Project

The Project, which is further described in Annex 1, is designed to improve and transform the system for the administration of justice in South Africa to make it more accessible, representative, democratic and legitimate for all South Africans Annex 1, attached, amplifies the above definition of the Project Within the limits of the above definition of the Project, elements of the amplified project description set forth in Annex 1 may be changed by written agreement of the authorized representatives of the Parties designated pursuant to Section 8 2, without formal amendment of this Agreement

SECTION 2 2 Incremental Nature of the Project

(a) A I D 's contribution to the Project will be provided in increments, the initial one being made available in accordance with Section 3 1 of this Agreement Subsequent increments will be subject to availability of funds to A I D. for this purpose and to the mutual agreement of the Parties, at the time of any subsequent increment, to proceed It is anticipated that, subject to the provisions of this Section, A I D 's total contribution will be Nine Million United States dollars (\$9,000,000)

(b) Within the overall Project Assistance Completion Date stated in this Agreement, A.I D , based upon consultation with the Grantee, may specify in Project Implementation Letters appropriate time periods for the utilization of funds granted by A I D under an individual increment of assistance

## Article 3: Financing

### SECTION 3 1

(a) The Grant To assist the Grantee to meet the costs of carrying out the Project, A I D , pursuant to the Foreign Assistance Act of 1961, as amended, and the South African Democratic Transition Support Act of 1993, agrees to grant the Grantee under the terms of this Agreement an amount not to exceed One Million Five Hundred Thousand United States dollars (\$1,500,000) ("the Grant") The Grant may be used to finance the foreign exchange costs, as defined in Section 6 1 , and the local currency costs, as defined in Section 6 2 , of goods and services required for the Project

(b) If at any time A I D determines that its contribution to the project under Subsection 3 1 (a) exceeds the amount which reasonably can be committed for project purposes during the current or following U S fiscal year, upon written notice to the Grantee A I D may withdraw the excess amount, thereby reducing the amount of the grant as set forth in Section 3 1 (a) Actions taken pursuant to this subsection shall not revise USAID's total estimated contribution to the Project as set forth in Section 2 2 (a)

### SECTION 3 2 Grantee Resources for the Project

(a) The Grantee agrees to provide or cause to be provided for the Project, all funds in addition to the Grant, and all other resources required to carry out the Project in a timely and effective manner

(b) The resources provided by the Grantee for the Project over its five year life will not be less than the equivalent of Three Million United States dollars (\$3,000,000), including costs borne on an "in kind" basis

### SECTION 3 3 Project Assistance Completion Date

(a) The "Project Assistance Completion Date" ("PACD"), which is September 30, 1999, or such other date as the Parties may agree to in writing, is the date by which the Parties estimate that all the services financed under the Grant will have been performed and all goods financed under the Grant will have been furnished for the Project as contemplated in this Agreement

(b) Except as A I D may otherwise agree in writing, A I D will not issue or approve documentation which would authorize disbursement of the Grant for services performed subsequent to the PACD or for goods furnished for the Project as contemplated in this Agreement subsequent to the PACD

(c) Requests for disbursement, accompanied by necessary supporting documentation prescribed in Project Implementation

Letters, are to be received by A I D or by any bank described in Section 7 1 no later than nine (9) months following the PACD, or such other period as A I D may agree to in writing After such period, A I D , upon giving written notice to the Grantee, may at any time or times reduce the amount of the Grant by all or any part thereof for which requests for disbursement, accompanied by necessary supporting documentation as prescribed in Project Implementation Letters, were not received before the expiration of said period

**Article 4: Conditions Precedent to Disbursement**

SECTION 4 1 First Disbursement Prior to the first disbursement of funds under the Grant, or to the issuance by A I D of documentation pursuant to which such disbursement may be made, the Grantee shall, except as A I D may otherwise agree in writing, furnish to A I D , in form and substance satisfactory to A I D , the following

(a) A written statement setting forth the names and titles of those persons in the Government of the Republic of South Africa who are authorized to sign Project documents and communications, together with a specimen signature of each such person specified in such statement, and

(b) An opinion of counsel acceptable to USAID that this Agreement has been duly authorized and/or ratified by, and executed on behalf of, the Grantee, and that it constitutes a valid and legally binding obligation of the Grantee in accordance with all of its terms

SECTION 4 2 Subsequent Disbursement

(a) Prior to any disbursement under the Grant for other than technical assistance to the Ministry of Justice, or to the issuance by A I D of documentation pursuant to which such disbursement may be made, the Grantee will, except as the Parties may otherwise agree in writing, furnish to A I D., in the form and substance satisfactory to A I D , a detailed time-phased implementation plan (also known as a workplan) for the Project, including clearly delineated roles and responsibilities for all Project personnel, for Project activities scheduled to take place in the year beginning on October 1, 1994 and ending on September 30, 1995

(b) Prior to any disbursement under the Grant after September 31 of each year after 1994, or to the issuance by A I D of documentation pursuant to which disbursement will be made, the Grantee will, except as the Parties may otherwise agree in writing, furnish to A I D , in form and substance satisfactory to A I D , a detailed workplan for the Project, including clearly delineated roles and responsibilities for all Project personnel, for Project activities scheduled to take place in the respective following year beginning on October 1

SECTION 4 3 Notification When A I D has determined that the conditions precedent specified in Sections 4 1 or 4 2, as the case may be, have been met, A I D will promptly so notify the Grantee

SECTION 4 4 Terminal Dates for Conditions Precedent

(a) If the conditions precedent specified in Section 4 1 have not been met within ninety (90) days from the date of this Agreement, or such later date as A.I.D may agree to in writing, A I D , at its option, may terminate this Agreement by written notice to the Grantee

(b) If all of the conditions precedent specified in Section 4 2 have not been met within the time set forth in Project Implementation Letters, A.I D , at its option, may cancel the then undisbursed balance of the Grant, to the extent not irrevocably committed to third parties, and may terminate this Agreement by written notice to the Grantee

**Article 5: Special Covenants**

SECTION 5 1 Project Evaluation The Parties agree to establish an evaluation program as part of the Project Except as the Parties otherwise agree in writing, the program will include, during the implementation of the Project and/or at one or more points thereafter

(a) evaluation of progress towards attainment of the objectives of the Project,

(b) identification and evaluation of problem areas or constraints which may inhibit such attainment,

(c) assessment of how such information may be used to help overcome such problems, and

(d) evaluation, to the degree feasible, of the overall development impact of the Project

SECTION 5 2 The Grantee agrees to pay the salaries and stipends of South African Government employees while such employees are away on training or otherwise participating in activities funded under this Grant Agreement.

**Article 6: Procurement Sources**

SECTION 6.1. Foreign Exchange Costs Disbursements pursuant to Section 7 1 will be used exclusively to finance the costs of goods and services required for the Project and having, with respect to goods, their source and origin, and, with respect to services, their nationality, in the United States, the Republic of South Africa or any other country included in Code 935 of the A I D Geographic Code Book as in effect at the time orders are placed or contracts entered into for such goods or

services ("Foreign Exchange Costs"), except as provided in Annex 1 to this Agreement or as A I D may otherwise agree in writing and except as provided in the Project Grant Standard Provisions Annex, Section C 1 (b) with respect to marine insurance. Pharmaceuticals financed under the Grant will have their source and origin in the United States except as A I D may otherwise agree in writing. Ocean transportation costs will be financed under the Grant only on vessels under flag registry of the United States, except as A.I D may otherwise agree in writing. All other goods and services for the Project financed under the Grant shall have their source, origin or nationality, as the case may be, in the United States to the maximum practicable extent.

SECTION 6 2 Local Currency Costs Disbursements pursuant to Section 7.2 will be used exclusively to finance the costs of goods and services required for the Project and having, with respect to goods, their source and origin, and with respect to services, their nationality, in the United States, the Republic of South Africa or any other country included in Code 935 of the A.I D Geographic Code Book as in effect at the time orders are placed or contracts entered into for such goods and services ("Local Currency Costs"), except as provided in Annex 1 to this Agreement or as A I D may otherwise agree in writing. To the extent provided for under this Agreement, "Local Currency Costs" may also include the provision of local currency resources required for the Project.

#### **Article 7: Disbursement Mechanisms**

##### SECTION 7 1 Disbursement for Foreign Exchange Costs

(a) After satisfaction of conditions precedent, the Grantee may obtain disbursement of funds under the Grant for the Foreign Exchange costs of goods and services required for the Project in accordance with the terms of this Agreement by such of the following methods as may be mutually agreed upon:

(1) by submitting to A I D , with necessary supporting documentation as prescribed in Project Implementation Letters, (A) requests for reimbursement for such goods or services, (B) requests for A I D to procure such goods or services on the Grantee's behalf for the Project, or

(2) by requesting A I D to issue letters of commitment for specified amounts (A) to one or more U S banks satisfactory to A I D , committing A I D to reimburse such bank or banks for payments made by them to contractors or suppliers, under letters of credit or otherwise, for goods or services, or (B) directly to one or more contractors or suppliers, under letters of credit or otherwise, for such goods or services, or (C) directly to one or more contractors or suppliers, committing A I D to pay such contractors or suppliers for such goods or services.

(b) Banking charges incurred by the Grantee in connection with letters of credit and letters of commitment will be financed under the Grant unless Grantee instructs A I D to the contrary.

Other such charges as the Parties may agree to pay may also be financed under the Grant

SECTION 7 2 Disbursement for Local Currency Costs

(a) After satisfaction of conditions precedent, the Grantee may obtain disbursement of funds under the Grant for Local Currency Costs required for the Project in accordance with the terms of this Agreement by submitting to A I D , with necessary supporting documentation as prescribed in Project Implementation Letters, requests to finance such costs

(b) The local currency needed for such disbursements may be obtained by

(1) acquisition by A I D with U S dollars by purchase or from local currency already owned by the U S Government, or

(2) by A I D (A) requesting the Grantee to make available local currency for such costs, and (B) thereafter making available to the Grantee, through the opening or amendment by A I D of Special Letters of Credit in favor of the Grantee or its designee, an amount of U S dollars equivalent to the amount of local currency made available by the Grantee, which dollars will be utilized for procurement from the United States under appropriate procedures described in Project Implementation Letters

The U S dollar equivalent of the local currency made available hereunder will be, in the case of subsection (b)(1) above, the amount of U S dollars required by A I D to obtain the local currency, and in the case of subsection (b)(2) above, the amount calculated at the rate of exchange specified in the applicable Special Letter of Credit Implementation Memorandum hereunder as of the date of the opening or amendment of the applicable Special Letter of Credit

SECTION 7 3 Other Forms of Disbursement

(a) A I D may, on the Grantee's behalf, enter directly into subgrants and contracts under the Grant for the provision of goods and/or services or other assistance required for the Project

(b) Disbursements of the Grant may also be made through such other means as the Parties may agree to in writing

SECTION 7 4 Rate of Exchange Except as may be more specifically provided under Section 7 2, if funds provided under the Grant are introduced into the Republic of South Africa by A I D or any public or private agency for purposes of carrying out obligations of A I D hereunder, the Grantee will make such arrangements as may be necessary so that such funds may be converted into currency of the Republic of South Africa at the highest rate of exchange which, at the time the conversion is

maçə, is not unlawful in the Republic of South Africa

**Article 8: Miscellaneous**

SECTION 8 1 Communications Any notice, request, document or other communication submitted by either Party to the other under this Agreement will be in writing or by telegram or cable, and will be deemed duly given or sent when delivered to such Party at the following addresses

To the Grantee The Honorable Minister of Justice

Mailing Address

Ministry of Justice  
120 Plein Street  
Cape Town

Cable or Fax

(021) 45-2783

To A I D Director, USAID/South Africa

Mailing Address

P O Box 55380  
Arcadia  
Pretoria  
0007

Cable or Fax

(012) 323-6443

All communications between the Parties hereto will be in English

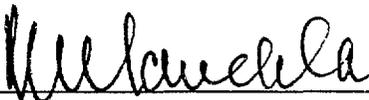
SECTION 8 2 Representatives For all purposes relevant to this Agreement, the Grantee will be represented by the person holding or acting in the office of Minister of Justice, and A I D will be represented by the person holding or acting in the office of Director, USAID Mission to South Africa By written notice, the foregoing individuals may designate additional representatives for all purposes other than exercising the power under Section 2 1 to revise elements of the Amplified Project Description in Annex 1 The names of the representatives of the Grantee, together with specimen signatures, will be provided to A.I.D which may accept as duly authorized any instrument signed by such representatives in implementation of this Agreement until receipt of written notice of revocation of their authority

SECTION 8.3 Standard Provisions Annex A "Project Grant Standard Provisions Annex" (Annex 2) is attached hereto and forms part of this Agreement

IN WITNESS WHEREOF, the Republic of South Africa and the United States of America, each acting through its duly authorized representatives, have caused this Agreement to be signed in their names and delivered as of the day and date last written below

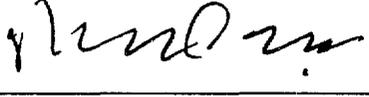
Signed at CAPE TOWN on this 21 st day of SEPTEMBER 1994

THE REPUBLIC OF SOUTH AFRICA

By 

Name Nelson R Mandela

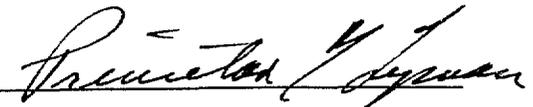
Title President of the Republic  
of South Africa

By 

Name A M Omar

Title Minister of Justice

THE UNITED STATES OF AMERICA

By 

Name Princeton N Lyman

Title United States Ambassador  
to South Africa

By 

Name Leslie A Dean

Title Director, USAID Mission  
to South Africa

## ANNEX I

### AMPLIFIED DESCRIPTION OF THE PROJECT

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## ANNEX I

### AMPLIFIED PROJECT DESCRIPTION

Elements of this amplified description may be changed by written agreement of the authorized representatives of the parties named in Section 8.2 of the Grant Agreement without the formal amendment of the Agreement, provided that such changes are within the general scope of the Project as set forth in the text of the Agreement.

#### I. OVERVIEW

The overall goal of the Project is to improve and transform the system of administering justice to make it more accessible, representative, transparent and legitimate for all South Africans. The project aims to redress the imbalances of the apartheid past through the transformation of the legal and judicial systems to a more just and democratic order, reflecting the population composition of South Africa and the aspirations of its people.

The specific purposes are to

- 1) facilitate, coordinate and finance training of historically disadvantaged legal practitioners and of selected government officials in the judicial system to improve and expand their professional capabilities,
- 2) increase opportunities for meaningful access to the legal and judicial system by all South Africans,
- 3) review, assess, redefine and reform, to the extent necessary, the legal and judicial systems of South Africa,
- 4) develop, test and commence implementation of model programs and pilot activities to increase awareness and understanding in secondary and primary schools and at the work-place of fundamental constitutional, civil and human rights, and
- 5) facilitate and coordinate the participation of civil society in the transformation of the legal and judicial systems to ensure that the process and results of such transformation are democratic, representative, inclusive and transparent.

The Project has been motivated by the desire on the part of the Minister of Justice to increase respect for, confidence in, and understanding of the rule of law and to establish a more just, accountable and equitable judicial system, all necessary for the successful preservation of peace and continued development of a democratic, growth oriented and non-violent society.

## II. BACKGROUND

The historic democratic national elections held on April 27, 1994, have provided South Africa with a new, representative government faced with the unique opportunity and challenge of both redressing the gross society-wide imbalances caused by the apartheid system and directing the nation on a new course based on the principles of democracy, equality, and participatory development

Within the context of apartheid, the legal systems, dominated by white males whose ideological perspective was biased in favor of the State, enjoyed a special, privileged status. As such, the legal system was the instrument used by the State to enforce its policies. One of the main characteristics of this apartheid society was the absence of a human rights ideology and culture for the entire population, particularly within the system of justice administration, housing, health and education. The majority of South Africans have not had opportunities to participate and communicate in the structure of their society nor play an active role in the structuring of the administration of justice and the rule of law. To the majority of South Africans, the law and its enforcement agencies always favored whites and was, therefore, regarded with little or no respect. Most non-white South Africans were not aware that the law could be used to protect their interests or that the government could not be above the law. The law was inaccessible to the majority of South Africans. For instance, in 1992, 90% of black people who passed through the courts did so without any legal representation.

Another sector of the black community to suffer from apartheid laws and the legal system are attorneys. They were not allowed to study at white universities, serve articles at white law firms and also not allowed to form partnerships with their white counterparts. The result of these repressive laws was a group of poorly qualified black lawyers.

The apartheid government did nothing to upgrade their qualifications either through training or other means. Although South Africa has a democratic nonracial government, black legal practitioners, because of their poor qualifications, generally are still not able to get briefs from the government or take advantage and get involved in international trade transactions brought about by this change in government.

The Ministry of Justice (MOJ) with a staff of 8,984 employees and a budget of R1,07 billion has, therefore, major tasks and challenges in front of it. The challenges are a direct consequence of the result of the national elections. The elections marked the beginning of a new era for South Africans. Democracy, participation, fairness, equality, are principles to be shared and applied to all sectors of the South African population and not only to a few.

The Minister of Justice has stated that it will implement an efficient administration of justice system within the framework

of the appropriate legal principles and rules, that it will strive to make justice accessible and bring the courts closer to the people while making justice more impartial. However, these plans will need much support from within the same Ministry of Justice and also from the society at large. The legacy of apartheid is a ubiquitous phenomenon and strong efforts will be needed to make it disappear as soon as possible, particularly if a peaceful transition to an effective democratic and representative society is desired.

If the peaceful nature of the political transition is to be maintained, the establishment of a human rights ideology and culture and the transformation of the judicial system is important. The transformation of the system has to be carried out in accordance with the Reconstruction Development Plan (RDP) and must be designed to facilitate fundamental changes in South Africa in accordance with democratic principles. Democracy and participation are the Sine Qua Non conditions upon which the Project is based. The components of the project are directly related to the implementation and observance of these principles.

### **III. PROJECT DESCRIPTION**

#### **A PROJECT COMPONENTS**

The project will have five basic components

- 1 Training of Historically Disadvantaged Legal Practitioners and Judicial Officials,
- 2 Increased Accessibility to the Justice System,
- 3 Constitutional, Civil and Human Rights Education,
- 4 Revision of Laws and Judicial Reform, and
- 5 Participation of Civil Society

#### **1 FIRST COMPONENT: TRAINING OF HISTORICALLY DISADVANTAGED LEGAL PRACTITIONERS AND OF JUDICIAL OFFICIALS**

If strong and long-lasting decisions and actions are not taken and implemented, the "imbalance" between historically disadvantaged legal practitioners and their white counterparts (both in terms of the relatively small number of disadvantaged lawyers and their relative lack of experience and skills) within the legal profession will continue to exist in the new South Africa in spite of the fact that the country is in the process of creating a new social order. One of the main components of the Project will address this imbalance which also reflects the social, political, cultural, economical and professional imbalances so common in the past apartheid society. The

situation is serious and prompt and effective actions need to be developed and implemented immediately

The following 1993 statistics illustrate this critical situation

- There are 8,368 practicing attorneys in South Africa White attorneys constitute 7,190 of the total figure and Blacks only 1,178
- There are only 1,088 practicing female attorneys.
- There are 839 White Magistrates and only 37 Black Magistrates.
- Out of a total of 1,088 Advocates, the number of Black Advocates is 133
- Out of a total of 172 Senior Counsels the number of Black Senior Counsels is only 7
- The total number of Female Advocates is 150
- There are 880 White Prosecutors vis-a-vis 238 Black Prosecutors
- There are six Attorney Generals and they are all white
- There are 94 Judges and only one is Black

The main targets and beneficiaries of the training program are the following levels of professionals

a Legal Practitioners - The Project will facilitate, coordinate and fund the training of legal practitioners, including advocates, attorneys, paralegals and advice officers, to improve and expand their professional capabilities. It is planned that the training programs to be funded hereunder will primarily take place in South Africa, be of short duration and have theoretical and practical components. Special attention will be given to inclusion in the training programs of women and legal practitioners from the former "independent states" and "homelands." Except as specified in subsection (1) below, all participants in the training programs must be currently employed and priority will be given to those with, at least, three years of experience as a practitioner. More detailed criterion will be set forth in the annual Work Plan required of the Grantee under Article 4 of the Grant Agreement

(1) Historically Disadvantaged Lawyers - Training for these professionals will be designed to better prepare them for constitutional litigation, positions in the judiciary and other legal departments of the Government, and/or legal work in mainstream commercial, civil, international and other areas where heretofore they have lacked experience and skills. Due to the restrictions and obstacles imposed by apartheid, historically disadvantaged lawyers have generally not had the opportunities to

engage in complex commercial and other mainstream matters or to work for the judiciary or other parts of the government. The Project will help prepare such lawyers for the legal demands and challenges that will be placed on the government, particularly the judiciary, the private sector and civil society in the new South Africa. Law school graduates who are not currently employed will be eligible for training funded under this Project to help prepare them for positions they have been selected to occupy within the judiciary system.

(2) Paralegals and Advice Officers - South Africa has a vast network of Paralegal programs and Advice Offices. These organizations constituted for many years the only resource available to the disadvantaged South Africans to access a very restricted justice system. These organizations are very relevant and will continue to play an important role in the new democratic system. The Project will provide training and technical assistance to paralegals and advice office workers in order to improve their capabilities to serve the grass roots organizations and communities of South Africa. Rural based organizations and programs and those that serve rural communities will particularly be targeted.

b Judicial Officials - Officials of the judiciary, particularly judges, will be relied upon to protect and adjudicate the rights of all South Africa's citizens under the new constitution. The interim constitution, which includes extensive safeguards for the protection of human rights, is guaranteed supremacy in the new political dispensation. It is envisaged, however, that voluminous litigation will be initiated around constitutional matters. New legal principles will develop regularly and judicial officers will have to keep abreast of the changes and new developments.

Judicial officers traditionally have not exercised much impartiality or independence. These principles were often compromised by a variety of factors related to apartheid and the past political dispensation. This has influenced judicial actions and often led to abuses which infringed on basic human rights principles. The training must be designed to ensure that judicial officers act impartially and independently, yet decisively in protecting democracy and the rights of people.

To help insure that judicial officials are prepared for these tasks and challenges, the Project will support the MOJ's efforts to train, re-train and reorient, as necessary and appropriate, existing and new officials of the Ministry and Department of Justice and the court system. The training will take different forms but will include primarily short-term course-work, seminars, workshops and observation tours. It is planned that Project funded training will mainly take place in South Africa. However, other countries, including the United States, will be considered as locations for observation tours and for training where it is determined that such training can be better provided outside South Africa.

It is expected that the legal forum, and/or its members, will make a major contribution towards the definition of the mechanisms and options for the training. Moreover, it is envisaged that specific non-governmental organizations (NGOs) will be awarded sub-grants or contracts to develop, coordinate and/or implement at least part of the training programs.

2 **SECOND COMPONENT: INCREASED ACCESSIBILITY TO THE JUSTICE SYSTEM**

The Project will provide resources for the Grantee's initiative to make the legal and judicial systems, and all their components, substantially more accessible to all South Africans. There are two basic approaches to achieve increased access:

a **Affordability** - Access to legal services and the court system must be more affordable. People with legitimate claims and aspirations must confidently and effectively be able to utilize the systems without being penalized or excluded for pecuniary reasons. The high fees demanded by many legal practitioners makes litigation a luxury which many South Africans cannot afford. This factor can erode the protection of constitutional and human rights, as potential litigants are deterred by the expense involved in litigation and, therefore, forego their opportunity to enforce their rights. A strong human rights culture and confidence in the rule of law must entail appropriate, affordable mechanisms for enforcing rights and compelling obligations, failing which the system can lose credibility.

Accordingly, ways must be found to ensure that justice is affordable and thereby accessible. It may be necessary to examine the fee/cost structure of professionals, consider ways to streamline and simplify legal procedures and enhance the role of paralegals and advice office workers. Alternative dispute resolution mechanisms will also be considered.

Advice offices and more recently para-legal institutions have played an important role in protecting human rights. They have provided an inexpensive and effective method by which people could address problems. Serious consideration will be given to strengthening their role.

b **Entrance to Legal Profession and Judiciary** - All persons, irrespective of race, class, sex or religion, who desire to pursue a career within the legal or judicial systems must have an equal opportunity to do so. To have legitimacy, particularly among South Africa's majority population, the legal profession and judiciary need to become more representative, inclusive and diverse in terms of race and gender. In this context, criteria and qualification requirements for each of the different entry points into the legal profession and judiciary need to be carefully reviewed, scrutinized and changed if necessary, to ensure that they are not unduly restrictive or exclusionary.

c Specific Activities - Project funds will be used to fund activities, research, analysis, workshops and conferences, and other mechanisms for addressing the problem of accessibility. Sub-agreements may be entered into with non-governmental organizations (NGOs) to coordinate and implement specific activities. Specific areas of attention will include the following:

Affordability

- audience rights for and role of paralegals and advice office workers,
- simplification and streamlining of certain judicial procedures;
- fee/cost structure of legal practitioners,
- role of alternative dispute resolution mechanisms, and
- other lay person/public participation in judicial decision-making

Entrance to Legal Profession and Judiciary

- careful examination of the criteria for entry into the legal profession and judiciary including
- assessment of university curricula,
- language requirements, and
- criteria for appointment of judges and other officials of the judiciary

3 THIRD COMPONENT: CONSTITUTIONAL, CIVIL AND HUMAN RIGHTS EDUCATION

An integral determinant in making the system of administering justice more legitimate, credible and transparent, particularly at the grass roots level, is the extent to which citizens, including children, are knowledgeable about their constitutional, civil and human rights and the role of the justice system in protecting and adjudicating these rights. Accordingly, the MOJ desires to develop and test models and pilot activities for constitutional, civil and human rights education to be taught in schools, factories and other work-places. The development of such a program would require coordination and cooperation with other ministries, particularly the Ministry of Education. An education program of this nature would offer school children and workers proper understanding of these rights and their enforceability, as well as mechanisms to reduce or avoid conflicts or disputes. In addition, reference to gender, race

and "equality" in the context of the constitution is central to such an education. Such learning hopefully, would promote greater tolerance and respect for the rule of law. Although the development of a human rights culture in South Africa will take years, this proposed educational program would be a significant movement in the right direction.

It is planned that Project funds will be used to fund the development of educational models or pilot activities that could be utilized in schools and the work-place, respectively. It is likely that the services or assistance of NGOs will be obtained through sub-grants or contracts to assist in research, development and testing of such models. Given funding limitations, USAID's funds will not finance actual implementation of the educational program once successful models are developed, tested and approved. The Grantee agrees to cover the cost of implementing such a program.

The Ministry of Justice will initiate discussions with the Ministry of Education, labor sectors (including unions), community organizations and other interested parties in order to plan and implement this Project component.

#### 4 FOURTH COMPONENT: REVISION OF LAWS AND JUDICIAL REFORM

This Project component will provide resources to assist the Ministry of Justice to review, assess, redefine and reform, to the extent necessary, the judicial and legal systems in South Africa. This review process will include an internal assessment of the structure, procedures and policies of the Department of Justice. To implement this component, the MOJ will utilize, as appropriate, the expertise and resources of the Department of Justice and sub-grants or contracts with non-governmental organizations representative of civil society, including legal organizations, associations and professional societies. Areas that have been identified for review, assessment and possible reform include.

- (a) The system of precedent,
- (b) Accountability of judicial officers,
- (c) The juvenile justice system. Juveniles are among the most disadvantaged groups in South Africa and suffer severely as a result of a formerly oppressive judicial system. Therefore, the juvenile justice system needs to be carefully scrutinized and reformed on an urgent basis.
- (d) The traditional law system, and
- (e) Internal assessment of the Department of Justice.

5 FIFTH COMPONENT: PARTICIPATION OF CIVIL SOCIETY

Any project for the transformation of the judicial system cannot be embarked upon in isolation of the events unfolding in South Africa. Such transformation is a sensitive issue which requires careful planning and co-ordination. The project is designed to assist the MOJ to manage change through a careful examination of the different options for change. The type of changes envisaged will impact on the interests of the stakeholders.

Based on this scenario, the MOJ desires to consult as widely as possible with and encourage the participation of all stakeholders or interested parties to ensure that the project has the support of the public at large and the process of transformation is as transparent, democratic and inclusive as possible. Accordingly, it is proposed that the first step in the formulation and implementation of the project will be the convening of a legal forum. As envisaged by the MOJ, the legal forum would serve in an advisory and consultative capacity to the MOJ with regard to the other Project components and other matters germane to the transformation of the judicial and legal systems. Decision-making authority would appropriately remain with the Minister. The legal forum would be comprised of two representatives from each of about 30 organizations that have a clear interest and/or role in the transformation of the judicial and legal systems. Represented in the legal forum would be such organizations as the Black Lawyers Association (BLA), National Association of Democratic Lawyers (NADEL), Lawyers for Human Rights (LHR), Legal Resources center (LRC), Reconstruction and Development Department (RDP), Paralegal Forum, Association of Legal Societies (ALS), Advice Office Forum, Universities and Technikons, National Institute for Criminal Rehabilitation Organization (NICRO), Community Law center (CLC), National Institute for Public Interest and Research (NIPILAR), Institute for Independent Research on Peace and Human Rights (IIRPHR) and the Parliamentary Subcommittee on Justice. Such a forum would enable those groups to meet in a common venue to discuss matters of mutual interest and ensure that to the extent practical, changes made to the judicial system are the product of negotiation, dialogue and consensus. The forum also could discuss ways to facilitate cooperation between all stakeholders and other State Departments and consider the role of the general public and the legal profession in the process of transformation.

It is proposed that the first meeting of the legal forum be held in Cape Town not later than October-November 1994. At the initial meeting, it is expected that a decision would be made, based on open dialogue, whether there is a legitimate need for such a forum and, if so, what should be its role and function. The extent to which the forum would have its own formal structure and administrative and technical capacity will also be vetted at the initial meeting. It is anticipated that the forum would meet at least 4 times a year or at such other times as convened by itself or the Minister of Justice.

The MOJ envisions being able to refer specific matters to the Forum for its consideration and vice-versa. The Forum would be empowered to analyze and make recommendations or present options to the Minister on those matters referred to it. The Minister, in turn, could act on the recommendations of the Forum. The Forum also would be provided with Project progress reports and annual work plans for its consideration and input.

The MOJ and USAID/SA agree that the work or actions of the legal forum related to the Project would be eligible for Project funding. However, activities of the Forum not related to the Project would not be eligible to receive Project funds.

Finally, it is important to note that the establishment of a legal forum is only one mechanism for ensuring participation of civil society in the Project. If for whatever reason the legal forum is not established or does not function effectively, the MOJ is committed to pursuing other means of ensuring inclusion and participation of civil society in the transformation of the justice system. For example, the Coordination and Management Unit for this Project to be established within the MOJ conceivably could broaden its mandate to include the more extensive engagement of civil society participation in its decision-making and project implementation process. In addition, it is envisioned that NGOs representing civil society will be responsible for implementing specific project activities pursuant to sub-grants or sub-contracts.

## **B BENEFICIARIES**

1 Ordinary Citizens - The people of South Africa, particularly those who have been historically disadvantaged and deprived of equal treatment under and access to the law, will benefit from a more equitable, representative, transparent and accessible system of justice anticipated from the implementation of this Project. The planned participation and inclusion of civil society in the process of judicial transformation is expected to result in a new system that better represents the needs and interests, and protects the rights, of ordinary citizens. Moreover, it is envisaged that the Project will promote improved relationships, cooperation and mutual understanding between civil society, particularly historically disadvantaged communities, and the gatekeepers of the judicial system (i.e. judges, magistrates, advocates, attorneys, the DOJ, and law enforcement agencies). Finally, secondary and primary school students, as well as many workers, will benefit directly from implementation of the model or pilot constitutional and human rights educational programs or activities to be developed and tested under the Project.

2 Legal Practitioners and Officials of the Judicial System - Legal practitioners, particularly disadvantaged lawyers, will benefit from Project funded training that will increase their professional capabilities. Similarly, officials of the Ministry and Department of Justice and the court system, including judges, will benefit from a myriad of training, seminars, observation

tours and other mechanisms to enhance their professional skills and reorient them, to the extent necessary, to a new system of justice based on equality and respect for constitutionally guaranteed rights

3 Ministry and Department of Justice - Resources provided under the Project will increase the capacity and capability of the MOJ/DOJ to transform the judicial system. This process will include an internal MOJ/DOJ assessment and implementation of internal structural, procedural and/or policy changes, as necessary and appropriate, to achieve transformation objectives. In addition, the MOJ will benefit from the services of the 2 - 3 technical experts to be provided to the Project Management and Coordination Unit within the Ministry through USAID funded contracts.

4 South African Society - The Project is intended to support the development of a more egalitarian, democratic, human rights based system of justice that will have the respect of, and provide benefits to, South African society as a whole. Popular support and belief in the mechanisms of administering justice and protecting the rights of citizens is essential to the preservation and continued development of the democratic system and process highlighted by the April 1994 national elections.

An example of the broader societal benefits of the Project is provided by Advice Centers and Paralegal Programs that will directly benefit from the training program and access to justice component. They will be more professionally updated and upgraded and, therefore, become more prepared to serve and respond to the needs and concerns of their clients. Skills and techniques related to promotion of human rights, attainment of peace and mitigation of violence combined with better access to and an increased role in the judicial system, for example, will enable them to better prevent, extinguish or diminish violence before it becomes a major threat to the democratic system and peace in the communities. Therefore, the direct benefit of some will affect the democratic society as a whole.

## C EXPECTED IMPACT AND ACHIEVEMENTS

1 General Impact - By the end of the Project, it is anticipated that the system of administering justice in South Africa will be significantly more accessible, representative, transparent and legitimate for all South Africans. It is expected that the Project will contribute significantly to making the conception, definition and application of justice more equitable, human rights based and responsive to the needs and interests of all South Africans. A credible, reliable and accessible judicial system will contribute to political stability, a healthy social environment and economic growth by instilling confidence in the protection of fundamental rights and freedom of the individual, and serving as a deterrent against totalitarian tendencies, abuses of power and corruption.

Through the training component of the Project, the professional capabilities of historically disadvantaged lawyers and para-professionals will be significantly increased. Not only will such training enable the trainees to participate and be represented more fully in a myriad of judicial and other related fields, but it also will enhance the overall effectiveness and competency of the legal system in South Africa. Moreover, by providing training and an expanded judicial role for Advice Centers and Paralegals, the judicial system can become more responsive and better project its presence to the grassroots segments of South African society. Again, these programs, and their spin-off impacts, will both individually and cumulatively support increased peace, stability and development for South Africa.

The Project's education component is planned to be implemented through a combination of the Ministry of Justice, Ministry of Education, labor unions and/or NGOs. The concepts should ultimately result in millions of school children and workers having substantially more depth of understanding, knowledge and appreciation of fundamental rights and democracy. Moreover, human rights and democracy will be ingrained as an integral part of the policy, philosophy and strategy of the democratic government of South Africa. By raising the level of awareness of the people as a whole of concepts of human rights and justice, legitimacy of and popular respect for the system will be enhanced and the ordinary person's willingness and capacity to avail him/herself of the system increased.

The participation of civil society in the transformation of the judicial system will be a significant achievement of the Project, particularly given that civil society (representative of the liberation movement) and the MOJ/DOJ were engaged in turbulent conflict with and were distrustful of each other during the apartheid era. Through improved cooperation with and inclusion and positive engagement of civil society envisioned under the Project, democracy will be strengthened and the Grantee as well as the people of South Africa will benefit from the extensive resources and skills civil society can apply to improving the administration of justice system.

Notwithstanding the promise of positive achievements under the Project, it is important to underscore that, given the newness of the recently elected Government and the deep entrenchment of the old system from the apartheid years, changes, impact and results under this Project may take longer than expected to reach fruition. Accordingly, time frames should be carefully defined and reflect the current realities of South Africa.

2 Planned Specific Achievements - It is planned that by September 30, 1999 the following will have been achieved under each respective project component

a Training

- At least 1,500 historically disadvantaged lawyers will have benefitted from the training program,
- At least 2,000 Paralegal and Advice Office workers will have benefitted from the training program In this regard, the Grantee envisions its primary role as supporting existing programs of NGOs,
- The training of the largest practicable number of disadvantaged professionals to fill positions in the judicial system will be undertaken There will be a reasonable relationship between the number of people to be trained and the positions available within the judicial system

b Access

(1) Affordability

- Significant progress will have been made toward making legal services more accessible to the majority of South Africans through a variety of mechanisms, including
  - (1) assessment and revision, if necessary, of the legal profession fee structure,
  - (11) research completed and recommendations implemented regarding the role of paralegals and advice offices in judicial process

(2) Entrance to Legal Profession/Judiciary

- (1) examination of criteria for entry into the legal profession and judiciary will have been completed and recommendations, including those on university curricula, language requirements and criteria for appointment of judges and other judicial officials, will have been implemented

c Revision of Laws and Judicial Reform

- Juvenile justice system reviewed and recommendations for change implemented
- Internal review of Department of Justice structure, procedures and policy completed and recommendations implemented with a view toward supporting the judicial transformation process and more rational and efficient use of human and material resources

- Women's rights integrated in the new Constitution and Bill of Rights
- Assessment of traditional laws completed and recommendations implemented

#### d Constitutional, Civil and Human Rights Education

- Model programs and pilot activities for constitutional, civil and human rights education in primary and secondary schools and in selected work-places have been developed, successfully tested and implementation of such programs and activities has been approved by the Grantee and initiated

#### e Participation of Civil Society

- A Legal Forum and/or other form of organized, representative and coordinated participation from Civil Society in the transformation of the legal and judicial systems has been established and is effectively functioning

### **IV PROJECT MANAGEMENT**

Management and Coordination - The general management and coordination of the Project will reside in the Ministry of Justice USAID/South Africa will provide assistance and guidance at the request of the Ministry of Justice according to the guidelines stated below

#### A Ministry of Justice

Project Coordination and Management Unit (CMU) - This unit will be established within the MOJ, as soon as feasible after execution of the Grant Agreement, to coordinate and administer project activities on behalf of the Grantee. The CMU will serve as a link or intermediary, as appropriate, between the Minister of Justice and the Project. The Ministry of Justice will make available to the CMU all facilities and equipment necessary for the successful management and implementation of the Project. This unit will have overall responsibility for the implementation, monitoring and formative evaluations of the project. The CMU will be formed by highly qualified professionals to be appointed by the MOJ-DOJ.

Specific functions of the CMU will include

- Supervision, coordination and facilitation of project activities

- Responsibility for Grant Agreement implementation, including taking appropriate action to satisfy any conditions precedent to disbursement, preparing reports, developing a monitoring and evaluation plan, and accounting for the Grantee's contribution to the Project
- Preparation of written annual work plans which set forth in detail planned Project activities for the upcoming year
- Liaison with USAID/South Africa and any other donor organizations, on all matters relating to the Project
- Liaison with the Legal Forum, if established and functioning, and with universities, technikons, legal organizations, other relevant elements of civil society and other organs of the South African government

The CMU will be constituted as follows

- Project Director - This professional will be appointed by and will report directly to the Minister of Justice. He/she will have overall responsibility for coordination and implementation of the Project on behalf of the Grantee. The Project Director will be the primary liaison between the MOJ and USAID on all matters concerning the Project.
- Assistant Project Director - This professional generally will assist the Director with coordination and implementation oversight of the Project.
- Administrative Assistant - This person will be responsible for the daily administration of the Project on behalf of the Grantee. He/she will maintain proper books of account and financial and other Project records and will procure needed services and goods.
- Technical Assistants - Two-three experts. Although it is anticipated that the NGO sector will be called upon to help implement certain components of the Project, it is anticipated that the CMU still will need the services of, at least, two technical experts to assist in managing specific project components.
- Secretaries - At least two secretaries will be made available by the Ministry of Justice for all secretarial work required by the CMU in the administration and implementation of the Project.
- Clerks - The services of, at least, one clerk will be made available by the Ministry of Justice exclusively for support of the CMU.

The Ministry of Justice agrees to make available any other Ministry or Department of Justice personnel or resources necessary for the successful implementation of the Project

**B Department of Justice (DOJ)**

The DOJ will provide, at the request of the Minister of Justice or Project Director of the MCU, all infrastructure, expertise and other support necessary for the effective administration and implementation of the Project.

**C USAID/South Africa**

The Human Rights and Democracy Division (HRDD) of USAID/South Africa, will provide the overall supervision, coordination, monitoring and implementation support for the Project. The HRDD will be responsible for liaising on a regular basis with the Ministry of Justice, particularly the CMU, and all other participants in the Project, as needed and appropriate

The Parties hereto recognize that this Agreement is the first major Grant Agreement between the Government of South Africa and USAID/South Africa and that, therefore, they do not have any experience working together on Ministry of Justice Projects funded by USAID. Accordingly, the Parties agree that USAID/South Africa, on behalf of the Grantee, will, at least, initially negotiate and execute Project funded contracts for needed goods or services and other sub-agreements needed to meet Project objectives

**D MOJ/USAID**

The MCU Project Director or his/her representative, and the Chief of the Human Rights and Democracy Division at USAID/South Africa (or his designee), shall meet, at least, on a bimonthly basis to analyze, discuss and address implementation or administrative issues, or any other matters deemed relevant to the achievement of Project objectives. These meetings should take place as soon as possible after submission by the MCU to USAID of written quarterly implementation progress reports. Given the desire for open participation and inclusion of civil society in Project implementation, the MCU and USAID may jointly decide to invite a limited number of representatives of civil society to participate in these quarterly meetings, as appropriate

**V IMPLEMENTATION PLAN**

The following charts lay out the plan for implementing the Project activities that have been described above. Each of the major steps to be taken in initiating and carrying out the project is listed, with the approximate date it is to be done. The Project will commence on October 1, 1994, and continue for an estimated period of five years

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ILLUSTRATIVE IMPLEMENTATION PLAN

page 1

YEAR ONE OCTOBER 1994-SEPTEMBER 1995

<u>ACTIVITIES</u>	<u>MONTH</u>
1 Establishment of the Project Management and Coordination Unit (MCU) within the Ministry of Justice (appointment of officers, appointment/contracting for technical assistance to the MCU, job description, relations, responsibilities, division of labor, etc),	OCTOBER- DECEMBER, 1994
2 First meeting of the Legal Forum	OCTOBER, 1994
3 Physical installation of the MCU (offices, equipment, furnitures, etc )	OCTOBER AND NOVEMBER, 1994
4 Submission of work plan for year one	NOT LATER THAN NOVEMBER, 1994
5 Feasibility study for the Human Rights Education component and initiate conversations with Ministry of Education about implementation of the Human Right and Democracy subjects in the schools	DECEMBER, 1994 MARCH 1995
6 Assessments and studies regarding Law Review and Reform Priority will be given to the Juvenile Justice assessment,	DECEMBER, 1994/ SEPTEMBER, 1995
7 Preparation of and implementation of a scheme or schemes for training disadvantaged professionals and existing judicial officers with special reference to gender and race	DECEMBER 1994/ APRIL 1995
8 Definition of mechanisms to define training curriculum	JANUARY-MARCH 1995
9 Preparation of training curriculum	APRIL-AUGUST 1995

YEAR ONE OCTOBER 1994-SEPTEMBER 1995

<u>ACTIVITIES</u>	<u>MONTH</u>
10 Assessment of the feasibility of fusing the bar and side bar	JANUARY-MARCH 1995
11 Evaluation of all language requirements for admission as an attorney.	FEBRUARY-MAY 1995
12 Formulation of new criteria for the appointment of judicial officers	JANUARY-JUNE
13 Identification of individuals for the training envisaged in 3 above	JUNE 1995
14 Assessment of lay participation in system of justice	MARCH-SEPTEMBER 1995
15 Assessment on affordability	MARCH-JUNE 1995
16 Implementation of a bursary scheme for disadvantaged students	JANUARY 1995
17 Assessment of functions and structure of the Department of Justice	DECEMBER 1994/ JUNE 1995
18 First Formative Evaluation	AUGUST/ SEPTEMBER 1995
19 Analysis of fee structures to reduce costs	NOVEMBER
20 Granting of bursaries	JULY-AUGUST 1995

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YEAR TWO OCTOBER 1995 - SEPTEMBER 1996

<u>ACTIVITIES</u>	<u>MONTH</u>
1 Submission of annual work plan for year two	NLT SEPT 31
2 Commencement of training programs	SEPTEMBER 1995
3 Formulation and implementation of differentiated system for entry into the profession	OCTOBER-DECEMBER 1995
4 Assessment of feasibility of abolishing either completely or partially the system of articles and entrance examinations	OCTOBER-DECEMBER 1995
5 Implementation of recommendations of evaluation made in <u>YEAR ONE</u>	STARTING OCTOBER
6 Restructuration of the Department of Justice if so recommended	STARTING OCTOBER
7 Formative Evaluation for year two	AUGUST-SEPTEMBER 1995

	<u>ACTIVITIES</u>	<u>MONTH</u>
1	Submission of annual work plan for year three	NLT SEPT 30
2	Continuation of Training Program	WHOLE YEAR
3	Implementation of recommendations of evaluation made in <u>YEAR TWO</u>	WHOLE YEAR
4	Consideration of alternate methods of dispute resolution	OCTOBER
5	Streamlining and simplification of court procedures and processes (demystification of the law)	OCTOBER
6	Evaluation of audience rights for PARALEGALS, ADVICE OFFICE WORKERS and other categories of judicial helpers	NOVEMBER
7	Initiate implementation of recommendations of assessment and studies carried out in years 1 and 2	NOVEMBER
8	Formative Evaluation for year three	AUGUST-SEPT

YEAR FOUR OCTOBER 1997 - SEPTEMBER 1998

	<u>ACTIVITIES</u>	<u>MONTH</u>
1	Submission of annual work plan for year four	NLT SEPT 30
2	Continuation of training	WHOLE YEAR
3	Implementation of recommendations made in <u>YEAR THREE</u>	WHOLE YEAR
4	Evaluation of Judicial System with specific reference to the court structure and procedures, language requirements and simplification	OCTOBER
5	Formative evaluation for year four	AUGUST-SEP 1997

YEAR FIVE OCTOBER 1998 - SEPTEMBER 1999

	<u>ACTIVITIES</u>	<u>MONTH</u>
1	Submission of annual work plan for year five	NLT SEPT 30
2	Continuation of training	WHOLE YEAR
3	Implementation of recommendations made in <u>YEAR FOUR</u>	WHOLE YEAR
4	Winding up of project, alternatively formulation of proposal for the continuation of the project	JANUARY- SEPTEMBER
5	Evaluation of year five	AUGUST-SEPT 1999
6	Project Evaluation	SEPTEMBER-DEC 1999

## VI BUDGET AND FINANCIAL PLAN

The total Project budget is about US\$16,000,000 of which USAID/South Africa plans to contribute, subject to the availability of funds and agreement of the Parties to proceed with the Grant program, the equivalent in Rand of US\$9 million. It is planned that there will be both U S Dollars and Rand expenditures under the project. As the exact U S Dollar expenditures become better defined, the detailed illustrative budget will be modified through project implementation letters to reflect such U S dollar expenditures.

The breakdown and obligation of the estimated \$9 million to be contributed by USAID/SA over the estimated 5 year life of project (LOP) is as follows:

FY 1994 \$1.5 million, FY 1995 \$3 million, FY 1996 \$3 million,  
FY 1997 \$1.5 million

While it is envisaged that USAID/South Africa will be the principal donor contributing resources to the Project, the Grantee may discuss with any other potential donor possible funding for the Project or any component or activity thereof. Accordingly, other donors are encouraged to participate and provide inputs to the project.

A detailed illustrative budget and financial plan is presented on the next pages.

ILLUSTRATIVE PROJECT FINANCIAL PLAN

As of September 30, 1994

Project No 674-0301-G-SS-4182-00

PROJECT INPUTS	AMOUNT FOR AN INCREMENTAL FUNDED PROJECT								
	All amounts in Rand								
	Cumulative Obligations as of 9/30/1994			Future Years Anticipated			Total		
	A I D	G OTHER	A I D	G OTHER	A I D	G OTHER	A I D	G OTHER	
<b>A. CAPITAL EXPENDITURE</b>									
1	Costs of establishing an office for the project including the installation of telephones and computer cabling			70,000					
2	a)	4 Computers @R12,000	48,000						
	b)	3 laptop computers @R8,000	24,000						
	c)	3 printers	30,000						
3	1 Fax machine			12,000					
4	5 Filing cabinets			2,500					
5	8 Desks			16,000					
6	1 Conference table			4,500					
7	30 Chairs			15,000					
8	Dictaphone, transcribers & sundries			7,000					
9	Photocopier			25,000					
10	Camera and video system, tapes		22,000						
11	Five portable tape recorders		7,500						
12	Three dictaphones		7,500						
13	Three answer machines		6,000						
14	Two TV monitors		7,000						
B	BURSARY FUND			5,000,000		11,123,727			16,123,727
	<b>TOTAL PAGE 1</b>		<b>152,000</b>	<b>5,152,000</b>		<b>11,123,727</b>	<b>152,000</b>		<b>16,275,727</b>

G = GRANTEE

ILLUSTRATIVE PROJECT FINANCIAL PLAN

As of September 30, 1994

Project No 674-0301-G-SS-4182-00

PROJECT INPUTS	AMOUNT FOR AN INCREMENTAL FUNDED PROJECT									
	All amounts in Rand									
	Cumulative Obligations as of 9/30/1994			Future Years Anticipated NEXT FOUR YEARS			Total FOR FIVE YEARS LOP			
	A I D	G	OTHER	A.I D.	G	OTHER	A I D	G	OTHER	
<hr/>										
C. ADMINISTRATION COSTS										
1 Service or maintenance costs for equipment per year			3,000							
2. Salaries (13 MONTHS)										
Two Secretaries/Receptionist										
R3,000 p m			78,000							
Director R15,000 p m			195,000							
Administrator R7,000 p m			91,000							
Assistant director R12,000 p m			156,000							
General assistant R4,500 p m			58,500							
Clerk R1 100 p m			14,300							
3 Rental (250 sq meters R25,00 per sq meter)			75,000							
4 Telephone and faxes			48,000							
5 Stationery and printing			100,000							
6 Postage			24,000							
7 Electricity			4,800							
8 Cleaning and Petties			6,000							
9 Auditors			100,000							
10 Maintenance on photocopier			10,000							
<b>TOTAL PAGE 2</b>			<b>963,600</b>				<b>5,533,358</b>			<b>6,496,958</b>

ILLUSTRATIVE PROJECT FINANCIAL PLAN

As of September 30, 1994

Project No 674-0310-G-SS-4182-00

PROJECT INPUTS	AMOUNT FOR AN INCREMENTAL FUNDED PROJECT								
	All amounts in Rand								
	Cumulative Obligations as of 9/30/1994			Future Years Anticipated			Total		
	A I D	G OTHER	A I D	G OTHER	A I D	G OTHER	A I D	G OTHER	
D PROGRAM AND TECHNICAL ASSISTANCE									
1 RESEARCH FEES/TRAINING WORKSHOPS/PILOT PROJECTS HUMAN RIGHTS AND DEMOCRACY EDUCATION PLAN	2,009,000		14,000,000				16,009,000		
2. TRAVELLING COSTS	1,604,000		5,935,000				7,539,000		
3 LEGAL FORUM (5 meetings R150,000 each)	750,000		3,000,000				3,750,000		
4 EVALUATIONS	100,000		400,000				500,000		
5 SALARIES TECHNICAL ASSISTANCE CMU R130,000X2	260,000		1,040,000				1,300,000		
TOTAL PAGE 3	4,723,000		24,375,000				29,128,000		
<b>GRAND TOTAL:</b>	<b>4,875,000</b>	<b>6,115,600</b>	<b>24,375,000</b>	<b>16,657,085</b>	<b>29,250,000</b>	<b>22,772,685</b>			

- NOTES 1 USAID CONTRIBUTION HAS BEEN CALCULATED AT AN EXCHANGE RATE OF R3 25 TO US\$1  
 2 It has been assumed that services, rentals, air fares and hotel accommodation will increase @ 15 % per annum A bonus equal to a month's salary has been included in the salary estimates  
 3 The travelling expenses include international travel

## VII MONITORING AND EVALUATION

a Monitoring - The Ministry of Justice, through the Coordinating and Management Unit, and USAID/S A , through the Human Rights and Democracy Division, will continuously monitor the Project. Field visits, Project documentation reviews, achievement of targets reviews, meetings with the target population, and joint CMU and HRDD meetings will constitute the major activities through which monitoring will be carried out. The monitoring activities will provide essential feedback for changes, redirection, redefinition or affirmation of policy, purposes and methodology. These activities will also provide important elements to be considered in the evaluations. Reports submitted by the CMU constitute important elements in the monitoring and evaluation process. The Grantee will submit to USAID, in a timely manner, written semi-annual progress reports on activities funded and general performance under the Agreement. The content of the semi-annual reports will be mutually agreed upon between the Grantee and USAID, but should include a brief description of program accomplishments during the preceding six months and a discussion of any problems encountered and how they were resolved. The Grantee will also submit, in a timely manner and in a format mutually agreed upon by the Parties hereto, a written final report on all activities financed by the Agreement.

b Evaluation - The project will undergo several evaluations. These evaluations will be formative. The activities and time frames have been defined in such a way that before the end of each project year (each project year starts on October 1) an evaluation of purposes, goals, activities and achievements will be carried out. Also, an assessment of the activities for the following project year will be performed. Therefore, at least four formative evaluations will be carried out. A final evaluation will be performed at the end of the fifth year. This activity will provide the necessary information and feedback to decide about additional activities necessary to complete the project.

Three mechanisms are visualized for the evaluations

- 1 yearly evaluations/assessments carried out by the project staff, with some participation/technical assistance from outside the MOJ,
- 11 mid-term evaluation carried out by specialists hired from outside the Ministry of Justice, and
- 111 fifth year evaluation carried out jointly by MOJ's staff and specialists from outside the Ministry

The format and scope of work of the evaluations will be jointly defined by the Ministry of Justice and USAID/SA. However,

beneficiaries, administrators, technical staff and decision making officers of the Project will be consulted, interviewed and their feedback, opinions and recommendations will be recorded and included as an integral part of the final report. The evaluations will include quantitative as well as qualitative parameters. Quantitative indicators will be interpreted in terms of impact and contribution to the overall goal and purpose of the project.

The evaluations will discuss and analyze achievements and impact under each of the project components as well as progress in achieving the goal of the Project. They will also provide recommendations regarding future activities, project adjustments, changes, redirection of the project, etc.

The budget includes funds for the evaluations.