IMPROVED ACCESS TO JUSTICE IN THE CARIBBEAN (IMPACT Justice) PROJECT

PROJECT IMPLEMENTATION PLAN
VOLUME 1
April 1, 2014-March 31, 2019

Project Number: A-035470
Submitted to: Department of Foreign Affairs Trade and Development (DFATD)
Submitted by: UWI, Cave Hill Campus
Submitted October 2014; Revised September 2015
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ACRONYMS AND ABBREVIATIONS

ADR  Alternative Dispute Resolution
AWP  Annual Work Plan
CA   Contribution Agreement
CARICOM Caribbean Community and Common Market
CBPB Community-Based Peace-Building
CCJ  Caribbean Court of Justice
CDB  Caribbean Development Bank
CDEMA Caribbean Disaster Management Agency
CEDAW UN Convention on the Elimination of all Forms of Discrimination against Women
CIDA Canadian International Development Agency
CFTC Commonwealth Fund for Technical Cooperation
CLI Caribbean Law Institute
CLIC Caribbean Law Institute Centre
CPC  Chief Parliamentary Counsel
CPDC Caribbean Policy Development Centre
CRC  UN Convention on the Rights of the Child
CSME Caribbean Single Market and Economy
CTCP CARICOM Trade and Competitiveness Project
DFATD Department of Foreign Affairs, Trade and Development
DFID UK Dept. for International Development
DRF Dispute Resolution Foundation, Jamaica
ECCB Eastern Caribbean Central Bank
ECCU Eastern Caribbean Currency Union
ECSC Eastern Caribbean Supreme Court
EU European Union
IMPACS CARICOM Implementation Agency for Crime and Security
IDB Inter-American Development Bank
IMF International Monetary Fund
IRP Institute of Restorative Practices (Canada)
LAC Legal Affairs Committee, CARICOM Secretariat
LL.B. Bachelor of Laws
LM Logic Model
MDG Millennium Development Goals
NGO Non-Governmental Organisation
OCCBA Organisation of Commonwealth Caribbean Bar Associations
OECS Organisation of Eastern Caribbean States
PMF Performance Management Framework
PIP Project Implementation Plan
PMC Project Management Committee
PSC Project Steering Committee
RJ Restorative Justice
TAC Technical Advisory Group
UG University of Guyana
UNDP United Nations Development Programme
UNEP United Nations Environmental Programme
UNESCO United Nations Educational, Scientific and Cultural Organisation
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EXECUTIVE SUMMARY

Background

The “Improved Access to Justice in the Caribbean Project” (IMPACT Justice) is a CAD$22.2 million five-year (2014–2019) Project of which $19.2 million will be provided by the Canadian Department of Foreign Affairs, Trade and Development (DFATD). In-kind contributions of CAD$1,735,000 and $1,265,000 respectively will be made by UWI and Caribbean governments and institutions. The Contribution Agreement between DFATD and UWI for implementing the Project was signed on March 12, 2014.

IMPACT Justice is part of a larger initiative by the Government of Canada for addressing deficiencies in the justice sector of CARICOM Member States. Its ultimate outcome is expected to be enhanced access to justice benefitting men, women, youth and businesses in the CARICOM Member States of Antigua and Barbuda, Belize, Barbados, the Commonwealth of Dominica, Grenada, Guyana, Jamaica, Montserrat, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Suriname and Trinidad and Tobago. Some activities may be extended to the British Overseas Territories of Anguilla and the British Virgin Islands which are part of the Organisation of Eastern Caribbean States (OECS) Supreme Court system.

The Project will be implemented by the Cave Hill Campus of the University of the West Indies (UWI) from within the Caribbean Law Institute Centre, Faculty of Law.

Context

In 2006, CARICOM Member States agreed to implement the Caribbean Single Market and Economy (CSME) and have been receiving assistance from donors, including DFATD, to, inter alia, create a modern, harmonised, enabling infrastructure in the region to improve its trade, external investment, economic and human development.

Three years later, in 2009, as part of a larger programme to assist the region, the Canadian Government took the decision

- to support the regional economic development and integration agendas of the CSME and the OECS Economic Union which were established respectively by CARICOM and the OECS;
- to advance the rule of law; and
- strengthen legal institutions to counter rising crime and maintain law, order and personal security.

In keeping with these objectives, in 2010/2011 the Canadian Government commissioned a region-wide survey of the justice sector during which the consultants spoke to all the key regional stakeholders with regard to what they considered sector reform priorities. Further consultations followed, and in 2014 DFATD approved two regional projects -
IMPACT Justice, a civil society project, and JURIST, an administration of justice project, to address some of the justice sector deficiencies identified by regional stakeholders.

The Project’s **ultimate goal** will be reached through a set of immediate and intermediate outcomes.

### 3.1 The Intermediate Outcomes are:

1. Strengthened gender-equitable and environment sensitive legislation and the making of treaty policy at the national and regional levels.
2. Improved legal services, including legal education and information for women, men, youth and businesses at the national and regional levels.
3. Strengthened gender responsive alternative dispute resolution (ADR), restorative justice (RJ) and community-based peace-building services for women, men, youth and businesses in CARICOM Member States.

### 3.2 The Immediate Outcomes are:

- Increased access by Caribbean Community Member States to gender equitable and environmentally sensitive regional model laws and new or amended national laws (WBS 1100);
- An enhanced gender-responsive accountability framework which includes the upgrade of skills of the legal profession in CARICOM Member States;
- Improved equitable access by the legal profession and public (men, women, youth and businesses) to legal information in CARICOM Member States; and
- Increased training of ADR practitioners and increased equitable access by women, men, youth and businesses in CARICOM Member states to ADR, RJ and community-based peace-building services in CARICOM Member States.

To achieve the outcomes above, several activities are to be undertaken under four IMPACT Justice programme components. They are:

**Component 1** – Increased access by Caribbean Community (CARICOM) Member States to gender equitable and environmentally sensitive legislation and treaty making at the national and regional levels.

**Funding allocated:** $5,367,382 (28.0% of DFATD contribution)

**Component 2** – An enhanced gender-responsive accountability framework and upgrade of skills of the legal profession in CARICOM Member States.
Funding allocated $449,500 (3% of DFATD contribution)

Component 3 - Improved equitable access by the legal profession and public (men, women, youth and businesses) to legal information in CARICOM Member States

Funding allocated: $1,868,336 (10% of DFATD contribution)

Component 4 - Increased capacity of alternative dispute resolution practitioners to deliver gender responsive alternative dispute resolution, restorative justice and community-based peace building services for settling disputes; and increased access to these services by women, men, youth and businesses in CARICOM Member states.

Funding allocated: $3,395,029 (18% of DFATD contribution)

These Project programme components are interrelated in that they are all designed to address justice sector deficiencies identified by stakeholders and beneficiaries from a civil society angle.

Component 5 - Project management. This component includes provision for PIU staff costs, convening the PSC, PMC and TAGS, hiring and managing consultants, and includes establishing and managing the communications strategy, project monitoring and administrative costs and goods, assets and supplies.

Funding allocated: $6,062,610) (30% of DFATD contribution)

DFATD contribution - $17,142,857
Plus 12% overhead = $19,200,000

It is clear from the information provided above that the highest budget allocation is for management, followed by Component 1, the main activities of which are drafting laws to further the objectives of the CSME and the OECS Economic Union, correct gender inequality in legal frameworks at the national level and train legislative drafters. The activities under this Component have tremendous potential to positively affect the economies and societies of all CARICOM Member States. The third highest allocation is for the component which will provide access to justice outside the cluttered court systems by training mediators and arbitrators in alternative dispute resolution techniques and sensitising the public as to its benefits. These, and other activities for increasing accountability on the part of the legal profession, providing greater access to the legal information tools of the region and increasing citizens’ knowledge of their rights under the law will all contribute to the achievement of the Project’s ultimate outcome.

Locally defined and driven through stakeholder consultations led by the University of the West Indies, the Project is firmly situated within the wider justice sector reform agenda of the Caribbean Community, and it represents “buy-in” from diverse stakeholders including governments, the judiciary, legal profession, other justice sector actors and NGOs who
welcome its agenda for improving access to justice in the region. It can be seen as complementary to other justice sector reform initiatives in the Caribbean such as the JURIST Project, thereby increasing the scope for regional-level results.

In addition to being a response to justice sector reform needs identified by representatives of governments and other regional stakeholders, the IMPACT Project fits within the Caribbean policy of the Government of Canada. That policy is to contribute to a more prosperous and integrated Caribbean Community that is able to generate sustainable economic growth, providing opportunity and security for its citizens. This is to be achieved by fostering the increased capacity and accountability of public institutions, a more competitive private sector, the advancement of rule of law and strengthening of legal institutions to counter rising crime and maintain law, order and personal security.

The Project will also contribute indirectly to DFATD’s thematic priority of sustainable economic growth by drafting gender equitable model laws and harmonized legislation for the establishment of the Single Market and Economy at the regional level and the OECS Economic Union at the sub-regional level. Countries in the region will benefit from increased trade, investment and human development opportunities created by the new legal frameworks.

**Project Principles**

The main principles that will be adopted in implementing the IMPACT Justice Project are (a) keeping local and regional partners engaged to instil in them a sense of ownership of the Project; (b) utilising local knowledge and skills since Project inputs and activities are more likely to result in outputs of good quality and within budget and deadlines if this is done.

The local and regional partners of IMPACT Justice, all of whom are or will be involved in the governance, management and/or implementation of the Project include: ADR Associations throughout the region, Attorneys General/Ministers of Justice, the CARICOM Secretariat and its CSME Unit and Legal Affairs Committee (LAC), the Caribbean Association of Law Libraries, the Caribbean Court of Justice, the Council of Legal Education, Chambers of Commerce and Industry, the OECS Secretariat, the OECS Supreme Court, Faculties of Law of UWI, the UG and the University of Suriname, NGOs throughout the region, especially those that deal with gender equality and community-based peace-building programmes, the UWI Institute of Gender Studies, regional and national bar associations, UN Women and other organisations.

Another IMPACT Justice Project principle is to seek to examine and learn from the experiences of institutions elsewhere that are delivering similar kinds of programmes. Thus, it will draw from the relevant experience of Canadian academic, professional or private sector institutions. These include: the ADR Institute of Canada; Andornot (a legal database developer that developed the search engine and interface for CariLaw, the case law database of the Cave Hill Faculty of Law Library); Athabasca University which offers
an online Diploma in Legislative Drafting; the Canadian Arbitration Association, the Canadian Association of Law Libraries, the Canadian Bar Association, the Faculty of Law, University of Toronto, Lexum Inc., a database developer based at the University of Montreal and the Institute of Restorative Practices (Canada). These relationships will be used to assist in providing opportunities for women, men, youth and businesses to develop the knowledge and skills necessary to facilitate Caribbean national and regional growth in this global environment.

Cross-Cutting Themes

The three main cross-cutting themes to be integrated into the IMPACT Justice Project, and which accord with DFATD’s developmental strategies are gender equality, environmental sustainability and governance.

Gender Equality

With regard to gender equality, the Project will ensure that this is observed in its hiring practices, in each Project component, that all data will be disaggregated by sex, and measure and report on participation rates and distribution of benefits between men, women, girls and boys. The Project will also report on how it has contributed to a reduction in gender inequalities or contribute to resolving gender inequality issues. Details of the ways in which these strategies will be integrated into the Project are provided in the main body of the PIP. In addition, a full Gender Equality Strategy with an extensive Caribbean background is given in volume 2 of the PIP as Annex N.

Environmental Sustainability

The IMPACT Justice Environmental Sustainability Strategy provides a framework for incorporating environmental considerations into the programme. The Environmental Sustainability Strategy is to incorporate environmental sustainability as a cross-cutting theme in all major programming elements and mitigate the Project developmental risk that natural disasters could disrupt the Project and destroy key documents. That risk mitigation is provided for the IMPACT Justice project through the Records and Information Disaster Preparedness and Recovery Policy (Appendix O).

In terms of incorporating environmental sustainability as a crosscutting theme in its activities, the IMPACT Justice Project will:

- seek to raise the environmental awareness for those involved in the drafting of legislation and treaties, that is, policy makers, legislative drafters and members of the legal profession;
- support the development of integrated environmental curricula for student legislative drafters by exposing them to the linkages between the environment and economic development;
contribute to the region’s environmental sustainability by promoting the adoption of environmentally-sensitive legislation and training, as well as to the sustainability of the Project’s results that would be kept safe in this disaster-prone region through the Disaster Preparedness and Recovery Plan that would be extended to the legal system;

- adopt and promote green organisational practices (reduce, reuse and recycle).

**Governance**

A third crosscutting theme for international assistance from the Government of Canada is governance which encompasses the rules, institutions and processes through which people, organizations and governments work toward common objectives, make decisions, generate legitimate authority and power and promote and protect human rights and the advancement of democratic values. The values that underlie human rights, democracy and good governance, among them respect for human dignity, justice, equity, participation and accountability, are important to Canadians.

A set of attributes that underpin interventions which the Canadian Government undertakes in support of human rights, democratization and good governance will all be woven into IMPACT Justice project components. They are:

- participation and inclusion
- transparency and accountability
- efficiency and effectiveness
- equity, equality and non-discrimination
- capacity and responsiveness.

**Linkages between the crosscutting themes**

Ensuring harmonization of governance with the other crosscutting themes of environmental sustainability and gender equality is essential to delivering sustainable results. There are strong linkages between the environment and governance, as governance reinforces the need to strengthen local governance systems, to address challenges posed by climate change and natural disaster. The linkages between governance and gender equality are also strong, as women are especially vulnerable to being marginalized from political, social and economic representation and are often denied full access to rights within some developing countries.

**Project Governance**

The IMPACT Justice Project PIU will be led by the Project Director and staffed by five other persons working on a full-time basis. Provision will be made for hiring temporary, part-time staff as needed.

Several committees will be part of the governance and implementation structure. At the apex will be a Project Steering Committee, membership of which will include a DFATD
representative and the UWI Principal as co-chairs, a representative of the JURIST Project, one representative each of the CARICOM and OECS Secretariats, an Attorney General representing the CARICOM Legal Affairs Committee and one representative each of the business and NGO communities.

There is provision for a Management Committee comprising the IMPACT Justice Project Director, its Project Manager, the Manager of the JURIST Project and the University Dean representing the UWI Faculties of Law, the Head of the Law Department of the University of Guyana and the University of Suriname.

Five Technical Advisory Groups (TAGS) comprising experts, policy analysts and beneficiaries will determine the focus of activities, report on outputs as they affect the groups which they represent, recommend adjustments to Project strategies in light of changing conditions and realities, prepare the second and subsequent Annual Work Plans and annual progress reports. It is expected that these committees will meet annually.

**Project Budget**

Three versions of the Revised Estimated IMPACT Justice Project budget are provided as Annexes E to G in volume 2 of the PIP. The first, Annex E, gives a summary of the budget according to the DFATD Eligible Budget Categories which are:

- Remuneration /Fees for (a) local employees and (b) subcontractors;
- Fees
- Reimbursable Costs
- Allowance for Indirect/Overhead Costs.

The second version of the Project Budget shown is Annex F. This is an expanded version of Annex E and it shows the annual amounts allocated under the Eligible Budget Categories. Annex G shows the inception and 9 month Work Plan for Year 1 and estimates for Years 2 to 5 according to WBS. Under each WBS item, the amounts allocated for travel, training and consultancies are shown.

While the total contributions from DFATD and the in-kind contributions from UWI and other organisations provided for in the Contribution Agreement remain the same as in the Project Proposal Budget (DFATD $19,000,000 and UWI and other organisations $1,735,000 and $1,265,000 respectively), some internal adjustments have been made. These pertain to (1) DFATD contributions under Category 1.6.1 Travel, which has been reduced from $5,520,000 to $4,500,697 with the funds cut from Travel being allocated to Categories 1.6.4 “Other Training Costs” and to 1.6.7. “Administration Costs Directly Related to the Initiative”. (See Annex F). The changes were necessary to ensure that enough funds are available for various training costs and to pay for expenses related to meetings of the PSC and PMC, delivering the communications strategy and internal monitoring and reporting activities. None of the transfers of funds among Budget categories affect the total remuneration/fees or reimbursable Budget categories already
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approved by DFATD in the Contribution Agreement, exceed 30% of the funds for line
items affected, nor increase the total DFATD contribution. Therefore, no prior DFATD
approval is needed.

However, in the Contribution Agreement, the Allowance for Indirect/Overhead Costs is
11.87%. In light of an earlier verbal communication from DFATD that it would be possible
to increase the allowance to 12%, UWI is now seeking approval from DFATD to increase it
from 11.87% to 12% and that the increase be shown in Annexes E and F.

Project Implementation Schedule

The Project Implementation Schedule for Years 1 to 5 of the IMPACT Justice Project is
shown in Annex H. According to the Schedule, activity will commence under all Project
Components from October 2014, especially in relation to legislation and treaty drafting,
training of legislative drafters, public legal education and ADR and will continue for the life
of the Project. Activities pertaining to the legal profession and legal databases will
commence during the third quarter of Year 1 and are expected to be completed between
the end of the second year and early in the third year of the Project.

PROJECT MONITORING AND REPORTING

Monitoring Performance

The task of monitoring progress against Project plans will fall primarily on the TAGS and
the Project Manager. Based on the prescribed project reporting cycle, progress will be
reviewed twice a year. The results of these reviews will be documented, reported to the
Project Director and included in the consolidated Semi-Annual and Annual Reports which
the Project Director will be responsible for preparing and submitting to DFATD as
required by section 2.6. of the Contribution Agreement.

DFATD has also planned to engage an external monitor for this Project. The PIU will
support that person’s activities by providing detailed progress and reporting information
as required. It will also support any mid-term or end of Project evaluations that might be
undertaken by DFATD.

The financial management and reporting system will track and report Project expenditure
in relation to the categories of expenditure set out in the CA and in relation to the
elements of the LM and WBS described elsewhere in this document. Semi-annual reports
will be reviewed by the Project Implementation Unit. Supporting explanations for
significant variances (greater than 10%) will be provided in progress reports and
deviations of more than 20% in budgets and/or expenditures will be brought to the
attention of the Project Steering Committee for consideration and to DFATD for approval.
Financial data will be certified on an annual basis by the Bursary of the UWI Cave Hill
Campus and will be subject to UWI’s normal institutional audit requirements.
Risk Register and Risk Management

When the Project Proposal was being prepared, Project risks were assessed in line with Treasury Board requirements and were deemed manageable. These included risks that drafters trained under the Project would leave the region, that a weak understanding of RBM would impede the establishment of tracking mechanisms, and that natural disasters would destroy documents and disrupt the Project.

Since then, a number of operational and development risks identified by the Consultants who conducted the ADR Survey in mid-2014 have been added. These risks are that the ADR reform agendas of the larger regional countries may not accord with those of smaller countries; resistance on the part of regional citizens to using the various modes of ADR as an alternative to litigation and national funding constraints which may impede the ability of regional governments to financially subscribe to ADR reform initiatives. The mitigation strategies to be employed should be sufficient to reduce all these risks, but the Project is particularly concerned about key stakeholders such as Parliamentary Counsel not willingly accepting its model legislation and taking steps to make adaptations at the national levels in a timely manner, even though they would have had knowledge of and would have been consulted in relation to preparation of the models. For the time being, Development Risk 1 will be marked as a “high” risk, and will be monitored.

The Risk Register is provided at Annex C.

Project Reporting Requirements

The content and format of the full range of reports to be submitted to DFATD by the IMPACT Justice Project are shown in Table 10.

Annual Work Planning

Preparation of the AWP for each year will be the responsibility of the Project Director working with the TAGS. The AWP must then be approved by the PSC. The Gender, Environment and Communications Advisors will undertake annual reviews of their respective strategies to measure progress against objectives, identify any issues and prepare plans of action for their sectors for the coming year. The latter will be included as part of the AWP. The AWP format will conform to the requirements set out in Annex D to the Contribution Agreement.

Communication Strategy

An IMPACT Justice Project communications strategy has been developed and is attached to the PIP as Annex M. The main objectives are to ensure that Project-related information is made available to key partners both within and outside the region, and that DFATD and UWI, the primary sponsors, are given due recognition and prominence in all Project-related communications. The IMPACT Justice Project will work closely with DFATD with a
view to publicizing Project success stories in Canada to provide positive information for Canadians about developments in the region which can be attributed to the financial assistance given by DFATD. Project communications will also highlight the role played by Canadian partners in implementing certain aspects of the Project.

The Strategy defines the communications environment and reach of the Project, and it covers branding, direct marketing, digital and physical communications tools and market research as they apply to both internal and external communications needs. The communications budget will include sums for mass media advertising, social media, graphic design services, multimedia production services, mailing and distribution. Funding of $140,000 per year for hiring the part-time specialist and implementing activities under the Communications Strategy are included in the Project management budget.

**Records and Information Disaster Preparedness and Recovery Policy**

A Records and Information Disaster Preparedness and Recovery Policy prepared by the Cave Hill Campus Records Management Office is attached as Annex O. Its purpose is to enable the Project team to deal with a disaster with maximum efficiency and minimum loss to Project records and information. The Plan outlines the responsibilities of members of the PIU, sets out what needs to be done for disaster prevention, depending on the type of disaster, and the steps to be followed during the recovery stage. The Plan will be expanded during Year 2 of the Project to include a disaster loss reduction and mitigation policy for the regional legal system.

**Sustainability Strategy**

Sustainability is a goal that requires the IMPACT Justice Project to develop adequate skills, knowledge and institutional capacities in CARICOM Member States in order to maintain Project results and benefits at the regional level beyond Project end. To achieve that goal, the Project will start developing a Sustainability Strategy from early in its life.

**Sustainability**

The desired sustainable outcomes of this Project are that:

- males and females trained under the Project would have been equipped to assist in the equitable training of other males and females with the materials and knowledge gained;
- improvements to the justice sector frameworks will be sustained through the gender neutral and environmentally sensitive legislation drafted, the additional persons trained as drafters to produce this legislation and the manuals to assist them in their work which have all been outputs of this Project;
- institutionalising of training programs and effective consultative processes and information sharing will contribute to the sustainability of Project results and lead
to improvements in access to justice and the betterment of the lives of citizens in CARICOM;

- training of partners in the use of RBM will assist them in developing a sustainable, coordinated and coherent system of collecting data, reporting on indicators and indicator validation which will be used in the continuation of the IMPACT Justice project or any successor Project;

- ADR organisations are established in every CARICOM country with mediators working in their communities from community centres and other public places where men, women, youth and businesses would utilise their services instead of taking problems to court;

- mediation legislation to provide the framework within which community mediation programmes can develop and flourish is in place and cases are being heard by community mediators which formerly would have been taken to court;

- a legislative drafting facility, evolving from work being done by the IMPACT Justice Project in relation to legislative drafting is established at CLIC.

- a disaster loss reduction and mitigation policy for the region's legal system is developed.

The strategies for achieving these sustainable outcomes are discussed in section 6.7 of the PIP.

**Exit Strategies**

An exit Strategy is needed to ensure a controlled programme closure by the target closing date and to ensure sustainability of the IMPACT Justice Project outcomes. The final Exit Strategy will be submitted to DFATD 12 months before the end of the Project. The Strategy will balance the need to maintain an adequate support structure for effective implementation of final programming, while providing sufficient time to complete each physical component of programme closure.

IMPACT Justice will make provision for partners to shoulder more responsibility for initiatives at the national level from year 4 of the Project, and in so doing, will assist them in strengthening their organisational and management skills, their ability to fundraise and to network and collaborate with each other. The final Exit Strategy will build upon the concepts of the sustainability plan for the Project outlined in section 6.7.1 above. It will articulate how the transfer of responsibilities for maintaining Project structures and processes will move from the Project implementation unit to both national and regional partners, and the role to be played by former Project TAGS; how trainees will be encouraged to train others; and how to leverage funding for continuing work by partners. The plan will also address the sustainability of the Caribbean Law Institute Centre as a leader in the region in research and development activities which are needed for long term justice sector reform. In addition, the final Project Exit Strategy will provide for disposing Project-procured physical assets. The specific mechanism to plan and achieve the sustainability of results of the IMPACT Project after its end, and to deliver to its
beneficiaries the expected results corresponding to the Project objectives are provided in section 6.7 of the PIP.

Conclusion

In the PIP, it has been shown:

- how the IMPACT Justice Project components were decided on;
- who are, and how Project partners will be involved in the Project;
- how the cross-cutting themes of gender, environmental awareness and governance will be interwoven into the Project;
- how the Project will be managed and the principles according to which it will be managed;
- that most of the funding and efforts of the initiative will be spent on:
  - improving the legal frameworks for the CSME, the OECS Economic Union and other initiatives which will lead to greater regional integration and economic development;
  - making alternative dispute resolution more structured and accessible, thus improving access to speedier and cheaper resolution of disputes by the parties themselves with the assistance of trained, impartial third parties; and,

at the same time, provision will be made for improving access to the region's legal information, legal profession frameworks and increasing the availability of legal education at the grassroots level.

These activities are all expected to contribute to the ultimate outcome of the Project, which is enhanced access to justice benefiting men, women, girls, boys and businesses in CARICOM Member States.
1. INTRODUCTION

1.1. Project overview

The “Improved Access to Justice in the Caribbean Project” (IMPACT Justice) is a CAD$22.2 million five-year Project. Of the total Project funds, $19.2 million will be provided by the Canadian Department of Foreign Affairs, Trade and Development (DFATD) and in-kind contributions of CAD$1,735,000 and $1,265,000 respectively will be provided by UWI and Caribbean governments and institutions.

IMPACT Justice is a multi-pronged Project, the ultimate outcome of which is enhanced access to justice benefitting men, women, youth and businesses in the Caribbean Community (CARICOM). It will be implemented in the following 13 CARICOM Member States: Antigua and Barbuda, Barbados, Belize, the Commonwealth of Dominica, Grenada, Guyana, Jamaica, Montserrat, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Suriname and Trinidad and Tobago. Some activities may be extended to the British Overseas Territories of Anguilla and the British Virgin Islands which are part of the Organisation of Eastern Caribbean States Supreme Court system (OECS Supreme Court). The Bahamas and the British Overseas Territories of the Cayman Islands and the Turks and Caicos Islands are not included in the Project.

1.2. Background

Discussions between the then Canadian International Development Agency (CIDA), now DFATD and the University of the West Indies (UWI), Cave Hill Campus which led to the formulation of the IMPACT Justice Project commenced in 2011 and continued through to December 2012 when a Project Proposal prepared by UWI was submitted to CIDA. Amendments to the Proposal were made during 2013, and it was approved by DFATD for funding in February 2014. On 12 March 2014 the Contribution Agreement under which the Project is to be implemented was signed by representatives of DFATD and the UWI, Cave Hill Campus.

1.3. Project Implementation Plan (PIP) methodology

This Project Implementation Plan (PIP) was developed in a participatory fashion using a combination of research, fact finding missions and consultations with subject matter experts and Project stakeholders in the CARICOM region and Canada to:

- ascertain whether the priorities and challenges associated with justice sector improvement in the region had changed since the Project Proposal was written;
- validate the initial concept design as included in the Project Proposal; and
- bring the elements and activities of the proposed Project up to date in light of the most recent contextual developments and additional thinking about the Project approach.
This methodology provided the data needed to determine the proposed IMPACT Justice activities in the region over the life of the Project and to prepare a revised PMF to support the monitoring of its outcomes and outputs, including the identification of baseline conditions for the investment.

The PIP is a long term plan implemented through annual work plans. The main audiences for the PIP are DFATD, UWI, the IMPACT Justice Project Steering Committee (PSC), its Management Committee, Technical Advisory Groups, staff and its Caribbean and Canadian partners.

The PIP is organised as follows:

The main report is **Volume 1** comprising:

- **Chapter 1: Introduction** – this chapter provides an overview of the Project, the background to the Proposal from which it resulted, and the methodology used in developing the PIP.

- **Chapter 2: Project Design** – this chapter describes the context, rationale and strategic approach taken by the Project. It sets out Project objectives and expected results, identifies the intended reach and beneficiaries of the Project, and also sets out the strategies for dealing with risks and integrating gender equality and environmental sustainability into Project activities.

- **Chapter 3: Project Management and Governance** – this chapter describes the structure and approach taken to Project management, sets out the responsibilities of Project partners and shows how principles of good governance will be interwoven into Project activities.

- **Chapter 4: Project Implementation** – this chapter identifies detailed outputs and activities, the work breakdown structure (WBS) and the funding to be allocated to Project components.

- **Chapter 5: Project Budget** – this chapter accounts for differences in terms of funding allocations between the Project Proposal and the PIP, and discusses the Project Implementation Schedule.

- **Chapter 6: Project Monitoring and Reporting** – this chapter describes how information on the Project will be collected, analysed and shared; how its results will be measured and reported on, by whom and according to which time frames and sets out the basis for ongoing communications with Project stakeholders.

**Volume 2** of the PIP contains the following appendices: The LM, PMF, the Risk Register, WBS, the Budget (annual and 5 year profiles), the Implementation
Schedule, ADR Regional Survey Report, the Project’s Communications Strategy, the Project’s Gender Strategy and Disaster Management Strategy.

- **Volume 3** of the PIP contains the Baseline Study Report.
- **Volume 4** contains the AWP for year 1 of the Project.

2. **PROJECT DESIGN**

2.1. **Rationale**

Access to justice means that citizens are able to use justice sector institutions to obtain solutions to their legal problems. It is critical for enabling citizens to exercise their voices, effectively monitor and hold governments to account, enter informed dialogue about decisions which affect their lives and claim their rights and entitlement under the law.

Requests for improvements in access to justice across the CARICOM region were made in November 2011 when the stakeholders were consulted for a CIDA commissioned study on the needs and priorities for justice sector reform programming in the region1 and at follow-up consultations held at the Caribbean Court of Justice in January and February 2012.2 At these consultations, justice sector stakeholders prioritized areas for reform that would address the removal or reduction of existing barriers to access to justice, and agreed that a regional approach to reform was needed to effectively deal with common issues.

The stakeholders recognised that most of the issues were long standing and common across the region, and for these reasons, a regional approach is desirable, even if at the same time support is being provided to national reform programmes. They also recognised that due to economic challenges, neither national governments nor regional institutions had been able to provide the funding needed to address the issues and that even though for several decades donors had been providing financial assistance, it was never enough, nor was it designed to treat with the problems at a regional level.

The IMPACT Justice Project is a response to the requests made by justice sector stakeholders for urgent action to effect improvements in access to justice across the region, and it will pull together and continue work done under earlier initiatives as well as institute new programmes identified as necessary to the region’s social and economic development. It is designed to address deficiencies in the justice sector in CARICOM outside those that are directly related to the judiciary and the courts and will be implemented by the Cave Hill Campus of UWI. Given its regional mandate, the strength of its Faculty of Law (the oldest Faculty of Law within UWI) and its strong ties with key institutions across the Caribbean, the Cave Hill Campus was identified as the best Caribbean institution to implement this civil society, access to justice reform project. The Project Implementation Unit (PIU) will be located within its Caribbean Law Institute Centre (CLIC), which, over the years has worked closely with institutions and leading professionals in CARICOM Member
States, providing advice and technical assistance in many areas of law. The Centre also has the status of a CARICOM Institution, which means that it participates in, and reports to the CARICOM Secretariat on its activities, and may be invited by the Secretariat to attend meetings of its Legal Affairs Committee, which are attended by Attorneys General, Chief Parliamentary Counsel and representatives of regional bar associations. It is therefore appropriate that a regional justice sector project be led by the University’s Cave Hill Campus and implemented from within CLIC.

2.2. Context

The Caribbean Community and Common Market (CARICOM) was established in 1973 and now comprises 15 nations and dependencies including the Dutch-speaking Suriname and the French-speaking Haiti. The grouping has a population of 6.8 million (excluding Haiti). Seven of the States comprise a sub-regional grouping known as the Organisation of Eastern Caribbean States (the OECS). CARICOM’s main purposes are to promote economic integration and cooperation among its members, to ensure that the benefits of integration are shared equitably and to coordinate foreign policy. In 2006 CARICOM endorsed a Single Market and Economy (CSME) which is still unfolding, and navigating the commercial and investment laws of the fourteen CARICOM independent Member States has continued to be difficult, posing barriers to trade, commerce and investment.

CARICOM countries share common development challenges which include small populations, human resource deficits, a susceptibility to natural disasters and increasing rates of crime and violence. Following the global recession which began in 2009, countries in the region have been struggling to return to positive growth, and up to 2013 most continued to be plagued by elevated public debt, weak tourism and remittance inflows, reduced revenues from domestic activities, reduced competitiveness and productivity, contraction of private sector investment and unfavourable terms of trade. However, in 2014, most, especially the more tourism-dependent economies recorded growth, with real GDP being estimated at 1.3%. The exceptions were Barbados and the British Overseas Territory of the British Virgin Islands, which remained stagnant for the 7th consecutive year. In Barbados, weak performances in tourism, international business and construction did not compensate for declined in manufacturing and agriculture.

Economic challenges in the post 2009 period led to drastic cutbacks in government spending evidenced by layoffs, wage controls, and price increases in some countries. These developments tended to compromise the advances in social policy represented in the UNDP Caribbean Human Development Report for 2012, and to contribute to an increase in social inequality across the region, with much hardship being experienced by disadvantaged and vulnerable groups such as women and youth of both sexes who have no skills training.

Concomitant with economic challenges are the troubling levels of non-criminalised forms of social violence especially between youths and against women. Both regional institutions and national governments have sought to identify the causes of persistently high levels of
crime. Thus, at the regional level, in 2006, governments and donors established the CARICOM Implementation Agency for Crime and Security (IMPACS) to administer a collective response to the crime and security priorities of Member States. IMPACS produced a CARICOM Crime and Security Strategy 2013 which was approved by Governments of Member States. The strategy identified and prioritised the common security risks and threats which CARICOM is now facing and is likely to face in the future, and articulated an integrated and cohesive framework to confront those challenges. At the national level, governments have been developing crime prevention and criminal justice policies and strategies to address crime and violence, and are expected to use the CARICOM Strategy to further guide their efforts.

Even in the face of major economic and social problems, the CARICOM countries in which the IMPACT Justice Project will be implemented are politically stable and have strong democratic traditions including respect for the rule of law. However, links have been made between weak economic development and poorly-functioning justice sectors, and it is often the case that when economies are stagnant, the justice sector (Ministries of Legal Affairs/Justice, the judiciary, courts, mediators, lawyers, Ombudsmen, law enforcement bodies such as the police, prisons and legal education providers such as law schools and universities) receive less funds for routine activities and even less for reform activities.

The promotion of access to justice is therefore of high priority among Caribbean Community member states. Common regional access to justice deficiencies include: outdated legislation; weak implementation of laws designed to protect vulnerable groups; a shortage of legislative drafters; a lack of public education concerning the justice system and the rights of citizens; criminal and civil courts that are so overburdened that citizens, especially women and the poor and marginalized face obstacles to quick, effective and fair response when seeking to protect their rights and solve disputes; limited access to alternative dispute resolution mechanisms to avoid further overburdening the courts and woefully inadequate legal aid. In addition, legal professionals throughout the region face a number of challenges in maintaining their professional skills, (such as inadequate access to up to date case law and legislation of the region and established, as opposed to ad hoc continuing legal education programmes in all but one country – Jamaica.

The IMPACT Justice Project is needed in the CARICOM region at this time, as a matter of urgency, to address the access to justice deficiencies detailed above. It will work with regional, international and Canadian human and financial resources and with other members of the donor community to address the issues identified. It will do so through a series of activities designed to improve the legal frameworks in the region, increase the awareness of citizens of their rights, expand avenues for access to and use of fair and peaceful solutions to their legal problems. These activities are all detailed in the Logic Model.
2.3. Logic Model (LM)

The ultimate objective of the IMPACT Justice Project is enhanced access to justice for men, women, youth and business in the CARICOM region. This will be reached through a set of immediate and intermediate outcomes. The immediate outcomes are:

**Component 1** – Increased access by CARICOM Member States to gender equitable and environmentally sensitive model laws and new or amended national laws.

**Component 2** – An enhanced gender-responsive accountability framework which includes the upgrade of skills of the legal profession in CARICOM Member States.

**Component 3** – Improved equitable access by the legal profession and the public (men, women, youth and businesses) to legal information in CARICOM Member States.

**Component 4** – Increased training of ADR practitioners and increased equitable access by women, men, youth and businesses to ADR, RJ and community-based peace-building services in CARICOM Member states.

The outputs expected to lead to the above immediate outcomes are detailed in the Logic Model which is included in Volume 2 of this PIP as Annex 1.

2.4. Articulation with Canadian funded and other justice sector projects

Locally defined and driven by stakeholder consultations led by the University of the West Indies, the Project is firmly situated within the wider justice sector reform agenda of the Caribbean Community, and it represents “buy-in” by diverse stakeholders including governments, the judiciary, legal profession, other justice sector actors and NGOs who welcome and are looking forward to the implementation of its agenda for improving access to justice in the region. More will be said on this further on in this PIP when the role and responsibilities of partners and beneficiaries are discussed.

In addition to being a response to justice sector reform needs identified by representatives of governments and other regional stakeholders, the IMPACT Justice Project fits within the Caribbean policy of the Government of Canada. That policy is to contribute to a more prosperous and integrated Caribbean Community that is able to generate sustainable economic growth, providing opportunity and security for its citizens. This is to be achieved by fostering the increased capacity and accountability of public institutions, a more competitive private sector, the advancement of the rule of law and strengthening legal institutes to counter rising crime and maintain law, order and personal security. 5

The Project will also contribute indirectly to DFATD’s thematic priority of sustainable economic growth by drafting gender equitable model laws and harmonized legislation for furthering the objectives of the CARICOM Single Market and Economy (CSME) and the OECS Economic Union.
In 2006 the Caribbean Community and Common Market (CARICOM) endorsed the CSME in the Revised Treaty of Chaguaramas. The purpose of the CSME is to create a single internal market among the Member States and to forge a new Caribbean economy by pooling the natural resources of the region. The CSME comprises two elements: the single market (goods, services, skilled nationals, establishment and capital); and the single economy (common harmonized investment policy, single currency and common monetary policy). Five regimes were identified under the CSME – the free movement of goods, capital services, skills, the right to establish companies and businesses and to be treated as a national. The drafting of laws or the amendment of existing laws pertaining to these five regimes will therefore be high on the IMPACT Justice agenda.

With regard to the OECS Economic Union, in 2010, the Member States of the OECS (established on June 18, 1981) agreed to further deepen and strengthen integration among themselves by establishing an Economic Union and a Single Financial and Economic Space under the Revised Treaty of Basseterre. The Treaty entered into force on January 21, 2011, and, as amended, provides for coordination, harmonisation and the pursuit of joint policies in a number of areas including law and order, the management of human and natural resources and economic cooperation and management.

Under the CSME and OECS Economic Union, countries in the region stand to benefit from increased trade, investment and human development opportunities. This is an outcome desired by DFATD, and its funds, through the IMPACT Justice Project, will be used to assist in creating an enabling environment within which the economic and human development goals desired by both DFATD and the region can be pursued.

In the quest to achieve its goals, the IMPACT Justice Project will seek to cooperate with other justice sector reform initiatives in the Caribbean. At present, information on all these projects is not available. However, it is expected to be provided in a CARICOM Member States’ justice sector donor matrix to be prepared in 2015. In addition to listing donors and projects, the matrix will point to areas of overlap and areas not currently being addressed by any donor.

Until that matrix is available, the IMPACT Justice Project will be implemented in tandem with the DFATD justice-sector-funded projects listed below and it will collaborate with projects being funded by other organisations which are interested in joint approaches.

**DFATD funded justice sector projects:**

(1) **The Judicial Reform and Institutional Strengthening Project (JURIST)** which aims to strengthen the judicial systems in CARICOM to make them more responsive to the needs of citizens. The agreement for implementation of this CAD $19.9m Project by the Caribbean Court of Justice was signed in early 2014. The Project ends in 2019. Its ultimate aim is to improve the delivery of judicial services to the people of the region including women, men, youth, businesses and the poor by strengthening customer-focused and gender responsive court and judicial service
delivery. Activities include re-engineering business processes to include gender sensitive administrative and customer service procedures and policies, training court administrators and support staff in the core competencies of court administration and introducing or enhancing appropriate delay and backlog reduction mechanisms, including ADR. The JURIST Project is expected to make requests of IMPACT Justice for the drafting of legislation and court rules. IMPACT Justice is also expected to provide basic ADR training for persons from whom those deemed suitable for further training for court-annexed mediation may be selected.

(2) **The Justice Undertakings for Social Transformation (JUST)** is a project being executed by the Department of Justice, Canada, through a Project Implementation Unit in the Ministry of Justice, Jamaica. It commenced in 2008 and is expected to end in 2020. The objective of the Project is to foster an improved sense of security for Jamaicans by contributing to the strengthening of justice institutions which include: the technical and administrative offices of the Ministry of Justice, the Office of the Chief Parliamentary Counsel and the Office of Court Management Services in order to enable them to respond effectively and efficiently to reform issues. Project activities include: assessment of the managerial, financial and organisational capabilities of justice-related institutions; strengthening government departments through expert advice, research, tailored training programmes, workshops, mentoring and coaching; supporting the review of selected existing legislation and policies and supporting the creation and operation of neighbourhood resource centres that give poor urban communities better access to justice services.

(3) **The Citizen Security and Justice Program**, also being implemented in Jamaica is being funded by a DFATD grant of CAD $20m, a grant from DFID and a loan from the IDB. This project, which is being implemented from within the Ministry of Justice in Jamaica, commenced in 2014 and will end in 2019. It seeks to provide training in conflict resolution, healthy parenting and gang interruption techniques to community members, including school children, promote positive citizen-police relations, make job skills and entrepreneurship training more accessible for vulnerable groups, particularly at-risk youth and women. It also seeks to increase access to justice for persons, especially women, by providing victim support services, dispute resolution and public education on justice-related rights and services, and by diverting children from the courts and incarceration into reintegration programmes.

(4) **The CARICOM Trade and Competitiveness Project**, also funded by the Government of Canada, is being implemented by the CARICOM Secretariat’s Caribbean Single Market and Economy Unit (CSME Unit). It commenced in 2007 and in January 2014 entered a second phase. The Project is intended to harmonise and standardize legislation, administrative practices and procedures in relation to the CSME, thereby assisting the region in meeting its commitment to facilitate the free movement of goods, services and people throughout CARICOM. Speaking at the launch of Phase Two of the Project in January 2014, Canada’s High Commissioner to
Barbados and the Eastern Caribbean noted that “The gradual progression of work undertaken through this project will result in a more integrated Caribbean, creating increased opportunities for the average CARICOM citizen” which include the right for CARICOM nationals to travel, live and work in a CSME state of their choice.

(5) **Compete Caribbean** is a 5 year, joint initiative of the Canadian Government, the United Kingdom Government’s DFID and the Inter-American Development Bank (IDB). It was developed in consultation with governments, regional institutions and private sector bodies as a response to the need for greater coordination between development agencies. At the launch of the programme in 2011, the then Executive Director stated that “improving competitiveness was the key to success for every country in the globalized economy of the 21st century. Since its establishment, Compete Caribbean has conducted private sector assessment reports for most countries in the region, and has provided funding for a number of private sector initiatives. In 2014, it funded a study undertaken by the Barbados Chamber of Commerce and Industry (BCCI) in which the challenges to arbitration and the feasibility of establishing an Alternative Dispute Resolution (ADR) Centre in Barbados, ideally to serve Barbados and the OECS, were investigated. The study recommended that model Arbitration legislation be drafted for the region.

(6) **Anti-Crime Capacity Building Programme**. Launched by Prime Minister Harper in 2009, the programme provides up to $15m. a year to enhance the capacity of government agencies, international organisations and non-governmental agencies to prevent and respond to threats posed by transnational criminal activity through the Americas. In the Caribbean, the programme focuses on illicit drug trafficking, money laundering, corruption and crime prevention.

The Projects described above are all part of a broader DFATD Caribbean justice sector reform thrust which is designed to assist regional governments to advance the rule of law and strengthen legal institutions so that they can counter rising crime, maintain law and order and personal security and create an environment in which economic growth can take place.

IMPACT Justice, JUST, JURIST and the Citizen Security and Justice Projects are concerned primarily with the justice sector deficiencies and they should not only exchange information, but combine efforts whenever possible.

In Chapter 3 of this PIP, provision is made for ongoing consultation between the IMPACT Justice and JURIST Projects. The IMPACT Justice programme was designed with the understanding that the drafting of legislation identified by the JURIST Project (both at the national and regional levels) will be spearheaded by the IMPACT Justice Project and a substantial portion of the public legal education and the ADR Project components of the IMPACT Justice Project are to be implemented with inputs from the JURIST Project.
With regard to the JUST Project, three of its objectives are similar to those of IMPACT Justice: supporting the review of selected existing legislation and policies, providing manuals for the guidance of senior civil servants who draft policy documents and for legal drafters; and improving access to justice services in poor communities and the Projects should certainly try to pool resources, discuss progress in reaching objectives and share lessons learned.

Like IMPACT Justice, the Citizen Security and Justice Project is concerned in a major way with community-peace building and public legal education, and Compete Caribbean, because of its broad mandate, may undertake projects (such as the investigation into the feasibility of an arbitration centre for Barbados and the OECS) which could fall under the aegis of any one of the justice sector projects.

It should be noted, though, that both the JUST and Citizen Security Projects were designed for and are being implemented in Jamaica, while the other projects are regional. They should therefore not be seen as overlapping, but as complementary and certainly, some mechanism for sharing information and project results should be established.

Other donors involved in justice sector reform in the region are:

(1) The British Government and the United States Government which have joined forces to implement the Criminal Justice Advisor Project for strengthening the criminal justice frameworks in Barbados and the Eastern Caribbean to make the area a less attractive environment for criminal activity and lead to asset recovery and an increasing observance of human rights and the rule of law. The project employs a United Kingdom Crown Prosecution Service attorney who has so far developed a number of bills for adoption by the Governments of Organisation of Eastern Caribbean States. The project, which has been operating since 2008, is to be extended to 2016.

(2) The European Union which developed a 165 million Euro programme to focus on regional integration by supporting the Caribbean Community Single Market and Economy (CSME) and implementation of the Economic Partnership Agreement between the EU and the region. Under the justice sector related part of the support for the CSME, provision is being made for drafting regional model legislation and consequential amendments to national legislation.

(3) The Commonwealth Fund for Technical Cooperation is currently funding a legislative drafting programme based at the CARICOM Secretariat, which, according to a recent report may be replaced by another scheme for offering assistance to Governments of the region by the end of 2015.

(4) United Nations agencies such as the United Nations Development Programme are currently implementing a project on citizens’ security and UN Women, the United Nations Children’s fund, the United Nations Fund for Population Activities and the United Nations
Office on Drugs and Crime all have projects or plans for assisting the region in the fight against crime and in the protection of its youth;

(5) U.S. AID and UNICEF are currently working together in the OECS on a child protection project and U.S.AID, supported by UNDP is assisting the Judiciary of Trinidad and Tobago in a project for establishing a Juvenile Court and Juvenile Peer Resolution Centre which is grounded in Restorative Justice principles.

So far, none of the justice sector projects sponsored by the Canadian Government and other donors other than IMPACT Justice has sought to focus on training legal drafters, or on increasing legal professionalism, in spite of frequent criticism of the legal profession and the fact that unlike most other professions, there is only one functioning programme for continuing professional development of its members in the entire region, that is, in Jamaica. Also, none but IMPACT Justice has developed a programme for expanding or introducing legal information databases to improve access to regional legal information through the CariLaw and other legal databases, even though it is sorely needed, and few are focussing to the same extent as IMPACT Justice on the deflection of new cases from the courts on a region wide basis by both training community mediators and assisting them in finding locations from which they can conduct mediations. In other words, IMPACT Justice addresses some justice sector deficiencies which other justice reform projects do not.

2.5. Strategies for dealing with partners/stakeholders

The main strategy to be adopted in implementing IMPACT Justice in dealing with its partners/stakeholders is to keep them engaged over the life of the Project by continuing consultations and sharing of results. The reasons are as follows:

- **Ownership:** there is likely to be a greater sense of ownership and agreement with the processes to achieve objectives;

- **Improved efficiency:** Project inputs and activities are more likely to result in outputs of good quality and within budget and deadlines if local knowledge and skills are utilised;

- **Improved sustainability:** more people are likely to be committed to ensuring that Project outputs are carried forward after outside support has stopped;

- **Improved transparency and accountability:** these are likely to be enhanced if stakeholders are provided with information and decision-making power;

- **Improved equity:** this is likely to result if all stakeholders’ needs, interests and capabilities are taken into account.
The local and regional partners/stakeholders of IMPACT Justice, all of whom are or will be involved in the governance, management or implementation of the Project, or who will be beneficiaries are shown below.
Another IMPACT Justice Project strategy will be to use the expertise and learn from the experiences of individuals or institutions located elsewhere that are delivering similar kinds of programmes. A list of these institutions is given below.

Institutions from Outside the Caribbean

- The ADR Institute of Canada
- Andornot (a legal database developer that developed the search engine and interface for CariLaw, the case law database of the Cave Hill Faculty of Law Library)
- Athabasca University which offers an online Diploma in Legislative Drafting
- The Canadian Arbitration Association
- The Canadian Association of Law Libraries
- The Canadian Bar Association
- Canadian Forum on Civil Justice
- The Faculty of Law, University of Toronto
- The Faculty of Law, University of Calgary
- International Institute of Restorative Practices, Canada
- Lexum Inc. a database developer based at the University of Montreal

Even though the Project will receive the support of many persons and institutions, the partners whose input is of crucial importance to the achievement of most Project objectives are governments of the CARICOM region, acting mainly through their Attorneys General or Ministers of Justice. The IMPACT Justice Project will adopt strategies to ensure that these officials are kept informed of its activities at every step, that their comments and recommendations are sought, that any legislation drafted by the Project has their approval and that their legal drafters are involved both at the preparation stages and after.

When the IMPACT Justice Project proposal was being submitted to DFATD, it was accompanied by letters of support from the Attorneys General of Anguilla, Antigua and Barbuda, Barbados, Grenada and Trinidad and Tobago. Since the Contribution Agreement was signed in March 2014, the Project has obtained signatures of the Attorneys General of Antigua and Barbuda, Barbados, Montserrat and St. Vincent and the Grenadines and at the time this PIP was written, it was discussing terms of an MOU with the Government of
Jamaica. Now that new Attorneys General are in place in Guyana, St. Kitts & Nevis and Trinidad & Tobago, the process will be restarted in relation to those countries.

Even if MOUs have not been signed by government representatives of all 13 CARICOM Member States in which the Project is to be implemented, all have been responding to the call of the Project for information and for representatives to be sent to meetings. By the end of 2014 the following countries had designated country liaison officers: Antigua and Barbuda, Barbados, Belize, Guyana, Jamaica, Montserrat, St. Kitts & Nevis, St. Lucia, St. Vincent and the Grenadines, Trinidad & Tobago and Suriname. The Project is still seeking the cooperation of Dominica and Grenada with regard to the naming of contact persons.

Other partners whose support is also of great importance to the Project and who have pledged their support in writing are: the Caribbean Community Secretariat, the Deans of the Faculties of Law, UWI, the University of Guyana, Presidents of the Bar Associations of the OECS and Trinidad and Tobago and the Caribbean Policy Development Centre. In addition, the Project will negotiate the terms of MOUs with the OECS Commission and the Eastern Caribbean Supreme Court (ECSC).

The support from regional and national bar associations has also been encouraging, with letters being received from the OECS Bar Association and the Barbados, Grenada and Jamaica Bar Associations even before the Project Agreement was signed. Additionally, all bar associations from across the region except St. Kitts and Nevis whose representative had to cancel at last minute, were represented at a meeting organised by the IMPACT Justice Project between May 13 and 14, 2014 to discuss proposals submitted to the Project Implementation Unit by predecessor bar association representatives.

In early 2015, addenda will be added to all MOUs to provide that Canadian Government sponsorship or other involvement is to be acknowledged at opening ceremonies, in documentation and in press briefings in relation to all activities for which such sponsorship is provided, and instructions will be given as to the placement of the IMPACT Justice and Canadian Government logos.

2.6. Initial project focus

The initial focus of the IMPACT Justice Project will be determined by the Project Steering Committee which will provide policy direction and oversee the setting of objectives, deliverables and goals. (See Chapter 3). The decisions of that Committee will be influenced by the following:

- needs identified by partners in the Project Proposal submitted to CIDA in December 2012;
- needs subsequently identified by partners:

  (i) during fact finding missions undertaken by IMPACT Justice staff to the CARICOM and OECS Secretariats, Belize, Jamaica, St. Lucia and Suriname (see ANNEX I);
(ii) in presentations made on behalf of their governments by Attorneys General and Chief Parliamentary Counsel who attended a meeting convened by IMPACT Justice on May 13-14, 2014 in Barbados;

(iii) during on-going discussions with Attorneys General;

(iv) during discussions with representatives of NGOs;

(v) during discussions with the Deans, Faculties of Law and Law Librarians of the University of the West Indies, Guyana and Suriname;

(vi) in the findings and recommendations of a team which conducted a survey of availability and use of ADR in the CARICOM states on behalf of the IMPACT Justice Project between May and July 2014.

- Recommendations made by bar association representatives at a meeting convened by IMPACT Justice on May 13-14, 2014 in Barbados;
- Recommendations of a meeting convened in Barbados by the IMPACT Justice Project on July 14, 2014 to prepare a programme for public legal education in the CARICOM Member States;
- Recommendations of a committee appointed by the IMPACT Justice Project to draft the Terms of Reference for a study of legal education in CARICOM Member States.

Based on these discussions, findings and recommendations, the initial list of priorities for review by the Project Steering Committee will include some or all the following programme areas:
Component 1:

- preparing an agenda for the drafting of regional and national laws
- commencement of work on drafting a selection of regional and national laws
- training of legislative drafters
- hosting a regional workshop on the drafting of treaties a by product of which will be a regional treaty drafting manual
- hosting a regional workshop for the training of Permanent Secretaries in the preparation of policy instructions for legislative drafters and the publication of a manual to be used regionally on how to prepare these instructions
- preparatory work for the publication of a manual on legal drafting styles for use by legal and treaty drafters throughout the region

Component 2:

- drafting a regional Code of Ethics for the legal profession
- examining the composition and powers of disciplinary committees and provisions for accounting standards with a view to recommending regional standards
- establishing a regional programme for continuing legal professional development and the drafting of legislation for its implementation in Member States other than Grenada and Jamaica
Those areas on which IMPACT Justice determines to place its initial programming emphasis will be amended or added to during the course of the Project as further research and dialogue with partners takes place.

2.7. IMPACT Justice Project objectives and expected results

The Project’s Ultimate Outcome as set out in the Logic Model is:

Enhanced access to justice benefitting men, women, youth and businesses in the CARICOM region.

As indicated by the Performance Measurement Framework (PMF), (Annex 2) at the end of the Project its success will be measured in large part by its contribution to the drafting and implementation of laws and other activities which promote economic and human development in the region.

Three Intermediate Outcomes which are expected to lead to the ultimate outcome are articulated, reflecting the strategic areas identified for increasing access to justice. They are:
The first intermediate - strengthened legislation and treaty making policy at the regional and national levels has flows from one immediate outcome, which is increased access by CARICOM Member States to gender and environment sensitive regional model laws and new or amended national laws. The second intermediate outcome results from two immediate outcomes which are (1) an enhanced gender-responsive accountability framework and upgrade of skills of the legal profession; and (2) improved equitable access by the legal profession and public to legal information in CARICOM Member States. The third intermediate outcome is expected to result from one immediate outcome: (1) increased training of ADR practitioners and increased equitable access by women, men, youth and businesses to ADR, RJ and community-based peace-building services in CARICOM Member States.

2.8. Project reach and beneficiaries

The reach of the IMPACT Justice Project is 13 Caribbean Community Member States, but the two British Overseas Territories of Anguilla and the Virgin Islands which are part of the OECS court system may also be included if they are willing and able to fund their own participation in activities. The Bahamas, and the British Overseas Territories of the Cayman Islands and the Turks and Caicos Islands are not included in the Project.

In the Project Proposal, the number of beneficiaries (both direct and indirect) was approximated at 50,000. The estimate contained in the PMF at Annex B has been revised to include persons likely to benefit from workshops and use of materials donated to the university libraries. The new estimate is approximately 126,459 (comprising 40,730 direct beneficiaries and 81,460 indirect beneficiaries). The indirect beneficiaries are those who use the products and services of direct beneficiaries, and they have been calculated at the conservative ratio of 2:1 of the direct beneficiaries.
The 40,730 direct beneficiaries, being those who avail themselves of the Project’s products and services are shown above.

About 150 males and females enrolling in LL.B., Advanced Diploma and LLM courses in legislation and treaty drafting over the life of the project.

About 100 males and females attending a workshop for advanced training in Treaty drafting and/or receiving copies of manual.

About 100 males and females attending a workshop for Permanent Secretaries and other senior civil servants on the drafting of policy and instructions to guide legislative drafters in the preparation of legislation and/or receiving copies of manual.

About 100 males and females enrolling in LL.B., Advanced Diploma and LLM courses in legislation and treaty drafting over the life of the project.

About 3,000 male and female attorneys-at-law will access project-sponsored continuing professional legal development courses over the life of the project.

About 2,232 additional persons subscribing to CariLaw and WILIP databases.

About 48 male and female legal information service providers trained in law library collection development, research tools and techniques in two workshops to be held over the life of the project.

About 10,000 male and female students benefitting from updated and expanded collections of legal materials acquired for the libraries of the Faculties of Law of the University of the West Indies and the Universities of Guyana and Suriname.

About 5000 males and females attending courses for non-lawyers over the life of the project.

1000 ADR practitioners trained.

6000 persons attending ADR, RJ and community-based peace courses over the life of the project, including business men and women.

An additional 613 persons accessing ADR services.

About 13,000 males, females and youths including parliamentarians, students and other special groups and the general public who will benefit from public awareness campaigns, discussions, radio interviews to promote the enactment of legislation, ADR and other project activities and public legal education and obtain information from the IMPACT Justice website in the thirteen Caribbean Community Member States.
The indirect beneficiaries are:

An estimated 81,460 males, females and youth including clients and businesses who will use the products and services of direct beneficiaries. Indirect benefit will accrue to businesses from the enhanced investment climate which would result if appropriate investment and trade-boosting harmonised and national legislation drafted in a timely manner under the Project is implemented; from access to arbitration to solve complex problems instead of having to resort to lengthy court trials and from decreased criminal activity if community-based peace building is widely accepted and used.

However, in the long run, the effects of the Project will be felt throughout the beneficiary Member States in that access to justice and general economic development in all these islands are likely to improve as a result of strengthened and expanded legal frameworks, legal education and training which will be the outcomes of Project activities.

More information which could be used to estimate Project impact on beneficiary countries, both direct and indirect, will be provided by Project and registration records of training sessions and other methods used for obtaining feedback on public awareness of its existence, activities and outputs.

2.9. Crosscutting themes

The three main cross-cutting themes to be integrated into the IMPACT Justice Project and which accord with DFATD’s developmental strategies are gender equality, environmental sustainability and governance.

2.9.1. Gender equality

Gender equality (GE) means that women and men enjoy the same status. It also means that they have equal opportunity to realise their full human rights and potential to contribute to national, political, economic, social and cultural development, and to benefit from the results. The ultimate gender equality outcome is enhanced gender justice for women and men, youth and businesses in the CARICOM region.

As the deadline for the Millennium Development Goals draws near, high-level leaders from CARICOM Member States and representatives of Civil Society have jointly declared their commitment to gender justice in the post 2015 and SIDS global agendas, generating a joint statement in August 2013, which calls for a stand-alone goal on Gender Equality as well as the mainstreaming of gender equality priorities in all development frameworks.

The statement identified the justice system as a priority for the promotion of human rights, and, recognizing that justice is “often delayed and denied” called for “the reform of legal systems and amendment of laws which cause exclusion and harm, especially to vulnerable groups,” and for the removal of systemic barriers, such as delays, withdrawal of charges and the inappropriate use of cash to settle disputes.
One of the impediments in the region to legal reform is a shortage of qualified professionals to draft laws. Intent is there to pass GE legislation, and to implement the CSME, however, both of these are backlogged in good part due to this deficiency. Most CARICOM Member States are therefore in a CSME “implementation deficit,” and extensive work is also required still to align their national laws with their extensive international commitments to GE. With political momentum required for CSME implementation fragile, and the deepening of post financial crisis social and economic challenges, the region can ill afford delays, either in the implementation of CSME harmonization in ways that will improve opportunities for all citizens, or in the implementation of GE laws that aim to reduce discrimination and the growing problem of violence in the region.

UWI is deeply concerned about gender equality, and has a strong programme and partners in this area. The gender dimensions of IMPACT Justice are in direct response to requests from governments, the judiciary, regional and national Bar Associations, legal information service providers, and other justice sector actors and citizens in the region to support their efforts in drafting, strengthening, amending, presenting and enacting Gender Equality legislation per se and gender-responsive legislation in the implementation of the CSME.

The IMPACT Justice Project in its attention to drafting gender-responsive legislation, and strengthening national and regional legal systems and personnel to be more gender-responsive is therefore timely. Its strategic focus on the formal as well as informal justice systems, including Alternative Dispute Resolution, Restorative Justice and Community-Based Peace-building is innovative and this combination is essential to relieving the long delays in the court systems and ensuring men and women, boys and girls access to justice de facto on the ground, not just in the letter of the law.

2.9.1.2. Gender and access to justice in the Caribbean

All countries in the Caribbean have ratified the CEDAW and have committed to promoting gender equality through the United Nations Millennium Development Goals (MDGs) and the adoption of the 1995 Beijing Platform for Action. With the exception of four countries, all countries ratified the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which is supplemental to the United Nations Convention against Transnational Organized Crime, and aims to use a rights based approach to protecting and assisting victims as well as preventing human trafficking and punishing perpetrators. All countries in the region have ratified the 1989 Convention on the Rights of the Child, which is relevant for both the girl and boy child.

In terms of the MDGs, the region has worked steadily to identify and commit to Caribbean-specific MDGs with an emphasis on gender equality, child mortality and maternal health, using Caribbean-specific targets and indicators. After 2015, when the MDGs run out, the community has reiterated its commitment to Gender Equality as a priority, both as a standalone goal and as an integral part of all development frameworks and agendas. These commitments are supported by the many hemispheric commitments, such as the Inter-American Commission on Women of the Organization of American States (CIM/OAS) Plan...
of Action and the Belém do Para Convention for the Prevention, Punishment and Eradication of Violence Against Women.

While all countries have ratified CEDAW, much work remains to be done at the national level to improve its application. A number of countries have enshrined gender equality in their constitutions, such as in Jamaica’s recent enactment of its Charter of Rights and Freedoms.\textsuperscript{10} Many countries have also developed National Gender Policies that include Action Plans, such as in Dominica, Jamaica and the Bahamas, St. Kitts and Nevis and Guyana.\textsuperscript{11} The Barbados Government is also currently seeking to implement a National Gender Policy. Work is still needed for countries to harmonize criminal, labour and other civil laws with the CEDAW.\textsuperscript{12}

2.9.1.3. Gender equality and the CSME

The Revised Treaty of Chaguaramas provides the operational guidelines for the functioning of the Caribbean Community as well as the Secretariat. Unlike environmental protection, which is addressed in Article 65, Gender Equality is not specifically addressed, nor has a link been established between gender, trade and investment. However, there are articles, which have given rise to a Gender and Development Sub-programme, which is undertaken within the area of human and social development.

Article 17d of the 2002 Revised Treaty of Chaguaramas commits CARICOM to “establish policies and programmes to promote the development of youth and women in the community with a view to encouraging and enhancing their participation in social, cultural, political and economic activities”. The actual implementation of such commitments has been problematic due to the lack of sex-disaggregated and harmonized data across member states, in most spheres; the lack of resources on the part of both the national Women’s machineries and CARICOM institutions to carry out gender analysis in every area of the complex CSME agenda, and the lack of resources for Member States and regional institutions to draft gender-responsive legislation. Efforts are further compounded by a weakened civil society, and weak inclusion of women and civil society organizations in regional integration efforts.

Mandates for CARICOM’s Gender and Development Sub-programme are decided at Heads of Government and Council meetings, which may include meetings of the Heads of CARICOM Women’s/Gender bureaus.

The CSME is not directly discriminatory, however, it is expected to affect women and men differently. Both women and men can be participants in the movement of goods and services, skills, enterprise and capital however, without due consideration of gender issues, these activities have the potential to increase or decrease labour inequalities, wage gaps, the amount of care provided by women, etc.
2.9.1.4. Gender equality laws in CARICOM Member States

At the national level, some member states have amended their constitutions to incorporate the principle of equality of men and women and adopted a range of plans and policies to address different forms of discrimination against women, including violence against women. For example, in 2011 Jamaica incorporated the principle of equality of men and women in its Charter of Rights and Freedoms and adopted a National Policy on Gender Equality. There have also been important advances in the elimination of laws and sections of laws, which are discriminatory towards women in the exercise of their rights to education and employment. For instance, The Bahamas amended its Education Act in 1996 to provide for universal and equal access to education. Laws regarding access to land have also been amended. In 2002, the Bahamas and adopted an Inheritance Act, which permits women and men to inherit equally.

High levels of sexual and domestic violence exist in the region, which are often not reported or are not adequately dealt with by the justice system. Beginning in the early 1990s, Caribbean Community model legislation on domestic violence was adapted by Antigua and Barbuda, Barbados, Dominica, the Bahamas, Jamaica, Guyana, St. Lucia and Trinidad and Tobago. Some countries in the region have also adopted the CARICOM Secretariat’s model sexual offences legislation, which introduced gender-neutral sexual offences. Guyana adopted its Sexual Offences Act of 2010 to expand its legal framework on sexual violence and launched a national policy to address domestic violence in 2008-2013. Jamaica passed a Sexual Offences Act in 2011 and amended its Domestic Violence Act in 2004 to provide, not only for married women, but also for women in common-law and visiting relationships to apply for protection orders when they are victims of domestic violence. Grenada enacted its Domestic Violence Act in 2010 and the National Domestic and Sexual Abuse Protocol in 2011, and most recently, in Barbados, an amendment to the Domestic Violence Act was drafted in 2013.

It is widely held that for this legislation to be effective, other laws must be changed. These laws include those which contain expressions of inequality in relation to pay, forms of labour exploitation, sexual harassment, rape within marriage and evidentiary rules related to sexual offences. 13

Other areas in need of reform include the need to introduce new modes of giving evidence that do not compromise the due process rights of defendants, especially child victims and adequate laws to facilitate DNA testing in cases of sexual offences and proper admission of such evidence in courts and post-conviction monitoring of sex offenders. It has also been recommended that the classes of applicants for protection from domestic violence be widened to include a party to a visiting relationship and that the definition of domestic violence be widened to embrace financial sexual violence and psychological abuse, and all forms of unwanted communications, including electronic communications. Women’s rights advocates stress that the police must be more vigilant in following up on reports made by women of threats and acts of violence by former or present male partners. 14 These provisions have been included in the draft 2013 amendment to the Barbados Domestic
**Violence Act.**

With regard to women in the workplace, the region needs to strengthen its harassment legislation. Guyana, St. Lucia, Trinidad and Tobago provide protection against sexual harassment in their anti-discrimination legislation, and in the Bahamas and St. Lucia, some protection is offered against sexual harassment as a sexual offence. However, there is no sexual harassment legislation in Barbados or Jamaica, and only Belize has stand-alone sexual harassment laws. Countries that have enacted protection against sexual harassment still need to review these laws to address the definition of “sexual harassment”, the duties of employers and employees, the method of dispute resolution and the relationship between sexual harassment laws and general employment laws including the laws relating to anti-discrimination.15

Trafficking in persons is now on the rise and of particular concern to women and girls in the region. Women and girls at highest risk of violence are those living in rural areas, urban slums, women and girls with disabilities, women and girls living with HIV, widows, and indigenous and migrant women and girls.15A

At the same time, the IMPACT Justice Project is mindful of the fact that while the situation of women may predominate in certain issues, several of which have been noted above, that the situation of males will have to be the focus in other areas, for instance, in relation to community peace-building programmes and will bear this in mind when crafting its ADR agenda for years 2 – 5 of the Project.

The IMPACT Justice Project is mindful both of the needs of the region in terms of Gender Equality and of the need to contribute to DFATD’s three Corporate Gender Equality principles in its Gender Equality strategy. These principles which will be incorporated into the Project components are:

- The Project will ensure that Gender Equality is observed in its hiring practices. Its strategy for incorporating Gender Equality in its main components is given below:
The IMPACT Project will:
- include funds under Immediate Outcome 1100 for assisting Caribbean Community Member States to draft new legislation or amendments to existing legislation to deal with some of the lacunae identified above. The project will work through the appropriate mechanisms to ensure that requests from Caribbean Community Member States for assistance in drafting legislation to reduce gender inequalities are given priority in the annual work plans and that gender equality concepts and gender neutral language is enshrined in all legislation drafted with project funds;
- The project will also seek to integrate gender equality legislative drafting skills in the delivery of undergraduate and postgraduate courses on legislation and treaty drafting and assess the skills of persons who compile the treaty, drafting instructions and legislation drafting manuals.

The IMPACT Project will:
- ensure that a Regional Code of Ethics requires attorneys-at-law to adhere to standards that are common throughout the region for promoting gender equality;
- ensure that new or amended disciplinary procedures in legal profession legislation are gender equitable;
- provide gender-responsive continuing legal professional development courses for attorneys-at-law;
- ensure that the survey of legal education includes questions on knowledge of women's human rights and gender equality in the region to determine training needs in these area.

The IMPACT Project will ensure that:
- gender equality and gender equity are integrated into the design and considered in the outreached strategies for delivery of public legal information to women, men, youth and businesses;
- male and female staff of law libraries are trained in relation to gender issues in access to justice and gender-responsive outreach strategies;
- legal materials for libraries of the Faculties of Law, UWI, and the main libraries of UG and the University of Suriname contain materials on gender and the law and on gender issues generally.

The IMPACT Project will ensure that:
- the capacity needs of organisations in the CARICOM region that focus on ADR, and community-based peace building services are assessed for their gender awareness, ability to design and implement gender-responsive practices, with a particular emphasis on the challenges associated with using informal justice to resolve cases of violence against women;
- best practice and resources in gender-responsive ADR, and community-based peace building are identified and adopted/adapted;
- ADR networks, rosters and service points for communities are assessed for their inclusion of women, women's human rights organisations, innovative men's groups, and gender-balanced representation. Where lacking, active recruitment of women and other marginalized “peer” groups will be undertaken;
- training courses designed and delivered to men, women, youths and businesses are gender-sensitive;
- regional workshops and public education to share knowledge of ADR and community-based peace building initiatives are gender responsive and involve women and groups traditionally marginalized by ADR, and CBPB processes. In relation to CBPB processes, special attention will be paid to the situation of young males, who more so than females, are involved in disputes at the community level;
- Businesses headed by both males and females will be targeted as users of ADR services.

Funds will be included in all Project components to ensure that wherever necessary, gender equality issues are addressed. All Project initiatives will collect baseline data disaggregated by sex, and measure and report on participation rates and distribution of benefits between men, women, girls and boys. The Project will also report on how it has
contributed to a reduction in gender inequalities or contributed to resolving gender equality issues.

The IMPACT Justice Project’s gender strategy outlined above was prepared by a Gender Specialist, and the full strategy and its Caribbean background is given in Annex N.

A Gender Specialist will also be hired on a part-time basis for the life of the Project to update, maintain and oversee the implementation of this Gender Strategy; ensure that all elements of the Project consider and address, as appropriate, the context of gender relations in the Caribbean, and advise the Technical Advisory Groups (TAGS) how best gender equality principles may be incorporated into the full range of operations of the IMPACT Justice Project. The IMPACT Justice Project will ensure that at least 4% of its budget ($768,000) is devoted to gender equality matters.

2.9.2. The environment

The key environmental issues in the Caribbean region are: poor land use and land management practices, deforestation, poor waste collection, scarcity of freshwater resources, decline in biodiversity caused by unsustainable natural resource exploitation, poorly managed tourism, mining, habitat destruction and conversions, etc., and declining health of marine and coastal ecosystems. The situation has been made more complex by the fact that Caribbean Community Member States have for the most part pursued individual environmental management policies and programmes, with varying levels of progress.  

Environmental issues also arise from the frequent devastation caused in some countries in the CARICOM region by hurricanes. The clean-up in the aftermath can be slow and although plans are in place at the regional and national levels to deal with this situation, women and girls are particularly vulnerable in disaster management situations. Legislation which deals with disaster management must include provision for their safety from sexual harassment and exploitation which may result from the large number of persons using shelters.

A common environmental space is needed if the CSME is to thrive. Increased investment opportunities and economic growth will be unsustainable unless environmental policy considerations are taken into account, particularly as an incentive to greater long-term efficiency and competitiveness, and with particular reference to the wider international market place. Article 65(1) (c) of the Revised Treaty of Chaguaramas recognizes this and has presented an opportunity for governments to upgrade environmental performance across the region by adopting common initiatives. These include the development of environmental standards and capacity for eco-labelling, certification and regulation.

Further, as international trade is affected by environmental concerns since exporters must respond to market demands for environmentally friendly goods and services, the CARICOM region must develop uniform and harmonized controls on production and consumption activities to increase productivity, ensure a healthy environment and achieve sustainable
development.\(^{18}\) The issues have become urgent as a result of the CARIFORUM-EC Economic Partnership Agreement (EPA), which will require the region to pay special attention to the environmental frameworks in place to ensure that products are produced competitively with minimum impact on the environment.\(^{19}\) The resolution of environmental issues are therefore central to the effective functioning of the CSME.

### 2.9.2.1. Impact Justice Environmental Sustainability Strategy

The IMPACT Justice Environmental Sustainability Strategy provides a framework for incorporating environmental considerations into the programme as a crosscutting theme by promoting the adoption of environmentally-sensitive legislation and training, and by planning for the Project’s results to be kept safe in this disaster-prone region through its Disaster Preparedness and Recovery Plan. (Appendix O). As a *modus operandi* in line with the Environmental Sustainability Strategy, the PIU will adopt and promote green organisational practices (reduce, reuse and recycle).

### 2.9.2.2. Incorporating environmental sustainability as a crosscutting theme

The IMPACT Justice Project will seek to:

- assist the CARICOM and OECS Secretariats and governments with the preparation of policy papers and legislation in areas affecting the environment;
- raise environmental awareness for those involved in the drafting of legislation and treaties, that is, policy makers, legislative drafters and members of the legal profession; and
- support the development of integrated environmental curricula for student legislative drafters by exposing them to the linkages between the environment and economic development.

Given the human resource development focus of the IMPACT Justice Project, the Canadian Environmental Assessment Act (CEAA) is considered not applicable. However, if discussions arise relating to environmental sustainability, the Project will be required to ensure that approaches or recommendations are in compliance with CEAA requirements.

The IMPACT Justice Project will acquire the services of an Environment Specialist who, as the Project unfolds will:

- analyse the major environmental issues in the participating countries which could impact on the Project;
- ensure that all elements of the IMPACT Justice Project including proposals for financing consider and address, as appropriate, relevant environmental issues;
- advise the IMPACT Justice Technical Advisory Groups on how best these issues may be acknowledged and taken into account at the reporting stages of the Project.
In addition the Project Implementation Unit will place Project documents online for consultation by partners and/or the general public and develop an in-house online portal for staff to share documents to reduce printing.

Specific actions needed in relation to Project components:

- **Legislation and treaty drafting**
  - According to the baseline study, in 12 CARICOM countries surveyed, there were 23 environment-sensitive Acts out of a total of 1079 Acts passed for the years 2010-2014. These Acts mainly addressed pollution, preservation of the marine environment, protection of water resources and plant life and use of renewable energy. The IMPACT Justice Project aims to help increase the number of new or amended laws or policy papers with environmentally sensitive provisions by at least 20% over a 5 year period. Based on a systematic regional approach, these could include model legislation for disaster risk management, model policies for use in emergencies, environmental assessments, environmental action plans and environmental reviews of draft laws, etc. Some Attorneys General have already requested assistance in drafting legislation in the following areas: environmental law, disaster preparedness, occupational safety and oil and gas policy. (WBS 1110)

- **Development of capacity in legislative drafting**
  - The environmental Specialist will ensure that environmental considerations are included in the courses on legislation and treaty drafting (WBS 1120) and in the manuals prepared (WBS 1130) and will provide input into the legal education programmes for the public (WBS 2230) and in ADR training courses. (WBS 3130)

- **Development of the legal profession**
  - As part of its work with bar associations, IMPACT Justice will provide information on the role that the environment plays in the development of continuing legal education agendas and will promote online course delivery. (WBS 2120).

- **Review of legal education**
  - The review will include information available with regard to the environment, especially focusing on sustainable development and its applicability to the legal profession. (WBS 2130.1)
• Collection development assistance to the UWI law libraries and the libraries of the University of Guyana and Anton de Kom University of Suriname -
  • Materials on the environment in general and on the environmental law of the region in particular will be included in the purchases. Appropriate cataloguing will be done to ensure that library users are aware of the new holdings on the environment. (WBS 2220)

• Public legal education
  • Germaine environmental issues, especially relating to the CARICOM region may be dealt with as part of this programme. (WBS 2230)

• ADR and CBPB
  • Environmental considerations will be included in the region-wide ADR training policy and training courses. (WBS 3130)

2.9.2.3. Disaster preparedness and recovery plan

The Caribbean Disaster Emergency Management Agency (CDEMA) is tasked with “encouraging the adoption of disaster loss reduction and mitigation policies and practices at the national and regional level.” It puts in place “cooperative arrangements and mechanisms to facilitate the development of a culture of disaster loss reduction;” and it coordinates “the establishment, enhancement and maintenance of adequate emergency disaster response capabilities among the Participating States.” There is scope for the IMPACT Justice project to explore collaboration opportunities with CDEMA to support a gap analysis of the legal system in terms of disaster risk management and climate change adaptation, as CDEMA has experience “Mainstreaming Climate Change into Disaster Risk Management.” CDEMA could also advise IMPACT Justice on drafting a disaster loss reduction and mitigation policy for the regional legal system. “Knowing how to act quickly and appropriately in chaotic circumstances is at the heart of disaster response. Being aware of pre-existing “lessons learned” from other disasters is key to avoiding delays and mistakes in emergency response and management. Lessons learned should turn into agreed-upon best practices, which may then turn into standards.”

Through its activities, IMPACT will promote standardization of environmental sustainability practices related to disaster preparedness and response by promoting environmental legislation, training and public awareness.

2.9.3. Governance, human rights and advancement of democratic values

A third crosscutting theme for international assistance from the Government of Canada is governance which encompasses the rules, institutions and processes through which people, organizations and governments work toward common objectives, make decisions,
generate legitimate authority and power and promote and protect human rights and the advancement of democratic values. Good governance ensures the effective, honest, equitable and accountable exercise of power by governments and institutions. The values that underlie human rights, democracy and good governance, among them respect for human dignity, justice, equity, participation and accountability, are important to Canadians.

Since strengthening governance is an underlying factor in the long-term development of a country and is critical to the sustainability of development results, the Government of Canada believes that it should be pursued across all sectors. To improve governance there is a need for—

- justice and security systems to enforce the rule of law in an effective and predictable manner;
- inclusion of persons who are marginalized on the basis of gender, age, origin, religion, social status, sexual orientation, language and disability. These persons are often neglected in policy-making and in access to public services. This increases the risk that they may be rendered vulnerable to poverty, reduced participation in the economy, violence and exploitation;
- civil society, which is a vehicle for civil participation in the development and implementation of government policies and programmes which contributes to efforts to be vigilant in its efforts to hold governments accountable for their actions.

Canada has worked with a wide range of programme partners including government departments and agencies to achieve the objectives of its good governance, human rights and democratization policy. It has supported initiatives such as IMPACT Justice which:

- strengthen the advocacy role of civil society organisations through training and technical assistance especially for particular needs such as the human rights concerns of indigenous peoples and human rights education;
- developed post-secondary education programmes that build knowledge and skills in such areas as human rights law, law reform and policy development;
- improve the functioning of the legal system, for example, through the training of judges and practitioners, provision of equipment and facilities, and the provision and dissemination of statutes and law reports;
- widen access to the law through public outreach, legal education, pamphlets on legal issues;
- support conflict resolution and dialogue initiatives through sponsoring fora, mediation initiatives, networking and linkages to concerned Canadian organisations.

By integrating governance as a crosscutting theme in policies and programs for which Canadian international assistance is provided, DFATD seeks to ensure that its contribution is more effective, transparent, equitable and inclusive, will lead to sustainable results in terms of poverty reduction, economic growth and long term sustainability and will be
consistent with international human rights standards. Also, Canada will be better positioned to deliver on its mandate and priorities related to international assistance and to support its obligations under article 4(1) of the Canadian Official Development Assistance Accountability Act, the purpose of which is to ensure that all Canadian official development assistance abroad is provided with a central focus on poverty reduction and in a manner that is consistent with Canadian values, Canadian foreign policy, the principles of the Paris Declaration on Aid Effectiveness of March 2, 2005, sustainable development, democracy promotion and the promotion of international human rights standards.

Principles of good governance and concern for human rights are embedded in the IMPACT Justice Project and will be observed in its Project management and in programme activities especially relating to the drafting of legislation, public legal education, ADR and in the design and delivery of all training courses.

2.9.4. Linkages between the crosscutting themes

Ensuring harmonisation of governance with the other crosscutting themes of environmental sustainability and gender equality is essential to delivering sustainable results. There are strong linkages between the environment and governance, as governance reinforces the need to strengthen local governance systems, to address challenges posed by climate change and natural disaster. The linkages between governance and gender equality are also strong, as women are especially vulnerable to being marginalised from political, social and economic representation and are often denied full access to rights within some developing countries.

2.10. Risk management

The risks to the Project, which include a number of operational and development risks identified by the Consultants who conducted the ADR Survey in mid-2014 are shown in Annex C and are discussed more fully at section 6.2. The mitigation strategies to be employed should be sufficient to reduce all these risks, but the Project is particularly concerned about key stakeholders such as Parliamentary Counsel not willingly accepting its draft legislation. For the time being, this will be marked as a “high” risk, and will be monitored.

2.11. Sustainability

The desired sustainable outcomes of this Project are that:

- males and females trained under the Project will contribute to the sustainability of its results in that they would have been equipped to assist in the equitable training of other males and females with the materials and knowledge gained;
- institutionalising the training programs and effective consultative processes and information sharing will contribute to the sustainability of Project results and lead
to the increase in access to justice and the betterment of the lives of citizens in CARICOM;

- mediation organisations are established in every CARICOM country with mediators working in their communities from community centres and other public places where men, women, youth and businesses could utilise their services instead of taking problems to court;
- mediation legislation to provide the framework within which community mediation programmes can develop and flourish is in place;
- a legislative drafting facility, evolving from work being done by the IMPACT Justice Project in relation to legislative drafting is established at CLIC;
- a disaster loss reduction and mitigation policy for the region’s legal system is developed.

For a fuller discussion see section 6.7.
3. PROJECT MANAGEMENT AND GOVERNANCE

WBS 4100: Project Management

4110: Project managed efficiently

4110.1: Manage Project PIP preparation

4110.2: Establish and convene Project Committees

4110.3: Manage Project (local employees, consultants, goods, assets and supplies)

4110.4: Monitor internally

4110.5: Report semi-annually and annually on Project progress

4110.6: Manage and report on financial aspects of Project

4110.7: Establish public relations mechanism and perform regular and required communications and liaison activities

(WBS 4100: Project Management (Total funding required: $6,062,610) (30% of $19,200,000) includes PIU staff costs, cost of convening the PSC, PMC and TAGS and includes establishing and managing the communications strategy, project monitoring and administrative costs and goods, assets and supplies.

3.1 Management approach and structure

3.1.1. Management approach

In terms of its management approach, the IMPACT Justice Project will use a consultative and participatory process in which all partners/stakeholders are included in planning and
decision making. The first stage occurs at Project inception when the Project Steering Committee (PSC) validates the PIP by approving performance indicators and approving the first Annual Work Plan (AWP) based on the Project’s Work Breakdown Structure (PWB). The second stage, which will continue through the life of the Project, is the establishment of Technical Advisory Groups comprising representatives of various partners and interest groups who will assist the PIU in preparing work plans, thus giving direction to Project activities.

Led by the Regional Project Director, a Project Implementation Unit will be responsible for the execution of the Contribution Agreement. The Director will report directly to DFATD and to the Principal, UWI Cave Hill Campus to whom the PIU is responsible for the efficient implementation of the Project in accordance with the terms of the UWI/DFATD Contribution Agreement. The Director will also guide all PIU staff involved in the planning, implementation, management and evaluation of the Project. All potential partners and sub-contractors will work under the guidance of the Project management team headed by the Project Director.

The PIU will:

- hire staff using the UWI process;
- prepare the PIP and AWPs in collaboration with Project partners who will be represented on the TAGS;
- establish and convene the PSC;
- seek the approval of the PIP, AWP and other reports by the PSC;
- report to DFATD and UW1 on an ongoing basis and annually and semi-annually through the PSC on Project progress;
- acquire services of and manage consultants;
- establish and manage public relations;
- take responsibility for detailed Project planning, operational and financial management, procurement;
- with the assistance of the TAGS, monitor and report on the Project using Results Based Management (RBM) tools;
- be responsible for the day to day management of the Project.

It is expected that the PIU will be staffed by 7 full-time persons, as shown in Figure 1, who will be male and female. In addition, part-time gender and environmental specialists and other consultants (male and female) will be utilised. The PIU will receive assistance as needed from the Human Resources Department, the Bursary, the Educational Media Services, the Marketing Department, IT Services, the Quality Assurance Office and the Records Management Office of the Cave Hill Campus. Most of this assistance will be provided by the UWI as part of its in-kind contributions to the Project.
The RBM approach that will be adopted for management of this Project provides tools that are focussed on timely and cost effective delivery of expected results. They flow from the Logic Model attached to this document as Annex A and will provide the basis on which the Project will be internally monitored for progress towards achievement of intended results. As one of its first responsibilities, the PIU will oversee the completion of the Project Implementation Plan, together with preparation and submission of the IMPACT Justice Project Baseline Study Report.

**Figure 1 – PIU Organisational Structure**

By October 2014, in addition to the Project Director, one Project Officer (Tamiesha Rochester) and one Project Assistant (Henderson Waithe) had been appointed. By December 2015, all posts other than that of Project Manager were filled as follows:

<table>
<thead>
<tr>
<th>Position</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regional Project Director</td>
<td>Prof. Velma Newton</td>
</tr>
<tr>
<td>Project Officer</td>
<td>Ms. Tamiesha Rochester</td>
</tr>
<tr>
<td>Project Officer</td>
<td>Ms. Nailah Robinson</td>
</tr>
<tr>
<td>Communications Officer</td>
<td>Mrs. Carolyn Williams-Gayle</td>
</tr>
<tr>
<td>Project Assistant (General)</td>
<td>Mr. Henderson Waithe</td>
</tr>
<tr>
<td>Project Assistant (Accounts) (Temp.)</td>
<td>Mrs. Karene Boyce</td>
</tr>
</tbody>
</table>
Efforts to recruit a Project Manager are continuing.

The job descriptions of Project staff are reproduced as **ANNEX P**.

### 3.1.2. Roles and responsibilities of implementing partners

#### 3.1.2.1 UWI, Cave Hill Campus

In its role as Implementing Agency for the IMPACT Justice Project, UWI will be responsible for:

- co-chairsing meetings of the Project Steering Committee (with DFATD);
- completing and obtaining approval of the PIP;
- staffing the PIU with appropriately qualified persons and ensuring its effective and efficient operation over the life of the Project;
- ensuring that counterpart financial management, human and IT resources are provided to the Project;
- preparing Project documentation as set out in the Contribution Agreement (including plans, reports, etc.) the PIP and AWP in a timely fashion;
- developing appropriate systems to ensure effective planning, implementation, administration and management of the Project in accordance with the PIP and Annual Work Plans;
- ensuring conformity with the Environmental Sustainability Strategy and the Gender Equality Strategy;
- ensuring the full commitment of UWI resources to the Project as set out in the Project Contribution Agreement;
- ensuring the full commitment of resources by other identified partners in the Project, and advising DFATD on a timely basis if these are not forthcoming;
- ensuring that the Project undertakes knowledge-building and knowledge-sharing activities to help meet policy requirements and policy-related activities;
- ensuring that the Project fully engages the range of stakeholder communities, on an ongoing basis, to maintain its relevance to the region;
- liaising with DFATD as required.

#### 3.1.2.2 DFATD

In its role as primary funding organization for the IMPACT Justice Project, DFATD will be responsible for:
3.2. Project Committees

A committee system is integral to the development and implementation of the IMPACT Justice Project. This system comprises (1) the Project Steering Committee; (2) Management Committee and (3) the Technical Advisory Groups.

Figure 2

PROJECT COMMITTEES

DFATD

UWI Cave Hill Campus

Project Steering Committee

Project Implementation Unit

Management Committee

TAG 1
Legal Drafting and Training

TAG 2
Legal Profession and Education

TAG 3
Legal Databases

TAG 4
Public Legal Education

TAG 5
ADR, RJ & Community Peace-Building Services
3.2.1. Project Steering Committee

A Project Steering Committee (PSC) will be established to provide policy direction and oversight of Project performance throughout the life of the Project and ensure that it responds to changes in regional context and needs.

The PSC will be co-chaired by the Principal of the Cave Hill Campus and a DFATD representative. It will also include up to 10 representatives of various Project partners. The DFATD Project Team Leader will be in attendance at all meetings. The PSC will meet once a year, with the first meeting taking place to review and approve the PIP. It will comprise:

- DFATD representative (Co-chair)
- Principal of the Cave Hill Campus (Co-Chair) or nominee
- Secretary General of the CARICOM Secretariat or nominee
- Director General of the OECS Secretariat or nominee
- two Attorneys General as representatives of the CARICOM LAC
- the President of the CCJ or other member of the regional Judiciary representing the JURIST Project
- a representative of OCCBA
- a civil society representative
- a member of the Caribbean Association of Industry and Commerce

The functions of the PSC are to:

- approve the Project Implementation Plan;
- approve the Annual Work Plan and annual progress reports;
- review and approve key Project documents such as the Logic Model, Work Breakdown Structure and the Performance Measurement Framework;
- oversee the integration of the cross cutting themes of gender equality, the environment and governance in the Project;
- provide information and guidance on the general direction of the Project and review the relevance of Project outcomes, strategies and plans in the context of changing policies of regional governments;
- oversee coordination and collaboration of the IMPACT Justice Project with other Projects and programmes;
- recommend policy-related exercises to be supported by the Project;
- review and discuss any policy issues that may arise.
3.2.2. Project Management Committee

A Project Management Committee (PMC) will be responsible for reviewing areas of collaboration between the IMPACT Justice, JURIST and other Projects. The Committee will meet annually, before meetings of the PSC, to review the Annual Draft Work Plan which is to be presented to the PSC, but the members should have discussions outside of a formal meeting whenever the need arises. The composition of the PMC is as follows:

- the IMPACT Justice Project Director;
- the IMPACT Justice Project/Programme Manager;
- the JURIST Project Director;
- The JURIST Project Manager;
- the DFATD Project Team Leader;
- The JURIST Project Team Leader

3.2.3. Technical Advisory Groups (TAGS)

The best opportunity for civil society to make an input in priority setting and the use of resources and the main mechanism for involving partners and stakeholders in Project implementation is through the Technical Advisory Groups. TAGS are also instruments for ongoing inclusive consensus building related to implementation, since all IMPACT Justice activities will require “buy-in” from the region. The TAGS will comprise experts from governments, the three Faculties of Law, UWI, the University of Guyana and the University of Suriname and policy analysts, donors and beneficiaries including representatives of women’s groups, environmentalists and the private sector. Members will be carefully selected on the basis of their skills or competencies in the areas on which the TAGS will be focusing. Efforts will be made to ensure that an Attorney General, a representative from the CARICOM Secretariat and the OECS Secretariat and at least one Parliamentary Counsel is a member of each TAG. It is expected that TAGS will serve for up to two years. Their duties are to:

- assist the PIU in establishing procedures and targets for Project planning, implementation, monitoring and reporting;
- recommend research studies;
- assist in determining the focus of activities by preparing the second AWP and semi-annual progress reports;
report on outputs as they affect the groups which they represent;

recommend adjustments to the Project strategies in light of changing conditions and realities.

The work of the TAGS will be coordinated by the IMPACT Justice Project/Programme Manager, who will be assisted by the two Project Officers. TAG meetings will be chaired by the Project Director.

In the Project Proposal, provision was made for the establishment of four TAGS as follows: Legal Drafting and Training; Legal Profession and Education; Legal Databases and ADR, RJ and Community-Based Peace Building Services. However, as the PIP was being prepared, it became clear that another TAG is needed to focus on public legal education, thus separating it from activities designed to improve accountability, skills and the image of the legal profession as justice sector actors. The Public Legal Education TAG will mainly comprise representatives of the Faculties of Law, Bar Associations and NGOs. Most of the members of the Legal Profession and Legal Education TAG will be attorneys-at-law, and the public will also be represented. The five TAGS will normally meet once a year to receive reports on the work of the previous year and to assist in the preparation of the next AWP. They will complete their work in accordance with a time frame identified in the AWPs.

3.3. Human rights, democratization and good governance attributes in the IMPACT Justice Project

A set of attributes which underpin interventions which the Canadian Government undertakes in support of human rights, democratization and good governance will all be woven into IMPACT Justice project components. They are:

- participation and inclusion
- transparency and accountability
- efficiency and effectiveness
- equity, equality and non-discrimination
- capacity and responsiveness

Under the sub-head participation and inclusion IMPACT Justice Project partners and beneficiaries have a right to be consulted and to participate in decision-making that will impact on their lives or organisations, either directly or through chosen representatives. Both in the preparation of the Project Proposal and of the PIP, the views of partners have been sought and they will be further involved through ongoing consultations and through representation on Project committees.

The provision of access to information, openness, freedom from corruption, nepotism, patronage and the promotion of the interests of some individuals or interest groups over others who have as good a claim to be considered are the key components of
transparency. The IMPACT Justice Project will ensure that it builds a reputation for transparency, reliability and predictability in taking decisions which are in the best interest of all Project partners and beneficiaries. It will do so by:

- putting in place committees through which stakeholders can monitor the implementation of the Project in accordance with approved work plans and strategies;
- designing an efficient communication strategy which will allow Project partners, stakeholders and the public easy access to relevant information on the Project;
- advertising key staff vacancies internally within UWI and externally so that all persons with the required qualifications who are interested may apply.

Accountability is the obligation of an individual, firm, institution or government to account for its activities, accept responsibility for them and disclose the results in a transparent manner. It also includes responsibility for money or other entrusted property. The IMPACT Justice Project will ensure that its accounting and management structures are in accordance with DFATD and UWI requirements, that all deliverables are met in accordance with the Contribution Agreement, that the value of all purchase orders reflect the amounts actually disbursed and that all required reports and Project audits and evaluations are completed within the time periods specified.

Efficiency and effectiveness are seen as important aspects of governance. To be efficient and effective, the IMPACT Justice Project will use its financial and human resources to limit costs, while maximizing benefits to beneficiaries and will ensure that sub-contractors are cognizant of the need for both efficiency and effectiveness in all Project dealings. In addition, internal monitoring which tests Project activities and outputs for efficiency and effectiveness will be carried out on an on-going basis; and corruption and other misuse of resources will be avoided by putting DFATD recommended anti-corruption clauses in all agreements, by monitoring finances closely and by investigating any questionable practices.

To ensure equity and fairness, the IMPACT Justice Project will mainstream general principles of equity and the cross cutting theme of gender equality throughout the Project to establish fair and transparent criteria for access to funding, training and other Project-related opportunities by men and women and that some of the legislation drafted under the Project is in areas where gender inequalities are in need of correction. The Project will also ensure that gender neutral language is used by drafters in all its legislation.

Capacity in relation to a Project refers to its ability to deliver what it has agreed to do. The IMPACT Justice Project has been carefully designed to ensure that the level of office staff should be adequate, and that experts and representatives of civil society groups sitting as TAGs will determine the activities on which the Project focuses. The Project has the flexibility to use part-time staff and the services of additional experts on TAGS on a temporary basis if needed. With regard to adequate space for Project activities, UWI has agreed to ensure that this is available.
Responsiveness ensures that sub-Projects are based on expressed needs, have buy-in and support from main stakeholders (including the beneficiaries) and can be adapted to the local context. The results of processes and institutions or organizations are responsive when they meet the needs of beneficiaries while making the best use of resources. The IMPACT Justice Project is a response to demands for more legal drafters, assistance in drafting legislation to meet existing needs in many areas, both at the regional and national levels, calls by the public for more accountability on the part of attorneys-at-law and from attorneys themselves for mandatory continuing legal education, strengthening of disciplinary procedures and a regional code of ethics and a recognized need by justice sector actors and the general public for access to and training in the use of ADR and other mechanisms which result in speedier and cheaper access to justice. It is also a response to requests by the public, made in various ways, to have their legal rights explained to them, and to obtain knowledge of the law through courses, seminars, etc. The IMPACT Justice Project is from start to end a demand driven Project. It will seek to ensure that this is apparent to DFATD, governments of the region, stakeholders and the public of CARICOM Member States by involving in its activities representatives of all the groups and individuals to whose needs the Project is a response and by listening, throughout the life of the Project, to the voice of beneficiaries and the general public in relation to its activities and focus.

In summary, the attributes of good governance and respect for democracy and human rights will be interwoven in the management of the IMPACT Justice Project.
## 4. PROJECT IMPLEMENTATION

### WBS 1100:
Increased access by CARICOM Member States to gender equitable and environmentally sensitive regional model laws and new or amended national laws

<table>
<thead>
<tr>
<th>Output</th>
<th>Description</th>
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<tbody>
<tr>
<td><strong>1110:</strong></td>
<td>Gender equitable and environmentally sensitive model CSME and other laws drafted and presented to the CARICOM Legal Affairs Committee for approval</td>
</tr>
<tr>
<td><strong>1120:</strong></td>
<td>Gender-sensitive online and other courses on legislation and treaty drafting in UWI, UG and other institutions supported</td>
</tr>
<tr>
<td><strong>1130:</strong></td>
<td>Manuals on (a) treaty drafting; (b) instructions for legislative drafters and (c) procedures for drafters prepared and distributed to CARICOM Member States</td>
</tr>
</tbody>
</table>

### 4.1. Outputs, activities and work breakdown structure

In this chapter, a link will be made between the planned activities and expected results of the IMPACT Justice Project. The Project has four programming components which are to be found in the Logic Model (LM) (Annex A); in the Performance Management Framework (PMF) (Annex B) and in the Work Breakdown Structure (WBS) (Annex D). In accordance with the RBM approach, the LM outlines the full structure of the Project’s WBS with the exception of the Project management related activities. The ultimate outcome of the IMPACT Justice Project which is a strengthened justice system benefitting men, women, youth and businesses in the CARICOM region will be achieved through the following expected intermediate outcomes:
The immediate outcomes which lead to the above intermediate outcomes and the activities and outputs which contribute to the immediate outcomes are described in the sections which follow, in work breakdown structure format.

### 4.1.1. Intermediate Outcome 1000: Strengthened gender equitable and environment sensitive legislation and treaty policy making at the national and regional levels

**WBS 1100:** Increased access by CARICOM Member States to gender equitable and environmentally sensitive regional model laws and new or amended national laws. (Total funding required $5,665,382 (29% of DFATD contribution of $19,200,000)

Laws passed for the good governance of a society are the backbone of its social and economic fabric.

The provision of assistance to CARICOM Member States in formulating laws leading to cooperation, economic integration and development is in keeping with DFATD’s objective of promoting greater integration and sustainable economic growth in the region for the well-being of women, men, youth and businesses. In fact, funding for the IMPACT Justice Project comes from DFATD’s regional programme. Therefore, it is essential that the laws which the IMPACT Justice Project proposes to address reflect regional priorities and are seen to advance the CARICOM region as a whole.

In some cases, new legislation or amendments to existing legislation at the national level will be needed to bring the law in some countries in line with others. At present, new or amended gender equitable regional and national laws are needed:

- for the implementation of the CSME at the regional and national levels. In this regard, laws relating to the five regimes identified under the CSME – the free movement of goods, capital services, skills, the right to establish companies and businesses and to be treated as a national are all relevant areas for legal drafting and model laws;
• to assist the OECS in relation to rationalising procedures of the OECS Commission and the establishment of an Economic Union in the sub-region;
• to deal with family law and gender equality gaps;
• to fill legislative lacunae identified by the JURIST Project and by IMPACT Justice Project researchers.
• to give effect to recommendations made by the ADR Survey consultants.

Outputs and activities

Output 1110: Gender equitable and environmentally-sensitive model CSME and other laws drafted and presented to the CARICOM Legal Affairs Committee for approval

The assistance to be provided to governments and regional institutions by the IMPACT Justice Project may range from national and regional consultations by experts to the preparation of policy papers, instructions for drafters, drafting of Acts and regulations with explanatory memoranda, further consultations with experts and Chief Parliamentary Counsel to engaging in public awareness exercises at the national and regional levels.

With regard to the drafting of legislation, the Revised Treaty of Chaguaramas has provided a framework for the creation of regional legislation by establishing a CARICOM LAC comprising Attorneys General and others to co-operate with competent organs of the Community; to advise Member States on the legal infrastructure required to promote investment in Member States (Art. 19) and by requiring Member States to harmonise their laws and administrative practices in areas including competition, consumer protection, environmental protection, intellectual property, the development of youth and women, the right of establishment and services.

At present, requests to IMPACT Justice for drafting model legislation in accordance with the requirements of the Revised Treaty may be made by regional organisations, projects implemented at the regional level with donor funding, individual governments, the OECS sub-region and the CARICOM Secretariat through its Institutions. All requests will be placed on a list for approval and prioritisation by the relevant TAG. The approved list will then be submitted to the LAC for approval. If more than three Member States request the development of legislation in an area, then there is a good case for the Attorneys General to recommend action by the IMPACT Justice Project on the basis that the legislation will meet a regional need. This may seem a low threshold, but others may reconsider and join the list of those in favour once discussion commences.

Once LAC approval is secured, the next step is for the PSC to approve the items on the list and the funding being requested. After this, the IMPACT Justice PIU, either on its own, or in association with other donors, will arrange for policy instructions and then legislation to be drafted. At both stages, input will be sought from CPC’s in the region. On completion, the draft legislation will be considered by the LAC and further amendments may be suggested,
or it is approved and then sent by Attorneys General to their CPCS who will advise whether yet further amendments are needed, or whether it can be sent for the consideration of Cabinet.

In some cases, amendments to national legislation may become necessary as a result of provisions in model laws and these may also be submitted to the LAC for discussion rather than approval because the IMPACT Justice Project would not propose the drafting of legislation at the national level which does not already have the approval of the Government of the Member State through its Attorney General. Why circulate the national list to the LAC? The reason is that it is important for Attorneys General, as Project partners, to be aware of all proposed activity under the IMPACT Justice Project, including requests for assistance from fellow Member States. This gives Attorneys General an opportunity to reflect further on their identified needs, makes it clear that the Project is operating in a transparent manner by sharing information.

(1) The regional agenda

(a) CSME Laws

Some donors, including DFATD, have been providing financial assistance to enable the CARICOM Secretariat to draft model laws through its CSME Unit. The objective of model laws is to create identical legislation in each Member State as far as possible to ensure that they benefit from the same approaches to trade, external investment, economic and human development. However, at the national levels adaptations may be made to model laws to suit local circumstances.

The CSME agenda as prepared by the CARICOM Secretariat is far from complete. The CSME Unit has identified a number of areas in which the IMPACT Justice Project can provide assistance in moving the regional integration movement forward by funding consultations, preparation of policy and legislation and which could be the base of the regional agenda of the Project. These areas, taken from the agenda articulated in the Revised Treaty of Chaguaramas include, but are not necessarily limited to:

| Art. 134: Air and maritime transportation (a Transportation Commission has been established - model legislation is required.) |
| Art. 74: Commercial arbitration |
| Art. 168: Competition (mergers and acquisitions) |
| Art. 72: Double taxation agreements |
| Art. 60: Fisheries management and development |
| Art. 74: Intellectual property rights |
| Art. 30: Social security |
| Art. 67: Standards and technical regulations (metrology infrastructure development) |
(b) OECS Economic Union

Simultaneously, attention is to be paid to the needs of the OECS subregion, especially when these needs dovetail with those of the wider CSME enterprise. The OECS came into being as a subregional group on June 18, 1981 when seven Eastern Caribbean countries agreed, in the Treaty of Basseterre, to establish an OECS Authority to cooperate with each other and promote political and economic unity and solidarity among members. In 2010 they agreed to deepen economic integration within the subregion by creating an Economic Union which would be a single economic and financial space. Provision for the Union was made in the Revised Treaty of Basseterre which entered into force on January 21, 2011.

The OECS Secretariat has requested assistance from the IMPACT Justice Project to undertake a number of initiatives relating to the OECS Commission and the establishment of an Economic Union under Article 4 of the Revised Treaty of Basseterre 2011. The General Counsel of the CARICOM Secretariat has recommended that the IMPACT Justice Project provide assistance in the areas requested by the OECS Secretariat on the ground that they fit into the wider CARICOM programme.

These are:

- **Rationalising the process of developing OECS legislation**
  - Art. 14 of the Revised Treaty of Basseterre grants legislative competence to the OECS in 8 areas to be exercised by the OECS Authority and Council of Ministers through Acts and Regulations of the Organisation. Recommendations for transforming these Acts and Regulations into domestic law and for publication and implementation of Regulations of the OECS Commission are needed.

- **Strengthening the labour laws of the OECS to allow for the free movement within the OECS Economic Union and creating a harmonised labour market in the OECS**
  - Amendments are needed to allow for free movement of OECS citizens within the OECS Economic Union and to create a harmonized labour market.

- **Review of the policy and legal frameworks for social security**
This is needed to enable free movement of OECS citizens within the OECS Economic Union. It will dovetail with work being done on social security for wider CSME purposes.

#### Harmonisation of company legislation

This is needed to facilitate establishment of the single financial and economic space and to deliver cross border company services within the OECS building on work previously done by the CARICOM Secretariat; establish a single registration system for companies in the sub-region, simplify procedures for establishing a business and eliminate external company registration requirements in OECS Member State.

#### Harmonisation of Customs legislation within the OECS

To date only two Member States have enacted the CARICOM Model Customs Bill. Full implementation of free circulation of goods requires harmonised customs legislation within the OECS Economic Union and a review of the Sanitary and Phytosanitary (SPS) and Technical Barriers to Trade (TBT) including environmental public health and safety concerns that are likely to impact on the free circulation of goods.

#### Development of an OECS Common Services Policy pursuant to the Treaty of Basseterre

The design of a common services policy pursuant to the Treaty of Basseterre which will lead to the amendment or drafting of new legislation to give effect to the regulatory regime for targeted services in keeping with subregional and national developments is needed.

#### Establishment of a single accreditation body to serve as the national authority for Member States

Within the context of freedom of movement of OECS citizens and given the resource constraints of Member States, the legislative framework for a single accreditation body to serve as the national authority for the Member States is needed.

#### Public awareness campaign for Eastern Caribbean Competition Bill

The bill has been drafted and is now to be publicised. The development of a public awareness programme which can be used as a model for similar exercises in the future is needed.

### (c) Laws to be drafted in relation to the ADR programme –

- Model domestic and international Arbitration legislation (preferably within one document) for adoption by Member States which will provide a modern framework for dealing with disputes between nationals and national and foreign companies in
accordance with accepted international standards which would be attractive to foreign investors;
- amendment of legislation/practice directions of Member States to provide for mandatory referral of cases to mediation by the High Courts and Magistrates’ Courts which will result in the disposition of a larger number of criminal cases through mediation and thereby reduce the “clogs” in the court system;
- amendment of Justices of the Peace Acts to provide Justices of the Peace trained in mediation to have community mediation responsibilities and authority;
- drafting of legislation to provide a framework for both community and court-annexed mediation.

(d) Laws to be drafted or amended on recommendation of the DFATD JURIST Project

A preliminary list is:

- drafting of legislation for the elimination of Preliminary Enquiries (Trinidad has already started the process);
- review and amendment of legislation governing the recording and transcription of court proceedings

(e) Laws to be drafted or amended at the request of the Eastern Caribbean Supreme Court

- development of legislation for institutional strengthening, including comprehensive pension legislation for the judiciary of the ECSC which can be used as a model for other jurisdictions in CARICOM;
- development of Rules of Court to support the legislative framework that has been established;
- assisting with reforms in the areas of Criminal and Family Law.

(2) National agenda

The national legislation reform agenda will be driven by Attorneys General and is expected to include laws to:

- render some domestic laws compliant with international standards relating to money laundering and corruption, the rights of the child, gender based-discrimination against women and men, non-communicable diseases and mental health to which most of them are signatories;
- reform family law;
- amend or pass new laws as follows:
o anti-harassment legislation (currently only present in 4 Member States);
o equal pay legislation (currently only present in 9 of 13 Member States);
o recognition of common law unions (currently only expressly recognised in 3 Member States although such unions are prevalent in Member States);
o legislation criminalising marital rape;
o omnibus Family Law Acts containing provisions relating to the spouse and child as in the Barbados Family Law Act, Cap. 214;
o fill legislative lacunae identified in the laws of some Member States by TAG members. Some Attorneys General have already requested assistance in the following areas: Adoption, Building Societies, Charities, Child Offenders, Cybercrimes, Disaster Preparedness, Environment, Insurance, modern Mental Health legislation, Occupational Safety, Oil and Gas policy, Public Service and Trafficking in Persons.

In addition, IMPACT Justice will work with the JURIS Project and other donors such as DFID to provide training for the judiciary and legal profession in new court rules for criminal practice and procedure.

The strategy which the IMPACT Justice Project will adopt before considering requests for new or amending legislation at the national level is that they must first be supported by at least 3 countries.

The IMPACT Justice Project is cognisant that for tangible results under Component 1 the onus for the actual implementation of legislation is on Member States. The Project strategy of not proposing to draft legislation at the national level which does not already have the approval of the Government of the Member State through its Attorney General is extremely important in terms of the likelihood of legislation being accepted by Member States and taken to Parliament. Furthermore, in its quest for success in this regard, the Project will cooperate to the greatest extent possible to further amend if necessary and conduct public awareness sessions on legislation which it has assisted in drafting if this is needed and endorsed by the Member States.

With regard to activities under this sub-component, the IMPACT Justice Project will all along be considering the sustainability of establishing a legislative drafting facility at the Caribbean Law Institute Centre after the Project ends, which is similar to that which existed at the CARICOM Secretariat.

Funding required: $4,777,412.00

Output 1120: Gender sensitive online and other courses on legislation and treaty drafting in UWI, UG and other institutions supported
At present, many countries in the region have backlogs of laws awaiting finalization and presentation to Parliament in large part because of shortage of drafters. The position in relation to legislative drafters employed in offices of Chief Parliamentary Counsel in CARICOM countries at the end of May 2014 is given in Table 1.

**Table 1: Legislative Drafters in Offices of Chief Parliamentary Counsel in CARICOM Member States**

<table>
<thead>
<tr>
<th>COUNTRY</th>
<th>LEGISLATIVE DRAFTERS</th>
<th></th>
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<tr>
<td></td>
<td>MALE</td>
<td>FEMALE</td>
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<td></td>
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<td>ANTIGUA AND BARBUDA</td>
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<td>BARBADOS</td>
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<td>JAMAICA</td>
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<td>ST. VINCENT AND THE GRENADINES</td>
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<td>CARICOM SECRETARIAT</td>
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<tr>
<td>OECS SECRETARIAT</td>
<td>0</td>
<td>1</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>22</td>
<td>65</td>
<td></td>
<td>87</td>
</tr>
</tbody>
</table>

*Source: Personal communication from Attorneys General, Chief Parliamentary Counsel and others attending an IMPACT Justice meeting held in Barbados on May 13-14, 2014.(1) Nine of these are employed in the Ministry of Justice.*

The position is that at the time some 61 male and female drafters were employed in the offices of Chief Parliamentary Counsel in CARICOM Member States except Suriname and 6 in the two main regional secretariats. The situation in Suriname was different in that only 9 of the country’s 20 drafters were stationed in the Ministry of Justice. The other 11 worked in 6 Government Ministries each of which has a legal department in which legislation for
that Ministry was drafted. The drafts were then sent to the drafting division in the Ministry of Justice for refinement. Of note is the fact that Trinidad and Tobago had the highest number of drafters, followed by Suriname, then Jamaica which has 20 posts, 10 of which were filled, and Barbados, with 8 posts, all filled. In 2012, persons who initially supplied the information on drafters (except in Suriname) were careful to point out that some were not qualified, and had received no formal training in the drafting of legislation, or had only attended short courses offered by the Commonwealth Secretariat in Guyana in 2007 and 2008.

Table 1 shows that some 75% of the drafters were female. This is a development which has accompanied the increase in female graduates from the West Indian system of legal education. It was also said by some of the female drafters to be a result of the male preference for advocacy over desk jobs.\(^\text{24}\) Between 2002 and 2013, the UWI Postgraduate Diploma and LLM Programmes produced 39 graduates (22 females and 17 males), 31 of whom were from the CARICOM region.\(^\text{25}\) This means that the average number of men and women from the region graduating from the UWI programme for the 7 year period between 2002-13 was 5 a year. It is clear that not all have remained in the field, or at least, in the Offices of the CPCs. Some are working in other government departments in the region and others have left the Civil Service altogether, or the region. Some of those remaining in the region word for governments on a consultancy basis. The results of the legal education survey which is to be conducted under the IMPACT Justice Project should provide information on their whereabouts.

Since the information in Table 1 was received the number of drafters in the CARICOM Secretariat was reduced to 2 by early 2015. The fact is that 3 drafters who were stationed there to provide assistance to Member States and teach students in the CARICOM-Athabasca-CFTC Legislative Drafting Programme mentioned below were reassigned to other countries.\(^\text{26}\) In the OECS Secretariat the acquisition of the services of one additional drafter was acquired, bringing the number to 2.\(^\text{27}\)

The CPC offices with one or two drafters rely heavily on consultants who charge on an item by item basis, or accumulate files containing requests for new legislation or amendments accumulate for months, sometimes years.\(^\text{28}\) In addition, these offices requested assistance from the CARICOM Secretariat and extra regional bodies. The Secretariat tried to assist those countries in which the shortage of drafting skills was having serious negative consequences, but the 3 drafters supplied by the Commonwealth Secretariat could only spend a few weeks at a time on the work of any one country because they also had duties in the Secretariat, and taught in a blended learning Diploma in Legislative Drafting Programme being conducted under a tripartite agreement between the Commonwealth Secretariat, the CARICOM Secretariat and Athabasca University. Information was received by the IMPACT Justice office that the Commonwealth Secretariat is considering a new arrangement for assisting CARICOM Member States which have dire drafting needs.\(^\text{29}\)

Irrespective of the number of drafters in countries other than Trinidad and Tobago, complaints are made by policy makers about backlogs of legislation awaiting action. The
response of Chief Parliamentary Counsel and their staff is that (1) they cannot handle the volume of work; (2) while a legislative agenda is drawn up every year, it is seldom faithfully followed because governments frequently ask for off-agenda items to be worked on urgently; (3) in many instances, no instructions or adequate instructions are provided by the Ministries requesting the drafting of legislation and the drafter is at a loss as to what is required. In most countries consultants are used to assist in drafting urgently needed legislation, but a complaint has been that because of the amount of work to be done, the local consultant drafters deliver very slowly and are expensive.

1120.1. Courses on legislation and treaty drafting and other undergraduate and graduate programmes

The IMPACT Justice Project plans to expose male and female law students to legal drafting as a career by funding the preparation of a syllabus for, and offering a Year III course in the LLB Programme of the Faculty of Law of the University of the West Indies, Cave Hill Campus entitled: "Introduction to Legislation and Treaty Drafting." Such a course is to commence in the January to March semester of the academic year 2014/15. The course outline will be prepared by the Faculty of Law at the Cave Hill Campus, submitted to the Cave Hill Academic Quality Assessment Committee for approval, and shared with the Faculties of Law at the other UWI campuses.

The cost of offering this course for 5 years at the Cave Hill Campus will be $21,970.00. This includes the cost of course preparation, materials and teaching. Books will be included in the lists to be submitted by the law libraries for purchase to support courses being funded by the IMPACT Justice Project. The Faculties of Law at Mona, St. Augustine and the University of Guyana have not yet expressed interest in the course, but could do so at a later date.

In the event that the Faculties of Law do not offer the undergraduate course in Year 2 of the Project, the funds allocated will be used to assist in strengthening the course in Legislative Drafting offered by the Council of Legal Education's Law Schools.

Funding required: $21,970

1120.2 Provision of assistance to students enrolled in UWI, UG and other programmes in legislative drafting

At mid 2014, the regional legislative drafting programmes available are:

(1) a Postgraduate Diploma in Legislative Drafting being offered to students selected by Attorneys General of CARICOM countries under a tripartite agreement between the CARICOM Secretariat, the Athabasca University and the Commonwealth Fund for Technical Cooperation (the CFTC). The programme, which commenced in 2013 and is based at the CARICOM
Secretariat, is geared towards individuals early in their drafting careers and from all levels of government and non-governmental agencies or departments involved in planning and writing laws, policy documents and similar material. It is based on materials produced by the Commonwealth of Learning, an intergovernmental programme created by Commonwealth Heads of Government to encourage the development and sharing of open learning and distance education, knowledge, resources and technologies. This is primarily a year-long, online course, but for two short periods, students visit the CARICOM Secretariat where they are taught face-to-face.

(2) the UWI Postgraduate Diploma and LLM in Legislative Drafting which as of September 2014 may be offered at all three campuses of the University, but are currently only being offered at the Faculty of Law, Cave Hill Campus. Delivery of both the Postgraduate Diploma and the LLM is by learning in which face-to-face instruction is combined with e-learning using live Blackboard Collaborate. The Postgraduate Diploma may be completed in one calendar year, while the LLM may be completed in one calendar year to 18 months;

(3) A number of students from CARICOM Member States are enrolled in a Legislative Drafting Diploma Programme offered by Athabasca University.

(4) The University of Suriname trains up to 40 drafters at the LLM level every 5 years or so to satisfy the needs of its Ministry of Justice and 7 Government departments which all have positions for legal drafters. The programme, conducted in Dutch at the Anton de Kom University, is usually sponsored by the Government of Suriname with assistance from the Dutch Government.

The UG is currently preparing to offer a face-to-face Postgraduate Diploma and LLM in Legislative Drafting during the academic year 2014-2015, but by the end of June 2014 had not yet completed arrangements for a course director. It seems that Campus does not at present have the infrastructure to support online programmes. When this face-to-face programme has been approved by the relevant university quality assurance and other committees and is fully established, the IMPACT Justice Project will consider supporting it.

Since there is now no immediate requirement for the IMPACT Justice Project to provide funding for designing and delivering programmes in Legislative Drafting as was envisaged in the Project Proposal, and the Project’s overriding interest is in building drafting capacity in the region, it will concentrate on assisting students accepted to the programme at the Faculty of Law, Cave Hill Campus, and will also support other UWI and the UG programmes when they are fully established. It will also offer assistance to students from the region who have been accepted into the Athabasca programme and apply for assistance.

With regard to Suriname, since its training programme is substantially different from the programmes listed at (1) to (3) above, the IMPACT Justice Project Director has asked the
Caribbean Development Bank which at mid-2014 is conducting a Suriname needs assessment to consider including the training of drafters in any programme which results.

Commencing in the second quarter of the Academic Year 2014/15 and continuing for the life of the Project, IMPACT Justice will assist up to 50 students (10 per year) to qualify as legislation and treaty drafters over a five year period. None of these students will be from Trinidad and Tobago which has a funding programme for students pursuing tertiary level education. The Project will also urge the Faculties of Law of UWI to propose to the relevant University bodies that the cost of the legislative drafting programmes be brought in line with that of other Taught Masters programmes to make it more affordable to prospective students and thus more sustainable. At the present rates only partial funding can be provided to students enrolled in the programmes at the Cave Hill Campus from Barbados and Jamaica. However, it will be possible to provide most of the funding required by students from the other CARICOM countries in relation to which the costs are lower. If UWI Faculty of Law costs for Barbadian and Jamaican students are reduced by the beginning of the 2015/16 academic year, then assistance can be given to most of the student who are accepted into its programmes (other than Trinidadians who already benefit from generous support from the Government of that country), and also to the University of Guyana programme, which, by then, should have appointed suitable staff and be ready to start.

**Funding required: $370,000**

Output 1130: Manuals on the drafting of (1) treaties (2) instructions for legislative drafters and (3) procedures for legislative drafters prepared.

1130.1 Prepare a treaty drafting manual

The CPCs of Barbados, Jamaica, Trinidad & Tobago, the General Counsel and Deputy General Counsel of the CARICOM Secretariat, staff of its CSME Unit and the Legislative Drafter of the OECS Secretariat have recommended a short course on treaty drafting which would constitute a refresher course for some, provide basis information for others and result in the preparation of a regional treaty drafting manual. The course, which is to be sponsored by the IMPACT Justice Project in collaboration with the Office of the General Counsel, the Office of Trade Negotiations of the CARICOM Secretariat, the OECS Secretariat, the Sir Shridath Ramphal Centre for Trade Law and Policy and the Faculties of Law, will focus on (a) treaties as a tool for regional integration; (b) Competition Law; (c) WTO/Trade Policy and Law; (d) international and regional treaty frameworks (e) oil and gas law. It is likely, at the requests of Attorneys General, that the course will be offered in two parts, with the second part dealing with Maritime Law/Ocean Governance including the drafting of oil and gas treaties.

The main outputs will be enhanced knowledge of treaty making by course participants and a manual of procedures for treaty drafting. The course was originally planned for the first year of the Project, but will now be held during the second year.
1130.2 Prepare a manual of instructions for legislative drafters for government ministries, departments and agencies

The most frequent complaint by Chief Parliamentary Counsel who attended the IMPACT Justice sponsored meeting for Attorneys General, Chief Parliamentary Counsel and Bar Association representatives on May 13-14, 2014 was that most of the time they receive no instructions along with requests from Ministries to draft legislation. In Jamaica and Trinidad and Tobago training courses are held for Permanent Secretaries and others in Ministries who are responsible for informing the Chief Parliamentary Counsel of the policy to be put in place in legislation, but this is not the case in other countries. Even in these two countries drafters still find the quality of drafting instructions forwarded to them uneven.

The IMPACT Justice Project will host a workshop for training Permanent Secretaries and others in government departments whose duty it is to draft policy for legislation. It will use consultant drafters from the Commonwealth Secretariat and from the United Kingdom as course facilitators. The main outputs will be enhanced knowledge of policy drafting and a procedures manual. The course is expected to last three days and will be held during the third quarter of Year 1 of the IMPACT Justice Project.

Funding required: $90,000.00

1130.3 Prepare a manual on procedures for legislative drafters

Chief Parliamentary Counsel or drafters from 9 CARICOM Member States support the preparation of a manual to be used regionally by legislative drafters. It was reported that Barbados, St. Lucia and Trinidad and Tobago had prepared manuals for internal use, but it was agreed that if a common manual is used in the region, then it would be easier for drafts of legislation to be exchanged, and to be prepared by consultants in a form which would be acceptable to CPCs. The JUST Project, Jamaica is preparing such a manual which was to have been completed in September 2014. The IMPACT Justice Project commenced discussions with the Director of the JUST Project for a joint meeting at which its provisions would be discussed by Chief Parliamentary Counsel from the region, with a view to making any amendments necessary for its adoption as the regional guide. It is expected that the review meeting will be held during the third quarter of Year 1 of the IMPACT Justice Project.

Funding required: $68,000.00

Funding required: $40,000.00
4.2 Intermediate Outcome 2000: Improved legal services, including legal education and information for women, men, youth and businesses at the national and regional levels

WBS 2100: Enhanced gender-responsive accountability framework which includes the upgrade of skills of the legal profession in CARICOM Member States. (Total funding required $529,500) (3% of DFATD contribution of $19,200,000)

Activities and Outputs

Output 2110: A gender-sensitive model Legal Profession Act with a revised Code of Ethics, disciplinary and accounting procedures drafted in consultation with national and regional bar associations and CARICOM Member States

Common Code of Ethics

As graduates of the West Indian system of legal education, many of the attorneys-at-law in the CARICOM region may apply to practice in any of the Member States. It stands to reason then that their activities should be regulated by the same Code of Ethics and disciplinary procedures. At present, 10 of the 11 Member States which have enacted legal profession legislation have included Codes or Canons of Ethics in that legislation. There are no Legal Profession Acts in Dominica or St. Vincent and the Grenadines: provisions for the legal profession are in the Supreme Court Act of each of these Member State.
At the meeting of bar association representatives sponsored by the IMPACT Justice Project and held in Barbados from May 13 to 14, 2014, the Acting General Counsel of the CARICOM Secretariat informed that the idea of a regional Code of Ethics for attorneys-at-law had been raised in connection with a discussion on codes of ethics for all professions in the region but had not been pursued. The bar association representatives agreed that a harmonised Code of Ethics was desirable and members volunteered to sit on a committee to draft it. Since then, the IMPACT Justice Project Office has prepared a paper on the Codes of Ethics in legal profession legislation in CARICOM Member States which will inform discussions at the next meeting to discuss the subject. The drafting of instructions for a regional Code of Ethics will be on the agenda of a meeting of bar association representatives which the IMPACT Justice Project will host late in 2014.

Two other sections of Legal Profession Acts were highlighted by bar associations representatives at a meeting held on May 13-14, 2014 as being in need of amendment. These were the composition and powers of disciplinary committees and accounting standards.

**Common Disciplinary Procedures**

In the legislation of Jamaica and Grenada provision is made for a General Legal Council which undertakes the function of regulating the profession. This body is an independent one which is completely separate from the Bar Association. In Jamaica, it is the Council which appoints the Disciplinary Committee. The Disciplinary Committee in Jamaica has the power to strike attorneys from the Roll directly and it leads the way in the Caribbean in terms of upholding professional legal standards and vigorously prosecuting attorneys who commit professional misconduct. Thus, between 1985 and 2010, 38 attorneys were disbarred from practising in that country. Furthermore, in its 2011-12 Annual Report to Parliament, the Jamaica General Legal Council reported receiving over 200 complaints during that time period, including 112 in relation to which a *prima facie* case was found. Five attorneys were struck off the Roll while others were found guilty of professional misconduct for failing to account to clients, or for failing to deliver accountants’ reports to the Secretary of the Council. It is significant that the Jamaica General Legal Council reports to Parliament on a regular basis and also publicises its decisions on a website, along with a list of the lawyers who have been disbarred or otherwise sanctioned.

In Grenada, the General Legal Council has power to hear complaints of professional misconduct by clients or other persons against attorneys-at-law. The Council may also, on its own motion initiate an investigation in respect of the conduct of an attorney-at-law. Where a case of professional misconduct has been established against an attorney-at-law, the Council may suspend the Practising Certificate of the attorney-at-law, reprimand the attorney-at-law or make such order as to costs as it thinks fit. The Council may also order the attorney-at-law to pay the applicant or person aggrieved, such sum by way of compensation and reimbursement. If the Council is of the opinion that a case has been made out which justifies punishment more severe than may be imposed by the Council,
such as removal from the Roll, the Council has the power to forward a copy of the proceedings before it and its findings thereon to the Supreme Court. The situation at the end of 2014 was that the Council was not then functioning, due to the resignation of the former Chairperson.34

In other Member States where disciplinary committees are appointed by bar associations, these committees only have the power to impose on the attorney-at-law to whom the application relates, a fine as they think proper, reprimand the attorney-at-law to whom the application relates, make orders as to costs as they think fit and order the attorney-at-law to pay the applicant or person a sum by way of compensation and reimbursement. Where the committee is of the opinion that a case has been made out which justifies punishment more severe that may be imposed by it under the relevant disciplinary procedure provisions, such as suspension from practice or removal from the Roll, the committee may only forward a copy of the proceedings before it and its findings thereon to the Chief Justice and the Attorney General in the case of Antigua and Barbuda and Trinidad and Tobago, the Chancellor and Attorney General in the case of Guyana or to the High Court for determination by a single judge in chambers in the case of St. Lucia.

In the case of Barbados, the committee may merely recommend penalties to the Chief Justice who then causes the report to be set down for the consideration of the Court of Appeal. This is similar to the position in Belize where the General Legal Council has to report its recommendations to the Chief Justice who will then make the final determination of whether a case of professional misconduct has been made out against the attorney-at-law in question. The Disciplinary Committees are all funded by the Consolidated Fund except in St. Lucia where it is funded by the Bar Association.

Issues raised in relation to Disciplinary Committees are:

- absence of provision in some cases for lay persons to be members;
- in Belize and Grenada where the Committees are chaired by the Chief Justice and the Attorney General respectively, that meetings are not held as often as would be ideal because the Chairpersons are very busy;
- lack of funding for the work of the Committee as in Antigua and Barbuda and Belize where members provide supplies;
- complainants in several Member States being at a disadvantage when appearing before the Committees because they do not know how to present their cases and are not represented, while the defendants, being attorneys-at-law, generally appear with counsel;
- inability of some Committees to impose sanctions, especially where their powers stop short of being able to strike attorneys off the Roll.

The Bar Association of Jamaica is currently revising its Disciplinary Committee procedures and has expressed an interest in sharing its proposals with bar associations in other Member States.
Common Accounting Standards

With regard to accounting standards, misappropriation of clients’ funds by attorneys-at-law has been described as “a major issue” and as recently as July 17, 2014 the Chief Justice of Barbados drew the attention of the Barbados Bar Association to the problem in that Member State. In Jamaica, the Legal Profession (Accounts and Records) Regulations, 1999 provide that every attorney shall, not later than six months after the commencement of any financial year, deliver to the Secretary of the Council an accountant’s report for the preceding year which confirms that the accounts are in order. Otherwise, a statutory declaration that such a report is not necessary is required. The Council’s right to make and enforce this regulation was upheld by the Privy Council in General Legal Council v. Antoinette Haughton-Cardenas [2009] UKPC 20. At present, there is no such requirement in legislation in any other Member State. At the May 2014 meeting of bar association representatives held in Barbados, it was agreed that the Jamaican practice should be adopted as the regional standard.

Other issues which bar associations would like addressed in Legal Profession Acts are professional liability insurance/compensation funds and continuing legal professional development (CLPD). The latter is discussed in more detail under Output 2120 below.

Output 2120: Gender sensitive continuing legal profession development courses (CLPD) designed and delivered in association with national and regional bar associations

The Jamaica and Grenada Legal Profession Acts are the only ones which expressly provide for continuing legal education.

In Grenada, in making its decision to renew a Practising Certificate, the Council must have regard to such evidence in relation to the continuing professional development of the applicant. However, at the end of June 2014 the relevant provisions in the Legal Profession Act of Grenada had not yet been brought into force.

In Jamaica, the Legal Profession (Continuing Legal Professional Development) Regulations 2013 as amended in 2014 and made by the General Legal Council under the authority of the Legal Profession Act contain extensive provisions. In the first place, a Continuing Legal Professional Development Accreditation Committee is established, which is chaired by a member of the General Legal Council and comprises eight other members nominated by the Council. The Committee is mandated to devise criteria and requirements for accreditation of courses and activities, to actually accredit the activities, assess the hours to
be credited for participation and ensure that the programmes are made available at reasonable times and venues. The Committee must also accredit mandatory courses in ethics, client welfare, business management and finance. To be accredited, CLPD programmes must have significant intellectual or practical content with a primary objective of increasing the participant’s professional competence; must deal primarily with substantive and procedural legal issues, practice management, professional responsibility, client welfare or ethical obligations. The course must be offered by a provider having substantial recent experience in or demonstrated ability to offer CLPD programmes and the course itself must be conducted by a suitably qualified individual or group. Thoroughly researched, high quality, readable and carefully prepared written material must be made available to all participants at or before the course.

Types of activities which may be accredited include participation in courses and seminars; coaching and mentoring sessions of not less than one hour, writing on legal theory and practice, interactive distance learning courses which provide for answering questions or discussion, participation in the work of committees engaged in the promotion or regulation of the standards and ethics of the legal profession, participation in the development of specialist areas of law; participation in local and international conferences and participation in postgraduate studies.

The Committee must notify each attorney by June 30 of an assessment of credits earned during the preceding year and of any credits brought forward. It must also notify the attorney of any deficiencies. Attorneys are given until December 15 to make up any deficiencies for the preceding year, but they may request extension or exemptions for good cause.

At the meeting of bar association representatives held in Barbados on May 13-14, a presentation on CLPD was made by the Chairman of the General Legal Council of Jamaica and the following recommendations were accepted for further consideration:

- establishment of a regional accreditation CLPD body (OCCBA, UWI or the CLE);
- establishment of a regional system of CLPD with presentations to be made in multiple jurisdictions, preferably online and for credits to be transferable between jurisdictions;
- provision for the Bar to be part of the regulated sector under the Proceeds of Crime Acts.37

In time, the bodies on which responsibility for establishing a regional system of CLPD are most likely to fall are the Council of Legal Education and/or the University of the West Indies. IMPACT Justice will collaborate with the JURIS Project in supporting and assisting the body which is given the responsibility.
In 1970 a regional system of legal education was established which provided for a three-year academic stage to be completed at the Faculty of Law, UWI, and for the automatic entry of UWI LLB holders to a two-year professional stage at two, later three, law schools under the aegis of a Council of Legal Education. It was also provided that holders of non-UWI LLB degrees which were recognised by the Council of Legal Education as being equivalent to the UWI LLB degree should also be eligible for admission to the law schools, subject to availability of places and such other conditions as laid down by the Council. A quota system was incorporated in the design of the scheme by which admission to the Faculty of Law was linked to a fixed number of students assigned annually to the various territories.

Between 1973 and 1996 the average number of UWI LLB graduates on an annual basis was about 109. Since then, the number of UWI graduates, along with those with non-UWI degrees applying for places in the law schools increased to such an extent that in the academic year 2013/14 the total number of students at the Hugh Wooding Law School in Trinidad was 625 and at the Norman Manley Law School 552. The phenomenal increase in students at the law schools was largely unsupported by concomitant increases in physical facilities, full-time academic staff or financial contributions from governments. As a result of this crisis situation, in 2012 the Council of Legal Education decided to commission a survey of legal education in the region which would focus mainly on a review of the Council, its institutions and its governance/management structures, but would include a study of the regional demand for practising attorneys.\textsuperscript{38}

The IMPACT Justice Project responded to the request of the Council to provide funding for conduct of the survey by indicating that it will widen the scope of the survey so that it extends to all legal education programmes currently available in the region including the Faculties of Law of the UWI and the UG. In relation to the Faculties of Law and Law Schools, the survey will look at how their programmes are structured and funded; whether the original concept of the West Indian System of Legal Education is still relevant; how it relates to the actual and projected need for attorneys in the region; and how legal education structure contributes to the overall objective of the Project which is enhanced access to justice benefitting men, women, youth and businesses in the region. The survey, which will last for one year, will commence during the first quarter of the Second year of the IMPACT Justice Project. It will include a market study.
WBS 2200: Improved equitable access by the legal profession and public (men, women, youth and businesses) to legal information in CARICOM Member States

<table>
<thead>
<tr>
<th>Output</th>
<th>Description</th>
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<tbody>
<tr>
<td>2210:</td>
<td>Case law and other legal databases established or expanded</td>
</tr>
<tr>
<td>2220:</td>
<td>Upgrading regional law libraries by provision of staff training and legal materials</td>
</tr>
<tr>
<td>2230:</td>
<td>Legal education programmes and courses for the public (women, men, youth and businesses) designed and delivered</td>
</tr>
</tbody>
</table>

The judiciary, attorneys-at-law, academics, students, members of the business community and members of the public often encounter difficulty obtaining up to date case law, treaties, legislation and other regional materials which would enable them to conduct legal research efficiently, and thereby increase their understanding of how they can achieve greater access to justice. A number of on-going activities at the Faculty of Law Cave Hill Campus already assist in this regard, but should be improved to increase their effectiveness. Improvements to be effected under the IMPACT Justice Project will translate into tangible benefits for the justice sector by making research on the law of individual countries and Overseas Territories easier and speedier both for justice sector actors and civil society.

Activities and Outputs

Output 2210: Case law and other legal databases established or expanded

- **Activity 2210.1 Expand the CariLaw database**

The CariLaw database of cases, some dating back to the early 1950s, and many of which cannot be found on other databases, was established in 2003 with funding from USAID. At that time, the Law Library contracted with Andornot, a British Colombia based software company which has been providing technology advice and solutions to archives, libraries, museums and other organisations since 1995, to design the database. The website enables searches to be done by jurisdiction, across the entire database, by judge, date, suit number, subject, title, word or phrase. Until the CariLaw database was established, attorneys-at-law
from across the Caribbean who were involved in cases requiring extensive research either visited the Cave Hill Campus to conduct their research at the Faculty of Law Library or paid students or others to do so.

Now, the judiciary, magistracy and court administrators of Barbados, the OECS Supreme Court, Trinidad and Tobago, Faculties of Law and Law Schools in the Bahamas, Barbados, Jamaica and Trinidad and Tobago and offices of the Attorneys General can access Caribbean cases online on CariLaw at reasonable annual rates. A growing number of practitioners, both from within and outside the region, also subscribe to the database, but the sharing of passwords by some subscribers is depriving the Faculty of Law of revenue which could be used for marketing purposes. The extra-regional subscribers include Harvard University, Oxford University, London University, Osgoode Hall Law School, York University and the University of Toronto.

By October 2014, the database comprised some 37,000 records. However, a review undertaken at that time showed that there were about 1200 cases to be edited and approximately 4000 to be classified and added to the database. This backlog was caused, firstly, by the increasing number of judgments being produced by the higher courts of the region, secondly, by increased efficiency of the Law Library in collecting cases; and thirdly, by staff changes and reductions in the Law Library over the past three years. At present, the CariLaw staff comprises a part-time attorney-at-law who prepares headnotes, one full-time and three part-time clericals who edit and format the scanned cases.

By October 2014 CariLaw had 3,063 active passwords. The breakdown of subscribers is as follows:

Table 2: CariLaw Subscriptions at October, 2014

<table>
<thead>
<tr>
<th>COUNTRY</th>
<th>NUMBER OF USERS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Antigua and Barbuda</td>
<td>4</td>
</tr>
<tr>
<td>Barbados</td>
<td>261</td>
</tr>
<tr>
<td>Belize</td>
<td>1</td>
</tr>
<tr>
<td>Dominica</td>
<td>4</td>
</tr>
<tr>
<td>Grenada</td>
<td>3</td>
</tr>
<tr>
<td>Guyana</td>
<td>0</td>
</tr>
<tr>
<td>Jamaica</td>
<td>1211</td>
</tr>
<tr>
<td>Montserrat</td>
<td>0</td>
</tr>
<tr>
<td>St. Kitts and Nevis</td>
<td>1</td>
</tr>
<tr>
<td>St. Lucia</td>
<td>0</td>
</tr>
</tbody>
</table>
Information on the product is distributed, and sometimes demonstrations are given at regional meetings of attorneys-at-law such as the OECS Law Fair and the Caribbean Association of Law Libraries (CARALL), but lack of funding has hampered the marketing effort. In addition to expanding the database and improving the search engine and interface, the IMPACT Justice Project will provide funding for the development of a marketing strategy for increasing subscriptions and ensuring the sustainability of CariLaw.

The IMPACT Justice Project will first of all update the existing CariLaw database by editing a backlog of round 2000 cases and adding them to the database during the period October 2014 to 31 March 2015. Both these, and an additional 2000 cases are to be provided with headnotes/catchwords to provide researchers with a synopsis of the issues dealt with in each case and of the court's final decision. IMPACT Justice will provide additional support for six months from April 2015 to September 2015 while the Faculty of Law Library rearranges its staff schedules and/or appoints new staff to assist with the Project going forward. The work will be done in the Law Library by a team of temporary clerks who will be supervised by a temporary clerk at a more senior level. This activity will take place from the third quarter of Year 1 and is expected to continue during Year 2.

The objective is to increase by 80% the number of cases scanned, edited and uploaded to the CARILAW database within six months of receipt.

Table 3: IMPACT Justice Project Allocation for Updating the CariLaw Database

<table>
<thead>
<tr>
<th>IMPACT Justice Project Allocation for Updating CariLaw Database</th>
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</thead>
<tbody>
<tr>
<td><strong>Activity</strong></td>
<td><strong>Cost (CAD. $)</strong></td>
</tr>
<tr>
<td>Scan/edit judgments (2000)</td>
<td><strong>$42,000.00</strong></td>
</tr>
<tr>
<td>$8 /hr. x 35 hr. per wk. = $280 per week x 6 persons x 25 wks. = $42,000</td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL**

<table>
<thead>
<tr>
<th>COUNTRY</th>
<th>NUMBER OF USERS</th>
</tr>
</thead>
<tbody>
<tr>
<td>St. Vincent and the Grenadines</td>
<td>1</td>
</tr>
<tr>
<td>Suriname</td>
<td>0</td>
</tr>
<tr>
<td>Trinidad and Tobago</td>
<td>1335</td>
</tr>
<tr>
<td>OTHER</td>
<td>242</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>3063</strong></td>
</tr>
<tr>
<td><strong>MALE</strong></td>
<td><strong>FEMALE</strong></td>
</tr>
<tr>
<td>1220</td>
<td>1843</td>
</tr>
</tbody>
</table>
Activity 2210.2: Upgrade CariLaw search engine, interface and server capacity

Since 2003, several changes have been made to the original CariLaw design, but it is now in need of a general overhaul. To achieve a more user-friendly and powerful search engine which meets concerns of users, IMPACT Justice has asked Andornot to use:

- the Andornot Consulting interface (AnDI) along with the Apache Solr search engine, ASP.NET and DB/Textworks for updating the database. Since DB/Textworks is already used for day to day upkeep of the database and transformation of Word documents, the proposed update will require minimal changes to existing staff workflow.
- a search engine with the ability to index and quickly and simultaneously search a large number of records;
- a number of browse options;
- a selection list allowing users to mark items of interest as they search, then view, email or download the list;
- highlight index full text documents or display search words in both a snippet and in the full text;
- cross referencing of case law in CariLaw and statute law contained in the proposed WILIP database which will be discussed below;
- revision and updating of the CariLaw authentication system IP with additional features and reporting requirements;
- provision of access to cases in both Word and pdf formats.

This activity will be undertaken during the fourth quarter of Year 1 of the IMPACT Justice Project and will therefore be included in the first AWP.

<table>
<thead>
<tr>
<th>Supervision</th>
<th>$16/hr. x 35 hr. per wk. = $530 per wk. x 30 wks. = $16,816.00</th>
<th>2014/15</th>
</tr>
</thead>
<tbody>
<tr>
<td>Classify judgments</td>
<td>$7.13 per judgment x 4,000 = $28,520.00</td>
<td>2014/16</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$87,336.00</td>
<td>2014/15</td>
</tr>
</tbody>
</table>

Funding required: $87,336.00

---

IMPROVED ACCESS TO JUSTICE IN THE CARIBBEAN (IMPACT PROJECT)
PROJECT IMPLEMENTATION PLAN

Inception Date: 1/2014
End Date: 12/2017

Funding required: $87,336.00

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Funded by the Government of Canada

---
**Table 4: Upgrade of CariLaw Search Engine (Andornot Consulting)**

<table>
<thead>
<tr>
<th>Upgrade of CariLaw Search Engine (Andornot Consulting) (CAD$)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Consulting costs (Andornot)</td>
<td>$40,000.00</td>
</tr>
<tr>
<td>Software costs</td>
<td>$12,000.00</td>
</tr>
<tr>
<td>Hosting costs</td>
<td>$15,000.00</td>
</tr>
<tr>
<td>Servers (3)</td>
<td>$17,000.00</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$84,000.00</strong></td>
</tr>
</tbody>
</table>

Funding required: **$84,000.00**

- **Activity 2210.3: Establish a marketing strategy for CariLaw**

Funds received from subscriptions are usually used to pay part-time staff who edit cases, and part-time attorneys-at-law who prepare the headnotes. This means that to date, largely because of a lack of funds, the Law Library has not conducted the necessary marketing to give CariLaw the exposure needed either in the region or elsewhere. The IMPACT Justice Project will provide funding for the preparation of a marketing strategy for CariLaw which will be undertaken in the third quarter of Year 2 and will therefore be included in the 2015/16 Annual Work Plan. The target is to increase CariLaw subscriptions by 12.5% or 383 per year between years 2-5 of the Project.

Funding required: **$10,000.00**

- **Activity 2210.4: Establish WILIP Online**

**Background to WILIP Online**

The Faculty of Law Library produces annual indexes to the laws of most CARICOM countries under its West Indies Legislation Indexing Project (WILIP). Law Library staff collect and check the laws passed annually in each of the CARICOM Member States (except Suriname) to determine whether these laws are new, are amendments to existing laws, or whether they repeal and replace existing laws. Appropriate entries are inserted in the relevant country-indexes. These research tools, which enable a researcher to find out which laws are in force in a CARICOM Member State, from when, and how these laws have been affected by subsequent legislative changes, are of tremendous assistance to legal researchers, policy makers and practitioners in the region. They are especially useful when law revision exercises are being undertaken and are so used by CARICOM Member States and the British Overseas Territories. At present, when using the indexes, the researcher must know the exact title of the legislation on which information is being sought and no
subject indexes have been compiled for the indexes. The Law Library has long been seeking funds to make the WILIP indexes more useful to researchers by producing them in electronic format with features to allow subject and word searching.

The IMPACT Justice Project will enter a contract with Andornot Consulting for the establishment of a new database into which the WILIP data can be entered, and which uses the same software as CariLaw and is linked to that database.

Data entry of approximately 2500 pages of WILIP materials into the database, in accordance with instructions provided by Andornot, will be made by temporary clerical staff hired by the Faculty of Law Library on the same basis as those hired to work on the CariLaw update. The staff will work on an hourly basis, and will be supervised by a senior clerical.

For the WILIP database, Andornot will:

- create a database of the WILIP indexes in pdf format with a facility for searching individual country or all indexes;
- provide advanced search features so that laws can be searched both by subject and title. This is a facility not present in the current hardcopy format which only allows searching by title;
- include a subscription feature whereby a user may subscribe to one or all the indexes and also to CariLaw
- use fields already contained in the current manually produced databases which will now be searchable;
- link the WILIP and CariLaw databases so that if the legislation in the WILIP database is referred to in any case decided in a regional court, the case citation will be shown;
- provide professional hosting services from a data centre in Vancouver including secure backups, 24 hour monitoring and firewall protection. The hosting contract includes 30 minutes of support per month which can be used for updates or minor modifications.

Work on WILIP Online will commence during the third quarter of Year 1 and will continue into Year 2 of the Project. The target in the PMF for increasing subscriptions to WILIP once it is online is by 700 (males and females) by the end of year 5 of the Project.

As a subsidiary to the WILIP Project, IMPACT Justice will assist the Office of the Chief Parliamentary Counsel of Barbados in proofreading laws of Barbados to be placed on the Parliament Website. The intention is for a link to be made between these laws and WILIP Online.

The CPC’s Office in Barbados is currently drafting the Laws of Barbados using the Arbortext drafting environment of the Legislation Information Management System (LIMS) created by Irosoft, a Canadian company. The LIMS Project was conceptualised as a way of providing greater access to the Laws of Barbados through the Internet to the public generally, to
judges, Members of Parliament, attorneys-at-law and other users of legal information. Unfortunately, funds were not available to purchase the publishing engine or document Management components of LIMS and so Laws of Barbados consolidated to 2011 which were converted to XML format are now to be proof read for typographical errors so that when the documents are placed on the website of Parliament, they will be accurate. The proofreading is to be done by students of the Faculty of Law of the Cave Hill Campus, Barbados. Approximately 10,000 pages are to be proofread.

Table 5: Establishment of WILIP Online

<table>
<thead>
<tr>
<th>Establishment of WILIP Online CAD$</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>WILIP Online</td>
<td></td>
</tr>
<tr>
<td>$8 per hr. x 40 hrs. = $320 per week x 20 weeks = $6,400 x 5 persons = $32,000</td>
<td>$32,000.00</td>
</tr>
<tr>
<td>Supervision – $16/hr. x 40 hr. per wk. = $640 per wk. x 30 wks. = $19,200.00</td>
<td>$19,200.00</td>
</tr>
<tr>
<td>Andornot Software Costs</td>
<td>$11,200.00</td>
</tr>
<tr>
<td>Andornot Consulting costs</td>
<td>$30,000.00</td>
</tr>
<tr>
<td>Andornot managed hosting costs for 2 years</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>Proofreading Laws</td>
<td>$18,000.00</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$120,400.00</td>
</tr>
</tbody>
</table>

This activity will commence during the third quarter of Year 1 and is expected to continue during the second year of the Project.

Activity 2210.5 Establish Caribbean Law Review Online

The Caribbean Law Review (CLR) (the second longest running law review in the region after the West Indian Law Journal), was published twice a year by the Faculty of Law from 1991-2006. Since then, only three issues (volume 19, nos. 1 and 2 and volume 20 (a double issue) have been published. The Faculty of Law, Cave Hill Campus has now taken the decision to resume publication on a regular basis and from volume 21 onward, the journal will probably be published in both online and hard copy formats.
The Faculty of Law no longer has a complete set of the original hard copies, though all are available in the Reserve section of the Faculty of Law Library at Cave Hill. The Faculty has requested funding from the IMPACT Justice Project to digitize the back issues and create a website to provide access to individual articles and back issues to subscribers. The back issues comprise 7568 pages.

The digitization will be undertaken by the Internet Archive (IA) in Toronto, Ontario which offers a scanning service for non-public material. Andornot Consulting, the same company which will be hired to upgrade the CariLaw search interface and search engine, and create WILIP Online, will use its Andornot Discovery Interface (AnDI) to prepare a scanning manifest for IA which includes appropriate metadata for each article so that it can be retrieved individually by author, title, keyword or date published. In addition, there will be advanced search options. Subscriber authentication access will be restricted to authorised subscribers using an authentication system developed by Andornot. The system will allow the Faculty of Law to add new users and authenticate access by username and password or IP authentication. New subscribers to CLR will have a facility to add article titles to a cart and then place an order by email for a hard copy or pdf reprint to the CLR office at UWI for manual processing.

Table 6: Establishing Caribbean Law Review Online

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost CAD$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Software</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>Digitization by Internet Archive of Toronto</td>
<td>$ 4,000.00</td>
</tr>
<tr>
<td>Cost of shipping copies of CLR to Toronto (75 Lbs.) (FedEx BULK PRIORITY)</td>
<td>$ 1,000.00</td>
</tr>
<tr>
<td>Consulting Costs:</td>
<td></td>
</tr>
<tr>
<td>Search interface design</td>
<td>$ 7000.00</td>
</tr>
<tr>
<td>Authentication system</td>
<td>$ 9,800.00</td>
</tr>
<tr>
<td>Internet Archive account set up by Andornot</td>
<td>$ 2,800.00</td>
</tr>
<tr>
<td>Project management fee</td>
<td>$ 2,000.00</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$36,600.00</strong></td>
</tr>
</tbody>
</table>

This activity will commence during the third quarter of Year 1 and completion is expected by the end of the second year of the Project.

Funding required: $36,600.00
Output 2220: Upgrading regional law libraries by provision of staff training and legal materials

2220.1 Training of Law Library staff in legal research techniques and legal information service delivery

Many of the staff who work in law libraries in government departments, private law offices and universities in the region have received no formal training in law librarianship. Under the IMPACT Justice Project, funding will be made available to convene a workshop on law library procedures and research with emphasis on use of online resources for research and collection development purposes. Most of the participants are expected to be women and men working in government law libraries and universities. The workshop will be held during the second quarter of Year 2 in conjunction with an annual meeting of the Caribbean Association of Law Libraries (CARALL) and the Canadian Association of Law Libraries. Subject to the availability of funds, a second workshop will be held in Year 4 of the Project.

Funding required: $30,000.00

2220.2 Purchase of legal materials for libraries of the Faculties of Law UWI, UG and the University of Suriname

The objective of this output is to expand library collections to support the research needs of male and female legislation drafters, the designing of courses for attorneys-at-law and the public, ADR trainers and users. The libraries of the UWI have the space to receive the materials at any time the purchases can be arranged. However, both the University of Guyana and of Suriname have space problems. During 19 June 2014 discussions between the IMPACT Justice Project Director, the Dean of the Faculty of Social Sciences, the Head, and staff of the Law Department in Guyana the space problem was highlighted, and the decision taken that the matter would be discussed with the University Librarian who was absent from the Campus. The IMPACT Project Director has since spoken to the University Librarian and she has indicated that weeding of several outdated titles will create the space needed to house the new materials.

At the University of Suriname, the University Librarian acknowledged that space would be needed to house the additional materials. Mention was made of a new building being constructed for the Faculty of Social Sciences but no space was included for legal materials. The University Librarian promised to discuss the matter with colleagues and inform the IMPACT Justice Project Director of the decisions taken. The sub-component will commence in the first quarter of Year 2.

Funding required: $900,000 ($850,000 for cost of materials; $50,000 for shipping and handling)
The IMPACT Justice Project Office convened a meeting in Barbados on July 14, 2014 to follow up on suggestions which it had received in relation to a programme of public legal education. The meeting was attended by the following Project partners: the OECS Bar Association, the Organisation of Commonwealth Caribbean Bar Associations, UWI and UG Faculties of Law, a representative of the Caribbean Association of Commissioners of Police, civil society representatives from Belize, Barbados, Jamaica and Suriname and representatives of the Bureau of Gender Affairs, Barbados and the UWI Institute of Gender and Development Studies.

It was agreed that the main purpose of a public legal education programme would be to inform men, women, girls and boys about the law and legal systems, their rights under the law and how to access those rights. Programmes and services would be offered to the general public as well as to schools and other communities. As a first step, the Project would produce leaflets on topics such as one's rights under the constitution, child abuse, the Convention on the Rights of the Child, domestic violence, what to do if arrested, the rights of landlords and tenants and how to make a will for distribution to the public at no charge. The information would be provided on the law in general terms, rather than focus on legal advice on specific problems. The leaflets would be placed in the waiting rooms of doctors, government departments and community centres.

The Project was cautioned that it would have to adopt strategies which were technology driven to reach youth. The meeting recommended that the IMPACT Justice Project focus on the topics given below, which could be added to or subtracted from over the life of the Project. Use of a number of delivery modes was also recommended to ensure that the messages reached men, women, boys and girls in ways which would gain their attention and understanding.

**Topics suggested for Public Legal Education Programme**

- Access to information
- ADR (what it is and its benefits to society)
- Commonwealth Caribbean Legal Systems
- Competition policy
- Conflict management
- Constitutional Law
  - Fundamental rights and freedoms
  - Governance and fiscal policy
  - Separation of Powers
- Criminal Law
In terms of priorities, it was recommended that the IMPACT Justice Project focus on topics which are applicable to all Member States and in relation to which programmes are already in place, whether conducted by the bar associations or other groups. It was suggested that the initial focus should be on:

- the Constitution – its importance and provisions, especially with regard to human rights;
- Commonwealth Caribbean Legal Systems
- topics listed under Criminal Law
- topics listed under Family Law
- ADR
- Conflict management
- police powers.

The modes of delivery suggested were:

- lectures delivered in community centres and other venues by well-known and respected attorneys, law teachers of the Faculties of Law and others;
- dramatizations;
IMPROVED ACCESS TO JUSTICE IN THE CARIBBEAN (IMPACT PROJECT)
PROJECT IMPLEMENTATION PLAN

- assistance to bar associations to implement Law Week programmes. Activities could include radio and television programmes, visits by attorneys to secondary schools to discuss legal issues; student-visits to the law courts; visits by attorneys to prisons and newspaper articles on aspects of law;
- a "knowledge is power initiative" for men and boys on the block.

This sub-component will commence in the third quarter of the First Year of the Project. The JURIS Project and IMPACT Justice will collaborate on the implementation of the PLE programme.

**Funding required: $600,000**

<table>
<thead>
<tr>
<th>WBS 3100: Increased training of ADR practitioners and increased equitable access by women, men, youth and businesses to ADR, RJ and community-based peace-building services in CARICOM Member States</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>3110:</strong> The development of a region-wide ADR training policy and accreditation system facilitated</td>
</tr>
<tr>
<td><strong>3120:</strong> The establishment of networks and service points to provide gender responsive ADR and community-based peace building services using existing infrastructure</td>
</tr>
<tr>
<td><strong>3130:</strong> Gender sensitive ADR training courses for women, men, youth and businesses delivered in association with ADR service providers in Member States</td>
</tr>
<tr>
<td><strong>3140:</strong> Regional gender equitable workshops and gender sensitive public education delivered, in association with the JURIST Project, and other stakeholders to share knowledge about ADR, RJ and community-based peace-building benefits and training initiatives</td>
</tr>
</tbody>
</table>
Intermediate Outcome 3000: Strengthened gender responsive alternative dispute resolution (ADR), restorative justice (RJ) and community-based peace-building services for women, men, youth and businesses in CARICOM Member States

WBS 3100: Increased training of ADR practitioner and increased equitable access by women, men, youth and businesses to ADR, RJ and community-based peace-building services in CARICOM Member States ($3,395,029 or 18% of total Project funds of $19,200,000)

Introduction

The main avenues through which citizens obtain access to justice are the offices of the Attorney General, the Director of Public Prosecutions, the law courts, attorneys-at-law, legal aid organisations, the Police and the Parliamentary Ombudsmen (where they have been established). Citizens expect the justice system to provide public safety, prevent or reduce crime, help them to settle disputes in a manner that is fair and expeditious, and reintegrate offenders back into society.

One major access to justice hindrance in CARICOM Member States is the inordinate time taken for both civil and criminal cases to be determined through the court systems. This is not a new phenomenon, but its continuing existence means that persons using the services of the courts have to wait a long time to have their matters resolved. For instance, in the OECS some civil matters take over 5 years to reach finality and criminal matters between 3 and 5 years. A similar situation exists in most other Member States, with the backlog in Jamaica in relation to criminal cases reaching 400,000 in February 2014. This is contrary to the constitutional guarantees of a right to a fair hearing within a reasonable time provided for in the constitutions of most Member States. The reality is that the resources of the courts, both financial and physical, are insufficient to cope with the rapid rate at which cases are being filed, or to reduce backlogs in a speedy manner.

Alternative Dispute Resolution (ADR) processes have long been seen as ways of reducing the backlog of civil and criminal cases in the High Courts and Magistrates Courts in the region to levels that ensure that the needs of citizens for prompt resolution of their disputes are met. Stakeholders are of the view that more widespread implementation of ADR will also contribute to the strengthening of the Rule of Law environment which will have consequential beneficial access to justice spin-offs for citizens, and be catalytic in attracting local and foreign capital investment and initiatives.
The elements of ADR are:

**Arbitration** which allows individuals to make the initial decision that they want their dispute decided and resolved by a third party who then takes control of the process and renders a decision or solution.

**Mediation** which is the use of an impartial mediator to assist opposing parties in conflict to talk and listen with a view to designing a solution to meet their needs. The parties, rather than the mediator, decide the terms of the settlement.

**Conciliation** also requires a neutral third party but to assist the two opposing parties in identifying the issues in a case and searching for a satisfactory and fair resolution. It may be used to reduce the points of difference before a trial takes place, or in cases where the parties reach an agreement, to avoid trials. It is typically used in family matters and some family-related legislation in the region provides that parties must seek use of this method before they approach the court. It is also used in industrial relations disputes.

**Negotiation** which does not require a third party, brings the different sides together to strategically discuss and debate how best to achieve their goals and satisfy their interests.

**Restorative justice** is different from other ADR techniques in that it is a process for resolving crime by focusing on redressing the harm done to the victim. It brings together those affected by a crime to collectively resolve how to deal with the aftermath of the offence and its implications for the parties. It often involves police cautions, victim-offender mediation and family therapy. In countries where it flourishes, it has the support of national governments.

**Community peace-building** is a preventative measure to stop conflicts before they escalate. In some countries, the police, the church and NGOs are the main actors. Community-based peace building mechanisms which may involve use of mediation, restorative practices and other techniques, especially to reach boys and girls, also fall under the ADR spectrum. (See Annex K).
ADR may be court-annexed or community-based. The most popular form of ADR used in the region is court-annexed mediation, and it is now mainly used in: employment, commercial contracts, debt collection, employment, property, landlord and tenant, personal injury and succession disputes. At present, it is seldom used in family matters, insolvency, and criminal matters. However, high officials in the judicial system have been openly advocating the need for a change in the status quo. For example, in her remarks at the Opening Ceremony at an OECS Judicial Education Centre/UWI (Trinidad) Mediation Training Programme held in St. Lucia in February 2013, the Chief Justice of the Eastern Caribbean Supreme Court Madam Justice Dame Janice Pereira stated that - 

"the time is right to revisit the manner in which the mediation process is utilized in our jurisdiction, and to make the necessary adjustments to ensure that we maximize its full potential by placing greater dependency on the mediation process. The time is right for formally extending the mediation process to other areas - most notably in the area of family proceedings."  

ADR Legislation

ADR Legislation in all but two CARICOM Member States (St. Vincent and the Grenadines and Suriname) provides for arbitration, but most of these laws are outdated. Legislation in Guyana and Trinidad and Tobago specifically provides a regime for the use of mediation, but in Belize, the OECS and Jamaica, provision for court-connected or annexed mediation exists in Supreme Court Rules. Barbados is expected to follow suit. In all countries except Barbados, St. Lucia and St. Vincent and the Grenadines legislation provides for conciliation, which is usually used in relation to industrial relations disputes. Restorative justice is not mentioned in any legislation, but arguably, could be encompassed under provisions for “alternative measures” for the punishment of offenders. Community-based peace-building also has no specific legislative base in Member States, but is conducted by the Police and community groups in many Member States.  

In the OECS High Courts, the Judges and Masters can refer civil matters to mediation under the provisions of the Civil Procedure Rules 2000 (as amended) and this is how most cases reach mediators in those Member States.  

According to the Darby Report on a Regional Alternative Dispute Resolution Survey (the Survey) commissioned by the IMPACT Justice Project to provide information for its Project Implementation Plan, and conducted between May and July 2014 in 12 CARICOM Member States, (see Annexes J and L), the main forms of ADR used in the region are court-annexed mediation, followed by conciliation (See Table 7)
Current availability of ADR

**Table 7: ADR Regional Survey Matrix**

- Reform Implemented
- Reform begun/partially implemented
- No Country Activity

<table>
<thead>
<tr>
<th>Reforms</th>
<th>Jamaica</th>
<th>Belize</th>
<th>Barbados</th>
<th>Saint Lucia</th>
<th>Dominica</th>
<th>Grenada</th>
<th>Montserrat</th>
<th>Saint Kitts and Nevis</th>
<th>Saint Vincent &amp; Grenadines</th>
<th>Antigua and Barbuda</th>
<th>Trinidad and Tobago</th>
<th>Guyana</th>
<th>Suriname</th>
</tr>
</thead>
<tbody>
<tr>
<td>Court Annexed Mediation</td>
<td>⬜</td>
<td>⬜</td>
<td>⬜</td>
<td>⬜</td>
<td>⬜</td>
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<td>⬜</td>
<td>⬜</td>
<td>.....</td>
<td>---</td>
</tr>
<tr>
<td>Mandatory ADR in High Court</td>
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<td>⬜</td>
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</tr>
<tr>
<td>ADR Programs in place in High Courts</td>
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<tr>
<td>ADR Programs in place in Magistrate's Courts</td>
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<tr>
<td>Current Arbitration Legislation in Place</td>
<td></td>
<td>⬜</td>
<td>⬜</td>
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<td>⬜</td>
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<td>⬜</td>
<td>⬜</td>
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</tr>
<tr>
<td>Restorative Community Justice Programs being implemented</td>
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<td>Conciliation</td>
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<td>⬜</td>
<td>⬜</td>
<td>⬜</td>
</tr>
<tr>
<td>Formal Community Peace Building Programs being implemented</td>
<td>⬜</td>
<td>⬜</td>
<td>⬜</td>
<td>⬜</td>
<td>⬜</td>
<td>⬜</td>
<td>⬜</td>
<td>⬜</td>
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<td>⬜</td>
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<td>⬜</td>
</tr>
<tr>
<td>Commercial Courts</td>
<td>⬜</td>
<td>⬜</td>
<td>⬜</td>
<td>⬜</td>
<td>⬜</td>
<td>⬜</td>
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<td>⬜</td>
<td>⬜</td>
<td>⬜</td>
<td>⬜</td>
</tr>
<tr>
<td>Industrial Relations Court/Tribunal</td>
<td>⬜</td>
<td>⬜</td>
<td>⬜</td>
<td>⬜</td>
<td>⬜</td>
<td>⬜</td>
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<td>⬜</td>
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<td>⬜</td>
<td>⬜</td>
<td>⬜</td>
</tr>
</tbody>
</table>
**Arbitration**

Article 223 of the *Revised Treaty of Chaguaramas* under which the Caribbean Single Market and Economy (CSME) was established requires and encourages the use of arbitration as the preferred mechanism for the settlement of trade and commercial disputes. Member States are also encouraged to enact appropriate domestic legislation to ensure observance of agreements enforced and recognition of foreign awards. A similar requirement is included in the *Treaty of Basseterre* signed by OECS States on June 19, 1981. Usually, arbitration is provided for at the domestic and international levels, in separate pieces of legislation. Most of the arbitration legislation is dated, and several of the Acts do not incorporate the UNCITRAL Model Law on International Commercial Arbitration adopted on June 21, 1985, which was developed for use by States as a model form of arbitration legislation.

Arbitration is little used in the region. In addition to the age of some of the legislation, difficulties identified by country representatives who participated in the ADR Survey are that even though there are trained local Arbitrators in most of the CARICOM Member States, who are members of the Institute of Chartered Arbitrators (Caribbean Branch), parties to commercial disputes often prefer to use international arbitrators from overseas, thus exponentially increasing the cost of the Arbitration process; the high cost of arbitration successfully removes its utility value to the average litigant who simply cannot afford the cost of this service.

At mid 2014 none of the Faculties of Law at UWI offered courses in arbitration which would introduce students to the subject, but all 3 had plans to do so. Arbitration is taught at UG.

In the region, certification of practitioners is undertaken by the Chartered Institute of Arbitrators - Caribbean Branch. This is a branch of a not-for-profit UK registered charity working in the public interest through an international network of branches. It has a global membership of around 12,500 individuals who have professional training or experience in alternative dispute resolution.
The Caribbean Branch was formed in 2008 in Jamaica. Chapters of the Branch now exist in Barbados, the BVI, St. Lucia and Trinidad and Tobago. The Executive Committee of the Branch currently runs the following courses: (1) the Associates’ Course which is a one day course which provides an understanding of the general principles of ADR and deals with how to prepare for an arbitration. It is geared towards anyone new to the field of ADR; (2) an Accelerated Members Course which is a two day course originally intended primarily for lawyers with limited knowledge of ADR who would like to qualify for CIArb Member status; and (3) an Accelerated Fellows’ Course which is a two and a half day course intended for persons experienced within the ADR field.

The IMPACT Justice Project plans to assist senior civil servants in CARICOM Member States whose jobs require them to participate in arbitrations from time to time in qualifying a arbitrators. It will begin by sponsoring the attendance of 5 Barbadian attorneys-at-law, including the Solicitor General at an introductory course to be held in Barbados in late October 2014.

The Faculty of Law, Mona Campus, is planning a regional conference in early July 2015 to focus on various issues relating to the use of dispute resolution in the region. As a part of this conference, an Accelerated Fellows’ Course will be held. The attorneys who successfully complete the October Arbitration course will be assisted by IMPACT to attend this course.

**Mediation**

Most of the mediation practiced is court-annexed, but in Jamaica, Trinidad and Tobago and Guyana, this ADR mechanism is also used in the community. The Report on the ADR Survey has recommended that legislation be drafted or amended in most Member States to provide a framework for the use of mediation in the community, and that Magistrates’ Courts Acts be amended to provide for mediation in these courts. Currently, mediation is only used in Magistrates’ Courts in Jamaica. At present, only Trinidad and Tobago has a *Mediation Act* (No. 8 of 2004). The Act provides for court-annexed mediation in non-criminal matters, community mediation, and sets out a Code of Ethics and Disciplinary Procedures. There is a Mediation Board the role of which is to formulate standards for the accreditation of mediation training programmes and for the certification of mediators and mediation trainers, and keep registers of the same. However, it is limited in its ability to regulate all mediation as the *Mediation Act* only applies to those mediators whom it has certified and who have a responsibility to practice mediation in accordance with the Code of Ethics referred to in its First Schedule.

The number of trained mediators in the region is shown in Table 8. It is of interest that of the 923, the majority (338) are in Trinidad and Tobago, followed by Jamaica and then
Belize. It is of interest also that the OECS countries, which, after Jamaica and Trinidad and Tobago, have had the longest history of use of mediation services, have the lowest number of mediators, but of course, these are smaller countries both in terms of size and populations. With regard to Barbados, some of the 22 persons listed as trained mediators have not completed the practicums needed to be selected as court annexed mediators and no community mediation programmes are in effect.

**TABLE 8: Number of Trained Mediators in CARICOM Member States**

<table>
<thead>
<tr>
<th>COUNTRY</th>
<th>MALE</th>
<th>FEMALE</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>ANTIGUA AND BARBUDA</td>
<td>14</td>
<td>19</td>
<td>33</td>
</tr>
<tr>
<td>BARBADOS</td>
<td>8</td>
<td>14</td>
<td>22</td>
</tr>
<tr>
<td>BELIZE*</td>
<td>83</td>
<td>94</td>
<td>177</td>
</tr>
<tr>
<td>DOMINICA</td>
<td>11</td>
<td>12</td>
<td>23</td>
</tr>
<tr>
<td>GRENADA</td>
<td>12</td>
<td>8</td>
<td>20</td>
</tr>
<tr>
<td>GUYANA</td>
<td>40</td>
<td>30</td>
<td>70</td>
</tr>
<tr>
<td>JAMAICA</td>
<td>85</td>
<td>109</td>
<td>194</td>
</tr>
<tr>
<td>MONTSERRAT</td>
<td>1</td>
<td>7</td>
<td>8</td>
</tr>
<tr>
<td>ST. KITTS AND NEVIS</td>
<td>2</td>
<td>3</td>
<td>5</td>
</tr>
<tr>
<td>ST. LUCIA</td>
<td>8</td>
<td>10</td>
<td>18</td>
</tr>
<tr>
<td>ST. VINCENT AND THE GRENADINES</td>
<td>8</td>
<td>7</td>
<td>15</td>
</tr>
<tr>
<td>SURINAME</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>TRINIDAD AND TOBAGO</td>
<td>129</td>
<td>209</td>
<td>338</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>401</strong></td>
<td><strong>522</strong></td>
<td><strong>923</strong></td>
</tr>
</tbody>
</table>

*53 of these (30 females, and 23 males) are court-connected mediators who were trained by UWI Open Campus. Information provided in Dennis Darby with Shireen Wilkinson, Report on the Regional ADR Survey commissioned by the IMPACT Justice Project, July 2014.

In the OECS, many of the mediators were trained over 10 years ago, and several of them, although their names are on the court roster, have not been called on to mediate cases.

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Restorative Justice

It is accepted that RJ reduces costs in the criminal justice system by helping victims to recover more quickly from the effects of crime, leaving them and offenders more satisfied that justice was done. RJ is used informally in Jamaica and in Trinidad and Tobago where there are two court-annexed programmes (in the Drug Treatment Court and in the form of the Bail Boys Project). The *Alternative Sentencing Powers Act*, 2003 of St. Kitts and Nevis contains provisions for “alternative sentencing” which could probably accommodate RJ. However, it would be necessary to develop a policy and legal framework for integrating it into the operations of the traditional justice system in all CARICOM Member States. At present, only Jamaica has formulated an RJ policy. That policy is now to be translated into legislation by the Office of the CPC. The warning by the ADR Consultants is that an RJ system is likely to be very expensive and that “until sustainable sources of funding can be found to ensure the continuous implementation of the required activities over time, the necessary traction in this area cannot be achieved and maintained”.

Restorative practices, which utilises RJ principles, is widely used in North American, especially in schools, and has been said to have reduced bullying and aggressiveness on the part of students and conflicts between students and teachers. It has also been used in some schools in Jamaica.

Community-Based Peace-Building

With regard to CBPB, the lack of conflict resolution skills has been recognized as a root cause of crime and violence in the region, especially among young persons. The Survey noted that where there are no legislative enactments formalizing CBPB, Police Forces have been initiating community policing interventions on its own initiative over time, and that churches and service clubs have also undertaken their own initiatives directed at troubled communities. In 2012 in Belize, RESTORE Belize, with assistance from the U.S. Department of State implemented a conflict mediation programme which targeted schools, correction and detention facilities for juveniles and adults, community-based organisations and neighbourhood communities including gangs and families.

In Jamaica, there is a Peace Management Initiative (PMI) the success of which, however limited, has revolved around managing more than 5,000 youths with access to guns and who are not wanted by the Police. The PMI approach is to go directly to gang crews, listen to them, and get them to meet face to face with opponents. Then, depending on the response, follow up with counselling and social development activities. Today, the PMI is operating in over 60 communities in Jamaica, helping to build the capacity of the gangs to embrace alternative dispute resolution practices. Evidence of the success of its work is to be found in the signing of peace treaties between gangs which has resulted in gang
members taking advantage of training activities, shifting away from organised gangs to “community defence gangs” and embracing community openness and freedom. Importantly, the communities have bought into the idea of managing their own safety and the crime situation in their area and this has helped to identify problems, and key persons involved in conflicts, and develop a platform for community safety, healing and reconciliation programmes.

Other peace-building programmes have been or are being undertaken mainly in Barbados, Belize, and St. Kitts and Nevis by civil society groups and the Police. Note was also taken of a CARICOM-Spain Project on “Reducing Youth-on-Youth Violence in Schools and Communities whose goal is to contribute to a reduction in the incidence of “youth-on-youth” violence in selected schools and communities in 5 CARICOM Member States (Antigua and Barbuda, Jamaica, St. Kits and Nevis, St. Lucia and Trinidad and Tobago).

Conclusions in relation to existing ADR services

Based on findings as shown in Table 9 the following conclusions were made in the Report on the ADR Survey in relation to availability of ADR services:

- Court-Annexed Mediation is available in the High Courts of all countries except Barbados and Suriname, but is only mandatory in the High Court of Jamaica;
- the only country with a mediation programme in the Magistrates Courts is Jamaica;
- there are no community mediation programmes in the region except in Guyana, Jamaica and Trinidad and Tobago;
- RJ programmes are only available in Jamaica and to a lesser extent St. Kitts and Nevis;
- formal Community-Based Peace Building programmes are only available in Jamaica, Belize, St. Kitts and Nevis and Trinidad and Tobago;
- conciliation is used in most countries, mainly in relation to industrial disputes;
- the only mediation bodies which have conducted training outside their shores are those of Jamaica and Trinidad and Tobago;
- in all countries except Jamaica, Justices of the Peace are a neglected resource in the development of ADR in the region;
- there is a need for modern arbitration legislation and training in all Member States.

The existing ADR associations in CARICOM are: Barbados: the ADR Association of Barbados Inc. and Barbados Mediation Services; Belize: The ADR Association; Guyana: the Mediation Institute of Guyana Inc. and the Mediation Centre for Court Connected Mediation; Jamaica: the Dispute Resolution Foundation (headquarters at Camp Town, and other offices, namely, the Trench Town Peace and Justice Centre and the Eastern Peace and Justice Centre); St. Lucia: the Dispute Resolution Association and the Judicial Education
Institute of the Eastern Caribbean Supreme Court; Trinidad and Tobago: Mediation Board of Trinidad and Tobago; Dispute Resolution Centre; Direct Resolve Limited; Mediate It Limited; Conflict Resolution and Mediation Centre of Trinidad and Tobago and the Community Mediation Services of the Division of Ministry of People and Social Development. Countries without associations are Antigua and Barbuda, Dominica, Grenada, Montserrat, St. Kitts and Nevis, St. Vincent and the Grenadines and Suriname. The IMPACT Justice Project will work with interested parties to establish ADR focus points in these countries.

The Report on the ADR Survey also provided information on the number of existing service points in the region. It should be noted that functioning community mediation centres only exist in Jamaica, Trinidad Tobago and Suriname.

Table 9: Number of Service Points for Mediation Services in CARICOM Member States

<table>
<thead>
<tr>
<th>COUNTRY</th>
<th>PRIVATE ADR SERVICE PROVIDERS/SERVICE POINTS</th>
<th>COURT-CONNECTED ADR SERVICE POINTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>ANTIGUA AND BARBUDA</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>BARBADOS</td>
<td>2</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>BELIZE</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>DOMINICA</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>GRENADA</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>GUYANA</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>JAMAICA</td>
<td>15</td>
<td>(included in the 15 service providers/service points)</td>
<td>15</td>
</tr>
<tr>
<td>MONTSERRAT</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>ST. KITTS AND NEVIS</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>ST. LUCIA</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>ST. VINCENT AND THE GRENADINES</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>SURINAME</td>
<td>2</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>TRINIDAD AND</td>
<td>4</td>
<td>6</td>
<td>10</td>
</tr>
</tbody>
</table>
Jamaica, the country in which ADR has been in place longest, and where the service provider – the Dispute Resolution Foundation - has conducted training in many of the other CARICOM Member States, leads the way with 15 service points. In the six OECS States, there are no service points outside those connected with the courts and in Barbados, there is at present no court-connected mediation, but 2 service providers who have done training of persons in the community and others who are to complete the requirements to become court-annexed mediators. In Suriname, in one Police District – the 5th canton – police act as mediators of small disputes and in Paramaribo a police office has been assigned to settle conflicts such as those between landlords and tenants. In addition, there are mediation traditions among the indigenous peoples and the Maroons, but no formal service points have been established.

The Report on the ADR Survey noted that ADR is underutilised in the region, and that there are deficiencies in existing provision which are:

- under-funded ADR delivery mechanisms;
- the absence of mandatory referral of cases to mediation, except in the case of Jamaica;
- need for expanding mediation to other areas including family proceedings;
- difficulties in obtaining current figures on case backlogs and mediation case settlement rates in most Member States;
- a dearth of ADR programs being delivered in community settings;
- the relative absence of RJ;
- need for a legislative framework for ADR, especially outside of court-annexed mediation in which the Court Rules are used;
- paucity of specialized persons trained in Arbitration;
- Arbitration Acts that are not current;
- resistance by many litigants to using mediation as an alternative to litigation; and
- lack of sustained public education programmes concerning ADR and the rights of citizens.
IMPACT Justice Project Initiatives for ADR
The regional Survey provided information on frameworks, the amount of training already undertaken, some of the deficiencies (as detailed above) in the operating environment and the countries in which additional or new service points and training are needed. Based on the information provided, the outputs and the activities which will lead to Intermediate Outcomes 3100 and 3200 are as follows:

**Output 3110: The development of a region-wide ADR training policy and accreditation system facilitated.**

With regard to arbitration, a regional accreditation system is already in place through the Caribbean Branch of the Chartered Institute of Arbitrators.

With regard to mediation which is the most widely used ADR mechanism, some ADR service providers have expressed a preference for a regional association comprising representatives of national associations to be responsible for standardising and accrediting training programmes and maintaining a regional roster. The suggestion is that if there is a regional registration system, mediators trained in one country could conduct mediations in others where small size, or the volatility of issues being mediated are such that the services of an “outside” mediator may be more acceptable to the parties, having regard to all the circumstances. The rudiments of such a system are already in place in the OECS where all court-rostered mediators can undertake mediations in any of the OECS countries. Also, in Guyana, a mediator trained outside the country can be placed on the Roster of Mediators without more.

Another suggestion, supported by the number of Attorneys General required to trigger action by IMPACT Justice (a minimum of 3) is that a model Mediation Bill for both court-annexed and community mediation be prepared to provide a regional training programme with quality control features, a code of ethics for mediators and disciplinary procedures. It has also been suggested that to avoid the expense of establishing a regulatory board, in the legislation oversight functions could be given to a division of the Ministry which deals with community development.

- The IMPACT Justice Project will therefore host a meeting of representatives of ADR service organisations from all countries in which the IMPACT Justice Project is being delivered to:
  - discuss strengthening of the regional network by promoting a region-wide training policy and accreditation system;
Improvement Access to Justice in the Caribbean (IMPACT Project)

Project Implementation Plan

- discuss the frameworks needed to implement or expand community-based training programmes;
- discuss the use of a restorative practices programme for schools;
- discuss other community-based peace-building strategies.

Representatives of the DFATD Jurist Project, Attorneys General, the Police, NGOs, the business community, the ADR Association of Canada and the Arbitration Association of Canada will also be invited. This activity is expected to take place during the second quarter of Year 2.

Funding required for 3 day meetings: $70,000

Output 3120: The establishment of networks and service points to provide gender responsive ADR and community-based peace building services using existing infrastructure

According to the Report on the ADR Survey, 42 ADR service points currently exist in the region. In most CARICOM Member States, these are for court-annexed mediation. The IMPACT Justice Project will collaborate with ADR associations in each CARICOM Member State to determine if and where additional service points are needed to ensure that new and expanded programmes are accessible to citizens from all areas and will provide assistance in establishing these service points. It will also assist new associations in Member States which currently have none to establish service points. The assistance will include basic equipment and furnishings, user guides and public education leaflets on the uses and benefits of ADR, training packs and other tools. It is expected that this support will commence during Year 2 after the meeting of representatives of ADR service organisations mentioned above, and after community mediation training takes place in most countries.

Funding required: $100,000

Output 3130: Gender sensitive ADR training courses ADR for women, men, youth and businesses delivered in association with ADR service providers in CARICOM Member States.

Arbitration
the Project will encourage and assist the Faculties of Law at UWI, UG and the University of Suriname to offer a final year course in Arbitration which will provide students with knowledge of the benefits of Arbitration and how it works and will host a moot competition for students from the Faculties of Law of UWI, UG and the University of Suriname when the Faculties are ready;

the Project will collaborate with the Faculties of Law or the Chartered Institute of Arbitrators (Caribbean Branch) in training senior civil servants who may be asked to conduct or assist in the conduct of arbitrations on behalf of their governments. This will follow on the initiative undertaken by the Project in October 2014 when it funded the participation of 5 senior members of the Office of the Attorney General, Barbados, in a training course conducted by the Chartered Institute of Arbitrators.

**Mediation**

The Survey identified the following training needs in relation to mediation to assist in the reduction of case backlogs:

- training courses for community mediators from whom candidates for further training as court-annexed mediators may be offered in all CARICOM Member States including Suriname;
- refresher training be provided for court mediators in Dominica, Grenada, St. Kitts and Nevis and St. Vincent and the Grenadines;
- training to be provided to Justices of the Peace outside Jamaica where a programme exists to enable them to play a more direct role in CBPB.
- training be provided to attorneys (through bar associations) which would clarify their role in the mediation process and strengthen their awareness of how the profession can make mediation more effective, and that ADR development and changes throughout the region be made part of the Continuing Legal Professional Development training regimes for attorneys in the region;
- court-annexed mediation be strengthened by introducing mandatory mediation in all Magistrates’ Courts;
- that the types of cases which can be mediated be expanded;
- training be provided to Magistrates in the form of two-day workshops which would include topics on core values and principles of mediation, procedures and implications of court-annexed and other mediation services and enhance the ability of Magistrates to make referrals to mediation when access to mediation services becomes a reality in regional Magistrates’ Courts;
With regard to courses for training court-annexed mediators, the IMPACT Justice and JURIS Projects agreed at an IMPACT Justice Management Committee meeting held in Trinidad on July 27, 2015 that:

- IMPACT Justice would first provide basic mediation training;
- from the pool of persons trained at that level, IMPACT Justice would recommend those who should receive additional training for court-annexed mediation;
- the additional training would be organised by IMPACT Justice, but would be funded by the JURIS Project.

The IMPACT Justice Project cannot act in relation to the last three mentioned items on the list. They pertain to court-annexed mediation for which action by governments/judicial administrations are necessary to change Court Rules which provide for this service. Attention should also be paid to setting up Mediation Committees to supervise court-annexed mediation in each CARICOM Member State where they do not exist, to ensuring that existing ones are working, and that investment in training mediators for the court system is not wasted when, because of the system of selecting mediators, the majority of those trained have no opportunity to exercise their skills.

The other training needs on the list will be addressed through gender equitable basic and advanced level courses by IMPACT Justice and will include:

- training courses for trainers;
- training courses for judges;
- training courses for magistrates;
- training courses for attorneys using ADR in relation to the High Courts;
- training courses for attorneys using ADR in relation to the Magistrates’ Courts;
- General training for attorneys-at-law as mediators;
- training courses for community mediators who will include academics, attorneys-at-law, community and business leaders, clergy, police, school teachers, justices of the peace, and civil society groups;
- training of gang mediators;
- refresher courses for court mediators in the OECS who were trained more than 5 years earlier.

To ensure that mediation initiatives are sustainable, persons who complete basic and then advanced training courses satisfactorily could be provided with training designed for certification as trainers to ensure that the ADR initiatives are sustainable.

Training of community mediators will commence early in Year 2. Discussions will be held with Government community development agencies in all CARICOM countries except
Jamaica and Trinidad and Tobago with a view to securing agreement for persons trained under the programme to conduct mediations in community centres and other government-owned facilities once a framework has been put in place. Wherever service providers exist, the IMPACT Project will work with them to ensure that community mediation is firmly established.

**Restorative Justice**

In light of the warning by the ADR Consultants that RJ systems are likely to be very expensive and that "until sustainable sources of funding can be found to ensure he continuous implementation of the required activities over time, the necessary traction in this area cannot be achieved and maintained", the IMPACT Justice Project will not undertake RJ training with a court-annexed system in view unless requested to do so by governments. However, it will include information on the pros and cons of RJ in its public awareness programmes, and will conduct training in Restorative Practices (the principles underlying RJ) as part of its ADR community training.

The IMPACT Justice Project will during Year 2 undertake a pilot project for training schoolmasters and schoolmistresses, guidance counsellors, teachers and children in restorative practices. The pilot is expected to take place in Antigua and Barbuda, Barbados, St. Kitts and Nevis and St. Vincent and the Grenadines. Any lessons learned from that pilot will be used when the training is extended to other countries and expanded to other sectors. In addition, during Year 2, lectures, brochures, scenarios to raise public awareness of the procedures and benefits of RJ and information on what is needed for RJ programmes to be established within CARICOM Member States will be distributed to Governments. Sensitization exercises for the general public will be conducted simultaneously with training.

**Community-Based Peace-Building**

During Years 2-5, the IMPACT Justice Project will:

- develop conflict resolution training with, and for appropriate male and female members of regional police forces, using the regional Association of Caribbean Commissioners of Police (ACCP) and any other appropriate bodies. If the ACCP is used, then training may be conducted at the Police Training School in Barbados or the National Police Training College in Jamaica;
- liaise with the CARICOM Secretariat with a view to providing relevant conflict mediation training courses to male and female Project implementation
representatives delivering Youth-on-Youth violence reduction interventions in schools in five Member States;

- in association with Restore Belize, the Pinelands Creative Group Centre in Barbados and other NGOs conduct training in conflict resolution for men and women, businesses, youth groups and gang leaders in various CARICOM Member States.

- train the media to report positives to encourage youth groups, especially those working in troubled communities, to change their ways.

Output 3140: Regional gender equitable workshops and gender-sensitive public education delivered, in association with the JURIST Project and other stakeholders to share knowledge about ADR, RJ and community-based peace-building benefits and training initiatives.

Under this head, the IMPACT Justice Project will:

- mount a public legal information campaign on the forms and benefits of ADR, including Arbitration, Mediation, RJ and Community-Based Peace-Building. This will be done in partnership with the JURIST Project, local and regional associations such as the Chartered Institute of Arbitrators (Caribbean Branch), the Caribbean Association of Industry and Commerce, the JEI of the Eastern Caribbean Supreme Court, universities within the region and other organisations. The campaign will commence during the fourth quarter of Year 1 and will continue throughout the life of the Project.

- in collaboration with the JURIST Project and ADR service providers, host two workshops over the life of the Project at which persons involved in the programme across the region meet each other, share knowledge, present progress reports and discuss the way forward;

- establish an ADR section on its website to connect civil society organizations and persons involved in training programmes with each other and with the Project for

Funding required: $2,725,029
the purpose of sharing best practices, exchanging knowledge, providing support and increasing interest in ADR practices;

- since the ADR, RJ and Community-Based Peace Building Component is the second largest of the IMPACT Justice Project components, the Project will provide for its monitoring on an ongoing basis to determine the extent to which it is achieving the expected results and will ensure that cross-cutting themes are observed in the preparation of materials and in training courses sponsored by IMPACT Justice in association with ADR service providers and approved by a regional ADR association which is an umbrella body for national associations.

These activities will commence during the third quarter of Year 1 of the Project.

Funding required: $500,000

5. PROJECT BUDGET

5. Project Budget

Three versions of the revised Estimated IMPACT Justice Project budget are provided as Annexes E to G. The first, Annex E gives a summary of the budget according to the DFATD Eligible Budget Categories which are:

- Remuneration /Fees for (a) local employees and (b) subcontractors;
- Fees
- Reimbursable Costs
- Allowance for Indirect/Overhead Costs.

The second version of the Project Budget shown is Annex F. This is an expanded version of Annex E and it shows the annual amounts allocated under the Eligible Budget Categories. Annex G shows the inception and 9 month Work Plan for Year 1 and estimates for Years 2 to 5 according to WBS. Under each WBS item, the amounts allocated for travel, training and consultancies are shown.

While the total contributions from DFATD and the in-kind contributions from UWI and other organisations provided for in the Contribution Agreement remain the same, some internal adjustments have been made. These pertain to (1) DFATD contributions under Category 1.6.1 Travel, which has been reduced from $5,520,000 to $4,500,697 with the funds cut from Travel being allocated to Categories 1.6.4 “Other Training Costs” and to
1.6.7. “Administration Costs Directly Related to the Initiative”. (See Annex F). The changes were necessary to ensure that enough funds are available for various training costs and to pay for expenses related to meetings of the PSC and PMC, delivering the communications strategy and internal monitoring and reporting activities. None of the transfers of funds among Budget categories affect the total remuneration/fees or reimbursable Budget categories already approved by DFATD in the Contribution Agreement, exceed 30% of the funds for line items affected, nor increase the total DFATD contribution. Therefore, no prior DFATD approval is needed.

However, in the Contribution Agreement, the Allowance for Indirect/Overhead Costs is 11.87%. In light of an earlier verbal communication that it would be possible to increase the allowance to 12%, UWI is now seeking approval from DFATD to increase it from 11.87% to 12% and that the increase be shown in Annexes E and F.

Under WBS 4110 in Annex G, expenditure of funds provided for PIP preparation (in April $500,000 were provided) for the period April-June 2014 is shown as $156,002. This figure does not include purchase orders for which no invoices were received up to the end of June. Funds not spent by then have been rolled over to the July-September 2014 period to cover purchase orders placed in the previous quarter which have not yet been filled, staff costs, and any new PIP-related activities which took place in July.

According to the Year 1 AWP which is being submitted to DFATD along with this PIP, IMPACT Justice Project component activities are due to commence in October 2014. Allocations of funds shown in Annex F for Years 2-5 of the Project will most likely be adjusted in the AWPs for those years.

5.1. Differences between the Project Proposal and the Project Implementation Plan

When Annex G is compared with the Budget which was included in the Project Proposal it is clear that there have been major changes. These have resulted from the fact that funds made available by DFATD after the Contribution Agreement was signed were used for fact finding missions, desk research, and to conduct the Regional ADR Survey which all provided more accurate information as to what activities the Project should focus on, and how much they are likely to cost. As a result, the sums requested from DFATD for Component 1 (WBS 1100) which focuses on drafting laws and training drafters was reduced from $9,430,000 to $5,367,382 (a significant reduction) when, armed with updated information on the CSME Unit Project, a revised list of items on which the Project would focus was drawn up. Even so, the second highest portion of the DFATD Budget contribution (28%) is still being allocated to Component 1.
The sum of $50,000 allocated under WBS 2120.1 for designing and delivering continuing legal education for attorneys may seem low when compared to other allocations, but the intention is that the IMPACT Justice Project will collaborate with bar associations and that attorneys will pay fees for these courses. As a result of this cost-sharing, the funding needed from IMPACT Justice will be reduced. On the other hand, the estimated cost of the legal education survey (WBS 2130.1) has almost tripled, having increased from $120,000 in the Project Proposal to $324,500. This increase has resulted from the scope of the survey being widened beyond that originally contemplated by the Council of Legal Education and UWI to include provision of legal education by institutions from outside the region and how it has impacted on the supply of lawyers and the arrangements made in 1970 for a regional legal education system. The budget also makes provision for the substantial amount of desk research which will have to be done before the survey starts, regional coordination and travel for the consultants, and the preparation and analysis of questionnaires to be administered region-wide.

The total sum requested for WBS 2200 comprising databases, assistance to law libraries and public legal education was increased from $1,730,000 to $2,148,336. Here again, funding provided for PIP preparation allowed more extensive research to be done and as a result cost estimates were revised upwards (a) for database upgrades and creation; (b) for providing assistance to law libraries and for public legal education.

With regard to assistance to law libraries, the allocation moved from $700,000 in the Project Proposal to $900,000 in the PIP. This increase resulted from the Main Library of the University of Suriname being added to the Project. That library contains a small and outdated collection of legal materials which would be inadequate to support activities planned for that country by the IMPACT Justice Project. It should be noted also that the libraries will be provided not only with books, but with access to online materials. The amount allocated may not all be spent: it depends on how many of the items requested are out of print.

The allocation for public legal education was also increased. This resulted directly from the dire need for such a programme communicated by representatives of NGOs and others at a meeting convened in early July to discuss an IMPACT Justice Programme in this area. If the public legal education programme is implemented as envisaged, it has the potential to be the backbone of the IMPACT Justice Project in terms of publicising programmes and their benefits, obtaining “buy-in” and at the same time educating citizens of CARICOM Member States as to their rights, and generally demystifying the law.

The sum allocated in Annex G to ADR (WBS 3000 increased from $3,510,000 in the Project Proposal to $3,395,029 or 18% of the DFATD contribution. The Ultimate, Immediate, Immediate Outcomes and Outputs in the Logic Model (both in the Project Proposal and in
the Contribution Agreement) include references to the building of capacity to deliver and training in Restorative Justice (RJ) by the IMPACT Justice Project, as one of the ADR practices. However, based on the recommendation of the Report on the ADR Survey that the implementation of RJ training would require acceptance of RJ by governments in the form of legislation, and would be expensive to establish and maintain, the IMPACT Justice Project will educate governments, the public and ADR practitioners on the use and benefits of RJ as part of its public education programme, but will only conduct training in use of Restorative Practices, which, in any case, are based on Restorative Justice principles.

Finally, the Project Management Budget (WBS 4100) increased considerably from $2,970,844 in the Project Proposal to become the component to which the largest amount of funds - $6,062,610 or 30% of the total DFATD contribution – is allocated in the PIP. The increase took cognizance of the fact: (a) that the staff costs in the Project Proposal were in grossly understated when the Project life was reduced from a proposed seven to five years and CIDA had at that time informed that the error could be addressed in the PIP; (b) that the Project will be using a large number of consultants both from within the region, Canada and elsewhere; and (c) that the work of the PSC, PMC, TAGS, gender, communications and environmental specialists and internal monitoring are all to be funded from the management budget.

5.2. Project Implementation Schedule

The Project Implementation Schedule for Years 1 to 5 of the IMPACT Justice Project is shown in Annex H. According to the Schedule, activity will commence under all Project Components from October 2014, especially in relation to legislation and treaty drafting, training of legislative drafters, public legal education and ADR and will continue for the life of the Project. Activities pertaining to the legal profession will commence during the third quarter of Year 1.

Work on legal databases will also commence during the third quarter of Year 1, but is expected to be completed between the second and third years of the Project.

6. PROJECT MONITORING AND REPORTING

This Chapter of the PIP describes the processes by which information on Project activities will be gathered and shared and defines the responsible agent and timing of these activities. Collecting, managing and reporting information on Project progress – both in terms of activities and results, are central to the processes of project management and are critical to maintaining accountability and transparency. This is important not only to
DFATD, the principal contributor to the Project, but to IMPACT Justice Project staff who are responsible for Project implementation and to Project stakeholders and beneficiaries.

6.1. Monitoring performance

Performance and risk monitoring are central to project management. These functions are executed against the backdrop of the PMF and the Baseline Study, in terms of tracking indicators of achievement of intended results, and in relation to the Annual Work Plans that will be prepared to guide detailed implementation of the Project.

The task of monitoring progress against Project plans will fall primarily to the TAGS and the Project Manager. Based on the prescribed project reporting cycle, they will review progress twice a year. The results of these reviews will be documented, reported to the Project Director and included in the consolidated Semi-Annual Report which the Project Director will be responsible for preparing and submitting to DFATD as required by section 2.6. of the Contribution Agreement.

DFATD has also planned to engage an external monitor for this Project. The PIU will support that person’s activities by providing detailed progress and reporting information as required. It will also support any mid-term or end of Project evaluations that might be undertaken by DFATD.

The financial management and reporting system will track and report Project expenditures in relation to the categories of expenditure set out in the CA and in relation to the elements of the LM and WBS described elsewhere in this document. Semi-annual reports will be reviewed by the Project Implementation Unit. Supporting explanations for significant variances (greater than 10%) will be provided in progress reports and deviations of more than 20% in budgets and/or expenditures will be brought to the attention of the Project Steering Committee for consideration and to DFATD for approval. Financial data will be certified on an annual basis by the Bursary of the UWI Cave Hill Campus and will be subject to UWI’s normal institutional audit requirements.

6.2. Risk Register and risk management

When the Project Proposal was being prepared, Project risks were assessed in line with Treasury Board requirements and were deemed manageable. These included risks that drafters trained under the Project would leave the region, that a weak understanding of RBM would impede the establishment of tracking mechanisms, and that natural disasters would destroy documents and disrupt the Project.
Since then, a number of operational and development risks identified by the Consultants who conducted the ADR Survey in mid-2014 have been added. These risks are that the ADR reform agendas of the larger regional countries may not accord with those of smaller countries; resistance on the part of regional citizens to using the various modes of ADR as an alternative to litigation and national funding constraints which may impede the ability of regional governments to financially subscribe to ADR reform initiatives. The mitigation strategies to be employed should be sufficient to reduce all these risks, but the Project is particularly concerned about key stakeholders such as Parliamentary Counsel not willingly accepting its model legislation, and taking the steps necessary to make adaptations at the national level in a timely manner. Therefore, for the time being, Developmental Risk 1 (see Annex C) will be marked as a “high” risk, and will be monitored.

The Project Director will be responsible for ongoing monitoring of the Project context, external influences and specifically risks that might follow from changing circumstances for the Project. PMC meetings will include a review of the Project risk framework and the PMC will consider and approve mitigation strategies aimed at addressing the consequences of any changes in these risks. The PSC meetings will specifically consider any changes in context or risk over the course of the previous year and approve significant changes in Project strategy or design that may be required. Changes in the nature or import of perceived risks and the implications for the Project will be described in Semi-Annual and Annual Project Reports.

The Risk Register is provided at Annex C.

6.3. Project reporting requirements

Table 10, taken from the Contribution Agreement, identifies the full range of reports that will be prepared and submitted to DFATD by the IMPACT Justice Project. Comments made by DFATD in relation to LM changes will be reviewed and the PMF and LM will be updated with any required adjustments when the AWP is submitted.

Table 10: DFATD/UWI Contribution Agreement for IMPACT Justice Project – Appendix D Reporting Requirements: Schedule of Reports

<table>
<thead>
<tr>
<th>REFERENCE</th>
<th>FREQUENCY</th>
<th>DUE</th>
<th>FORM(S)</th>
<th>PERIOD COVERED</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1</td>
<td>Initiative Implementation Plan (PIP)</td>
<td>Once</td>
<td>Not later than 120 days after signature of Agreement</td>
<td>-</td>
</tr>
<tr>
<td>2.2</td>
<td>Baseline Report</td>
<td>Once</td>
<td>No later than 120 days after signature of Agreement</td>
<td>-</td>
</tr>
<tr>
<td>REFERENCE</td>
<td>FREQUENCY</td>
<td>DUE</td>
<td>FORM(S)</td>
<td>PERIOD COVERED</td>
</tr>
<tr>
<td>-----------</td>
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<td>---------</td>
<td>----------------</td>
</tr>
<tr>
<td>2.3</td>
<td>Annual Work Plan</td>
<td>Annually</td>
<td>Within 45 days of the end of the Initiative Year; Within 90 days of signing of the Agreement for the first year of the Initiative</td>
<td>Agreement</td>
</tr>
<tr>
<td>2.4</td>
<td>Initial Budgetary Forecast</td>
<td>Once</td>
<td>Should accompany request for first advance</td>
<td>A-D</td>
</tr>
<tr>
<td>2.5</td>
<td>Second Budgetary Forecast</td>
<td>Once</td>
<td>Should accompany request for second advance</td>
<td>A-D</td>
</tr>
<tr>
<td>2.6</td>
<td>Semi-Annual Report</td>
<td>Semi-annual 2 (Q2)</td>
<td>Within 45 days of the end of each quarter</td>
<td>A,B,D</td>
</tr>
<tr>
<td>2.7</td>
<td>Annual Report</td>
<td>Annually (M12 or Q4)</td>
<td>Within 45 days of the end of the Initiative year. Every Annual Report must be accompanied by an Annex on Outputs and Outcomes³</td>
<td>A,B, D,E</td>
</tr>
<tr>
<td>2.8</td>
<td>Risk Report</td>
<td></td>
<td>This report is only required when a new risk event occurs or changes are made to the Risk Register based on findings of monitoring exercises</td>
<td></td>
</tr>
<tr>
<td>2.9</td>
<td>Disposal of Assets Plan</td>
<td>Once</td>
<td>No later than 90 days prior to the end of Initiative activities</td>
<td>-</td>
</tr>
<tr>
<td>2.10</td>
<td>Final Report</td>
<td>Once, at Initiative completion</td>
<td>Within 90 days from the end of Initiative activities</td>
<td>C,D.</td>
</tr>
</tbody>
</table>

1. Year of the Initiative = Period of 12 months from Effective Date or last 12-month period.
2. Q1 to Q3 = Quarterly Report; Q2 = Midyear report; Q4 = Annual Report
3. Please contact your DFATD Project Officer to obtain this Annex
4. Forms A and B are not required if annual payments are made. They apply only for M12 or Q4.

**Note 1:** All reports mentioned in the Schedule of Reports above must be submitted by the Organisation to DFATD and sent to the address shown in sub-article 8.1 of the Articles of Agreement.

**Note 2:** Forms A to F can be found at the following address: [http://www.acdi-cida.qc.ca/acdi-cida/acdi-cida.nsf/eng/CAR-8199314-HBK](http://www.acdi-cida.qc.ca/acdi-cida/acdi-cida.nsf/eng/CAR-8199314-HBK)

### 6.4. Annual work planning

Every AWP after the IMPACT Justice Project Year 1 AWP will be prepared by the Project Director with significant input from the TAGS which will be put in place during the third quarter of Year 1 of the Project. The expectation is that the AWPs will be reviewed by the PMC and approved by the PSC. The AWP has a number of significant components that will require a process of discussion and information gathering by the Project management team that involves stakeholders. Normally, the AWP starts with a review of achievements over the past year in relation to plans and an assessment of any changes that have taken place in the Project environment, internally or externally, that have or could affect future progress. Based on this information, the Project team and stakeholders will be in a position to reconfirm or adjust the strategic directions of the Project. Any required adjustments to the LM and PMF arising from this exercise will be identified in the AWP.

Within the strategic framework, the Project team will then work with stakeholders through the TAGS to set performance targets for the coming year, identify activities to be carried out to meet these targets, specify responsibilities and schedules and determine the resources that will be required to complete the planned work.

The Gender, Environment and Communications Advisors will undertake annual reviews of their respective strategies to measure progress against objectives, identify any issues and prepare plans of action for their sectors for the coming year. The latter will be included as part of the AWP.

The AWP format will conform to the requirements set out in Annex D to the Contribution Agreement. The first IMPACT Justice AWP accompanies this PIP.

### 6.5. Communication Strategy

An IMPACT Justice Project communications strategy has been developed and is attached to the PIP as Annex M. The main objectives are to ensure that Project-related information is made available to key partners both within and outside the region, and that the Canadian
Government and UWI, the primary sponsors, are given due recognition and prominence in all Project-related communications.

Internal communications between members of the PIU, the Faculty of Law and UWI Departments will be maintained through face to face contact and UWI internal channels. Communications with external stakeholders in CARICOM Member States and elsewhere will take place through the Project Liaison Officers selected by the Attorneys Generals and with key officers such as Chief Parliamentary Counsel, Bar Association, NGO and private sector representatives.

Most of the communications with DFATD will be maintained through the DFATD Project Team Leader and the DFATD Communications Officer. The IMPACT Justice Project will work closely with DFATD with a view to publicizing Project success stories in Canada to provide positive information for Canadians about developments in the region which can be attributed to the financial assistance provided by DFATD. Project communications will also highlight the role played by Canadian partners in implementing certain aspects of the Project.

The Communications Strategy defines the communications environment and reach of the Project, and its covers branding, direct marketing, digital and physical communications tools and market research as they apply to both internal and external communications needs. The communications budget will include sums for mass media advertising, social media, graphic design services, multimedia production services, mailing and distribution.

A Communications Specialist will be hired. It is expected that approximately $140,000 per year of the management budget will be spent on Project communications.

6.6 Records and Information Disaster Preparedness and Recovery Policy

A Records and Information Disaster Preparedness and Recovery Policy prepared by the Cave Hill Campus Records Management Office is attached as Annex J. Its purpose is to enable the Project team to deal with a disaster with maximum efficiency and minimum loss to Project records and information. The Plan outlines the responsibilities of members of the PIU, sets out what needs to be done for disaster prevention, depending on the type of disaster, and the steps to be followed during the recovery stage. The Plan will be expanded during Year 2 of the Project to include a disaster loss reduction and mitigation policy for the regional legal system.
6.7. Sustainability and Exit Strategy

Sustainability is a goal that requires the IMPACT Justice Project to develop adequate skills, knowledge and institutional capacities in CARICOM Member States in order to maintain Project results and benefits at the regional level beyond Project end. To achieve that goal, a Sustainability and Exit Strategy is outlined in this section.

6.7.1. Sustainability overview

Caribbean Community Member States which are partners and also beneficiaries, with one exception, Suriname, share a common language and common governance systems which make it easier to collaborate, share information, foster accountability in relation to planning for justice sector reform and plan for sustainability of Project results.

In developing the IMPACT Justice Project concept, UWI consulted with key regional organisations and civil society, now partners, to ensure that it was locally-owned and would contribute to regional initiatives already underway. The consultations have continued, with partner feedback being requested in relation to further Project planning and design, letters of support and the appointment of persons at the local levels to assist the Project by disseminating information on its objectives and activities. The feedback suggests that partners perceive the Project as being an important initiative which can benefit the whole region, and that the benefits are worthy of being sustained after DFATD financial support ceases.

During its implementation, the IMPACT Justice Project will support the institutional development of partners at the community, national and regional levels. Capacity building measures such as gender-responsive community-based peace building, expansion of alternative dispute resolution use, improved economic and policy environments in Member States as a result of the implementation of harmonised CSME and other legislation in key areas, as well as increased public education and awareness of access to justice mechanisms would be designed and implemented from a locally-owned perspective, with built-in sustainability, as described below.

It is expected, as shown in section 2.8 of this PIP, that in the long run, the positive effects of the Project will be felt throughout the beneficiary Member States in that access to justice and general economic and social development in CARICOM countries are likely to improve as a result of strengthened and improved legal frameworks, legal education and training which will be the direct outcomes of Project activities. Building on the Project-created community, national and regional capabilities, and enhancing those expected benefits, the IMPACT Justice sustainability strategy aims to create momentum resulting in long lasting synergies among key partners for continuing to build upon and improve Project results.
The desired long term outcome of this Project is that the males and females trained will contribute to the sustainability of Project results in that they would have been equipped to assist in the equitable training of other males and females with the materials and knowledge gained. This will be achieved through institutionalising training of legal drafters (WBS 1120), continuing education of the legal profession (WBS 2120), training of law library staff (WBS 2220) legal education for the public (WBS 2230), ADR training for service providers (WBS 3130) and for the public. (WBS 3140).

Other desired long term outcomes are that improvements to the justice sector frameworks will be sustained through the legislation drafted under WBS 1110; the promotion and maintenance of the manuals for treaty making, the preparation of drafting instructions and legislative drafting (WBS 1130), and ADR (WBS 3110 and 3120) and the production of a disaster loss reduction and mitigation policy for the legal system of the region which may be used by Governments.

With regard to WBS 3120, IMPACT Justice will contribute in the long term to the reduction in cases being taken to court and provide quick and cheaper resolution of disputes by its work with mediators in establishing community service points, establishing ADR associations in countries where they do not exist, and responding to requests by governments to draft the legislative frameworks within which community mediation can develop and flourish.

Planting the seeds for that long term sustainability from the Project start-up strategically aiming at institutionalising the training programs and effective consultative processes and information sharing, will contribute to the sustainability of Project results and lead to an increase in access to justice and the betterment of the lives of citizens in CARICOM.

In terms of other organisational sustainability, since the Project will be implemented from within the Caribbean Law Institute Centre, one objective will be to demonstrate to regional and national policy makers and donors that the Centre, as a research institute, can assist in further strengthening the justice sector in the region on an ongoing basis. This can be done through its production of policy and research papers on legal topics which are useful both for its immediate programme objectives and beyond and by maintaining a roster of highly qualified drafters who, in their drafts of legislation, pay due regard to environmental sustainability and gender equality.

6.7.2. Exit Strategy

An exit Strategy is needed to ensure a controlled programme closure by the target closing date and to ensure sustainability of the IMPACT Justice Project outcomes. The final Exit Strategy will be submitted to DFATD 12 months before the end of the Project. The Strategy
will balance the need to maintain an adequate support structure for effective implementation of final programming, while providing sufficient time to complete each physical component of programme closure.

IMPACT Justice will make provision for partners to shoulder more responsibility for initiatives at the national level from year 4 of the Project, and in so doing, will assist them in strengthening their organisational and management skills, their ability to fundraise and to network and collaborate with each other.

At that time also, the University will finalise the Project Exit Strategy. The final Exit Strategy will build upon the concepts of the sustainability plan for the Project outlined in section 6.7.1 above. It will articulate how the transfer of responsibilities for maintaining Project structures and processes will move from the Project implementation unit to both national and regional partners; how trainees will be encouraged to train others; and how to leverage funding for continuing work by partners. The plan will also address the sustainability of the Caribbean Law Institute Centre as a leader in the region in research and development activities which are needed for long term justice sector reform. In addition, the final Project Exit Strategy will provide for disposing Project-procured physical assets.

The specific mechanism to plan and achieve the sustainability of results of the IMPACT Project after its end, and to deliver to its beneficiaries the expected results corresponding to the Project objectives are given below.

**Component 1: Intermediate Outcome 1000: Strengthened legislation and treaty policy making**

*Immediate Outcome 1100 – Increased access by CARICOM Member States to gender and environmentally sensitive regional model laws and new or amended national laws*

The focus of this component is to increase access to gender and environmentally sensitive regional model laws and new or amended national laws. This is achieved through drafting model CSME and other laws, providing online and other courses on legislation and treaty drafting in UWI and UG and by developing and distributing manuals on treaty drafting, instructions for legislative drafters and procedures for drafters.

By the end of the project, model laws and new or amended laws will be in place to support better regional integration, advance sustainable development and increase legislation and treaty policy making capabilities in the region. To maximize long term sustainability of its legislation and treaty policy making results, IMPACT will establish a Legislation and Treaty Drafting Technical Advisory Group (TAG) that will become a model for effective
collaboration among key experts and decision makers in the region. After the Project ends, the TAG could be replicated and institutionalised as an effective regional active factor for legislation and treaty policy making.

The model laws supported by the IMPACT Project will provide examples for future CSME and other legislation and during its implementation, IMPACT will strategically pursue the creation and strengthening of the community of legislative drafting experts.

**Component 2: Intermediate Outcome 2000: Improved legal services, education and information**

**Immediate Outcome 2100 – Enhanced gender-responsive accountability framework which includes the upgrade of skills of the legal profession in CARICOM Member States.**

The focus of this intermediate outcome is twofold. Firstly, it aims to improve standards of the legal profession by drafting a gender equitable and environmentally sensitive model Legal Profession Act containing a Regional Code of Ethics, regional disciplinary procedures, accounting standards which comply with the requirements of international regulatory bodies and providing for continuing mandatory legal education. The achievement of these objectives would impact the legal profession in the region and how it operates for a long time to come.

**Immediate Outcome 2200 – Improved equitable access by the legal profession and the public (men, women, youth and businesses) to legal information in CARICOM Member States.**

The objectives of this outcome are to improve access and the quality of access to legal databases, law libraries and legal education by professionals and to legal information and education by the general public. Two TAGS will guide the work of this Project Component. The first will comprise regional legal information specialists and key users of the databases being established or expanded by the Project. The second TAG will focus on public legal education and will largely comprise representatives of Government departments and NGOs and members of the Faculties of Law and bar associations. This TAG also will be serviced by a Gender Specialist, Environment Specialist and the Communications Specialist. The TAG could seek collaboration with regional and national government information services to open up as many avenues as strategically needed to promote legal education and public access to legal information which could continue after the Project ends.
Component 3: Intermediate Outcome 3000 - Strengthened ADR, RJ and CBPB Services

Immediate Outcome 3100 – Increased training of ADR practitioners and increased equitable access by women, men, youth and businesses to ADR, RJ and community-based peace-building services in CARICOM Member States

The objective of this component is to increase regional and national capacities for and access to ADR, RJ and CBPB services. This will be achieved through developing a regional ADR training policy and accreditation system, establishing ADR and CBPB networks and service points, and developing and delivering ADR and CBPB training for communities and the general public.

To ensure the long term sustainability of its ADR and CBPB services, IMPACT will establish a Technical Advisory Group (TAG) that, like the TAGS established under other Project components, will become a model for effective collaboration among a wide range of stakeholders. Persons invited to join the TAG, or to meet with the Project management when specific matters are being discussed in-between TAG meetings will be from the following groups: male and female representatives of the LAC, ADR service providers, Faculties of Law and Law Schools with ADR programmes, police officers, bar associations, the Caribbean Policy Development Centre, the Evangelical Association, Men’s Educational Support Association, women’s associations in the CARICOM region, the Regional Youth Council, the Caribbean Association of Corrections, UNICEF, civil society organisations and businesses. The Gender Specialist, the Environment Specialist and, the Communications Specialist will be invited to attend TAG meetings.

As part of its Exit Strategy, the IMPACT project will host meetings and workshops to demonstrate to partners and governments the effectiveness of the programmes offered and how they may be sustained and will try to obtain commitment on the part of governments to assist in sustaining them. These activities will actually commence from Year 2 of the Project so that by the time it is coming to an end, lines of action would have been developed and tested.

Component 4: Project Management

The IMPACT project will continuously monitor its progress towards achieving sustainable results and correct its course accordingly. For that purpose, it will put in place effective results based management (RBM) by using the project's PMF as a management and monitoring tool. In addition to internal progress monitoring, the project will provide RBM training and support to its partners by helping them to develop a sustainable, coordinated and coherent system of collecting data, reporting on indicators and indicator validation.
The Project Management part of the Exit Strategy will contain, but not be limited to the following components:

(1) Financial

➢ an outline of steps to be taken to:

  o ensure that all financial obligations to contractors and suppliers have been settled in accordance with contracts;

  o verify that all requirements and deliverables specified have been met and that any changes to contract requirements or deliverables have been documented, approved and completed;

  o review the value of all purchase orders to reflect the amounts actually disbursed;

  o ensure that audits or evaluations supported by DFATD funding for the Project are completed and finalized;

  o ensure that all project activities completed are reported on and final costings obtained;

  o prepare a detailed overview of the financial procedures, budgets, records, problems encountered etc. for delivery to DFATD and UWI;

  o make arrangements with DFATD for the return of any unspent funds;

(2) Final Report of TAGS activities

➢ Prepare a final report on the meetings, decisions made and all other activities of the TAGS. This will be done by the TAGS Coordinator for presentation to the Project Director.

(3) Management Report

➢ This will outline steps to be taken and time frames for:

  o ensuring that all documents relating to the Project have been archived in both hard and soft copies and a summary report on the information collected, including the Project description, PIP, work plans and financial reports,
organization charts, final Logic Model, PMF, WBS, RR and copies made for
delivery to DFATD and to UWI;

- preparing a final report on the Project which includes full name, nature of the
  Project, its relevance, appropriateness, sustainability and cost effectiveness;
  analysis of results that will provide strategic guidance to stakeholders at the
  local, national and regional levels and to DFATD and UWI;

- hosting a “lessons learning” session which is a valuable closure and release
  mechanism for the Project Team and key partners;

- arranging for an evaluation of overall environmental performance to be
  incorporated into DFATD’s lessons learned.

- making arrangements for office closure: placement of staff and criteria to be
  used to clarify ownership and responsibility for any residual physical assets and
  knowledge products which like staff, are legacy assets;

- DFATD’s contribution to and participation in the Project by UWI and if
  necessary, preparing for a close out amendment to the Contribution Agreement
  (CA).

7. CONCLUSION

In this PIP, it has been shown:
- how the IMPACT Justice Project components were decided on;
- who are, and how Project partners will be involved in the Project;
- how the cross-cutting themes of gender, environmental awareness and governance
  will be interwoven into the Project;
- how the Project will be managed and the principles according to which it will be
  managed;
- that most of the funding and efforts of the initiative will be spent on:

- improving the legal frameworks for the CSME, the OECS Economic Union and
  other initiatives which will lead to greater regional integration and economic
  development;
- making alternative dispute resolution more structured and accessible, thus
  improving access to speedier and cheaper resolution of disputes by the parties
  themselves with the assistance of trained, impartial third parties; and,
at the same time, provision will be made for improving access to the region's legal information, legal profession frameworks and increasing the availability of legal education at the grassroots level.

These activities are all expected to contribute to the ultimate outcome of the Project, which is enhanced access to justice benefiting men, women, girls, boys and businesses in CARICOM Member States.
NOTES

12. See Note 5.
15. Ibid.
16. CDEMA (Caribbean Disaster Emergency Response Agency).
18. See eur-lex.europa.eu/Lexuriserv. On March 29, 2012, the Secretary-general of CARICOM and EU representative Robert Kopechy signed three financial agreements aimed at boosting the integration efforts of CARICOM totalling US$110m.
19. 19. CIDA. Tip Sheet. Integrating Governance into Sustainable Economic Growth programme. (nd)
22. DFATD. Crosscutting Theme for International Assistance: Governance. EDRMS #6275582 updated October 2104.
23. See Note 19.
24. Personal communication from offices of Attorneys General in the OECS States, October 2012.
25. Information from the Office of Graduate Studies, Cave Hill Campus, UWI, June 2014.
26. Personal communication from Office of General Counsel of the CARICOM Secretariat.
27. See Note 24.
28. Ibid.
30. Information provided at IMPACT Justice’s meeting of Attorneys General and CPC, May 13-14, 2014.
31. Ibid.
32. The economic costs for students from Barbados, Jamaica and Trinidad and Tobago are three times as high as those for students from the OECS and other UWI Contributing Countries. See http://www.cavehill.uwi.edu/graduate studies.
33. Information in this section was provided in a report on the status of legal profession legislation in the region prepared for the IMPACT Justice Project in May 2014 by Nailah Robinson, attorney-at-law.
34. Personal communication from the President of the Grenada Bar Association on July 10, 2014.
35. See Note 33.
37. See Note 34.
40. Ibid.
41. Ibid, pp. 29.
42. Ibid. p. 19.
43. Ibid, p. 78.
44. Ibid, passim.
45. See Note 43.
46. See Note 44.