

Project Completion Report

PCR

Project Name: Modernization of Justice Administration Project (MJAS)

Country: Guyana

Sector/Subsector: Public Sector Modernization

Original Project Team: Arnaldo Posadas (RE3/SC3), Team Member; Adrienne Pratt (RE3/SC3); Ophelie Chevallier (RE3/SC3); Gonzalo Afcha (RE3/SC3); Diego Buchara (LEG); Javier Reyes (COF/CGY); Hugh Wilkinson (consultant); Mercedes Rochac (RE3/SC3); Adriana Abreu-Combs (RE3/SC3) y Patricia Sadeghi (RE3/SC3).

Loan Number(s): 1745/SF-GY & 1746/SF-GY

Project Number(s): GY-L1009

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PCR Team: Stefano Tinari (ICS/CBA), Team Leader; Derise Williams (CCB/CGY); Hugh Wilkinson (Consultant); and Alicia Álvarez (IFD/ICS)

ACRONYMS AND ABBREVIATIONS

ADR	Alternative Dispute Resolution
AOP	Annual Operating Plan
CSP	Country Strategy Paper
DPP	Director of Public Prosecutions
FMIS	Financial Management Information System
FSO	Funds for Special Operations
GDP	Gross Domestic Product
GOG	Government of Guyana
IDB	Inter-American Development Bank
JSC	Judicial Service Commission
JSRS	Justice Sector Reform Strategy
MOF	Ministry of Home Affairs
MOLA	Ministry of Legal Affairs
M&E	Monitoring and Evaluation
MJAS	Modernization of the Justice Administration System
MDRI	Multilateral Debt Relief Initiative
MLA	Ministry of Legal Affairs
MOF	Ministry of Finance
NGO	Non-Governmental Organization
PBL	Policy-Based Loan
PCR	Project Completion Report
PEU	Project Execution Unit
PRSP	Poverty Reduction Strategy Paper
TC	Technical Cooperation
TS	Technical Secretariat

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I. Basic Information

Project objective: The overarching goal of the program is to enhance the investment climate and rule of law in Guyana through improved public sector governance.

PROJECT NO: GY-L1009

TITLE: MODERNIZATION OF JUSTICE ADMINISTRATION (MJAS)

Borrower: Cooperative Republic of Guyana

Date of Board Approval: June 21, 2006

Executing Agency (EA): Ministry of Finance/Ministry of Home Affairs

Date of Loan Contract Effectiveness: March 20, 2007

Date of Eligibility for First Disbursement: October 26, 2007

Loan(s): 1745/SF-GY ; 1746/SF-GY
Sector: Modernization of the State

Months in Execution

* From Approval: 1745/SF-GY: 57 months

1746/SF-GY: 90 months

* From Contract Effectiveness: 1745/SF-GY: 48 months

1746/SF-GY: 81 months

Disbursement Periods

Original Date of Final Disbursement: 1745/SF-GY: 20/03/2010

1746/SF-GY: 20/03/2011

Current Date of Final Disbursement: 1745/SF-GY: 20/03/2011

1746/SF-GY: 31/12/2013

Cumulative Extension (Months): 1745/SF-GY: 12 months

1746/SF-GY: 33 months

Special Extensions (Months): 1 months

Loan Amount(s)

* Original Amount: US\$25,000,000.

* Current Amount: US\$ 24,994,037.25

* *Pari Passu* (if applicable): 99.00

Poverty Targeted Investment (PTI):
YES

Social Equity (SEQ): YES

Environmental Classification: X

Disbursements

* Amount to date: US\$ 24,994,037.25

Total Project Cost (Original Estimate): US\$25,232,000

Redirectioning

Has this Project?

Received funds from another Project [NO]

Sent funds to another Project [NO]

On Alert Status

Is project currently designated "on alert" by PAIS: No

If yes then why is the project on alert (DO , IP Ratings and/or relevant PAIS indicators)

Summary Performance Ratings				
DO	<input type="checkbox"/> Highly Probable (HP)	<input checked="" type="checkbox"/> Probable (P)	<input type="checkbox"/> Low Probability (LP)	<input type="checkbox"/> Improbable (I)
IP	<input type="checkbox"/> Very Satisfactory (VS)	<input checked="" type="checkbox"/> Satisfactory (S)	<input type="checkbox"/> Unsatisfactory (US)	<input type="checkbox"/> Very Unsatisfactory (VU)
SU	<input type="checkbox"/> Highly Probable (HP)	<input checked="" type="checkbox"/> Probable (P)	<input type="checkbox"/> Low Probability (LP)	<input type="checkbox"/> Improbable (I)

II. The Project

a. Project Context

Modernization of the Justice Administration Project (MJAS)

The institutions in Guyana's justice sector have invested considerable efforts in maintaining law and order and delivering justice, despite their very limited resources. However, significant challenges still remain and have a direct impact on the daily lives of people in Guyana as well as on economic development. Prior to the MJAS program, a survey of Guyanese manufacturing firms showed that 43% of those, which had used the courts over the prior two years identified the legal system and conflict resolution in Guyana as a major or severe obstacle to their business operations.¹ Equally, crime still ranks among the top five perceived constraints to business in the country, with at least a third of all manufacturing firms viewing it as a major or very severe obstacle to doing business. High crime rates have had a substantial impact upon the quality of life in Guyana, further dissuading investment and (according to anecdotal evidence) fuelling the problem of emigration. The weak dispensation of justice for those criminals that are caught is believed to be one of the factors explaining the high crime rates.

The Government of Guyana (GOG) made a clear policy decision that addressing these challenges must be a key element in its national development strategy. The Poverty Reduction Strategy Paper, 2001 (PRSP) recognizes public security and access to justice as one of five governance issues that must be addressed in order to achieve the Government's poverty reduction targets. In this context, the Government has requested Bank support for the preparation and financing of a justice sector modernization program.

As part of preparation for this program, the country executed a Bank-funded technical cooperation (ATN/SF-9163-GY) which supported the adoption of a comprehensive Justice Sector Reform Strategy (JSRS) approved by Cabinet on June 6, 2006. The Strategy was prepared on the basis of an extensive consultation exercise involving all the institutions in the justice sector, as well as other stakeholders including civil society and the private sector. It presented, for the first time, a comprehensive and systemic approach to addressing the problems affecting the justice sector, with the prioritization of reform activities on the basis of a cross-sectorial analysis, rather than individual institutional assessments.

This Program supported initial steps towards the implementation of the Strategy by addressing key policy reforms and strengthening the operational and institutional framework of the sector. The three main strategic challenges identified in the JSRS formed the basis for the objectives, components and activities of the program.

b. Project Objectives and descripción

The overarching goal of the program was to enhance the investment climate and rights enforcement in Guyana through improved public sector governance. To achieve this objective, and in accordance with the three main pillars of the JSRS, the operation was intended to assist the Government of Guyana in taking initial steps towards:

- (i) Strengthening the accountability and administrative efficiency of service delivery in the justice sector;
- (ii) Enhancing linkages and coordination within justice sector institutions; and
- (iii) Improving access to justice.

¹ Guyana Investment Climate Assessment, World Bank.

c. Structure of the program

These objectives were to be attained by means of two interrelated components: (i) a policy-based component supported by a Policy-Based Loan (PBL) of US\$15 million; and (ii) an investment and technical support component supported by an investment loan of US\$10 million. The investment component was to help to implement the policy reform program and also support initial capacity-building activities in justice sector institutions. A hybrid operation was chosen because of its advantages in supporting comprehensive reform in this sector.

d. Cost and Financing

The total cost of the program was US\$25.2 million, consisting of a US\$15 million PBL component and a US\$10 million investment component. The Bank financed 99% of the costs with resources of the Fund for Special Operations (FSO), and the country financed 1% to cover part of the financial costs of the Program.

e. Project Components

➤ Policy-based Component

First Tranche
Second Tranche

➤ Investment Component

Subcomponent 1: Enhancing Institutional Capacity

- 1.1 Strengthening of the Judicial Services Commission
- 1.2 Backlog and Delay Reduction
- 1.3 Strengthening Court Administration
- 1.4 Skills and Productivity Enhancement for Judges, Magistrates
- 1.5 Amending Civil and Criminal Procedural Laws and Drafting Acts
- 1.6 Physical Improvements to Courtrooms and Courthouses
- 1.7 Criminal Justice Improvements
- 1.8 Criminal Procedures Improvements
- 1.9 Civil Procedures Improvements
- 1.10 Administrative Justice
- 1.11 Institutional Strengthening of MOLA

Subcomponent 2: Strengthening Linkages among Justice Institutions

- 2.1 Sector-wide Policy Leadership, Planning and Coordination
- 2.2 Ensuring Participation of Users and Beneficiaries

Subcomponent 3: Improving Access to Justice

- 3.1 Expansion of Legal Aid Services
- 3.2 Development of Public Legal Awareness
- 3.3 Informal Justice
- 3.4 Law Revision and Legislative Framework

Policy-Based Component

First tranche (US\$7 million): The tranche supported the drafting of a new legal framework with the goal of changing the fundamental rules governing justice sector functioning, as well as the implementation of key institutional aspects of the reform (including new self-governance rules for the Judiciary and a framework for ensuring greater judicial financial autonomy, the adoption of new sector reform strategic

plans, and the creation of relevant sector-wide institutions to promote greater coordination and to improve policy and planning processes for the sector as a whole).

Rules, guidelines and regulations to be adopted included the development of a code of conduct and ethics for judges and magistrates (and related disciplinary and sanctions provisions), mechanisms for filing of complaints, and enforceable timeliness guidelines pertaining to the issuance of judges' decisions and reasons. First tranche conditions also entailed substantial legal and institutional reforms, including development of several new acts, amending numerous existing acts pertaining to criminal and civil procedural provisions and judicial process rules, and re-establishment of the Law Revision Commission. Measures to promote greater access to justice included amending the Legal Practitioners Act and granting authority to judges to refer cases to the Legal Practitioners Committee.

Second tranche (US\$8 million). Program actions supported final approval of legislation and administrative rules drafted under the first tranche; additional measures designed to further implementation of first tranche conditionality; assumption of human resource management responsibilities by the Judicial Services Commission (an entity more closely linked to the Judiciary²); approval of a legal instrument(s) providing for a new budget approval process and expenditure management procedures necessary for ensuring greater judicial financial autonomy; and approval of a modernized legislative framework for alternative dispute resolution.

Second tranche conditions also specified the approval of a monitoring and evaluation framework for the whole sector (including agencies not directly benefited by this Program) and the completion of the first biannual monitoring reports assessing progress of reform implementation plans against goals and targets. Finally, a condition was included whereby the Law Revision Commission will have completed a comprehensive plan for updating and consolidating the Laws of Guyana.

f. Quality-at-Entry Review: There was no QAT Review conducted in this Program.

III. RESULTS

a. MJAS Program Outcomes

The anticipated outcomes for this program were detailed in the Project's Log frame and remained unchanged throughout the life of the project. These indicators are reproduced in the Table below as a basis for the assessment of Program outcomes.

ACHIEVEMENT OF DEVELOPMENT OBJECTIVE (DO)		
Indicators	Means of Verification	Actual Outcomes
Goal: To enhance the investment climate and citizens' rights enforcement through improved public sector governance.		
Five years after the completion of the program:		
<ul style="list-style-type: none"> Less than 35% of court users consider the legal system to be a major or very severe obstacle to doing business. <u>Baseline:</u> In 2005, 47% of court users considered the legal system to be a major or very severe obstacle to doing business (<i>World Bank Investment Climate Assessment</i>). Less than 20% of Guyanese firms consider crime, theft, and disorder to be a major or very severe obstacle to doing business. <u>Baseline:</u> In 2005, 30% of Guyanese firms considered crime, theft, and disorder to be a major or very severe obstacle to doing business (<i>World Bank Investment Climate Assessment</i>). 	<ul style="list-style-type: none"> World Bank Investment Climate Assessment <i>Additional means of verification to now include reports of the Monitoring & Evaluation (M&E) Unit in the MOLA.</i> 	<ul style="list-style-type: none"> To be assessed in 2018. As a result of M&E system, outcomes should be identifiable <i>prior</i> to 5 years. User surveys conducted by M&E Unit over 2011-2013 have indicated somewhat improved overall <i>perceptions</i> of justice system; however issue of obstacle to doing business has not been surveyed <i>per se</i>.

² This condition was subsequently dropped due to a legal review by the MOLA indicating the move might be unconstitutional.

		<ul style="list-style-type: none"> World Bank 'Doing Business' indicators show no change from 2005-2012 re 'enforcing contracts' and 'protecting investors'.
Purpose: To improve the dispensation of justice through more efficient, effective and equitable service delivery.		
At the end of the program:		
<ul style="list-style-type: none"> Clearance rates (cases disposed of/cases filed in a year) are higher than 80%. Baseline: (i) Within the Magistrates Courts, in 1998, the clearance rate was 33% for civil cases and 50% for criminal cases (ii) In the Court of Appeal, in 1998, 31% of the civil cases filed were heard and 69% of the criminal cases were heard (<i>Surveys of Users and Providers of Justice Sector Service, Caribbean Justice Sector, Volume III, CGCED, 2000</i>). The proportion of successful criminal prosecutions is at least 25%. Baseline: In 2005, 10% of the criminal prosecutions were successful (<i>JSRS, January 2006</i>). The proportion of successfully settled cases/cases referred to mediation is at least 25%. Baseline: Since October 2003, 12% of the referred cases have been successfully settled by the Mediation Center at the High Court (<i>Mediation Center Report, October 2005</i>). 	<ul style="list-style-type: none"> Final Evaluation - Case flow indicators can be calculated based on the Registrar's reports. Final Evaluation and Registrar's reports. Final Evaluation and Mediation Center Report. <i>Additional means of verification to now include reports of the Monitoring & Evaluation (M&E) Unit in the MOLA.</i> 	<ul style="list-style-type: none"> Clearance rates did not reach target but have improved significantly from baseline. 2012 figures not yet provided. In 2011, clearance rates ranged from 50-60% (Source: M&E Unit) 30% in 2010, approx. 50% in 2011, and approx. 40% in 2012. (Source: M&E Unit & DPP). Almost 40% of cases referred to mediation successfully settled in each of 2011 and 2012.
Reformulation: while there was not a reformulation of the project, the success of the M&E system and full-time M&E Unit in the MOLA will permit an additional mechanism for means of verification in the form of semi-annual and annual reports reflecting both sector-wide data to measure against baselines, and user surveys on perceptions.		
MJAS Retrofitting. Indicate if and when the MJAS was retrofitted and explain any changes resulting from this exercise.[N/A]		
Summary Development objective (s) Classification (DO):		
<input type="checkbox"/> Highly Probable (HP) <input checked="" type="checkbox"/> Probable (P) <input type="checkbox"/> Low Probability (LP) <input type="checkbox"/> Improbable (I)		
Briefly justify DO classification, based on the degree to which planned targets were met, explaining the differences between planned and not achieved outcomes as well as any other relevant factors. Include references to evidence that can support these results. The original outcome indicator metrics for MJAS program goal and purpose achievement was based on, respectively, "five years after completion" and "at the end of the program". However, given the successful implementation of the Monitoring & Evaluation (M&E) system and M&E Unit in place at the MOLA, measurement of sector-wide statistics (i.e., clearance rates, DPP prosecution success rates, etc.) and user surveys have enabled measurement of some outcomes, and will enable the MOLA to assess some other outcomes (and monitor ongoing progress) sooner than five years after completion. Most outcomes were achieved, with the exception of the Legal Aid sub-component that remained at the draft strategy stage and the legal awareness program was not sufficiently sustained in scope, coverage and duration to have yielded the desired outcome. Other shortcomings included delays in implementing the new High Court Rules, and limited improvement in the productivity of judges. Given the overall achievements from the implementation of the program, a rating of Probable has been assigned to DO achievement.		
Country Strategy. Given results described above, briefly discuss how project contributed to Bank's strategy in the country. The Bank's Country Strategy Paper (CSP) for 2002-2005 (GN-2228-1) underlined the impact of an increase in crime and violence upon both the citizens' quality of life and investor confidence. The program is consistent with the GOG comprehensive approach to the issue of justice in the country highlighted in the Justice Sector Reform Strategy and in subsequent Bank country strategies. The program has supported initial steps towards implementation of the Justice Sector Reform Strategy. In doing so, the program has informed and reinforced the recognition of the correlation between growth, social development, political stability and the rule of law.		

Other key intermediate program achievements which are already beginning to yield measurable outcome-related results include:

- **Passage by Parliament of numerous new Acts and amendments to many other Acts** which were grossly outdated, some going back to the 1920s. These included crucial laws such as: Summary Jurisdiction (Petty Debt) Act; Summary Jurisdiction (Magistrates) Criminal Law (Procedure) Acts; Summary Jurisdiction (Offences) Act; Criminal Law (Offences) Act; Juvenile Offenders Act; Contempt of Court Act; Evidence Act; an UNCITRAL-based Alternative Dispute Resolution Act (enacted to replace the 1931 Arbitration Act., and the new Legal Practitioners Act. *Many of these new Acts and amendments are already in use in assisting judges and lawyers in procedures and proceedings.*

- **Updating of the Laws of Guyana and Guyana Law Reports** (even though the policy condition called for updating of the Laws of Guyana through 2006, the government achieved the task through 2010). *Lawyers and judges are now able to reference the Laws and the Law Reports in their proceedings.*

- **Monitoring and Evaluation Unit** was established and is operational in the MOLA, along with a full-time coordinator, and fulfilling its intended functions with respect to assimilating data from various justice agencies, reporting, and facilitating linkages among justice institutions. The data and reports produced by the Monitoring and Evaluation unit were substantial in providing the MOLA and other leaders in policy-making with timely and updated information crucial for project administration and decision-making.

Ancillary reforms occurred in parallel to the MJAS program, notably:

- The *new* **Official Gazette** is now online and has received over 25,000 ‘hits’ since its February 2013 launch.

- Creation of the **Constitutional Court**;

- Establishment of a **Commercial Court** in support of conflict resolution for the private sector;

- Establishment of a **Family Court** to bring quicker resolution to family matters (for which they are only awaiting final physical space renovations to be completed);

- **Modernization of the Deeds Registry** (in Georgetown and elsewhere). In 2011 in excess of 40,000 transactions were done and included the registration and recordings of 11,168 bills of sale, 228 new companies, 5,125 business names, 674 trademarks, 1,813 powers of attorney, 1650 deeds and 11,094 conveyances.

- Other reforms underway pertaining to the **Lands Registry and Companies Registry**.

- Launch and support of the **court-annexed Mediation Centre** at Georgetown.

- **Construction of a new Mediation Centre building in Berbice/New Amsterdam** adjacent to the High Court in anticipation of civil case referrals to mediation upon implementation of the new Civil Procedure Rules. Soon, a roster of mediators will be trained.

- **Training of Judges** via a mostly volunteer initiative of the group ‘New Perimeter’ bringing a group of legal specialists to Guyana to train judges on a variety of skills and subjects.

- **More judges.** It is also notable that the government, through the Judicial Service Commission (JSC) recently appointed three (3) more judges to the Georgetown High Court and 2 more judges to the Court of Appeals, allowing those courts to reach their full complement of judges for the first time in many years. It remains unknown to what degree, if any, an increasingly reform-oriented mindset within the justice sector, along with corresponding achievements, served to persuade government their previous recalcitrance to appointing new judges.

• **Ministry of Labour, Human Services and Social Security** – Various initiatives in legal awareness and legal aid such as: the Ministry's Men's Affairs Bureau (MAB) which has reached out to 20,000 boys. And the Women's Affairs Bureau (WAB) through its regional arm, the Regional Women's Affairs Committees, continues advocacy against gender-based and domestic violence. Also, the Ministry, through the Guyana Legal Aid Clinic's four offices, has facilitated legal advice and services to the survivors and perpetrators of domestic violence.

b. Externalities

The following summarizes key assumptions in the logical framework of the program vis-à-vis the goals and purpose development objectives, and an assessment of the actual during the period 2006-2013.

Assumptions	Actual
i.) Political commitment to the reforms introduced by the program is sustained;	Despite two changes of government during the course of the project, political commitment to reforms in the justice sector was sustained and continues..
ii.) Political commitment to the Justice Sector Reform Strategy continues after elections	
iii.) Macroeconomic stability maintained	Macroeconomic stability has been maintained (and Guyana's economy fared relatively well through the global financial crisis. The country continues to experience positive GDP growth (+4.8% in 2012).
iv.) The justice sector has adequate resources to perform its functions	Budget assigned to the Assigned resources to the justice sector sometimes fall short of the amount requested.
v.) Legislative changes are approved by Parliament.	The requisite legislative changes were all approved.

c. MJAS Program Results/Outputs – Project Results Framework

Project Results Framework Modernization of Justice Administration Program (GY-L1009)	
Project GOAL and Baseline Indicators	Project Results (@ October 2013)
<p>G1. To enhance the investment climate and citizens' rights enforcement through improved public sector governance.</p> <p>Five years after the completion of the program:</p> <ul style="list-style-type: none"> Less than 35% of court users consider the legal system to be a major or very severe obstacle to doing business. <u>Baseline:</u> In 2005, 47% of court users considered the legal system to be a major or very severe obstacle to doing business (<i>World Bank Investment Climate Assessment</i>) Less than 20% of Guyanese firms consider crime, theft, and disorder to be a major or very severe obstacle to doing business. <u>Baseline:</u> In 2005, 30% of Guyanese firms considered crime, theft, and disorder to be a major or very severe obstacle to doing business (<i>World Bank Investment Climate Assessment</i>) 	<ul style="list-style-type: none"> To be evaluated <i>ex-post</i> (2018) User surveys conducted by M&E Unit over 2011-2013 have indicated somewhat improved overall <i>perceptions</i> of justice system; however issue of obstacle to doing business has not been surveyed <i>per se</i>. World Bank 'Doing Business' indicators show no change from 2005-2012 re 'enforcing contracts' and 'protecting investors'.
Project PURPOSE and Baseline Indicators	Results (@ October 2013)
<p>P1. To improve the dispensation of justice through more efficient, effective and equitable service delivery.</p> <p>At the end of the program:</p> <ul style="list-style-type: none"> Clearance rates (cases disposed of/cases filed in a year) are higher than 80%. <u>Baseline:</u> (i) Within the Magistrates Courts, in 1998, the clearance rate was 33% for civil cases and 50% for criminal cases (ii) In the Court of Appeal, in 1998, 31% of the civil cases filed were heard and 69% of the criminal cases were heard 	<ul style="list-style-type: none"> Clearance rates did not reach target but have improved significantly from baseline. 2012 figures not yet provided. In 2011, clearance rates ranged from 50-60% (Source: M&E Unit)

<p>(<i>Surveys of Users and Providers of Justice Sector Service, Caribbean Justice Sector, Volume III, CGCED, 2000</i>)³.</p> <ul style="list-style-type: none"> The proportion of successful criminal prosecutions is at least 25%. <u>Baseline</u>: In 2005, 10% of the criminal prosecutions were successful (JSRS, January 2006). The proportion of successfully settled cases/cases referred to mediation is at least 25%. <u>Baseline</u>: Since October 2003, 12% of the referred cases have been successfully settled by the Mediation Center at the High Court (<i>Mediation Center Report, October 2005</i>). 	<ul style="list-style-type: none"> Achieved. 30% in 2010, approx. 50% in 2011, and approx. 40% in 2012. (Source: M&E Unit & DPP). Achieved. Almost 40% of cases referred to mediation successfully settled in each of 2011 and 2012.
Project COMPONENTS and Outputs	Results (@ October 2013)
<p>COMPONENT 1. Institutional Capacity Enhanced</p> <p><u>Policy-Based Component</u> <u>(A) After first tranche</u>, revised and drafted legal framework to enhance service delivery, including: a framework to ensure greater autonomy to the Judiciary in relation to the approval of its budget and the management of its expenditures. <u>(B) After second tranche</u>, revised and approved legal framework to enhance service delivery, including: (i) judicial service commission policies, rules, and regulations; (ii) high court civil procedure rules; (iii) code of conduct and ethics for judges/magistrates; (iv) civil and criminal procedural laws; JSC operational and functioning as per new policies, rules, regulations; and (v) a legal framework for budget autonomy.</p> <p><u>Investment Component</u></p> <ul style="list-style-type: none"> By the end of the program, 100% reduction of backlogged cases. <u>Baseline</u>: By the end of 2005, the backlog currently stood at about 12,000 cases (JSRS, January 2006). New case management procedures introduced in High Court & Magistrate Courts. <ul style="list-style-type: none"> By 12 months, High Court is implementing the new procedures. By the end of the program, the new procedures are fully operational throughout the entire court system. Implementation of modern MIS and accounting system. <ul style="list-style-type: none"> By 12 months a modern MIS is designed. By 24 months the system is fully implemented in High Court. By the end of the program, the system is fully implemented throughout the entire court system. New human resources management system in place in High Court Registry. <ul style="list-style-type: none"> By 24 months design and approval of HR policies and programs (including reorganization, development of job descriptions and performance standards, and training and continuing education for court staff). Functional and operational reorganization of DPP. <ul style="list-style-type: none"> By 12 months the functional and operational reorganization of DPP is designed. By 24 months the DPP has been reorganized. DPP and police prosecutors involved in the prosecution of 	<ul style="list-style-type: none"> Mostly achieved. See 'Report on Compliance with the Conditions Precedent to the Disbursement of the 2nd Tranche of the Financing' (PR-3048-1) JSC established; largely achieved High Court Rules approved; but not yet implemented Codes and procedural laws in force Legal framework for budget autonomy largely achieved but in practice, financial autonomy still somewhat limited. Partially achieved. By end of program, more than 8000 cases (of total 12,500) cleared. New case flow management procedures not yet achieved as new High Court Rules still not implemented into force. Not yet achieved as HC Rules not yet in force. MIS system designed by 36 months MIS system almost fully implemented by end of program, though fell short of anticipations. Under -achieved (limited to High Court; and Registry in Berbice also connected). While some HR changes were achieved, any efforts to significantly reorganize were constrained due to PSC control. Some training was delivered, including in using the new MIS but overall HR development was limited compared to goals. Constrained due to PSC control Extensive change management plans were completed re operational & functional reorg. Constrained by PSC control and insufficient time remaining in project. Significant training was delivered to DPP and

³ The Caribbean Group for Cooperation in Economic Development (CGCED) survey (2000) covers ten countries including Guyana, and provides detailed quantitative and qualitative feedback on the perceptions of users and providers regarding the efficiency, effectiveness and accessibility of services from a wide range of justice sector institutions. The 2000 survey provided the baseline for the Justice Sector Reform Strategy.

<p>criminal offences trained.</p> <ul style="list-style-type: none"> ○ By 12 months 100% of DPP is trained in the prosecution of indictable cases and narcotics. ○ By the end of the program, 100% of the DPP and police officers are trained in all other criminal offences. 	<p>police prosecutors in criminal offences</p> <ul style="list-style-type: none"> • 60-70% received training in this area; and only 3 police prosecutors moved to DPP • Approx. 40-50% received some training
<ul style="list-style-type: none"> • Continuing education for judges and magistrates. <ul style="list-style-type: none"> ○ By 36 months at least 80% of the judges and magistrates have participated in continuing education programs. 	<ul style="list-style-type: none"> • At least 80% of judges and magistrates received some training by end of program but training/education limited compared to goals.
<p>COMPONENT 2. Linkages among Institutions Strengthened</p> <p><u>Policy-Based Component</u></p> <ul style="list-style-type: none"> • (A) After first tranche, revised and approved legal framework to strengthen linkages among institutions, including: (i) the Steering Committee; (ii) the police reform strategic plan; (iii) the prison reform strategic plan; and (iv) the DPP-police relationship functional and operational plan. (B) After second tranche, (i) the evidence act is revised and approved; (ii) the monitoring and evaluation framework is designed, approved and the first biannual report is completed; and (iii) the phasing out of prosecution of indictable cases and narcotic cases by the police is under way. <p><u>Investment Component</u></p> <ul style="list-style-type: none"> • Mapping of end-to-end processes of each justice institution. <ul style="list-style-type: none"> ○ By 18 months there is a mapping of at least 50% of the justice sector processes. ○ By 36 months there is mapping of the entire sector. • By 12 months, the monitoring and evaluation framework for JSRS implementation is in place. 	<ul style="list-style-type: none"> • Achieved. See 'Report on Compliance with the Conditions Precedent to the Disbursement of the 2nd Tranche of the Financing' (PR-3048-1) • Police and Prison Plans completed - Achieved • DPP functional and operational plan achieved • Evidence Act (and others) revised & approved • M&E framework (and unit) achieved • Phasing out of prosecution of indictable cases and narcotics cases was 'underway' but not sustained. • Achieved (by 48 months) • Mostly achieved (by 60 months) • Achieved (by 48 months), including establishment in MOLA of M&E Unit.
<p>COMPONENT 3. Access to Justice Improved</p> <p><u>Policy-Based Component</u></p> <ul style="list-style-type: none"> • (A) After first tranche, law revision commission re-established. (B) After second tranche, revised and approved legal framework to improve access to justice, including: (i) the legal practitioners act and (ii) the alternative dispute resolution act. <p><u>Investment Component</u></p> <ul style="list-style-type: none"> • Development and implementation of partnerships for community ADR services. <ul style="list-style-type: none"> ○ By 24 months there is a list of standards approved by the Ministry of Legal Affairs (MLA). ○ By 36 months there is a directory of mediators approved by the MLA. • Legal aid services. By the end of the program, there is a functioning legal aid clinic in New Amsterdam and Essequibo Coast. • Public legal awareness. <ul style="list-style-type: none"> ○ By 12 months the national legal awareness strategy and the communication strategy are designed. ○ By 24 months the legal awareness media campaign is implemented. • Law reports. By the end of the program 100% of the law reports are updated. 	<ul style="list-style-type: none"> • Achieved (and law revision unit in MOLA). • Achieved • Not achieved • Partially achieved • Partially achieved • Achieved but did not receive MJAS project resources • Achieved (by 36 months) • Achieved (by 48 months) but limited in scope and coverage compared to anticipated goals. • Achieved

Briefly explain differences between planned and actual outputs (if applicable).

Shortcomings: Despite accomplishments, the MJAS project also suffered numerous under-achievements and failures. The two most profound shortcomings in the view of the project's final evaluation were:

- Lack of uptake and delivery in improving access to justice (Component 3). The Legal Aid sub-component never proceeded past the draft strategy stage; a paralegal program was pursued but is fledgling and its sustainability is questionable; and the legal awareness program was not sufficiently sustained in scope, coverage and duration to have yielded the desired outcome.
- The Justice Sector Reform Steering Committee failed to live up to its anticipated purpose and role, which in turn limited the achievement of the goal of strengthening linkages among judicial institutions (Component 2). (However, under the stewardship of the Attorney General and Minister of Legal Affairs, the Committee was resurrected and met in July, 2012 for the first time in almost two years. It is noteworthy the discussion at that meeting was more far-reaching than just MJAS project problems, addressing more sector-wide policy-oriented issues).
- Other shortcomings included delays in implementing the new High Court Rules (albeit forthcoming, but upon which many further institutional improvements depend), and limited improvement in the productivity of judges.

Data and Measurability. The project was hampered at the outset by a lack of sufficient baseline data sector-wide. While both the end-to-end sector wide mapping and the Monitoring and Evaluation (M&E) Unit and functions were largely achieved, the resulting database was not fully established until the latter phases of the project and there are still gaps in the thoroughness and timeliness of data. Accordingly, the overall project evaluation has been somewhat weakened by a lack of empirical measurability, especially regarding project outcomes.

Summary Implementation Progress Classification

[] Highly Satisfactory (HS) [X] Satisfactory (S) [] Unsatisfactory (U) [] Very Unsatisfactory (I)

MJAS Investment Component – Additional Highlight Achievements

MJAS PROJECT COMPONENT	GENERAL STATUS
<p>1. <u>Enhancing Institutional Capacity</u> To improve the quality, efficiency and efficacy of service delivery in justice sector institutions in Guyana by strengthening governance and accountability, building institutional capacity, streamlining legal procedures and modernizing administrative assistance.</p>	<ul style="list-style-type: none"> • Almost all funds budgeted for this component <i>committed</i>. With exception of legal implementation (via practice direction) of the new High Court Rules; and completion of final phase of construction at Georgetown Magistrates Court; and final 'tweaking' and input re MIS systems; • JSC has been established and effectively 'operational'. • Physical improvements (Courthouses, DPP, etc.) are nearly complete. • Magistrate Court Refurbishment component was expanded from originally envisaged plan to include construction of two additional courtrooms (bringing total to 10) as well as air conditioning throughout. • DPP Chambers renovation complete; new court to open in Leonora; furnishing/renovation of offices in Essequibo, Berbice virtually complete. • MOLA, DPP libraries modernized, including on-line research capabilities. • Court libraries/resources greatly upgraded and improved. • Strengthening Court Admin. After much delay, most IT systems delivered, installed and operational; major file/doc digitalization in Registry ongoing. • Skills & Productivity enhancement: Judicial training and other activities conducted; further efficiencies pending implementation of new HC rules. • Courtroom voice recording procurement/installation completed. • Criminal and Civil Justice Committees established and members appointed.

MJAS PROJECT COMPONENT	GENERAL STATUS
<p>2. <u>Strengthening Linkages among Justice Institutions</u> – To promote more efficient interactions among justice institutions through “top down” and “bottom up” approaches. Top down approaches are concerned with sector wide policy, planning and resource allocation. The bottom up approach will enhance cooperation, communication, coordination among institutions at operational/local levels.</p>	<ul style="list-style-type: none"> • All budgeted funds <i>committed</i> and activities completed under this component. • <u>Monitoring & Evaluation</u> (M&E). Mapping, surveys, baseline data ongoing, M&E Unit has been institutionalized in MOLA, and is a key project success. • <u>DPP & MOLA MIS</u> and other IT systems virtually complete. • DPP phase-out/reform of police prosecutors only partially achieved; implementation of DPP action plan has fallen short of objectives; early case screening stalled and not yet achieved. HR plans not achieved as planned. • <u>Justice Sector Reform Steering Committee</u> was resurrected, though still not functioning as originally planned, especially with regard to sustainable sector-wide policy planning and coordination. Other mechanisms such as Criminal Justice Heads meetings and M&E initiatives have fostered some inter-agency linkages at both the policy and operational levels.
<p>3. <u>Improving Access to Justice</u> –To improve access to justice in Guyana by enhancing citizen awareness of their rights and responsibilities and providing services to court users to facilitate legal advice and representations as well as access to information and alternative dispute resolution mechanisms.</p>	<ul style="list-style-type: none"> • <u>Law Reports</u> published, representing a monumental project success. (From 1932, every single reported case ever decided in Guyana will be able to be accessed, including online). • <u>Laws of Guyana</u> Completed. • Overall lag and minimal progress with other key <u>Access to Justice</u> sub-components, resulting in reallocation of funds of approximately \$500k. • <u>Legal Aid</u> strategy stalled in Cabinet, causing \$405K budget to be reallocated. (Guyana Legal Aid Clinic nonetheless did open two new clinics though not using MJAS project resources). • <u>Legal awareness</u>: Multi-media materials were developed, numerous media campaigns were conducted. But, no apparent mechanism for sustainability. • <u>Paralegal program</u> initiated (refresher training, AG visit/launch, and delivery of equipment/furnishings to paralegal centers; but lagging, and a system for sustaining the program is not in place.

d. Project Costs - Summary

Approved Original Loan ('000)	Cancelled ('000)	Approved Current ('000)	Actual Expenditure ('000)	Available Amount ('000)	% Difference (Approved Current)
25,000,000	0	24,994, 037.25	24,994,037.25	0	0.1%

Project Costs - Details

Categories	Approved (\$ 000)			Actual
	IDB	Local	Total	
1. Policy-based Component	\$15,000	\$0	\$15,000	\$15,000
First Tranche	\$7,000			
Second Tranche	\$8,000			
2. Investment Component	\$9,750	\$0	\$9,750	\$9,994
Subcomponent 1: Enhancing Institutional Capacity	\$4,730		\$4,730	\$6,232
1.1 Strengthening of the Judicial Services Commission	\$91			
1.2 Backlog and Delay Reduction	\$506			
1.3 Strengthening Court Administration	\$1,031			
1.4 Skills and Productivity Enhancement for Judges, Magistrates	\$939			
1.5 Amending Civil/Criminal Procedural Laws and Drafting Acts	\$410			
1.6 Physical Improvements to Courtrooms and Courthouses	\$675			
1.7 Criminal Justice Improvements	\$867			
1.8 Criminal Procedures Improvements	\$45			
1.9 Civil Procedures Improvements	\$66			
1.10 Administrative Justice	\$30			
1.11 Institutional Strengthening of MLA	\$70			
Subcomponent 2: Strengthening Linkages among Justice Institutions	\$1,209		\$1,209	\$431
2.1 Sector-wide Policy Leadership, Planning and Coordination	\$1,000			
2.2 Ensuring Participation of Users and Beneficiaries	\$209			
Subcomponent 3: Improving Access to Justice	\$2,077		\$2,077	\$1,474
3.1 Expansion of Legal Aid Services	\$428			
3.2 Development of Public Legal Awareness	\$351			
3.3 Informal Justice	\$298			
3.4 Law Revision and Legislative Framework	\$1,000			
Project Coordination	\$1,269		\$1,269	\$1,606
PEU Staffing	\$1,017		\$1017	
Other Project Administration Costs (Office, Equip., IT)	\$252		\$252	
External Audit and Evaluation	\$250		\$250	\$152
Contingencies	\$215		\$215	\$0
3. Financing Costs	\$250	\$232	\$482	\$100
FIV (1%)	\$250		\$250	
Credit Commission		\$232	\$232	
TOTAL PROGRAM COSTS	\$25,000	\$232	\$25,232	\$24,994

IV. PROJECT IMPLEMENTATION

a. Analysis of Critical Factors

An over-arching critical factor was the sheer complexity of the challenges and the limited financial capacity of the justice sector. Other critical factors affecting output delivery and project success were:

- Government commitment to reform process was sustained, however, it was slightly weakened by two changes in government and the appointment of three different Ministers of Legal Affairs during the program period;

- Consensus among stakeholders and institutions on priorities, policies, strategies and approaches was challenging to sustain across the various institutions in the justice sector;

- Although overall governance of justice reforms was impacted by the limited effectiveness of the Justice Sector Reform Steering Committee, MJAS project management demonstrated strong capacity to implement in a highly proficient and accountable manner. Project oversight, planning, management and reporting, especially by the High Court PEU has been satisfactory.

b. Identification of negative factors to produce outputs.

- Lack of government commitment and ownership re certain aspects of the MJAS program, including Legal Aid. The GoG has not formerly expressed its reasons for opposition to the proposed legal aid strategy.

- Lack of consensus on approach or methodology with respect to key activities. For example, differing views with respect to whether to use existing judges or part-time judges resulted in a standoff between the government and the judiciary whereby the backlog remained unaddressed for several years. The Backlog Reduction goal is a central 'showcase' subcomponent of the MJAS program.

- Substantial delays in procurement of goods, equipment and services. The delays in meeting projected timelines were in part due to public procurement procedures in Guyana whereby tenders above a certain threshold must go through Tender Board, then to Cabinet for approval, as well as to the IDB for 'no objection'. Given the extensive procurement demands, staffing level within the PEU should have been augmented.

c. Identification of positive factors to produce outputs.

- '*Champions*' within the sector, whose commitment to the project helped overcome roadblocks and bottlenecks. For example, the Minister of Legal Affairs committed to establishing the M&E framework and a corresponding M&E Unit within the MOLA. Another example is the Chancellor's commitment to alternative dispute resolution and the increase in cases referred to the court-annexed Mediation Centre.

- Sufficient availability of funding for project activities and the use of the hybrid investment/policy modality aided project implementation by providing complementary resources for maximum flexibility.

- Strong and active project oversight by the IDB team also contributed positively.

d. Critical factors for achieving project outcomes

- Financial/economic factor: Chronic under-funding has plagued the justice sector for decades (infrastructure, low salaries, and limited resources in particular for Access to Justice programs such as legal aid, legal awareness and community ADR).

- Deficiencies in human resources. All institutions in the sector face serious challenges recruiting, motivating and retaining high caliber staff at all levels (with significant vacancy rates, ranging from 5% to 50%). These staff shortages undermine the delivery of vital services in the sector. Poor remuneration and limited training and promotion opportunities are frequently cited reasons for these vacancies.

- Both of the above factors also contribute to weak morale throughout the sector which, in turn, directly impacts program momentum, uptake, and a participatory approach.

e. Identification of positive factors for the achievement of outcomes.

- Growing buy-in and commitment on behalf of government, likely as a result of having witnessed tangible outcomes; and increased awareness of the social, economic and political benefits of justice sector reforms.

- Relatively stable macroeconomic framework, as well as improved economic growth in recent years.
- Formal establishment of the M&E function and corresponding M&E Unit in the MOLA. The M&E Units reports are serving to provide indicators and evidence of progress and outcomes, as well as enhancing awareness of the value of M&E to policy making.
- The hybrid loan approach enabled flexibility and a comprehensive approach to addressing a broad range of deficiencies in the sector.

V. ANALYSIS OF PROJECT MANAGEMENT AND LESSONS LEARNED

a. Project Management Analysis

There was sufficient rationale for a project implementation structure whereby two PEUs (one whom also acted as a JSRS Technical Secretariat) were appointed for the implementation of the program. However, certain risks were created therein, including inefficiencies in procurement (i.e., tendering of IT which could have been more efficiently managed in consolidated tenders) and inconsistencies in project management reporting formats (eventually rectified), and uneven workflows and workload.

Measures adopted included ongoing procurement training for the PEUs and procurement oversight by the IDB, as well as a process of natural in-house capacity building throughout the multi-year implementation.

A critical shortcoming was the challenge experienced by the Justice Sector Reform Strategy (JSRS) Steering Committee in providing strong oversight, policy coordination, and leadership. contributed at times to delays in project execution. However, the current Attorney General and Minister of Legal Affairs improved the functionality of the JSRS Steering Committee.

Despite the natural inefficiencies and additional costs posed by this implementation structure, both PEUs deserve much credit for the professionalism, competence and extraordinary hard work expended in implementing the multitude of activities in the MJAS project while dealing daily with a broad range of institutions, stakeholders and suppliers. This evaluation can conclude that both the MOLA PEU and the High Court PEU – with consistently strong support from the IDB - developed exceptional capacity to manage and implement the project.

A key challenge the PEUs faced was the planning and management of procurement/ tenders. The PEUs initially lacked sufficient experience and expertise in matters of national and international procurement. However, many of the problems were overcome, in part from trial and error, but also with training and guidance from the IDB.

b. Lessons learned on project management.

- **Project Implementation Structure.** Assess project implementation structure options during project preparation to ensure greater clarity as to clear roles and responsibilities of the executing agencies, the PEUs, steering committees and, in the case of this project, the 'Technical Secretariat'; and examine safeguards to build into project implementation to mitigate risks of lack of oversight and coordination.
- **Procurement planning and management** can become a major bottleneck for all project implementation and great care should be given to ensuring sufficient capacity, especially in terms of the number of procurement specialists, ongoing training and – importantly - refined procurement planning.
- **Project timing:** An implication for strengthening implementation of similar projects in the future would be to pay close attention to the scope and complexity of the project, including tranche conditions, vis-à-vis appropriate time lines and project duration. In summary, faced with many separate activities and reforms to be undertaken within a challenging environment, consideration must be given to providing for

an appropriate amount of time to implement. This is even more so the case given the bottleneck affect related to procurement in Guyana, as well as under-funding and system human capacity deficiencies. As indicated in the final evaluation report, the four-year period scheduled for the implementation of the MJAS was insufficient at the outset given the scope and complexity of the program.

• **Project Communications:** During the August, 2013 evaluation mission it was noted by a few stakeholders that project communications – publicizing the project and its activities and benefits – could have been stronger. While there was a certain amount of random coverage by the news media, and mention of the MJAS project and its activities in the legal awareness materials, greater consideration could have been given to publicizing and marketing the project – both to the public as well as to Parliament - more formally and frequently (i.e., press releases, a project website, Facebook, etc.) with the objective of greater public awareness and understanding.

• **Consultations and Local Ownership:** Regarding consultations, some members of the Bar in particular voiced concern that, while they were kept informed of MJAS plans and developments, there could have been a greater effort made to more meaningfully consult and engage members of the Bar. A specific complaint was that while they were given the opportunity to comment and respond at times, certain end products didn't sufficiently reflect their 'voice' and many were left with a sense of a lack of ownership in the reforms. A specific example was that there could have been more inclusion in the review and revision of the Civil Procedure Rules.

This view was echoed by other stakeholders who felt that there was insufficient indigenous ownership and consultation in Component 3 of the project (Access to Justice).

Rating project implementation (IP)

<input type="checkbox"/> Very Satisfactory (VS)	<input checked="" type="checkbox"/> Satisfactory (S)	<input type="checkbox"/> Unsatisfactory (U)	<input type="checkbox"/> Very Unsatisfactory (VU)
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c. Institutional / Organizational Strengthening (IOS)

- The DPP was greatly strengthened due to business process changes, (including redefinition of processes involving the police) and the implementation of IT/MIS.
- The operations of the High Court registries benefited directly from a variety of measures, including especially IT/MIS installations which permitted digitalization of cases and broader electronic access (i.e., by judges, chambers) and communications.
- The Courts were strengthened via numerous investments including infrastructure improvements, provision of computers and other IT, voice/transcription recording systems, and judicial training.

Borrower / Executing Agency Performance

1. Participation and quality of its contributions during project design	Low < <input type="checkbox"/> <input type="checkbox"/> x <input type="checkbox"/> <input type="checkbox"/> > High <input type="checkbox"/> N/A
2. Organization for project execution (Executing/Coordinating Unit's staff, infrastructure, coordination, communication, etc.)	Low < <input type="checkbox"/> <input type="checkbox"/> x <input type="checkbox"/> <input type="checkbox"/> > High <input type="checkbox"/> N/A
3. Coordination and Integration of the Project Executing/Coordinating Unit with the Executing Agency	Low < <input type="checkbox"/> <input type="checkbox"/> x <input type="checkbox"/> <input type="checkbox"/> > High <input type="checkbox"/> N/A
4. Establishing a monitoring and results framework (baseline data,	Low < <input type="checkbox"/> <input type="checkbox"/> x <input type="checkbox"/> <input type="checkbox"/> > High <input type="checkbox"/> N/A

systems, procedures, data analysis and reporting, etc.)	
1. Executing/Coordinating Unit's management capacity	Low < <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> > High <input type="checkbox"/> N/A
6. Timeliness in the fulfillment of the Bank's policies, procedures and contractual clauses	Low < <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> > High <input type="checkbox"/> N/A
7. Financial management (securing counterpart resources, disbursements, quality and timeliness of AFS, etc.)	Low < <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> > High <input type="checkbox"/> N/A
8. Timeliness and efficiency for procurement of goods, works and consulting services	Low < <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> > High <input type="checkbox"/> N/A
9. Executing Agency top-level management's leadership, ownership and support to project execution	Low < <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> > High <input type="checkbox"/> N/A
10. Effort to secure project sustainability	Low < <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> > High <input type="checkbox"/> N/A

d. Lessons learned on organization and management of the PEU(s) (adopted measures).

The PEUs performed well overall. Measures which contributed to their effectiveness included:

- Frequent meetings to coordinate and discuss common challenges and issues affecting the project
- Procurement training by the IDB
- Annual planning (formal operating plans) and semi-annual reporting on project implementation
- Inclusion of consultants in PEU teams experienced with other projects (including IDB programs)
- Ample financial resources for salaries, expenses and project implementation workshops
- High level of commitment to tasks on behalf of individual PEU staff members.

e. Lessons learned on organization and management of the PEU (alternative measures).

- Given the sheer volume (and complexity) of procurement, which became a major bottleneck affecting efficient project implementation and delays, greater resources should have been invested in both procurement planning and procurement/tender management. The PEU at the MOLA in particular was under-staffed and under-resourced with regard to procurement.
- Establish clearer guidelines and terms of reference for the formation and operation of the project steering committee(s), especially given the multi-stakeholder characteristic of the MJAS program. More specifically, a more effective link between project *governance* and project management could have been established by greater clarity of the role of the 'Technical Secretariat' vis-à-vis the PEUs themselves.
- A key lesson learned in the MJAS program is that, given the scope and complexity of the program and the multiplicity of stakeholders, the period for execution of the project was in retrospect insufficient to realize the desired developmental policy change or reforms. An implication for strengthening such arrangements in the future would be to either reduce the scope and complexity of the project, including tranche conditions, or provide for a greater amount of time to execute along with increased resources for the PEU(s).

Rating the Executing Agency performance (EAP)

Borrower / Executing Agency			
<input type="checkbox"/> Highly Satisfactory (HS)	<input checked="" type="checkbox"/> Satisfactory (S)	<input type="checkbox"/> Unsatisfactory (U)	<input type="checkbox"/> Very Unsatisfactory

Bank Performance

Reference to the IDB performance is included in the Exit Workshop notes.

Bank Performance			
<input type="checkbox"/> Highly Satisfactory (HS)	<input checked="" type="checkbox"/> Satisfactory (S)	<input type="checkbox"/> Unsatisfactory (U)	<input type="checkbox"/> Very Unsatisfactory

VI. SUSTAINABILITY

It is well-established that justice sector reform is a long-term process. The primary factors for insuring MJAS program sustainability are:

- Continued commitment of government at the highest levels, and continued involvement of champions from within different justice sector institutions.
- Formal establishment of the Justice Reform Technical Secretariat within the MOLA to act as the coordinating office for ongoing reforms, including support for solicitation of any additional external funding.
- Ownership and consensus. A critical issue underlying the delays and shortcomings in the MJAS program was not so much a lack of commitment by government and justice sector leaders but, rather, an inability to reach consensus on many issues (i.e., legal aid and other access to justice issues; backlog reduction; JSC; JSRS Steering Committee approach, High Court Rules, etc.).
- Dialogue and linkages among institutions of justice (i.e., via re-establishment of the Justice Sector Reform Strategy Steering Committee).
- Continued availability of resources, both internal and external, to fund next generation reforms and activities. Internal and external funding, will be necessary to sustain the reform process.
- The M&E Unit and its ongoing surveys of users of the justice system and assimilation of data from justice sector institutions should contribute to sustainability by contributing key data to policy makers and stakeholders thus ensuring ongoing awareness of progress and challenges.

a. Potential Risks

There is a potential risk of not being able to sustain the current pace of reforms. . There is an opportunity to build on the momentum of the MJAS program by investing resources into priority areas and continuing to provide political support to the process. .

VII. MONITORING AND EVALUATION

A key success of the project can be seen in the implementation of the M&E plan and the establishment of a full-time in-house M&E Unit and M&E Coordinator within the MOLA. The M&E Coordinator systematically assimilates data from various justice institutions (i.e., DPP, Police, Prisons, Courts/Registries) and develops reports which enable the MOLA to monitor and evaluate ongoing progress against baseline data. The M&E Coordinator is on the payroll of the MOLA and the unit's office is established in the MOLA on Carmichael Street.

The M&E Unit is also monitoring baseline survey data on perceptions and attitudes of users of the justice system. These surveys will continue post-project and are critical to measuring program outputs, outcomes and the progress of reforms moving forward.

A critical additional feature of the M&E program is that the coordinator convenes a monthly meeting of justice agency representatives at the operational level, both to discuss data updates, but also relevant inter-agency operational issues. In so doing, the M&E unit also is contributing to strengthening linkages among justice institutions at the operational level, one of the central objectives of the MJAS project.

a. Future Monitoring and Ex-Post Evaluation

The functioning M&E Unit within the MOLA will greatly add to the sustainability of the program and provide critical data to policy makers and stakeholders moving forward.

1. Does the Loan Agreement require an ex-post evaluation for this operation?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
2. What will be its schedule?	Start up date: N/A Submission date: N/A
3. Who are the responsible parties for carrying out the evaluation?	<input type="checkbox"/> Bank <input type="checkbox"/> Borrower
4. What is the estimate of the costs involved?	USD\$ - N/A
5. How will the cost involved be financed?	<input type="checkbox"/> Bank loan funds <input type="checkbox"/> Borrower financing <input type="checkbox"/> Other source

Note: A project audit is scheduled to be conducted prior to formal closure of the project.

b. Analysis of the ex post monitoring and evaluation capacity.

While the M&E Unit represents capacity for ongoing monitoring and data collection, assimilation, reporting and analysis, it does not have the capacity to undertake formal project evaluations *per se*. The M&E Unit should have the capability to measure progress with respect to future outcomes. Some program evaluation capacity exists within the Technical Secretariat inasmuch as they are the 'institutional memory' of the project, and any ex-post evaluation must include them as key participants.

LIST OF PERSONS ATTENDING THE MJAS EXIT WORKSHOP:

OCTOBER 28, 2013

RORAIMA DUKE LODGE (9.00 AM)

Ms. Indira Anandjit, Permanent Secretary, Ministry of Legal Affairs (MOLA) (*Chairperson*)
Hon. Justice Carl Singh, OR., CCH, Chancellor of the Judiciary (ag.)
Hon Bishop Juan A. Edghill, MP, Minister within the Ministry of Finance
Hon. Anil Mohabir Nandlall, MP, Attorney General and Minister of Legal Affairs
Madam Justice Claudette Singh, CCH, Project Coordinator, MJAS
Mr. Mark Wenner, Country Economist, IDB (substituting for Ms. Sophie Makonnen and Mr. Stefano Tinari)
Ms. Jo-Ann Barlow, Deputy Director of Public Prosecutions (Dep. DPP)
Ms. Merlyne Lall, Admin. Officer, DPP's Chambers
Mr. Rashid Mohamed, Registrar (ag.), Supreme Court Registry
Mr. Dale Erskine, Director of Prisons (reted.), Guyana Prison Service (GPS)
Ms. Damone Younge, Public Trustee/Official Receiver, AG's Chambers, MOLA
Ms. Nadira Balram, Financial Analyst, Ministry of Finance
Ms. Melissa Tucker, Coordinator, M & E Unit, MOLA
Mr. Welton Trotz, Director of Prisons (ag.), GPS
Renée King, Legal Assistant, AG's Chambers, MOLA
Leah Isaacs, Legal Assistant, AG's Chambers, MOLA
Mr. Leroy Brummell, Commissioner of Police, Guyana Police Force (GPF)
Ms. Simone Morris-Ramlall, President, Guyana Association of Women Lawyers (GAWL)
M. Sutton, Asst. Superintendent of Police, GPF
Ms. Audreyanna Thomas (Legal Awareness Consultant)
Nr, Ronald Burch-Smith, President, Guyana Bar Association
Ms. Denise Murray, IDB Consultant, IDB
Mr. Teni Housty, Past President, Guyana Bar Association
Mr. Richard Raghoo, Procurement Specialist, IDB
Ms. Maxine Graham, Senior Supt., GPF
Mr. Colin Cyrus, Procurement Officer, MJAS Project
Mr. André Daziel, Finance Officer, MJAS Project
Ms. Leila Parris, Project Management Support Consultant, MJAS Project
Ms. Evadney Mangar, Finance/Accounting Officer, High Court PEU
Mr. Mark Pertab, Procurement Officer, High Court PEU
Ms. Yvonne Scott, Admin. Assistant, MOLA.
Mr. Hugh Wilkinson, Consultant

MINUTES
MODERNIZATION OF THE JUSTICE ADMINISTRATION SYSTEM (MJAS) EXIT
WORKSHOP : OCTOBER 28, 2013 (9.10 AM)

The MJAS Workshop, which was convened at the Roraima Duke Lodge, Kingston, Georgetown by **Ms. Indira Anandjit, Permanent Secretary, Ministry of Legal Affairs (MOLA) (Chairperson)** commenced at 9.15 am, at which time she welcomed Justice Carl Singh, CCH, Chancellor of the Judiciary (ag.); Hon. Attorney General, Mr. Anil Nandlal; representative of the IDB, Mr. Mark Wenner; Minister Edghill, Minister within the Ministry of Finance; Justice Claudette Singh, Project Coordinator; former Chancellor Justice Kennard; Chief Parliamentary Counsel, Mr. Cecil Dhurjon; Commissioner of Police, Mr. Leroy Brummell; Mr. Hugh Wilkinson, Evaluator, and all other invitees who were in attendance.

Ms. Anandjit stated that it was her pleasure to welcome everyone present to the Exit Workshop and said that, in view of the fact that time was of the essence, there were a number of speakers who would, in due course, explain what the Workshop was all about and speak not only about the challenges but of the successes of the MJAS Project. She therefore once again welcomed everyone and going right into the programme, she called on Justice Claudette Singh, Project Coordinator, to deliver some opening remarks.

Justice Claudette Singh thanked Ms. Anandjit, the Chairperson. She then addressed the gathering which included the Hon. Chancellor, Hon. Attorney General and Minister of Legal Affairs, Hon. Minister Edghill, Mr. Mark Wenner, representative of the Inter-American Development Bank (IDB) and Mr. Raghoo, also a member of the IDB, former Chancellor of the Judiciary, the Chief Parliamentary Counsel, and the Commissioner of Police; and further stated that, as Project Coordinator of the MJAS Project, she warmly welcomed everyone to the last event of the Project and sincerely thanked them for taking time off to attend the Workshop.

She said that the MJAS Project had its genesis in the Justice Sector Reform Strategy 2006 which was devised to address the many challenges in the Justice System. This Project, she continued, was the first of its kind which aimed at a comprehensive approach to reforming the Justice System. For the first two years, the Project's focus and attention were directed to fulfilling the conditions set out in the Loan Agreement for the two tranches of financing in the policy-based Loan Component.

Continuing, Justice Singh stated that the Project ushered in many reforms that addressed several longstanding challenges in the Justice Sector. To mention a few - the Law Reports and Laws of Guyana were outdated. The legal fraternity was well aware that the Law Report for 1976 was printed in 1996 – some twenty years later. The last official Law Revision was done in 1977. There were delays of up to seven years for a case to be completed from the time it was filed. Presently, she continued, thanks to the MJAS Project, information regarding the present position is that the most critical of the concerns had been dealt with. The backlog of cases had been significantly reduced and steps were being taken not only to reduce but to eliminate it completely.

There was now an available Index to the Reports (1930-1977) which had also been printed and is now available. Additionally, the 1930-1976 Law Reports were now digitized. She further reported that the entire range of Law Reports from 1976-2007 was now processed on a Lex-Edo Software purchased by the Project and could be viewed on line.
Guyanalawreports.gov.gy:81.

Referring to the Courts, she informed the gathering that the Courts and Court Rooms were refurbished; the DPP's Chambers were renovated and furnished. The Chambers presently contained fifteen (15) offices for Prosecutors. Both State and Police Prosecutors were trained and in accordance with the Director of Public Prosecutions (DPP), her success rate in prosecutions moved to 30 per cent in 2010 and almost 50 per cent in 2011. The Magistrates' Courts were fully refurbished and also fully air-conditioned. The Law Reports, she said, were now in print from 1977-2007.

Justice Singh then reported that at King and Main Streets, New Amsterdam, there was a renovated building which would now be the DPP's office in Berbice and would house a Prosecutor from the DPP's Chambers, so that lawyers from the Ancient County would no longer have to journey to Georgetown to file bail or other urgent applications. These would be done in New Amsterdam.

Management Information Systems (MIS), she continued, had been installed at both MOLA and DPP – at MOLA there was a Public Trustee Management Information System (PTMIS) and a Prosecutors' Management Information System (PMIS) at the DPP's Chambers. In both instances, this innovation would result in speedier transaction time. There was also a File Management System at the High Court where information from Court files would be stored. So gone were the days of files being misplaced or disappearing in the Registry.

She informed the gathering that MOLA was equipped with forty-five (45) computers, two (2) scanners, two (2) printers, three (3) laptops, three (3) servers. The DPP Chambers received twenty (20) PCs; three (3) scanners, one (1) printer; two (2) laptops, and two (2) servers. In addition, eighteen (18) laptops were bought for the Judges.

Continuing, Justice Singh stated that the Libraries at MOLA and DPP's Chambers were now upgraded. Law Reports and text books were purchased, modern Library furnishings were acquired and the renowned Library of Congress classification system was being used. Both locations were now automated using the open system integrated software – KOHA. The key features included circulation and behaviour management processes; customized search. A new layout for each Library was designed and put in place. Both locations were more user-friendly. Moreover, Library systems were now automated with the entire collection on line.

Civil and Criminal Justice Committees were now established by appointment of members by the Chancellor from all three (3) counties. Committee members were all trained. Paralegal Centres were established at Lethem and Annai – that's Regions 8 and 9. One hundred and thirty-five (135) volunteers were trained in basic paralegal skills from forty-two (42) communities, so technically disputes could be settled among themselves.

Justice Singh continued that the Court of Appeal, the Chief Justice's Court and the Commercial Court would be installed with Voice Recognition Systems so that there would be no need for the Judges to leave Court to take notes in longhand. A Law Revision Unit was established which would facilitate the ongoing revision of the Laws.

She pointed out that the Laws were updated to December 31, 2010. This was really a significant achievement. According to the Justice Reform Strategy, the Laws were initially to be updated to 2006, but it was discovered that had 2006 been used as a cut-off date, the Laws would not have been updated, because an examination of the later laws revealed, for example, that the Children Born Out of Wedlock Act, 1978 was repealed and substituted by the Status of Children Act 2009. Further, had the cut-off date been 2006, there were several amendments for which legislation had to be passed in order for the tranche conditions to be fulfilled – those would not

have been included, like the Contempt of Court Act, Alternative Dispute Resolution Act, amendments to Petty Debt, Evidence, Criminal Law Offences, Criminal Law Procedure, Legal Practitioners, Juvenile and Training Schools Acts. For this reason, therefore, why the Project was extended and went to 2010. She informed the gathering that the Laws of Guyana were now in print and on line - that was the 2006 substantive laws; to date there were no less than 550,000 hits without any complaints. Soon the Attorney General would be presenting the Laws of Guyana to the fraternity because during this week 1000 Volumes would be finished printing, both substantive and subsidiary, and these would be on line at a later stage.

She reiterated that the Project was fully funded by the IDB by way of a Loan. She stressed that the Government of Guyana was very grateful to the IDB for its continued support to Guyana and for the opportunities afforded to the Justice System.

Justice Singh stated that it was unfortunate that the Workshop could not have in attendance Madame Sophie Makonnen nor Mr. Stefano Tenari due to certain other work-related problems. However, it was an honour to welcome Mr. Mark Wenner who would represent both Mr. Tinari and Ms. Makonnen. She remarked that Mr. Tinari was very helpful to the Project in removing logjams wherever they arose in the implementation of the Project activities. He had that special skill. A special thank you should also be given to Ms. Makonnen for the interest she had shown in the activities of this Project and for all her assistance and support. Shortly after taking up office in 2012, she journeyed to Lethem where the Project had established the first Paralegal Centre, and she was also present at the launching of the Law Reports in January, 2013.

Special mention was made by Justice Singh of Mr. Alexandre Veyrat-Pontet, the International Specialist of the IDB, who from the commencement of the Project charted its course of direction. With him at the helm, the MJAS Project was guided through murky and turbulent waters and put on safe ground. She opined that the journey in this first comprehensive attempt at reforms had been one filled with successes and challenges, but at the end of the day there was a lot to celebrate. The reform of a justice system was no easy task – changes would always be resented.

In closing, Justice Singh said that, in hindsight, the Project was a very complex one with unfamiliar dialogue to Institutions that had most probably never thought of reviewing their structures. Notwithstanding those constraints, at the end of the programme it can be said with confidence that justice institutions were in a much more collaborative mode, focusing on problem-solving of critical issues with cross-cutting implications. Everyone was more conscious of the inter-connectivity of the system and therefore more attuned to the need for collective effort as all involved continued to forge forward to consolidate the gains from the first effort to take the modernization of the justice administration effort to the next level. The MJAS, by its very name, implied the intention of donning the coat of modernity by sweeping away the cobwebs of century-old procedures which enmeshed Guyana's legal system. Today it could safely be said, with pride, that the Project is on the right track.

She then thanked all present.

At this stage, **Ms. Anandjit, Permanent Secretary, MOLA (Chairperson)**, thanked Justice Singh for her remarks. She pointed out that as Ms. Makonnen was not present to represent the IDB, she would be represented by Mr. Mark Wenner, also of the IDB, who would deliver some remarks on her behalf.

Mr. Mark Wenner, IDB: wished all present a good morning and, after acknowledging the presence of Madame Chairperson, Hon. Carl Singh, Chancellor of the Judiciary, Hon. Anil Nandlall, MP, Attorney General and Minister of Legal Affairs, Mr. Juan Edghill, MP., Minister

within the Ministry of Finance, Hon. Former Chancellor of the Judiciary, Mr. Cecil Kennard, Commissioner of Police, other members of the head table, and all special and other invitees, he introduced himself as Mark Wenner, the Country Economist at the IDB Office in Guyana. He said that it was his great pleasure to be present at the Workshop and to be officially substituting for Sophie Makonnen, the Representative of the IDB in Guyana. He informed the gathering that Ms. Makonnen was, unfortunately, was called on very short notice to Washington during the previous week and was on her way back but would not be back in time to attend the Workshop. Also there was a similar case with Mr. Stefano Tinari – the Team Leader. Unfortunately he had problems with his air connection to Guyana during the previous evening. As a consequence, Mr. Werner stated, it was now left to him and Richard Raghoo to be their substitutes at the Workshop and represent the IDB. In regard to this Project and on behalf of the Bank, he said that the Bank was very proud of the Project's achievements and stated that it was a pleasure to have supported and financed this Modernization of Justice Sector Programme valued at US\$25 million that was approved in 2006, and started implementation in 2007.

Mr. Werner pointed out that, as others had mentioned, the rationale for the Project was to improve the enforcement of rights and the rule of law in order to better serve the citizens of Guyana and to attract foreign investment – to improve the investment climate. The Project had succeeded most notably in generating positive momentum and had a great number of achievements, some of which had even been listed: the Updating and Amendment of the Legal Framework; the Updating of the Guyana Law Reports; the Publishing of the Laws of Guyana; the Preparation of the new

High Court Civil Procedure Rules; the Establishment and Revitalization of many Justice Committees and Commissions; the Updating of Law Libraries; the placing on line of resources; the digitizing of files and the improvement of office facilities; and also significantly helping to resolve the backlog of some 11,000 cases. Nonetheless, there were several communication challenges but progress was ongoing.

Mr. Werner informed that the Programme, from the perspective of the IDB, was a pioneer because it represented a hybrid loan. It was one of the first cases where there was a combination of a Policy-based Loan and an Investment Loan – one that provided Budget Support and one that provided Resources for the Procurement of Goods and Services.

He confirmed that the Bank was indeed very pleased to note the positive achievements highlighted in the Final Project Report which would be discussed later on in the day. It had been a very long journey, he opined, but it was no different from what was experienced in other countries, therefore any missteps and delays should not dishearten anyone. This was part of the course. Implementing judicial reform was extremely complex. It was a daunting task because it involved many different governmental institutions and it touched upon a very arcane and complex subject matter as well as one of great sensitivity to the general populace. Much remained to be done, but the Bank was very confident that the Government of Guyana would continue on its path of reform improvement in order to build a better society for the citizens of Guyana. The Inter-American Development Bank (IDB) stands with the Government and people of Guyana in this endeavor.

Mr. Werner then thanked everyone for their kind attention.

Chairperson (Ms. Anandjit) thanked Mr. Wenner. She then invited to the podium the Hon. Minister within the Ministry of Finance, Mr. Juan Edghill, to deliver some brief remarks.

Hon. Juan Edghill, Minister within the Ministry of Finance: Minister Edghill wished all a good morning and remarked that Protocol had already been established. He continued that he

was extremely pleased to be present at the Exit Workshop representing the Government of Guyana and, more particularly, the Ministry of Finance and to express some thoughts as it related to the successful completion of the Project – the Modernization of the Justice Sector in Guyana.

He informed the gathering that the PPP/C Administration had, at a very early stage, viewed with grave concern the needs of its citizens. He said that the PPP/C understood that in modernizing Guyana, in bringing about changes, enhancing governance and bringing about security for its citizens, the delivery of justice in a timely manner was paramount.

Continuing, he informed that in 2007, the Government of Guyana and the IDB had signed a Loan that allowed for the financing of the Project. This Loan had two (2) components. It was two-fold: a Policy-based Component and an Investment Component. The Policy-based Component was disbursed in two tranches. The first tranche was up to the amount of US\$7 million and the second tranche was in the amount of US\$8 million. The last tranche was disbursed in 2011. The Investment Component was equivalent to US\$10,232 million – US\$10 million coming from the IDB and US\$232,000 coming from the Government of Guyana. Those were significant sums, but they were spent with specific objectives in mind. In the Investment Component, there were three main sub-components: (1) Enhancing Institutional Capacity. Minister Edghill opined that the purpose (and he specifically referred to it in **the present tense**) of this Component **is** to improve the quality, efficiency and efficacy of service delivery in the Justice Sector and all of its institutions by strengthening governance and accountability, building institutional capacity, stream-lining legal procedures and modernizing administrative systems. This Component, which was financed, sought to strengthen the Judicial Service Commission, it worked on reducing the backlog and raising clearance rates of cases, it served to strengthen Court administration, it served to enhance the skills and productivity of judges and magistrates, and it also dealt with the physical rehabilitation of the Courtrooms and Courthouses. Improving criminal justice was one of the aims of this Component, as well as institutional strengthening of the Ministry of Legal Affairs. The drafting of civil and criminal procedural laws (and here he mentioned that he was sure that the Attorney General would speak more about that) since there had been several initiatives in that regard and it was also meant to improve the civil law procedures of the country.

Continuing, Minister Edghill referred to Component (2) – which was mainly for the strengthening of linkages among justice institutions. This, he said, was basically geared towards promoting more efficient interactions among justice institutions through both the top-down and the bottom-up approaches. Top-down interventions were concerned with sector-wide policy planning, as well as resource allocations. The bottom-up approach entailed working on enhanced communication, coordination and cooperation among institutions at the operational and local levels, as part of a sector-wide policy. Leadership, planning and coordination were addressed. This sub-component financed activities for the establishment of the Justice Sector Reform Steering Committee and the Technical Secretariat. The purpose of this Steering Committee was basically to provide high-level policy guidance and coordination for the implementation of the Justice Sector Reform Strategy.

Component (3), he said, was to improve the access to justice in Guyana by enhancing citizens' awareness of their rights and responsibilities, and providing services to Court users to facilitate legal advice and representation, as well as to allow for the access to information and alternative dispute resolution mechanisms. Financing was made available under this Component for the expansion of the legal aid services, the development of public legal awareness, and to provide support for informal justice along with the law revision and legislative framework.

Minister Edghill stated that as the Project winds down, more than G\$1.5 billion would have been expended to reform and upgrade the laws, institutionalize the justice system, refurbish and extend Courts in order to provide overall improved accountability and administrative efficiency, and enhance linkages and cooperation within the Justice Sector.

He continued that he wished to take the opportunity of expressing thanks to the partnership with what could be considered Guyana's main financier in developmental projects – the IDB – in working on this particular Project. It was the hope and view of the Government that, having looked at what had already happened and what would continue to happen, the expenditure as of late would serve the needs of Guyana and ensure swift delivery of justice to its people. It was hoped that in Guyana the rights of all would be respected and adequately addressed.

On a personal note, the Minister opined that having worked with both the Technical Secretariat and the IDB Team Leaders from the various Missions, it was his belief that if all stakeholders aggressively worked on the informal Justice Sector which was initiated through this Programme, and he mentioned what was happening with the training for the various leaders in the Regions, the mediation aspect – Alternative Dispute Resolution (ADR), then, he said, it would do quite a lot to bring satisfaction to the people of Guyana, because it was his view that not everyone wanted going through the formal justice system and litigation to be the hallmark of dispensing justice. Further, it was his opinion that there was a culture in Guyana where, once people started talking and were assisted by well-trained and educated ADR Officers, then greater levels of satisfaction would be brought to the people of Guyana.

Finally, Minister Edghill stated that in his opinion the Government of Guyana did not just want to boast about how much money was spent and how much money was invested, but that it wanted to work with all of the stakeholders to ensure that they got value for money and that the intents and the aims of the Programme were adequately realized. He said that everyone was now looking forward to continuing to work with the Ministry of Legal Affairs in providing all of the support. The Project had now come to an end, but that was not the end of Government's intervention. Government, he assured, would continue on an annual basis to provide financial support to ensure that the judicial arm of State was adequately financed for its proper functioning. The Executive would continue to work with the Judiciary to ensure that the people of Guyana received justice in a timely manner.

Chairperson (Ms. Anandjit) thanked Minister Edghill and remarked that for those who worked on the Project, some of what the Minister had said made her smile. Everyone, she continued, knew that the Government of Guyana had expended a lot of money, but in terms of getting things done sometimes people became very impatient because certain things happened over which there was absolutely no control. But she was of the opinion that if everyone would be patient when things seemed not to move as smoothly as expected – this could mean the next speaker, the Hon. Attorney General himself – and sometimes they get so angry when things did not appear to have been done ... but she was sure that the speaker was going to relate everything himself from the beginning and how he was presently feeling, having observed all the successes. She then introduced the next speaker, Honourable Minister of Legal Affairs.

Hon. Anil Nandlall, MP, Attorney General and Minister of Legal Affairs thanked the Chairperson for her introduction. He acknowledged the presence of the Hon. Chancellor of the Judiciary, his Cabinet colleague – the Hon. Bishop Juan Edghill, Representative from the Inter-American Development Bank (IDB), Technical Coordinator – Justice Claudette Singh, and the distinguished ladies and gentlemen.

The Attorney General stated that the remarkable process – the Modernization of the Justice Administration Systems (MJAS) Project – was now being concluded. He reminded the gathering that the Project had commenced execution in March 2007 – and as already explained, it

comprised a Policy-based Loan of US\$15 million as well as an Investment Component of US\$10 million. The Project was designed to deliver two (2) Project Execution Units (PEUs) – one at the Ministry of Legal Affairs and the other at the High Court under the Administration of the Judiciary. This Project was the first attempt at a comprehensive approach to reform the Justice Sector of the country with the aim of injecting a collective approach to cross-cutting sector challenges. The Project saw four (4) extensions, the last of which was for one year. The other extensions averaged around six-months' periods, bringing in their wake enormous challenges to the planning and procurement processes.

He told the gathering that as everyone was there to reflect on the six years of Project execution, then everyone could be proud of the achievement of the first day of the Modernization of the Justice Sector. The reforms and innovations had been numerous, ranging from very visible improvements to the infrastructural advancement in stock of buildings to the less visible but nevertheless very tangible and important innovations in the systems, processes as well as the building capacity of the staff.

Mr. Nandlall spoke of his great pleasure in sharing with those present his highlights from what could be called the inventory of reforms and improvements where they had been realized in this Project. Civil and criminal procedures all had been amended and new Acts drafted, among which were: the Juvenile Offenders Act, the Training Schools Act, the Evidence Act, Criminal Law (Offences) and Criminal Law (Procedure) Acts, Contempt of Court Act, Alternative Dispute Resolution Act, Legal Practitioners Act, and new High Court Rules were drafted in the early years of the Project. Those legislations had all been enacted since the year 2010.

He stated that improvement plans for modernizing structure and administrative processes of both the Ministry of Legal Affairs and Chambers of the Director of Public Prosecutions were developed with consultancy support and approved by Cabinet, and implementation had commenced. The staff at both Institutions was committed to continuing the process, since the capacity now existed with the training of senior management teams at those Institutions. Training was the key in this Project for the beneficiary organizations, judges, prosecutors, administrative staff as well as external stakeholders, and here he said he was referring to the some 135 members of the Hinterland communities who had been trained in paralegal methodologies and were now much more acquainted with their rights and responsibilities under the law.

Both the Ministry of Legal Affairs and the Chambers of the Director of Public Prosecutions had moved into 21st Century technology with a Prosecutor's Management Information System (PMIS) and a Public Trustee Management Information System (PTMIS). These systems had changed the way things were being done, and while they were somewhat challenging, it had only recently commenced. The day-to-day functioning was shifting – there were new levels of performance and accountability. AG Nandlall said that he was sure everyone had heard that the practice of the recording of Court proceedings had been modernized by the move to implement a Voice Recognition System in three (3) Courts, and this was merely the beginning of the process – the Commercial Court, the Court of Appeal, and the Constitutional and Administrative Law Court. These were in the process of being procured for installation and would take the burden off Judges regarding manual recording, thus enhancing the integrity of those important Court records while at the same time adding dispatch and speed to the system.

The Justice Sector for the first time now had a monitoring and evaluation framework that was being managed by a small Monitoring & Evaluation (M & E) Unit in the Ministry of Legal Affairs and from all indications there was no doubt that it would ensure that there was a greater form of accountability and it would also improve the management structure and policies of the organization.

The signature products for this Project would always be known: Firstly, the updated Law Reports that reflected the judicial decisions from the Court of Appeal for 30 years (1977-2007), as well as the paper records from the colonial years (1930-1976) of Law Reports that could well have disappeared as a result of physical deterioration of their fragile condition. These, in their now digitized form, were available on line. The revised Laws of Guyana from 1977-2010 – a landmark achievement – was another signature product when one considered that those Laws were not updated since 1976. It was also reported that a Consolidated Index of all the reported Cases from 1930-2007 had been completed and that was a remarkable achievement. This Index, he said, was available for sale, along with the Law Reports at the Ministry of Legal Affairs. Minister Nandlall also took the opportunity to register his disappointment that the legal profession, in particular, had not embraced this opportunity of equipping themselves with what obviously was a vital tool for their practice, that is, the Law Reports.

The journey in this first comprehensive attempt at Reform in the Justice Administration Sector had been one filled with successes and challenges, yet in taking stock of what had been achieved versus what had been planned, there was much to be celebrated. These successes, he said, had been ventilated above, but what stood out was the fact that there was now much more awareness in the populace regarding the functioning of the various Institutions largely through legal awareness media campaigns that supported the Technical Secretariat during the latter years of the Project. Access to justice has had tremendous assistance from the increase of their ability to secure copies of the Updated Laws and Law Reports and this has benefitted not only the members of the legal fraternity as well as law students, but also the man in the street. However, as he had indicated, the lawyers were not purchasing the Reports and that was quite unfortunate.

Minister Nandlall took the opportunity to pay tribute to the Project Coordinator, Justice Claudette Singh, and her Team, without whose hard work, perseverance and admirable leadership, there would not have been the accomplishment of the many tasks which were now being celebrated. The Technical Secretariat itself faced many challenges but because of the expertise, and the determination, diligence and hard work of the leadership of that Team, the hurdles were crossed.

He continued that the first generation of reforms had definitely signaled that the *status quo* could no longer be in existence in a modern, devolving 21st Century. The change had commenced. The challenge was for the staff, as policy and decision-makers, to harness the momentum, continue the change and simply put in place the actions that were needed to sustain the very laudable efforts of this first round of Justice Sector Reform. The foundation had only just been laid - a strong foundation indeed, but it remained just that: a foundation. It was incumbent on the persons involved to build upon that foundation.

Minister and Attorney General Nandlall informed the gathering that he also wished to take the opportunity to thank his predecessors, the late Senior Counsel Mr. Doodnauth Singh and Senior Counsel Mr. Charles Ramson, for their wisdom in charting the path of the Project in the early years of implementation; the IDB, for its respectability and willingness in engaging dialogue. It has always sought to put the developmental needs of the Justice Sector in Guyana at the forefront of all their decisions. This support was highly appreciated; the Staff of the Ministry of Legal Affairs, especially Ms. Ananda Dhurjon, Principal Parliamentary Counsel, for the support given especially during the challenging Law Revision Exercise; and last, but not least, the Technical Secretariat under the capable leadership of Project Coordinator, Justice Claudette Singh. Even as the achievements were being lauded, it was recognized that the journey had just begun. He said that he looked forward to the next round of Justice Sector Reform and the continued support of the country's valuable development partner, the Inter-American

Development Bank. To the partners in the Justice Sector, the present Forum presented a unique opportunity, not only for briefing and the Project's achievement, but also for identifying from the Bank's perspective the critical steps for the next round of Reforms and their own part in perceiving what collectively the hard work had achieved and could continue to achieve. It was his hope, he said, that the next two hours would result in a wealth of mutual recommendations which could anchor the way forward in the Programme's future pursuit. He then declared the Workshop open, wished all present meaningful deliberations, and thanked them all for their attendance.

Chairperson, Ms. Indira Anandjit, PS., MOLA thanked Hon. Minister Nandlall for his encouraging words and then invited the Chancellor of the Judiciary to give the vote of thanks.

Justice Carl Singh, CCH, Chancellor of the Judiciary (ag.) then addressed the gathering after first making reference to Hon. Attorney General, Hon. Minister Edghill, other esteemed members of the head table, Commissioner of Police and other distinguished invitees. He stated that his duty was to express thanks to several persons who had been involved in the Programme. He, however, sought their indulgence only to make a few remarks about the Programme generally.

This Programme, he said, was concluded between the IDB and the Govt. of Guyana in 2007 and in the breadth of the Project, it touched various sectors of the Justice System, which included the Judiciary, the DPP's Chambers, the Ministry of Legal Affairs, the Police, the Prisons and Legal Aid.

He noted that considerable detail had been given by his colleague, Justice Claudette Singh; also by Bishop Edghill and the Attorney General himself, of the work that had been undertaken and of the successes achieved. What had been described as a lynchpin of the programme, so far as the Judiciary was concerned, was the expectation that there were going to be revised Rules of the High Court in place, and he felt that it would mark a block on the Project. He continued that there had been a significant failing to have the Rules implemented within the lifetime of the Project, but all was not lost. There were setbacks because, principally, the Rules Committee did not have the expertise and perhaps the time to consider such a voluminous overhaul in the time allotted for the completion of the Rules and so further assistance was sought. Justice Singh stated that he was happy to say that the Attorney General now had in his Ministry a completely revised body of Rules which, from all appearances, seemed to have been satisfactorily done. But the reason why those Rules were described as a lynchpin was because the anticipation was that it would bring improved timeliness and efficiency to the Courts with the new method that it contained. But he opined that regarding the Rules - Revised Rules or no Revised Rules - the performance of the Judges in the Supreme Court was woefully inadequate and criticism in that regard was justified.

He continued that he had repeatedly said, *ad nauseum*, that the hallmark of an efficient and an effective judicial system was timeliness in the delivery of the decisions. Only that very morning, he was informed of a case where a decision was outstanding for a Judge to determine that a matter was abandoned. That determination was more a matter of arithmetical computation than it was of law and that position, he was informed, was four or five years old. Therefore, in his opinion that was where the position of the block on the judicial system and change would have to occur. However, he said that there had been successes; there had been huge developments in systems and infrastructure, and those successes should be recognized. That now brought him to the focus of his remit. There were people to whom gratitude and thanks for their efforts must be expressed. Initially, he wished, on behalf of the beneficiaries of the Project, to express thanks to the Government of Guyana for its recognition of the need, the work and the value of such a Project, and to the late former Attorney General, Mr. Doodnauth Singh for the role he

played in advancing the Project during his term as Attorney General. Additionally, he wished to thank both Ministers Edghill and Nandlall, the current Attorney General – to Minister Edghill for his understanding and his cooperation when financial matters became **brittle** and his interventions were necessary to iron out the case. To Attorney General Nandlall who brought to the Project a youthful excitement, exuberance and energy and those qualities lent themselves in a significant way to the advance of the Project. To the IDB for its support financially and in its administrative oversight, also as an Institution. He opined that the Justice Sector of Guyana owed the Bank a debt of gratitude. And there were persons from the IDB whom he wished to particularly single out. In the first instance, he wished to recognize the efforts of the then Resident Representative, Sergio Vargas Caseo, Arnaldo Posadas, also Alexandre Veyrat-Pontet for his continuing support. He believed there were others whose names had at the present time evaded him. He then remembered Marco Nicola who was acting Resident Representative at one time. He then referred to the final stages of the life of the Project and in that instance he mentioned the current Resident Representative, Ms. Sophie Makonnen.

Justice Carl Singh then continued that initially, for her dedication, her keen sense of responsibility and her untiring efforts as Project Coordinator, much credit and thanks must be offered to Justice Claudette Singh as well as the staff of the Project Execution Unit of the High Court and the Ministry of Legal Affairs. With regard to the PEU of the High Court, he acknowledged the efforts of Ms. Lisa Ramotar, Ms. Latchmi Dowlattram, and, for holding the fort over the last few years, he paid particular recognition to Ms. Evadney Mangar and Mark Pertab and from the Ministry of Legal Affairs, the a person he knew who had demonstrated considerable energy was Colin Cyrus, to whom he extended deep appreciation.

Justice Carl Singh then spoke of one of the key areas of supervision of the Project which was the Steering Committee. Regrettably, however, he opined that the Steering Committee seemed to have lost its steering mechanisms and had fallen apart. He believed that he might have been the villain of the piece. However, it was practically the end of the day and, as he had previously said, considerable success was achieved and there would be no useful purpose served by doing a post-mortem on the reasons why the Steering Committee fell apart. Again he wished to thank Attorney General Nandlall for recognizing the importance of the Committee and for his efforts at reviving its work.

And finally, a gentleman who had been with the Project from its inception, who was forever an optimist, who had always been encouraging even when there had been setbacks, even when there had been failures; who had been fair and balanced in his observations and his criticisms. He was now present at the Workshop and, introducing that person, Justice Singh then acknowledged the presence of Mr. Hugh Wilkinson and also thanked him for his contribution in advancing the Project.

Justice Singh then said that before taking his seat, he wished to state that he had been heartened by comments made by Minister Edghill that this was not, or should not be, the end of the Justice Sector Reform. It was his understanding that the Hon. Minister had announced that he was speaking as Government's representative and so it could be construed from such comments that what he had said were real expressions of the sentiments of the Government. He also wished to endorse similar observations that had been made in the Final Evaluation Report that the Government should not see Justice Sector Reform as a one-off event but that it should be treated as an ongoing and continuous necessity. In that regard and most importantly, he endorsed the call that had been made that the Technical Secretariat, headed by Justice Claudette Singh, be established as a permanent Unit within the Ministry of Legal Affairs.

Ms. Indira Anandjit, PS, MOLA (Chairperson) then informed that those latter sentiments had brought the Opening Session of the Exit Workshop to an end. She then welcomed participants to partake in a light snack, after which they would gather for the actual Workshop.

WORKSHOP DISCUSSION

Ms. Evadney Mangar, Project Coordinator (ag.), High Court PEU of MJAS, introduced Mr. Hugh Wilkinson, Evaluation Consultant, to give his deliberations on the MJAS Project's Inception Report, take questions from the participants, and respond to them accordingly.

Mr. Wilkinson thanked everyone present for their attendance. He referred to the various Institutions which played a vital role from the inception of the Project, speaking also to the fact that he had worked in various capacities for the Project for almost eight years. He hoped that everyone had read the Report.

He remarked that his overall evaluation of the Project was positive. Referring to the Hon. Attorney General's remarks, he agreed that a critical foundation was laid and achievements had been very positive. His evaluation led him to conclude that, where once there were shipwreck analogies of the justice system, there was now much agreement that the ship was afloat and on course. Mr. Wilkinson mentioned that since 2003 or 2004 there seemed to be a much improved attitude and spirit of optimism. There was also at the time almost a decade ago much skepticism and evidence of this was present in other areas of Government.

At that point, he began showing slides of a strategic schematic of justice reform in Guyana, if nothing else but to provoke some discussion on the various subject matters.

He made some pointers indicating the key ingredients to justice reform in whichever country a person lived. He spoke of a comprehensive report recommending massive reforms. He also spoke of the Citizens Security Project and the Justice Sector Reform Strategy. Additionally, there had to be pillars to support the Program, including political commitment. There was, he stated, a lot of resistance to change, which was a challenge to the *status quo*. However, that had changed over the years wherein the current President himself and many others seem committed to the Project. Continuing, he pointed to another key pillar, which has financial resources. The Sector was chronically under funded. He felt strongly about the Legal Awareness component of the Project, mentioning that admirable work had been done in that regard, even though there were insufficient resources, however shortfalls as well.

Mr. Wilkinson referred to and thanked Chancellor Carl Singh for his efforts in championing the enormous reforms facing the judiciary. He also commended the Attorney General's Chambers and Ministry of Legal Affairs, starting with the late Attorney General Doodnauth Singh and former Attorney General Charles Ramson, who were very instrumental in moving the project forward and, more recently, the current Attorney General, Hon. Anil Nandlall, for his enthusiasm and advocacy in promoting his overall support. Also to be mentioned were ancillary reforms such as the Official Gazette, which was now on line, and the training of Judges, etc., the appointment of new judges; all of which were contributing factors.

At that point, Mr. Wilkinson said that he also wished to acknowledge the inputs of Ms. Shalimar Ali-Hack, Director of Public Prosecutions (DPP), who had been committed to the Project. There were consequences of change; among others, computer systems were installed but not yet working 100% properly.

Therefore, at all levels strong leadership was very important. He also gave credit to the Project Coordinator, Justice Claudette Singh, who throughout the last many years specifically, had been visited with many activities and challenges. Also to her Team for handling it all with competence, working above and beyond the call of duty. Everyone involved with the PEUs deserved much credit. However, he continued, there were some governance problems within the Justice Sector Steering Committee which was formed to facilitate conversation and coordination amongst the Institutions.

Mr. Wilkinson continued this Project was complex because it was a hybrid loan: also, one PEU at MOLA and one at the Judiciary. There was also the duality of both legal and judicial reforms. It also required the involvement of multiple institutions. It was therefore complex but the participants rose to the challenge and much was accomplished.

Mr. Wilkinson spoke of procurement being a bottleneck in the project and that procurement planning, and the planning standards imposed by the IDB, along with the short lease extensions, made it difficult to plan and execute accordingly, along with the time-consuming tender approval process in Guyana.

Mr. Wilkinson explained that the Technical Secretariat should be considered to be an ongoing activity. The Technical Secretariat and PEUs did everything that was necessary and showed dedicated leadership above and beyond the call of duty. There were only the High Court Rules waiting to be enacted. Importantly, increased cases were being referred by the courts to mediation.

At this point, he opined that the law buildings in Georgetown and Berbice looked beautiful. The backlog of cases had been reduced however not totally. He felt it was more important to reduce *delays*, which contribute to the backlog. Strategic plans had been established with the Prisons, the Police and the DPP.

The MIS and IT systems were being installed in so many areas, but would have to be integrated across agencies. Those were not the only accomplishments of the Project. Included was the establishment of the Monitoring & Evaluation (M & E) Unit. Now that this Unit was implemented and installed, its purpose was now being better understood, and all credit must go to MOLA for this. There were infrastructural improvements – in the High Court, etc. For the improvement of the Judiciary, it was very important for people to have a more positive image of the Courts. There was improvement of the infrastructure and many other capacity building initiatives that had brought the legal institutions to where they were presently.

He stated that Judicial Reform must be ongoing. This was also the case everywhere: in the UK, in Canada and in the USA.

There ought not to be too much dependence on Donor Agencies; there are still reforms which can be achieved without external funding. To address some critical areas, he expressed that there was sufficient rationale to go to any Bank/donor given the success of the project.

Mr. Wilkinson expressed his hope that he would be in a position to return to Guyana again sometime. He thanked those present for their patience and collaboration and said that he had learned a lot. He informed that he had met with the DPP and she had said something to him: ‘despite all the challenges’ she said ‘we did what we can with what we have’. There is an expression in french, Mr. Wilkinson said, ‘*Quand je puis*’, which means, roughly, “*all that I can*”.

Mr. Wilkinson then thanked everyone present and opened the Workshop to questions from the attendees on the Report itself.

Justice Claudette Singh, Project Coordinator, MJAS stated that although the Agreement regarding the Project was signed in March 2007, the Project Coordinator was not appointed until December 2007 and the Technical Secretariat was not staffed until March 2008. With regard to the laws, at the time the Contract was signed, time there was no appreciation of the volume of work in relation to the subsidiary legislation. It was not until the actual commencement of the work that it could be said that updating of 34 years of the law was no easy task. In the future, one would have to consider both the budget and the actual work involved.

Mr. Wilkinson responded, saying that overall, lessons were learnt. It was realized that the planning would have to be very realistic, including procurement planning.

Audreyanna Thomas (Legal Awareness Consultant) stated that what Mark Wenner said was one of the things to focus on in the future – greater partnership and commitment from partners in the Project. There should be better partnership building. Each partner had a different role to play – an added value – even with the changing of the personnel and the personalities. She only wished to make that point to focus on the aspect of partnerships.

Audreyanna Thomas reiterated that there should always be a greater effort for projects to take advantage of indigenous capacity and knowledge, and to ensure greater local participation and ownership, as well as partnerships.

Mr. Wilkinson said that he noted there was a general call for greater consultation, multiple partnerships with civil society to ensure greater ownership.

Mr. Teni Housty (former President, Guyana Bar Association) explained that the JSRS Committee itself had its own dynamics; those who were present had the opportunity of stating their cases. The notion of Justice Sector Reform, he stated that he noticed that “you said ‘Public’”. He said that the public needs to know, and participate and have their voice heard, including the Bar. He opined the project would have benefited from closer more ongoing participation by the Bar and others.

Mr. Wilkinson felt that ensuring adequate consultation and ownership was always a challenge.

But, **Mr. Housty** did not feel it was complicated at all. He said it was inclusive. They needed motivation. The Project was the model between the public and the system. So if the changes taking place were not adopted, then there would be complaints. He felt that better inclusiveness would be essential in the future.

Mr. Housty explained that Justice Claudette Singh knew that she could depend on him. In addition to that, he was wondering how much of managing change was an essential part of the success of reform.

Mr. Wilkinson responded that, in other words, there should have been not one but many more Workshops... more engagement and inclusiveness.

Audreyanna Thomas (Legal Awareness Consultant) interjected that what she could hear Teni Housty saying was that there were two kinds of issues: Partnership; roles and responsibilities; new lawyers to understand and voice views; to make the system work and work effectively.

Mark Wenner (IDB) then asked whether she was referring to Government of Guyana, the IDB, Justice Claudette Singh, etc.

Teni Housty stated that there were substantial opportunities to be provided.

Mr. Housty opined that there was a decided lack of finesse, timing and experience but he felt that, in time, those qualities would be acquired. He therefore felt that a part of the benefit would be the opportunities being afforded to the legal community for their continued involvement.

Mr. Wilkinson spoke of the staff directly involved with formulating the TORs which was an important part of the programme and which invariably took much time to complete. Money was not the issue.

Deputy DPP intervened to state that she, having been a part of the process for the past six months, noted that there was one set of Consultants who spent much time on their assignments and almost a year and a half later there was another batch of Consultants. She also referred to page. 12 of the TOR “in respect to DPP’s Chambers ... re visible champion, leadership, etc.” regarding advancing HR reforms.

Mr. Wilkinson said that he needed to reword this section to make it clearer.

The Deputy DPP did not like the way that it was worded.

Mr. Wilkinson said that he did not like it either, therefore his notes would have to be re-examined as he did not mean to imply that there was a lack of any leadership or champions to drive the HR changes at the DPP, but that it was an issue of the PSC as well as time and resource constraints.

The Deputy DPP had one last comment to make. She referred to the fact that the Consultants brought on from overseas had supplied and installed some software, but she also felt that a Consultant (preferably an IT one) should have been brought on point earlier. That person only arrived a very short time prior to installation etc. and it was at that time that the frustration came regarding the learning of the hardware and then the software.

Mr. Colin Cyrus, Procurement Officer, MJAS informed everyone that the MJAS had put various procurement problems to the Bank and it was agreed at the time to use the personnel and facilities available there; however, that idea was abandoned. During that time, the MJAS had already decided to go ahead with the suggestion of hiring additional capacity, and the Project went ahead with a search for someone; that was how Ms. Cloyette Sumner (IT Consultant) was taken on.

Mr. Wenner, IDB sought to confirm that what Mr. Cyrus was implying was that it was up to the Bank to do better and try to improve the situation – to provide better advice and support to the Project.

Mr. Teni Housty pointed out that it was a perception of the driver of the Project. He recognized that statute as though he was in the High Court. It had become important as the driver of the Project, and he enquired just how was it communicated.

Mr. Wenner said that he noted that the Bank was not being put on a spot; to which **Mr. Housty** responded that the Bank seemed to require the Project to follow their rules and even though it was realized that it was the Bank which was providing the funding, he was of the opinion that the Project should be in a position to direct the proceedings.

Mr. Wenner stated that what he was hearing from the Procurement Commission was that no-one wanted to be investigated hence the movement towards simplifying trust, inhibiting persons from taking any risk.

Mr. Housty opined that the Bank’s had its ‘rules on paper’, but he supposed that was how the operation would go since the project relied on the Bank for monies to be delivered.

Mr. Wilkinson noted that it was a 4-year prescription for project duration – no matter what, it was always four years for project duration. The fact of the matter though was that this Project was never a 4-year one; it should have been six years given its complexity and scope.

Audreyanna Thomas (Legal Awareness Consultant) spoke of the values and noted that the country had been using indigenous local knowledge for years.

Mr. Wilkinson stated that his perspective and perception was that there was some improvement in the prosecution rate.

The **Deputy DPP** noted that in recent times once a person was charged, the matter was more speedily moved to completion.

Teni Housty remarked that almost every single Judge that morning had been dealing with a matter and could not find a Courtroom. It was very shocking. All Judges were working.

Mr. Wilkinson stated that the Report had dealt with that matter. There was opinion writing training, creation of the Justice Sector Commission, appointment of new judges. Therefore, to hear this welcome news from Mr. Housty and the Deputy DPP was a positive thing.

There ensued some discussion about the daily situation in the Courts, after which **Mr. Wilkinson** enquired whether there were any other comments.

He then stated that he felt very welcome in Guyana and had learned a lot. There were many achievements. He spoke of the policy-based items. The things which did not go so well, delays, etc. Procurement situations sometimes were constraints to the project. But there were many achievements to be proud of and that it is essential that the reforms continue moving forward into the future.

Mr. Wenner indicated that all of these issues discussed today were very much appreciated and 'heard', and they would be communicated to others at the IDB.

Justice Claudette Singh adjourned the workshop and invited participants to proceed to the luncheon.