

Note to the Members of the EDF Committee

Annual Action Programme 2018-part 2 in favour of the Caribbean Region to be financed from the 11th European Development Fund

1. Identification

EDF allocation	11 th EDF – 24,300,000
Total cost	<p>i) "<i>Strengthening Regional Integration in the Organisation of Eastern Caribbean States (OECS)</i>"</p> <p>Total estimated cost: EUR 12,875,000</p> <p>EU contribution: EUR 10,300,000</p> <p>This action is co-financed by OECS secretariat for an amount of EUR 2,575,000</p> <p>ii) "<i>Support to the effective administration of Criminal Justice Systems in the Caribbean</i>"</p> <p>Total estimated cost: EUR 16,802,500</p> <p>EU contribution: EUR 14,000,000</p> <p>This action is co-financed by an entity to be selected through a call for proposals for an amount of EUR 2,562,500 and the Caribbean Court of Justice (CCJ) secretariat for an amount of EUR 240,000.</p>
Basic act	11 th European Development Fund (EDF) Internal Agreement ('Internal Agreement') Commission Decision C (2017)

2. Regional/Thematic background

The Caribbean region comprises countries that present a high degree of heterogeneity, in terms of size, development status, history and culture, but they are facing some fundamental common challenges which can only be addressed by joint responses. Most of the countries are classified as middle to upper middle-income countries by the World Bank. Only Haiti pertains to the group of the Least Developed Countries. At the same time, all countries are classified as Small Island Developing States and they are confronted with an inherent vulnerability to exogenous shocks including natural disasters and man-made crises beyond their control.

The Organisation of Eastern Caribbean States (OECS) was established in 1981 under the Treaty of Basseterre with the primary objective of promoting cooperation, harmonisation, and integration among its Member States. The OECS is a 10-member grouping of islands spread across the Eastern Caribbean. The OECS has seven founding Protocol Members that enjoy full membership: Antigua and Barbuda, Dominica, Grenada, Montserrat, St. Kitts and Nevis, Saint Lucia, and St. Vincent and the Grenadines. There are also three Associate Members - Anguilla, The British Virgin Islands, and Martinique. Anguilla, the British Virgin Islands, and Montserrat

remain overseas territories of the United Kingdom (UK) while Martinique continues to be an overseas department and region of France.

In June 2010, the Revised Treaty of Basseterre Establishing the Organisation of Eastern Caribbean States Economic Union was signed, and then ratified in January 2011. The overall objective of this Treaty is to create an integration model geared towards achievement of sustainable economic and social development for the OECS Member States. The OECS Economic Union seeks to promote the rapid growth of its Protocol Member States while ensuring the efficient use of resources and the creation of a policy framework for the creation of a single financial and economic space and a viable economic community of Caribbean States.

Thus, CARICOM and the OECS are the two main regional integration organisations in the Caribbean. CARIFORUM facilitates wider regional cooperation and includes the EU's association with its Overseas Countries and Territories (OCTs). OECS concentrates on the achievement of sustainable economic and social development for the Eastern Caribbean countries implementing, amongst others, the OECS Economic Union.

The Caribbean region has a strong tradition of democracy and the countries have national constitutions that express commitment to the democratic principle of the rule of law. They have independent judiciaries and national legal systems based primarily on common law with a few notable exceptions. Caribbean national constitutions provide for basic human rights and most countries are party to major international instruments governing access to justice such as the International Covenant on Civil and Political Rights (ICCPR). While this exists, the region generally displays high levels of inequality, which is also reflected in inequitable access to justice.

The high crime rate, particularly violent crime, overwhelms the justice system and several Caribbean countries are struggling with caseloads that far exceed the processing capacity, especially that of the criminal justice system. Slow disposal rate and a corresponding build-up of large case backlogs, work to undermine access to justice. The causes of backlogs and delays are multifaceted and linked to the overall state of the justice sector. This includes chronic sector underfunding; ineffective court management and case-flow management; inadequate staffing; challenges with retaining capable personnel; deliberate delays by criminal justice personnel such as lawyers and existence of outdated practices.

3. Summary of the Action Programme

1) Background:

i) The project "*Strengthening Regional Integration in the Organisation of Eastern Caribbean States (OECS)*", building upon previous EDF support, seeks at consolidating OECS to promote a more inclusive and climate resilient economy by leveraging job creation and stimulating low-carbon growth in the region.

ii) The project "*Support to the effective administration of Criminal Justice Systems in the Caribbean*" aims at modernising and strengthening CARIFORUM participating countries' court systems, processes, and services; and to train and equip judicial officers and court staff with the skills and competencies necessary to deliver justice

in a fair, transparent, efficient and timely manner, providing a more equitable access to justice in the Caribbean region.

2) Cooperation related policy of beneficiary country

i) The policy framework for the Caribbean-EU relationship is defined by the Joint EU-CARIFORUM Partnership Strategy that was adopted in May 2010. This strategy identifies shared priorities and challenges that include the advancement of regional integration and cooperation which is considered by the strategy to be the best means to facilitate human and social progress and sustainable long-term development in the Caribbean.

The **2012 Joint Caribbean-EU Partnership Strategy** considers Regional Integration and Cooperation as one of the best means to facilitate human and social progress and sustainable development in the Caribbean. This Joint Strategy commits to addressing a number of specific areas of strategic importance and presents fundamental elements of alignment with another, more recent, document: the "Five Year Strategic Plan for the Caribbean Community, 2015-2019" (SPCC). These documents are completed by a number of regional sectorial strategies.

ii) In line with the above and under the same policy framework, the 2014 EU Strategy on Citizen Security in Central America and the Caribbean and its action plan of 2015 call for comprehensive and balanced reforms of justice sector institutions (including the penitentiary sector and policies encouraging rehabilitation and alternatives to incarceration). Also, the Caribbean countries have endorsed the Sustainable Development Goals (SDGs) which includes Goal 16 on peaceful, just and inclusive societies as well as a specific target on 'promoting the rule of law at the national and international levels and ensuring access to justice for all'.

3) Coherence with the programming documents:

The proposed Annual Action Programme (AAP) is fully aligned with the *11th EDF Caribbean Regional Indicative Programme 2014-2020* as well as with the EU-CARIFORUM Partnership Strategy adopted in November 2012. The proposed actions are in line with the *Agenda for Change* and the *New European Consensus on Development*. The OECS integration process is a fundamental layer of the broader regional integration effort. The EU has been supporting the OECS since the beginning of this process. The 11th EDF Caribbean Regional Indicative Programme (CRIP, 2014-2020), fully consistent with previous EU programming cycles, considers the support to the OECS and crime and security as essential focal sectors of the EU regional cooperation with the region. The proposed actions directly respond to these objectives and, respectively, to result R1.1 OECS integration strengthened and result R3.2 enhanced citizen and border security in the Intervention Framework of the CRIP.

4) Identified actions

i) The overall objective of project "*Strengthening Regional Integration in the Organisation of Eastern Caribbean States (OECS)*" is to consolidate OECS economic integration in the benefits of the population and maximise the region's inclusive growth.

The Specific objectives are:

SO1: Strengthen the OECS Economic Union as outlined in the Revised Treaty of Basseterre by seeking to guarantee the application of fundamental freedoms within the region.

SO2: Promote a more inclusive and climate resilient economy leveraging jobs and growth in OECS region.

ii) The overall objective of project "*Support to the effective administration of Criminal Justice Systems in the Caribbean*" is to increase public confidence in the justice systems of the CARIFORUM region.

The specific objectives are:

S01: To improve access to justice;

S02: To enhance regional cooperation and exchange at the regional level, including in witness protection.

5) Expected results:

i) It is expected that the project "*Strengthening Regional Integration in the Organisation of Eastern Caribbean States (OECS)*" will contribute primarily to the progressive achievement of: SDG Goal 5 (Gender Equality), Goal 8 (Decent work and economic growth), Goal 9 (Industry, Innovation and Infrastructure), Goal 10 (Reduced Inequality) and Goal 11 (Sustainable Cities and Communities). A strengthened OECS Economic Union and a more inclusive and climate resilient economy, leveraging jobs and growth in OECS region –in particular in the tourism sector-, are expected from this project.

ii) It is expected that the project "*Support to the effective administration of Criminal Justice Systems in the Caribbean*" will contribute primarily to the progressive achievement of SDG 16 Peace, Justice and Strong Institutions (Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels), SDG 10 Reduced Inequalities (Reduce inequality within and among countries) and SDG 5 Gender Equality (Achieve gender equality and empower all women and girls). A significant improvement in policies/rules for court governance, case management and case disposition and an upgrade of systems/processes for sharing information between courts and jurisdictions in the Caribbean region are expected from this project.

6) Past EU assistance and lessons learnt.

i) The project "*Strengthening Regional Integration in the Organisation of Eastern Caribbean States (OECS)*" builds on the results and established frameworks of the 10th EDF *Economic Integration and Trade of the OECS Region Project* whose implementation took place during 2010-2018. An external evaluation of the first five years of the 10th EDF programme was conducted in 2017. The assessment supported the relevance of the project at the time of design in 2010 and its continued relevance up to 2017 given that the needs to be addressed during implementation were derived primarily from the *Revised Treaty of Basseterre*. The evaluation also showed that the large number of expected results, and the even larger number of activities implemented under this project in a relatively short time, were ambitious. Many of the project initiatives required active collaboration with a wide range of

stakeholders in OECS Member States, which proved to be time consuming, thereby resulting in delays in the project implementation.

ii) For the project "*Support to the effective administration of Criminal Justice Systems in the Caribbean*", region-specific lessons that can be drawn from different past and ongoing bilateral projects, mainly stemming from Canada's support programmes in view of their long-standing support to institutional justice reform in the region. There has been a trend among most donors to support security-related initiatives, such as those involving policing and drug- and gang-related crime at the expense of consistent support to justice reform of an institutional and organisational nature. There are successful case management practices in the Caribbean that could be emulated, and a model regional case management system should be developed with standards to which each country could aspire to. The political nature of regional justice reform and the interconnectedness of justice systems are among the most critical challenges inherent in mounting a successful regional support programme.

7) Complementary actions/donor coordination.

Implementation of the OECS Economic Union and enhancement of capacity to address climate change resilience and sustainable development has been spearheaded and coordinated by the OECS Commission, which has received assistance from several development partners. This project will exploit synergies with several other initiatives by development partners that have supported the OECS Commission in the implementation of its Economic Union. The European Union, under the 10th EDF, the Compete Caribbean programme which supported the development of an OECS framework and platform to operationalise the free circulation of goods while the Global Affairs Canada (formerly Canadian International Development Agency) has been used for the institutional strengthening of the OECS Commission.

Significant support has also been received in the areas of climate change, resilience, disaster risk reduction/management and energy efficiency. The EU-Global Climate Change Alliance (GCCA) continues to support the implementation of a project on Climate Change Adaptation and Sustainable Land Management in the Eastern Caribbean, while the German Federal Ministry for the Environment, Nature Conservation, Building, and Nuclear Safety (BMUB) supports the implementation of the Climate-Resilient Eastern Caribbean Marine Management Area Network (ECMMAN) Project. With additional support for climate change being provided by the United States Agency for International Development (USAID) Risks to Human and Natural Assets Resulting from Climate Change (RRACC) Project; and for improved land policies by the Australian Agency for International Development (AusAID).

In the area of tourism and private sector development, the World Bank supports the implementation of OECS-wide projects in e-government, tourism, statistics development and monitoring and evaluation. In addition, the Government of France supports consultations and engagement with OECS civil society, private sector and public sector, as well as the OECS working group on climate change, and strengthening the OECS Commission's capacity for Martinique's accession to the OECS.

International development partners like Canada, United States, Inter-American Development Bank, the United Nations, and the EU among others have supported either in the past or have ongoing initiatives to strengthen the justice system in the Caribbean region. Furthermore, cooperation on addressing organised crime and citizen security is a key component of the EU-LAC relationship and remains a common challenge. Good cooperation is already in place via a number of bilateral and regional initiatives such as the EU-CELAC seminars on citizen security and the EU-CELAC Coordination and Cooperation Mechanism on Drugs.

Other complementary initiatives have focused on the security sector with spin-off effects for the justice system, such as USAID's 64 million USD youth and citizen security programme which includes interventions in hotspot communities, juvenile justice reform and data collection (the latter is being implemented through UNDP). However, there is still space for additional actions geared at improving the justice system and enhancing access to justice across the Caribbean.

4. Communication and visibility

The European Commission and its implementing partners will abide by the visibility rules for European Union financing as per relevant provisions in the respective project agreements and contracts. For each individual project, a communication plan will be prepared by the lead implementing institution, allowing the involvement of the EU Delegations at key stages of the projects having visibility potential.

i) For the project "*Strengthening Regional Integration in the Organisation of Eastern Caribbean States (OECS)*", in keeping with the general thrust of the OECS' Communication Strategy, the project will use a focused and multi-faceted visibility and public education programme to promote the OECS Economic Union and regional integration agenda among its various stakeholders. The main activities undertaken by the programme of the 11th EDF will ensure that there is EU visibility in publications, public events and other visibility activities.

ii) For the project "*Support to the effective administration of Criminal Justice Systems in the Caribbean*", bearing in mind the sensitive nature of the sector, specific communication and visibility measures will be defined and based on a specific Communication and Visibility Plan, to be elaborated at the start of implementation. It is foreseen that a contract for communication and visibility may be contracted under a framework contract. The target audiences will vary from the very specialized justice sector to a broader public audience.

5. Cost and financing

i) "*Strengthening Regional Integration in the Organisation of Eastern Caribbean States (OECS)*"

Amount allocated to each proposed programme component:	EUR
Grant, direct award to OECS Commission	10,125,000
Communication and visibility	80,000
Evaluation and Audit	95,000
Total EU contribution to the measure	10,300,000
Counterpart contribution	2,575,000

ii) *"Support to the effective administration of Criminal Justice Systems in the Caribbean"*

Amount allocated to each proposed programme component:	EUR
Grant to an entity to be selected through a call for proposals	10,250,000
Direct grant to the Netherlands Council for the Judiciary (<i>Raad voor de Rechtspraak</i>) for Suriname	1,500,000
Direct grant to the <i>Caribbean Court of Justice</i>	790,000
Indirect management with a regional organisation Caribbean Community (CARICOM) Secretariat	1,160,000
Evaluation and Audit	200,000
Communications and Visibility	50,000
Contingencies	50,000
Total EU contribution to the measure	14,000,000
Counterpart contribution	2,562,500

The Committee is invited to give its opinion on the attached Annual Action Programme 2018 – part 2 in favour of the Caribbean region.



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ANNEX 1

of the Commission Decision on the Annual Action Programme 2018 – Part 2 in favour of the Caribbean Region to be financed from the 11th European Development Fund

Action document for Strengthening Regional Integration in the Organisation of Eastern Caribbean States (OECS)

ANNUAL PROGRAMME

This document constitutes the annual work programme in the sense of Article 110(2) of the Financial Regulation and action programme/measure in the sense of Articles 2 and 3 of Regulation N° 236/2014.

1. Title/basic act/ CRIS number	<i>Strengthening Regional Integration in the Organisation of Eastern Caribbean States (OECS)</i> CRIS number: FED/2018/40089 financed under the European Development Fund	
2. Zone benefiting from the action/location	The action shall be carried out at the following location: OECS Member States: Protocol Members – Antigua and Barbuda, Commonwealth of Dominica, Grenada, Montserrat, St. Kitts and Nevis, Saint Lucia, St. Vincent and the Grenadines; Associate Members – Anguilla, British Virgin Islands, Martinique	
3. Programming document	Caribbean Regional Indicative Programme (CRIP) 11 th European Development Fund	
4. SDGs	<ul style="list-style-type: none"> - Goal 5 – Gender Equality - Goal 8 – Decent work and economic growth - Goal 9 – Industry, Innovation and Infrastructure - Goal 10 – Reduced Inequality - Goal 11 – Sustainable Cities and Communities 	
5. Sector of concentration/ thematic area	Focal Area 1. Regional Economic Cooperation and Integration	DEV. Aid: YES
6. Amounts concerned	Total estimated cost: EUR 12,875,000 Total amount of EDF contribution: EUR 10,300,000 This action is co-financed in joint co-financing by: - OECS Commission for an amount of EUR 2,575,000	
7. Aid modality(ies) and implementation modality(ies)	Project Modality Direct Management through <ul style="list-style-type: none"> • Grants (direct award to OECS) • Procurement (Evaluation and Audit) 	
8 a) DAC code(s)	33130 – Regional Trade Agreements (RTA)	
b) Main Delivery Channel	47011 - CARICOM – Caribbean Community Secretariat	

9. Markers (from CRIS DAC form)	General policy objective	Not targeted	Significant objective	Main objective
	Participation development/ good governance	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Aid to environment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Gender equality (including Women in Development)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Trade Development	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Reproductive, Maternal, new born and child health	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	RIO Convention markers	Not targeted	Significant objective	Main objective
	Biological diversity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Combat desertification	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change mitigation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Climate change adaptation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Global Public Goods and Challenges (GPGC) thematic flagship	Not applicable			

SUMMARY

The Organisation of Eastern Caribbean States (OECS) has the mandate for the implementation of the *Revised Treaty of Basseterre Establishing the Organisation of Eastern Caribbean States Economic Union* (ratified in January 2011) aiming at achieving an economic union among its Member States. The OECS has already made some progresses to facilitate the free movement of persons and labour as well as the free circulation of goods, trade and services in the region and it is promoting complementary actions boosting the competitiveness and export capacity of small and medium-sized enterprises, particularly in key economic sectors, namely agriculture and tourism.

Building upon previous EDF support, this action seeks at consolidating OECS Economic Union and promoting a more inclusive and climate resilient economy by leveraging job creation and stimulating low-carbon growth in the region. In particular, the support to be provided through this action will contribute to:

- (a) facilitate the free movement of persons, citizens and workers;
- (b) harmonise and improve the implementation of OECS customs duties and restrictions;
- (c) reduce constraints to the establishment and provision of services within the region and
- (d) increase OECS capacity to generate investments and create jobs in benefit of the population.

In particular, the focus will be put on the development of green, resource-efficient businesses and the promotion of environmentally low-impact community tourism initiatives, which combined may contribute to the region's transition towards a green economy.

The action will be implemented by the OECS Commission and includes support to improve its management efficiency by introducing evidenced based decision-making processes and an enhanced accountability in all OECS bodies. A regular dialogue as well as the development of strategic partnerships between OECS countries, the regional agencies and stakeholders and the EU institutions will be pursued during the implementation of the action.

1. CONTEXT ANALYSIS

1.1 Context Description

The Organisation of Eastern Caribbean States (OECS) was established in 1981 under the *Treaty of Basseterre* with the primary objective of promoting cooperation, harmonisation, and integration among its Member States. The OECS is a 10-member grouping of islands spread across the Eastern Caribbean. The OECS has seven founding *Protocol Members* that enjoy full membership: Antigua and Barbuda, Dominica, Grenada, Montserrat, St. Kitts and Nevis, Saint Lucia, and St. Vincent and the Grenadines. There are also three *Associate Members* - Anguilla, The British Virgin Islands, and Martinique. Anguilla, the British Virgin Islands, and Montserrat remain overseas territories of the United Kingdom (UK) while Martinique continues to be an overseas department and region of France.

In June 2010, the *Revised Treaty of Basseterre Establishing the Organisation of Eastern Caribbean States Economic Union* was signed, and then ratified in January 2011. The overall objective of this Treaty is to create an integration model geared towards achievement of sustainable economic and social development for the OECS Member States. The *OECS Economic Union* seeks to promote the rapid growth of its Protocol Member States while ensuring the efficient use of resources and the creation of a policy framework for the creation of a single financial and economic space¹ and a viable economic community of Caribbean States.

To achieve the stated objectives, the *Protocol on Eastern Caribbean Economic Union* within the Treaty seeks, among other issues, to abolish customs duties and quantitative restrictions on the importation and exportation of goods, as well as all measures with equivalent effect, and to establish common customs tariffs between Protocol Member States. The Protocol also seeks to abolish obstacles to the free movement of persons, services and capital; to harmonise investment and development policies as well as taxation policies and incentive legislation; to set up a common policy towards development in agriculture, manufacturing, tourism, information and communications technology (ICT) and other services; and to facilitate cross-border economic and financial activities as well as a common competition policy.

The governance of the OECS comprises five organs with a mandate for designing and implementing key interventions relating to the OECS integration model. These are mostly derived from its Heads of Government (the *OECS Authority*) and/or the various institutional organs. Since the coming into force of the *Revised Treaty of Basseterre*, the *OECS Commission* – the administrative arm of the OECS – has been closely working with Member States and several development partners in the pursuit of the objectives of the Economic Union, being the European Union (EU) one its key development partners. Indeed, with the support of the EU's 10th European Development Fund (EDF) (project "Economic Integration and Trade of the OECS Region"), a significant progress has been made on the implementation of the OECS Economic Union.

The OECS progressed in the free movement of persons in manifold aspects such as the travel facilitation for natural persons, the indefinite stay to OECS citizens in any other OECS Member States, the use of alternative forms of identification (passport, driver's licence, or national ID cards) and the removal of work permit requirements for persons working in other OECS Member States. In addition, remarkable progresses have been achieved in areas relating to public awareness and capacity-building pertaining to implementation of the

¹ Revised Treaty of Basseterre Establishing the Organisation of Eastern Caribbean States Economic Union. Retrieved from: <https://www.oecs.org/lisu-resources?task=document.viewdoc&id=679>

OECS Economic Union, to freedom of movement of goods, to the boosting of the competitiveness and the export capacity of small and medium-sized enterprises and in the strengthening of key economic sectors, particularly agriculture. However, to achieve the full benefits on the implementation of the OECS Economic Union still requires a constant effort and a significant work, the support of development partners still remaining critical to achieve it.

1.2 Policy Framework (Global, EU)

The policy framework for the Caribbean-EU relationship is defined by the *Joint EU-CARIFORUM Partnership Strategy* that was adopted in May 2010. This strategy identifies shared priorities and challenges that include the advancement of regional integration and cooperation which is considered by the strategy to be the best means to facilitate human and social progress and sustainable long-term development in the Caribbean.

CARICOM and the OECS are the two main regional integration organisations in the Caribbean. CARIFORUM facilitates wider regional cooperation and includes the EU's association with its Overseas Countries and Territories (OCTs). OECS concentrates on the achievement of sustainable economic and social development for the Eastern Caribbean countries implementing, amongst others, the *OECS Economic Union*.

The EU continues to be an active partner in supporting regional integration and cooperation, based on its own experience, to accelerate and streamline sustainable development goals on the Agenda 2030 in the Caribbean.

1.3 Public Policy Assessment and EU Policy Framework

The OECS integration process is a fundamental layer of the broader regional integration effort. The EU has been supporting the OECS since the beginning of this process. The 11th EDF Caribbean Regional Indicative Programme (CRIP, 2014-2020), fully consistent with previous EU programming cycles, considers the support to the OECS as an essential part of the EU regional cooperation with the region. The proposed action directly responds to this objective and, particularly, to result *RI.1 OECS integration strengthened* in the Intervention Framework of the CRIP.

The proposed action is coherent with the *Revised Treaty of Basseterre Establishing the Organisation of Eastern Caribbean States Economic Union*. The OECS Authority mandates the OECS Commission for coordinating the implementation of the OECS Economic Union. For this purpose, the OECS Commission has recently issued a *Triennium Plan (2018- 2021)* defining five strategic priorities aimed at driving and supporting sustainable development through regional integration, collective action, and development cooperation towards a better quality of life for people of the OECS region.

These priorities are:

- **Strategic Priority 1.** Advancing, supporting and accelerating regional trade, economic and social integration.
- **Strategic Priority 2.** Mainstreaming climate, environmental, social and economic resilience.
- **Strategic Priority 3.** Promoting and supporting equity and social cohesion and leveraging the cultural and linguistic diversity.
- **Strategic Objective 4.** Supporting the alignment of foreign policy of Member States with the development needs of the OECS.
- **Strategic Priority 5.** Aligning and strengthening the institutional systems of the Commission to effectively deliver its mandate.

This new triennium work plan is fully aligned to the Sustainable Development Goals (SDGs) and the OECS Growth and Development Strategy (2018-2027). The OECS Economic Union and the Triennium Plan are in line with the **EU "Trade for All" policy** and the **EU Aid for Trade strategy** as it seeks to generate sustainable and inclusive growth by ameliorating regional conditions for trade exchange and productive development.

The tourism sector remains one of the main revenue sources and the largest job-creation sector for most OECS countries. The OECS Commission, in collaboration with OECS Member States, has developed a *Common Tourism Policy* and has developed a community-based niche tourism products set with the support of the 10th EDF funding.

Investments have also been made in human capacity development through the operationalisation of purpose-built and demand-driven training facilities, regionally recognised certification for tourism and hospitality sector. In addition, the OECS has enhanced the involvement of the local people in tourism and increased their direct benefits, contributing to diversifying the tourist products offered in the region. As the tourism industry continues to play a pivotal role in injecting economic vitality and improving development, there is an urgent need to ensure competitiveness through a re-imagination and reinvigoration of the sector.

There is scope for multi-destination tourism with benefits from the revenue earning capacity of its numerous historical fortifications and buildings, which form part of their unique landscape and have the potential to create new visitor experiences. Thus, the foundation is laid for further developing innovative and eco-tourism initiatives amongst OECS countries that will assist in transitioning to a green economy, promotion of job growth, and development of a more robust and strengthened OECS region.

1.4 Stakeholder Analysis

The main beneficiaries of the proposed programme are the OECS Member States, given that the implementation of the legal obligations under the *Revised Treaty of Basseterre* falls under their responsibility. The main stakeholder of the action is the OECS, the OECS Commission receiving the financial support and is responsible for the implementation of this action, at which all the OECS bodies will be participating and, as such, ownership will be shared.

The OECS Authority will play a fundamental role as several mechanisms to be operationalised require political backing and the smooth functioning of the OECS institutional architecture. The Council of Ministers will take appropriate actions on matters referred on sectoral policies and will provide guidance and advice when deemed necessary. In terms of the advancement of the Economic Union, the Economic Affairs Council will support closer economic and social relations among Member States. Finally, the OECS Assembly, comprising five representatives from the Parliament of each Protocol Member State and three from the Legislature of each Associated Member, will be associated and involved in cross-fertilisation activities with the EU stakeholders.

The capacities of the OECS Commission to coordinate, manage, monitor, and evaluate activities related to the establishment and implementation of the Economic Union will be improved.

The private sector will benefit from actions aimed at improving competitiveness, innovation, marketing and the development of Business Support Organisations.

Individual citizens, on whom rights are directly conferred in the Economic Union arrangements, will benefit from the further lowering of barriers to the exercise of these rights and the more efficient operation of regional and national agencies charged with giving effect to the *Revised Treaty of Basseterre*.

The target groups for this action span a range of sectors and groups within the OECS region, who are directly impacted by, or involved in, OECS integration and climate change. While the entire citizenry of the OECS region can be considered to be impacted by these issues in some way, the groups to be targeted through this action are primarily:

- Border control officials – inclusive of immigration, customs, environmental and public health officials
- Tourism and agriculture sectors
- Aviation and maritime sectors
- Private sector – particularly small and medium-sized enterprises
- Natural resources and environment sector
- The wider OECS citizenry and institutions

The OECS is framed in a general context of cooperation within the Caribbean that involves assistance being provided to several regional initiatives benefitting the OECS as countries members of CARICOM and CARIFORUM. Therefore, important stakeholders in this action are other Caribbean regional organisations (e.g. the *Caribbean Community Climate Change Centre 5C*, the *Caribbean Export Agency CEDA* and the *Caribbean Emergency and Disaster Management Agency CDEMA*) that have been consulted during the design phase of this action, jointly with CARICOM and CARIFORUM, and will remain closely associated during the action implementation.

1.5 Problem analysis/Priority areas for support

This action primarily seeks to address key constraints which hinder progress in the achievement of OECS integration goals in general and the fulfilment of the objectives of the OECS Economic Union in particular. These key constraints are:

- (a) Inadequate harmonisation of policies and laws that hinder the fully free movement of persons, goods and capital, in particular in relating to social welfare issues;
- (b) Lack of institutional arrangements and frameworks within OECS Member States to support the advancement of the Economic Union;
- (c) Inexistence of efficient technological systems, tools and mechanisms, as well as specialised technical and human capacity, to efficiently manage the implementation of the free movement of persons, goods and capitals ;
- (d) Lack of up-to-date, quality and country comparable statistics for policy decision making;
- (e) Insufficient public awareness and involvement on OECS integration process;
- (f) Inadequate travel and communication infrastructure in the OECS region;
- (g) Lack of competitiveness of the OECS private sector;
- (h) Limited export diversification and linkages to the key economic sectors such as tourism and agriculture;
- (i) Lack of job opportunities for youth and vulnerable communities in particular.

The need to foster further economic integration in the OECS, an organisation composed by very Small Islands States that individually are not in the position to respond to the challenges of globalisation, has been the driver of EU support to the region for many years. This has been reflected in a progressive improvement of the opportunities for OECS citizens that (like EU citizens in Europe) may enjoy the freedom to circulate inside the block, being covered by welfare programmes abroad, establish their business in other countries and generally

benefit from the accrued freedom.

However, some of the OECS policies have remained unaccomplished, thereby reducing the potential opportunities and benefits that might be attained at the individual, national, or regional levels.

In addition to advancing the integration agenda, the action also aims at providing support to several sectoral cooperation initiatives designed to create resource-efficient investments and job growth to the benefit of the OECS population and in supporting the transition to a green economy for the region. These sectoral interventions have been designed in close consultation with CARICOM and CARIFORUM agencies that are also receiving assistance under the CRIP. The objective is to complement at the OECS level some of the efforts undertaken at the regional level and avoiding duplicities, through interventions which take into full consideration the OECS peculiarities, specific challenges, and special needs.

In this regard, tourism is seen as both an economic driver and a challenge for the OECS, considering that OECS economies are highly dependent on the sector with direct tourism receipts accounting as much as 85% of the GDP. Subsequently tourism is the main employer in the OECS accounting for over 65% of jobs in countries such as Antigua and Barbuda. However, tourist arrivals in the OECS have remained stable while the industry has been expanding worldwide. The countries of the OECS (and most other English speaking Caribbean countries) continue to lose market share to other LAC countries over time. In response, the OECS sub-region has sought to develop new and innovative products and services that differentiate from others within the sector, increase visitor satisfaction levels, explore opportunities of inter-sectoral linkages, and improve opportunities for local communities to benefit directly from tourism. It is considered that the intervention or tourism that accounts for over one third of the budget should be able to produce a tangible impact paving the way to new tourist strategies that would progressively relaunch the industry in a number of sectors.

In terms of employment, the sub-region does not only require *more* jobs, but *different* jobs, as OECS countries moved out from the traditional Caribbean tourism (e.g. seaside resorts, yachting, etc.) into areas such as agro-tourism (with its related entrepreneurial ventures), and cultural/historical tourism. The latter would allow for the retention of those professionals within the creative and cultural industries who today are often obliged to emigrate as there are few employment opportunities in the sector within the OECS. This also links with the results achieved under previous EDF cycles under which the EU has funded modern facilities for hospitality and tourism training, a modern curriculum, and opportunities to specialize in innovative areas through the Eastern Caribbean Institute of Tourism (ECIT). However, whereas it is necessary to invest in tourism, improve visitor experience, expand offering, and increase competitiveness (including price), it is also of paramount importance not to do it at the expense of the environment sustainability. For this reason, the action conjugates elements of private sector development with a strong focus on green and sustainable economic patterns.

Information and Communication Technology (ICT) is also the target of special additional support for the OECS given the need of the smallest countries in the Caribbean to look into innovative ways to improve organisational efficiency and support evidence-based decision-making. This would also help improve data profiling, develop gender-based indicators, and improve accessibility and quality of statistical analysis within the region. This also supports resilience in a region highly prone to natural hazards, as part of the resilience agenda strongly pushed by the OECS Commission.

As far as the social security benefits policy is concerned, it is deemed important to support the OECS efforts to gradually build joint social welfare schemes. This would also include the establishment of an OECS Health Insurance Scheme that could drive better specialisation

and complementarity between the health services offered in the different countries with significant gains in terms of cost effectiveness and efficiency.

The programme places particular emphasis on enhanced economic resilience and competitiveness, with attention being placed on sustainability. There is a focus on the development of green, resource-efficient businesses and the promotion of low-impact community tourism initiatives, which combined can contribute to the region's transition to a green economy.

2. RISKS AND ASSUMPTIONS

Risks	Risk level (H/M/L)	Mitigating measures
Natural disasters can have a significant impact on the ability to implement programme activities successfully.	High	The OECS Commission will work closely with the relevant disaster mitigation agencies at the local/regional level to ensure minimal programme disruption.
International markets disrupted by major economic, social, and political crises and instability.	Medium	The OECS Commission will continue to foster and strengthen regional and international strategic alliances among sector players to strengthen its bargaining position to limit these disruptions.
Exchange rate volatility affecting implementation	Medium-High	The OECS Commission will seek to insulate the programme implementation from such fluctuations.
Lack of traction of regional integration agenda	Medium-Low	Continuous policy dialogue and cross-fertilisation with the EU
Regional integration policies and main barriers to the flow of goods, services, capital and labour impacted by wider political context	Medium-High	The OECS Commission will advocate for regional approaches to sector and industry development at the regional policy level and continue to share evidence of beneficiary success among key stakeholders.
Assumptions		
<ol style="list-style-type: none"> 1. Member States remain committed to pursuing reform of regulations and procedures to ensure strengthened economic resilience 2. Regional integration remains a priority given changes within the political landscape in the sub-region. 		

3. LESSONS LEARNT AND COMPLEMENTARITY

The OECS Commission received assistance for regional integration initiatives under the 10th EDF *Economic Integration and Trade of the OECS Region Project*. Implementation took place during 2012 – 2018. The 10th EDF project experienced some issues which affected the implementation of the programme and correspondingly the financial absorption of the budget. However, a thorough exercise of internal and external evaluation has been carried out identifying a number of lessons learnt and recommendations that have been taken into account in the design of the current action.

3.1 Lessons learnt

An external evaluation of the first five years of the 10th EDF programme was conducted in 2017. The assessment supported the relevance of the project at the time of design in 2010 and its continued relevance up to 2017 given that the needs to be addressed during implementation were derived primarily from the *Revised Treaty of Basseterre*. Further, the assessment revealed that the project remained aligned with EU policies for the Caribbean Region such as the EU Development Cooperation Policy and the EU Development Strategy for the Caribbean region and the OECS sub-region. Stakeholder ownership and interest in the project have remained high over the years.

The evaluation also showed that the large number of expected results, and the even larger number of activities implemented under this project in a relatively short time, were ambitious. Many of the project initiatives required active collaboration with a wide range of stakeholders in OECS Member States, which proved to be time consuming, thereby resulting in delays in the project implementation.

In light of the findings, the evaluation recommended, *inter alia*, that:

- (a) Projects should be designed comprehensively, considering potential synergies with national, sub-regional, and regional initiatives and multiple donors within a sector.
- (b) The timeframes for successful project implementation should be carefully planned to ensure that there is sufficient time to implement planned activities and achieve expected results.
- (c) For regional integration projects that involve many member countries, project coverage should be consolidated, selective and concentrated in terms of the activities that the project should support.
- (d) The adoption of partially decentralised management through programme estimates as an aid modality should be reconsidered.
- (e) In environments where the value of technical support is not as large as it could be, it is important to envisage a limited number of activities that are end-to-end so that they meet the complete transformational needs of beneficiaries.
- (f) Projects should embed Monitoring and Evaluation as part of project management and include well-defined and agreed SMART Objectively Verifiable Indicators. Implementation management should be focused on monitoring and achieving the expected results in a coherent manner.

3.2 Complementarity, synergy, and donor coordination

Implementation of the OECS Economic Union and enhancement of capacity to address climate change resilience and sustainable development has been spearheaded and coordinated by the OECS Commission, which has received assistance from several development partners. This action will exploit synergies with several other initiatives by development partners that have supported the OECS Commission in the implementation of its Economic Union. The European Union, under the 10th EDF, has supported the establishment of the OECS Economic Union as a single financial and economic space through the enhancement of institutional capacity of the OECS, and in policy harmonisation in the areas of agriculture, tourism and competitiveness. In addition, the Compete Caribbean supported the development of an OECS framework and platform to operationalise the free circulation of goods; while the Global Affairs Canada (formerly Canadian International Development Agency) has been used for the institutional strengthening of the OECS Commission.

Significant support has also been received in the areas of climate change, resilience, disaster risk reduction/management and energy efficiency. The EU-Global Climate Change Alliance (GCCA) continues to support the implementation of a project on Climate Change Adaptation and Sustainable Land Management in the Eastern Caribbean, while the German Federal Ministry for the Environment, Nature Conservation, Building, and Nuclear Safety (BMUB) supports the implementation of the Climate-Resilient Eastern Caribbean Marine Management Area Network (ECMMAN) Project. With additional support for climate change being provided by the United States Agency for International Development (USAID) *Risks to Human and Natural Assets Resulting from Climate Change (RRACC) Project*; and for improved land policies by the Australian Agency for International Development (AusAID).

In addition, the New Zealand Government has supported the implementation of disaster mitigation projects in various OECS Member States, while the Caribbean Catastrophic Risk Insurance Facility (CCRIF-SPC) provides Technical Assistance for disaster risk reduction/management. Meanwhile, the Deutsche Gesellschaft für Internationale Zusammenarbeit and Centre for International Migration and Development and the Inter-American Development Bank/Caribbean Development Bank have provided technical capacity to the OECS Sustainable Energy programme including development of a *Sub-Regional Energy Efficiency Strategy, National Energy Efficiency Strategies and Action Plans*, and the *Legal Framework, Rules and Regulations for the OECS Energy Sector*.

In the area of tourism and private sector development, the World Bank supports the implementation of OECS-wide projects in e-government, tourism, statistics development and monitoring and evaluation. In addition, the Government of France supports consultations and engagement with OECS civil society, private sector and public sector, as well as the OECS working group on climate change, and strengthening the OECS Commission's capacity for Martinique's accession to the OECS.

With the establishment and implementation of various instruments ranging from comprehensive sectoral strategies and specific partnership agreements to specific regional functional cooperation programmes, the OECS continues to employ a robust framework for development cooperation that is strategically aligned to its mandate and is of relevance to its Member States. In addition, the dedicated entity at the OECS Commission which focuses on coordinating development cooperation and resource mobilisation will be actively engaged in continuously strengthening donor coordination within the region.

The OECS had different levels of coordination with CARICOM/CARIFORUM and its development partners through the convening of joint meetings, conferences, development of joint work programmes, sharing of information and knowledge products, and joint representation at various technical and policy working groups on matters of mutual interest. This approach is aimed at reducing potential overlaps and duplication of efforts between initiatives spearheaded at the regional level by CARICOM/CARIFORUM and at the sub-regional level by the OECS; and helps to ensure that OECS particularities, challenges, and specific needs are specifically addressed. This process was evident during the coordination and formulation of the overall 11th EDF CRIP and included extensive discussion among the OECS, CARICOM/CARIFORUM, and the respective agencies of the latter, to ensure that the actions undertaken by the OECS were complementary to those at the regional level.

4 DESCRIPTION OF THE ACTION

4.1 Overall objective, specific objective(s), expected outputs, and indicative activities

The **overall objective** of this programme is to consolidate OECS economic integration in the benefits of the population and maximise the region's inclusive growth.

The **Specific objectives** are:

SO1: Strengthen the OECS Economic Union as outlined in the *Revised Treaty of Basseterre* by seeking to guarantee the application of fundamental freedoms within the region.

SO2: Promote a more inclusive and climate resilient economy leveraging jobs and growth in OECS region.

The outputs and indicative activities under each specific objective are as follows:

SO1: Strengthen the OECS Economic Union by seeking to guarantee the application of fundamental freedoms within the region

Support will focus on the provision of technical, financial, and logistical support to complete the modernisation and convergence of regional regulatory framework and cooperation mechanisms, including harmonisation of national legislation and policies, necessary to guarantee the free movement of persons, goods, and services. Measures will implement the agreements undertaken by OECS countries under the *Revised Treaty of Basseterre* and will build upon the results already achieved, in particular with the support of the 10th EDF. Main areas and policies of intervention respond to the specific challenges met by the OECS market. The interventions will aim at increasing specialisation and the move within the area of goods, citizens, and factors of production, thus improving the efficiency of the allocation of resources.

Output 1: The free movement of persons, citizens, and workers within OECS countries is facilitated

Activities will focus on reducing undue borders' restrictions and lowering administrative formalities or discrimination practices on social welfare issues in OECS Member States. This might include activities such as the establishment and operationalisation of a *harmonised Border Communication Management System* and associated *harmonised immigration legislation* in all OECS Member States, including development and implementation of common regulations at national level to ensure people's length of stay, duty free baggage allowances, and a permissible currency movement. Other measures promoting the establishment of mechanisms to facilitate *harmonised administration of social security benefits* across the OECS region through the implementation of the *OECS Social Security Convention* and the harmonisation of sub-regional *health insurance policies* aimed at ensuring that healthcare services are inclusive, accessible, and affordable are as well considered.

Output 2: OECS customs duties and restrictions are more harmonised and better implemented

Support will concentrate on developing and improving *mechanisms to support the administrative system for the management of the free circulation regime* within the economic union. This mainly concerns the application of the common customs tariff and requires an enhanced information exchange through facilitating OECS interconnectivity.

Output 3: Constraints to the establishment and provision of services within the region are reduced

Activities will mainly help to complete the *establishment of the electronic registry of companies* initiated by CARICOM and support (if relevant) the establishment of an OECS-wide *Competition Commission Facility*. The establishment of the registry will allow OECS entities to freely move within the area via a single registration procedure, which ultimately facilitates the movement of legal persons.

The nature of the activities under this SO1 include *inter-alia* technical assistance, training, and capacity building actions that will help to improve OECS operational capacities for evidence-based decision-making, and to ameliorate the governance of the regional process and the accountability of its institutions. In that sense, it is expected to support the consolidation of regional statistics and the promotion of OECS ICT-intelligence, knowledge management, and monitoring and evaluation systems. Additionally, special support to the region will be provided to maximise the benefits of OECS population of the integration process through awareness and communication campaigns.

SO2: Promote more inclusive and climate resilient economy leveraging jobs and growth in OECS region

The aim of this intervention is to help the region develop fundamental sustainable economic patterns that provide leverage to further build and develop people's social and economic resilience. Support will be focussed on regional initiatives and cooperation that promote inclusiveness and the reduction of inequalities on sectors with enough critical mass to promote regional change. This requires a focus on actions that help diversify the regional economic investment while enhancing synergies with other existing programmes that promote private sector development.

Output 4: OECS capacity to create investment and jobs in benefit of the population is enabled

With the aim of accelerating inclusiveness and green economic change, support will be provided to initiatives tackling innovation and recovery of existing assets, which can help to diversify and to shift the main industry in the region, namely tourism, in benefits of OECS communities and population. Amongst them, it is expected to support the development of sustainable and smart cities and communities, the conservation of OECS heritage and culture, as well as the promotion of low-impact community tourism and agritourism. Activities might range from support for National Trusts and Archives, to development of innovative business ICT platforms (inclusive of crowdfunding platforms), to model legislation on issues such as integrated solid waste management: to new tourist experiences; to business trade and export development entities and the development of public-private partnerships and to incubators for green and resource-efficient business, among others. All these initiatives have synergies amongst them and will promote opportunities for capitalising on previous EDF investments and for work jointly with EU Member States' relevant institutions and private sectors operators.

The establishment of partnerships with relevant EU stakeholders will be explored for the implementation of the different activities of the action. This will be done primarily with European regions and OCTs in the Caribbean. Moreover, dialogue between the OECS bodies and the EU institutions will be strengthened and opportunities for cross-fertilisation established.

4.2 Intervention logic

The interventions presented for consideration fall within result area *1.1.1: OECS Integration Strengthened*, of the 11th EDF CRIP. The actions seek to consolidate the gains of previous interventions under the 10th EDF, with a specific focus on consolidating the OECS integration processes based on strengthened economic resilience and sustainability. The **Specific Objectives** of the action are consistent with those of the 11th EDF CRIP and aligned with the *OECS Growth and Development Strategy (2018 - 2027)*, and the *OECS Triennium Plan (2018 to 2021)*.

SO1: Strengthen the OECS Economic Union by seeking to guarantee the application of fundamental freedoms within the region

The activities that are indicatively proposed under this new cycle are to cover specific remaining policy and reform gaps in the application of the fundamental freedoms within the OECS sub-region. The interventions are focussed on improved, harmonised legal, administrative, and regulatory mechanisms and the associated technological infrastructure for improved free movement of persons and goods within the OECS Economic Union. These may be complemented by such features as harmonised social security benefits, establishment of a companies' registry, and an improved statistical architecture. Altogether, the activities promote evidence-based policy-making that fosters inclusive growth, builds resilience and sustainability, and informs regional economic planning. The activities are also consistent with OECS Strategic Objective 2: Consolidating the architecture of regional integration; and Strategic Objective 3 Facilitating the free movement, growth and development of people, goods, services, and capital as outline in the *OECS Growth and Development Strategy*.

SO2: Promote more inclusive and climate resilient economy leveraging jobs and growth in OECS region

Activities and outputs within Specific Objective 2 therefore focus on support to job growth through initiatives related to sustainable and smart cities and communities; and innovative private sector development and entrepreneurship. The former explores and leverages the unique architecture and historical assets of the sub-region as a strategy for a new tourist experience while supporting climate change and resilience within the sector. The latter reflects activities that are complementary to those being of the *Caribbean Export Development Agency*, but which respond to the unique nuances of the private sector in the OECS. The activities also support OECS Strategic Objective 5 on driving key economic priorities within the *OECS Growth and Development Strategy*.

The four **outputs** include specific actions and measurable indicators to be monitored by the OECS' improved *Gender-Sensitive Results-Based Management (RBM) System*.

The scope of the programme is strongly interconnected not only to regional actions but also with the National Indicative Programmes of the various OECS countries that focus on issues such as employment generation (e.g. St. Lucia) and green economy/climate change and energy (e.g. Saint Kitts and Nevis and Dominica). During implementation project implementation, OECS Member States will continue to engage through established OECS mechanisms and arrangements to obtain inputs, feedback, and support. Other relevant stakeholders will also be engaged in various ways utilising the extensive the experience of the OECS Commission in stakeholder engagement. The programme also supports *OECS-EU dialogue and consultation* to share lessons and good practices on regional governance and integration issues through the convening of relevant meetings of OECS Organs.

4.3 Mainstreaming

Special attention will be paid to the integration of the **rights-based approach** to development cooperation. Labour organisations and civil society organisations will continue to receive focus, will be consulted, and participate in decision-making processes relating to the Caribbean regional integration. In the implementation of the OECS Economic Union, special focus will be put on the most marginalised groups, ethnic minorities, and indigenous people including the Carib People (Kalinagos). Finally, the action will take into consideration the advancement of children's rights in the context of discussions related to the establishment of joint social security and social protection mechanisms.

The protection of the environment and the issue of **climate change** is a central feature in some of the components of this programme. This is particularly the case for the sustainable and smart cities/communities component as it will support an improved legal operational framework on issues that range from solid waste management to energy efficiency. The programme will therefore be implemented complementary to other initiatives such as the ongoing EU-Global Climate Change Alliance (GCCA), as well as Intra-ACP programmes such as Caribbean Community Climate Change Centre (5Cs) programme.

In 2016, the OECS Commission commenced work, with the assistance of the Global Affairs Canada to develop a full ***Gender-Sensitive Results-Based Management (RBM) System*** for the design and implementation of its strategic work programme planning and reporting processes. The system has strengthened the Commission's capacity to systematically address gender issues throughout the formulation and implementation of the Commission's programmes.

Furthermore, the proposed activities aimed at strengthening the ICT capacities will ensure better profiling of data and statistics. This will be reflected in improved gender-sensitive data and more generally in evidence-based decision-making thereby helping the formulation of policies that can take into account the needs of marginalised groups and communities.

4.4 Contribution to SDGs

This intervention is relevant for the 2030 Agenda. It contributes primarily to the progressive achievement of SDG(s). The specific alignment of the SDGs to the OECS 11th EDF project is evident in actions that contribute to gender equality (Goal 5); decent work and economic growth (Goal 8); industry, innovation and infrastructure (Goal 9); reduced inequality (Goal 10), and sustainable cities and communities (Goal 11).

The action recognises the interconnectedness of these SDGs. For example, elaboration of strategic objective related to the development of economic resilience and sustainable cities/communities will provide new opportunities for men and women entrepreneurs engaged in innovative activities that have a low-impact on the environment or make effective use of limited resources. In addition, the *OECS Growth and Development Strategy (OGDS: 2018 - 2027)*, which is aligned to the SDGs, addresses the key development challenges of the OECS Region, and the pursuit of an agenda of inclusive growth. The OGDS seeks to foster inclusive growth of the OECS Region and while it addresses a comprehensive range of development issues, it places emphasis on youth empowerment and employment.

The proposed action will contribute to the implementation of the OGDS, while supporting the OECS Economic Union, other regional functional cooperation, and collaboration platforms, the inclusive growth agenda of the OECS, and the achievement of the SDGs. In addition, the action will support the implementation of the *OECS Agriculture Strategy*, the *Eastern Caribbean Regional Oceans Policy*, and the *OECS Sustainable Tourism Policy*.

5 IMPLEMENTATION

5.1 Financing agreement

To implement this action it is foreseen the signature of a financing agreement with the OECS Commission².

5.2 Indicative implementation period

The indicative operational implementation period of this action, during which the activities described in section 4.1 will be carried out and the corresponding contracts and agreements implemented, is 60 months from the date of entry into force of the financing agreement.

Extensions of the implementation period may be agreed by the Commission's responsible authorising officer by amending this Decision and the relevant contracts and agreements.

5.3 Implementation modalities for an action under project modality

The Commission will ensure that the EU appropriate rules and procedures for providing financing to third parties are respected, including review procedures, where appropriate, and compliance of the action with EU restrictive measures³.

5.3.1. Grant: direct award: OECS Commission

(a) Purpose of the grant

The overall objective of the grant is to strengthen the framework for the OECS integration and cooperation processes. The grant will focus on the support of the achievement of two key result areas: (1) Strengthen the OECS Economic Union by seeking to guarantee the application of fundamental freedoms within the region and (2) Promote more inclusive and climate resilient economy leveraging jobs and growth in OECS region

(b) Justification of a direct grant

Under the responsibility of the Commission's authorising officer responsible, the grant may be awarded without a call for proposals to the OECS Commission.

Under the responsibility of the Commission's authorising officer responsible, the recourse to an award of a grant without a call for proposals is justified (article 195 (c) of the Financial Regulation) because, based on the *Revised Treaty of Basseterre Establishing the Organisation of Eastern Caribbean States Economic Union (2011)*, the OECS Commission has a *de facto* monopoly for the implementation of the OECS Economic Union, and has exclusive competence in the geographical area to which the grant relates. The OECS Commission has developed institutional capacity in implementing the *10th EDF Economic Integration and Trade of the OECS Region Project*. The OECS Commission is therefore well placed to continue carrying out these activities in the sub-region. Further, the Programme builds on an integration process engaged since 2001 that has the commitment of OECS Member States. The benefits generated by the proposed project will therefore remain anchored in the ongoing efforts at regional integration and processes, which fall within the mandate and competence of the OECS Commission. The OECS Commission is committed to working with its Member States to strengthen the process of national consultation, build the capacity of practitioners directly involved in implementation.

² As per paragraph 5 of Annex 3, Governance Architecture, Commission Decision of 4th of June 2015 C(2015) 3694 final on the adoption of the Regional Indicative Programme agreed between the European Union and CARIFORUM

³ www.sanctionsmap.eu Please note that the sanctions map is an IT tool for identifying the sanctions regimes. The source of the sanctions stems from legal acts published in the Official Journal (OJ). In case of discrepancy between the published legal acts and the updates on the website it is the OJ version that prevails.

5.4 Scope of geographical eligibility for procurement and grants

The geographical eligibility in terms of place of establishment for participating in procurement and grant award procedures and in terms of origin of supplies purchased as established in the basic act and set out in the relevant contractual documents shall apply.

The Commission's authorising officer responsible may extend the geographical eligibility in accordance with Article 22(1)(b) of Annex IV to the ACP-EU Partnership Agreement, Article 89(2)(f)(ii) and 89(3) of Council Decision 2013/755/EU on the basis of urgency or of unavailability of products and services in the markets of the countries concerned, or in other duly substantiated cases where the eligibility rules would make the realisation of this action impossible or exceedingly difficult.

5.5 Indicative budget

The indicative total budget is estimated at EUR 12,875,000 (comprising an estimated EU contribution of EUR 10,300,000 and counterpart contribution of EUR 2,575,000).

Results and Activities	EU contribution (EUR)	Estimated Counterpart contribution (EUR)	Total Estimated Budget (EUR)
5.3.1 Grant: direct award to OECS Commission	10,125,000	2,505,000	12,630,000
Procurement (direct management) – 5.8 Evaluation and 5.9 Audit	95,000	0	95,000
5.10 Communications and Visibility	80,000	70,000	150,000
Total	10,300,000	2,575,000	12,875,000

5.6 Organisational set-up and responsibilities

The Action is to be implemented under the responsibility of the OECS Commission.

5.7 Performance monitoring and reporting

The day-to-day technical and financial monitoring of the implementation of this project will be a continuous process and part of the implementing partner's responsibilities. To this aim, the implementing partner shall establish a permanent internal, technical and financial monitoring system for the action and elaborate regular progress reports (not less than annual) and final reports. In addition, the implementing partner shall conduct surveys to collect through technical ministries of Members States or through external technical assistance to collect appropriate data to identify baselines and achievement of targets for the various indicators identified in the log-frame. All reports shall provide an accurate account of implementation of the action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (outputs and direct outcomes) as measured by corresponding indicators, using as reference the log-frame matrix (for project modality). The report shall be laid out in such a way to allow monitoring of the means envisaged and employed and of the budget details for the action. The final report, narrative and financial, will cover the entire period of the action implementation.

The European Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews).

5.8 Evaluation

Having regard to the importance of the action, a mid-term and a final evaluation will be carried out for this action or its components via independent consultants contracted by the Commission.

The mid-term evaluation will be carried out for problem solving and learning purposes, in particular with respect to ensuring that sufficient progress is being made with the capacity building activities and that sustainability strategies have been developed under the three components.

The final evaluation will be carried out for accountability and learning purposes at various levels (including for policy revision), taking into account in particular the fact that the action is aimed at consolidation of the OECS integration processes based on strengthened economic resilience and sustainability.

The Commission shall inform the implementing partners at least 1 month in advance of the dates foreseen for the evaluation missions. The implementing partners shall collaborate efficiently and effectively with the evaluation experts, and *inter alia* provide them with all necessary information and documentation, as well as access to the project premises and activities.

The evaluation reports shall be shared with the partner country and other key stakeholders. The implementing partners and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, in agreement with the partner countries, jointly decide on the follow-up actions to be taken and any adjustments necessary, including, if indicated, the reorientation of the project.

Indicatively, two contracts for evaluation services shall be concluded under a Framework contract in mid and final phases of the project.

5.9 Audit

Without prejudice to the obligations applicable to contracts concluded for the implementation of this action, the Commission may, on the basis of a risk assessment, contract independent audits or expenditure verification assignments for one or several contracts or agreements.

Indicatively, one contract for audit services shall be concluded under a framework contract at the end of the project.

5.10 Communication and visibility

Communication and visibility of the EU is a legal obligation for all external actions funded by the EU.

This action shall contain communication and visibility measures which shall be based on a specific Communication and Visibility Plan of the Action, to be elaborated at the start of implementation.

In terms of legal obligations on communication and visibility, the measures shall be implemented by the Commission, the partner country, contractors, grant beneficiaries and/or entrusted entities. Appropriate contractual obligations shall be included in, respectively, the financing agreement, procurement and grant contracts, and delegation agreements.

The Communication and Visibility Requirements for European Union External Action (or any succeeding document) shall be used to establish the Communication and Visibility Plan of the Action and the appropriate contractual obligations.

In keeping with the general thrust of the *OECS' Communication Strategy*, the action will employ a focused and multi-faceted visibility and public education programme to promote

the OECS Economic Union and regional integration agenda among its various stakeholders. The main activities undertaken by the programme of the 11th EDF will ensure that there is EU visibility in publications, public events and other visibility activities.

It is foreseen that a contract for communication and visibility may be contracted under a framework contract.

APPENDIX - INDICATIVE LOG FRAME MATRIX FOR 11TH EDF STRENGTHENING REGIONAL INTEGRATION IN THE ORGANISATION OF EASTERN CARIBBEAN STATES

The activities, the expected outputs and all the indicators, targets and baselines included in the logframe matrix are indicative and may be updated during the implementation of the action, no amendment being required to the financing decision. When it is not possible to determine the outputs of an action at formulation stage, intermediary outcomes should be presented and the outputs defined during inception of the overall programme and its components. The indicative logframe matrix will evolve during the lifetime of the action: new lines will be added for including the activities as well as new columns for intermediary targets (milestones) for the output and outcome indicators whenever it is relevant for monitoring and reporting purposes. Note also that indicators should be disaggregated by sex whenever relevant.

Key comments:

1. Please see comments on the formulation of objectives and outputs in section 4.
2. Indicators, baselines, targets
 - Please specify the economic growth indicators at OO level (is it GDP or similar?). If it is GDP or other indicators for which the data are available, please specify baselines, targets and SoVs.
 - Please align baseline with the indicator definition in the unit of measure and make sure that each indicator has baseline, target and SoV.
 - Please revise all indicators in the output section inclusive of related baselines, targets and SoV's so they reflect results directly dependent upon the Action. Some of the current indicators are more suitable for the SO or OO level (i.e. Volume of private investment, productivity and employment in SMEs), as they will be influenced by external factors.

Other comments:

1. Please note that assumptions are not required at the Overall Objective level. The logframe works from the bottom up: at the output level, please specify assumptions that must hold in order to achieve the Specific Objective. At the Specific Objective level, please specify the assumptions needed to contribute to the Overall Objective – and the results chain ends here.
2. Please specify an SoV for each indicator. Usually one SoV per indicator is sufficient.
3. Please use results terminology as defined in the AD template and that the formulation of the results is consistent throughout the document (the formulations in 4.1 and logframe are different).

	Results chain	Indicators	Baselines (incl. reference year)	Targets (incl. reference year)	Sources and means of verification	Assumptions
Overall objective: Impact	Consolidation of OECS economic integration in the benefits of the population and maximise region's inclusive growth	1: Degree of economic growth and prosperity resulting from regional economic integration as measured by the GDP of respective Member States	1: TBD in inception phase (2019)	1: Improvement in economic growth and development by 2024 as measured by the GDP of respective Member States	1: Reports from World Bank, ECCB and OECS Commission	
Specific objective(s): Outcome(s)	SO1: Strengthen the OECS Economic Union as outlined in the <i>Revised Treaty of Basseterre</i> by seeking to guarantee the application of fundamental freedoms within the region	1.1: Number of Member States which established at least 90% their operational framework for integration.	1.1 : Zero Member States established at least 90% their operational framework for integration (On average Member States have 30-40% of operational integration framework in place) (2018)	1.1: At least 7 OECS countries implement 90% of the integration framework by 2024	1.1: OECS Commission and National Reports	There is strong political will and commitment to the OECS Economic Union and regional integration regime at the individual institution and regional level
	SO2: Promote a more inclusive and climate resilient economy leveraging jobs and growth in OECS region.	2.1: Existence of an integrated resilience framework for OECS Member States that supports their regional and international competitiveness 2.2: Level of green job growth within tourism and related sectors	2.1: Zero (2019) 2.2 : Zero (2019)	2.1: A comprehensive and integrated resilience framework has been developed 2.2: All OECS Member States will obtain at least 10% growth in employment by 2024	2.1: Reports from OECS Commission, Member States and Development Partners 2.2: Reports from OECS Commission, Member States and Development Partners	There is a proliferation and streamlining of the national, regional and international architecture for resilience to increase effectiveness and alignment of responsibilities
Outputs	SO1/O1: <i>The free movement of persons, citizens, and workers within OECS countries is</i>	1.1.1: Number of legal, institutional, and administrative integration frameworks	1.1.1: One framework exists to support regional integration	1.1.1: At least five legal, administrative and institutional integration	1.1.1: OECS and National Reports on the progress of Regional Integration	Member States are resolute in their commitment to participate fully in the

	Results chain	Indicators	Baselines (incl. reference year)	Targets (incl. reference year)	Sources and means of verification	Assumptions
	<i>facilitated</i>	developed for the operation of integrated, efficient, cost effective systems in Member States	(2019)	frameworks developed in 7 Member States to support the Economic Union system by 2024		Economic Union
	SO1/O2: OECS customs duties and restrictions are more harmonised and better implemented	1.2.1: Number of mechanisms to support the administrative system for the management of the free circulation regime	1.2.1: Zero (2019)	1.2.1: At least two with the support of this Action	1.2.1: OECS and National Reports on the progress of Regional Integration	Existence of institutional capacity development support
	SO1/O3: Constraints to the establishment and provision of services within the region are reduced	1.3.1: Number of ICT systems provided to OECS by the Action	1.3.1: Zero with the support of this Action (2 OECS institutions use 2 or more ICT or Knowledge Management Applications) (2019)	1.3.1: Five with the support of this Action	1.3.1: Project progress reports on ICT development initiatives in the OECS	Existence of institutional capacity development support which will act as a catalyst for promoting ICT for development
	SO2/O4: OECS capacity to create green investments and jobs in benefit of the population is enabled	2.4.1: Volume of private investment in SMEs in the OECS 2.4.2 Number of green, resource-efficient businesses in SMEs in the OECS 2.4.3: Number of low-impact community tourism initiatives implemented	2.4.1: TBD in inception phase (2019) 2.4.2: TBD in inception phase (2019) 2.4.3: TBD in inception phase (2019) 2.4.4: No	2.4.1: All OECS Member States will obtain at least 10% growth in private investment by 2024 2.4.2: At least 10 green, resource efficient businesses established by 2024 2.4.3: At least 4 low-impact community	2.4.1: OECS, National Statistical Offices, ECCB and World Bank Reports 2.4.2: OECS, National Statistical Offices, ECCB and World Bank Reports 2.4.3: OECS Commission Records, Member States reports	The OECS Business sector will be committed to establishing a coherent and shared regional agenda for entrepreneurship that can lend collective economic weight and diffuse exposure to financial and other economic risks

	Results chain	Indicators	Baselines (incl. reference year)	Targets (incl. reference year)	Sources and means of verification	Assumptions
		2.4.4: Level of employment in SMEs in the OECS	innovative tourism products established (2019)	tourism initiatives implemented 2.4.4: All OECS Member States will obtain at least 10% growth in employment by 2024	and Development Partners Records 2.4.4: OECS, National Statistical Offices, ECCB and World Bank Reports	



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ANNEX 2

of the Commission Decision on the Annual Action Programme 2018 – Part 2 in favour of the Caribbean Region to be financed from the 11th European Development Fund

Action Document for Support to the effective administration of Criminal Justice Systems in the Caribbean

MULTIANNUAL PROGRAMME

This document constitutes the multiannual work programme in the sense of Article 110(2) of the Financial Regulation and action programme/measure in the sense of Articles 2 and 3 of Regulation N° 236/2014.

1. Title/basic act/ CRIS number	<i>Support to the effective administration of Criminal Justice Systems in the Caribbean</i> CRIS number: FED/2017/40708 financed under the European Development Fund	
2. Zone benefiting from the action/location	The action shall be carried out at the following location: CARIFORUM Region; Antigua & Barbuda, Barbados, Belize, Dominica, Guyana, Saint Kitts and Nevis, Saint Lucia, Suriname, Trinidad and Tobago and possibly other interested countries.	
3. Programming document	Caribbean Regional Indicative Programme (CRIP) 11 th European Development Fund	
4. SDGs	Main SDG Goal(s) on the basis of section 4.4: SDG 16 Peace, Justice and Strong Institutions (<i>Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels</i>) Secondary SDG Goal(s) on the basis of section 4.4: SDG 10 Reduced Inequalities (<i>Reduce inequality within and among countries</i>) SDG 5 Gender Equality (<i>Achieve gender equality and empower all women and girls</i>)	
5. Sector of intervention/ thematic area	Focal area 3 – Crime and Security	DEV. Assistance: YES
6. Amounts concerned	Total estimated cost: EUR 16,802,500	

	Total amount of EDF contribution EUR 14,000,000 This action is co-financed by potential grant beneficiaries for an indicative amount of EUR 2,802,500.			
7. Aid modality(ies) and implementation modality(ies)	Project Modality Direct management through <ul style="list-style-type: none"> • Grants with an entity to be selected through a call for proposals. • Grant (direct award to Raad voor de Rechtspraak (the Netherlands Council for the Judiciary) • Grant (direct award to the Caribbean Court of Justice). • Procurement Evaluation, audit and communication. Indirect management with the Caribbean Community (CARICOM) Secretariat.			
8 a) DAC code(s)	Main DAC code: 15130 – Legal and judicial development Sub-code 1: 15131 – Justice, law and order policy, planning and administration Sub-code 2: 15134 – Judicial affairs			
b) Main Delivery Channel	To be determined based on Call for Proposals 10000 – Public Sector Institutions 20000 – Non-Governmental Organisations (NGOs) and Civil Society 21000 – International NGO 40000 – Multilateral Organisations 41000 – United Nations agency, fund or commission (UN) 50000 – Other 51000 – University, college or other teaching institution, research institute or think tank			
9. Markers (from CRIS DAC form)	General policy objective	Not targeted	Significant objective	Main objective
	Participation development/good governance	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Aid to environment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Gender equality (including Women In Development)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Trade Development	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reproductive, Maternal, New born and child health	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	RIO Convention markers	Not targeted	Significant objective	Main objective
	Biological diversity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Combat desertification	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change mitigation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change adaptation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

10. Global Public Goods and Challenges (GPGC) thematic flagships	N/A May touch upon: Flagship 11. Rights-based development for the working poor
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SUMMARY

The project's aim is to modernise and strengthen CARIFORUM participating countries' court systems, processes, and services; and to train and equip judicial officers and court staff with the skills and competencies necessary to deliver justice in a fair, transparent, efficient and timely manner. The Project will support the judicial reform agendas of participating countries through building the capacity of trial and appellate courts, including the CCJ, to improve court governance, customer focused services, case flow management and case disposition. To that end, the project will support the establishment of a Justice Sector Facility / Regional Stand-By Task Force staffed by a mix of international, national experts and locally recruited support staff that would assist countries on a temporary basis with their different needs in a flexible and cost-effective way. The ability to dispose of cases in a predictable, efficient and timely manner will improve the quality of justice delivery and increase public confidence in the justice system. Furthermore, a regional witness protection programme will address intimidation and lack of witness/victim participation in prosecution due to the smallness of Caribbean societies where it is impossible to hide witnesses and where safe houses turn into prisons for the witnesses they are supposed to protect.

1 CONTEXT ANALYSIS

1.1 Context Description

The Caribbean region has a strong tradition of democracy and the countries have national constitutions that express commitment to the democratic principle of the rule of law. They have independent judiciaries and national legal systems based primarily on common law with a few notable exceptions. Caribbean national constitutions provide for basic human rights and most countries are party to major international instruments governing access to justice such as the International Covenant on Civil and Political Rights (ICCPR). While this exists, the region generally displays high levels of inequality, which is also reflected in inequitable access to justice.

Caribbean states have undertaken numerous efforts to address inherent challenges within their justice system. Efforts at country level have included legislative reform; upgrading and strengthening of institutional capacities of the range of justice institutions; and professional development. More specialised courts such as drug, family, and juvenile courts have been introduced. Countries like Jamaica, Belize and Trinidad and Tobago among many others have moved to introduce more structure and discipline to the case management process prior to and during trials and utilise technology such as automated court case management systems to increase efficiency. Yet, serious challenges remain.

The high crime rate, particularly violent crime, overwhelms the justice system and several Caribbean countries are struggling with caseloads that far exceed the processing capacity, especially that of the criminal justice system. Slow disposal rate and a corresponding build-up of large case backlogs, work to undermine access to justice. The causes of backlogs and

delays are multifaceted and linked to the overall state of the justice sector. This includes chronic sector underfunding; ineffective court management and case-flow management; inadequate staffing; challenges with retaining capable personnel; deliberate delays by criminal justice personnel such as lawyers and existence of outdated practices.

Too few elements of preventative and restorative responses, as well as little use of alternative dispute resolution mechanisms and the existence of little or no alternatives to sentencing contribute to the overload of the court and prosecution systems and inordinate backlogs. Pre-trial detention is overused across the countries which aggravates the backlog challenge, exacerbates prison overcrowding and infringes on human rights. Additionally, conviction rates tend to be low. All of these aspects contribute to impunity and crime throughout the Caribbean.

Vulnerable groups such as women, children and the poor face particular difficulty in accessing justice. Inadequate information about rights, the law and how to access legal aid along with prohibitive costs are common barriers. Public perceptions of the capacity of the justice system in the Caribbean to solve and manage the problems of insecurity are generally very low. This is on average 41%, however ranges from a low of 27% in Trinidad and Tobago to a high of 70% in Barbados. This underscores the need to strengthen the justice system and to transform the relationship between justice institutions and the people, including provision of quality services and administration of justice, and people's access, including awareness of rights.

1.2 Policy Framework (Global, EU)

Caribbean countries have endorsed the Sustainable Development Goals (SDGs) which includes Goal 16 on peaceful, just and inclusive societies as well as a specific target on 'promoting the rule of law at the national and international levels and ensuring access to justice for all'.

The policy framework for the Caribbean-EU relationship is defined by the *Joint EU-CARIFORUM Partnership Strategy* that was adopted in May 2010. This strategy identifies shared priorities and challenges that include cooperation on crime and security issues.

The 2014 EU Strategy on Citizen Security in Central America and the Caribbean and its action plan of 2015 call for comprehensive and balanced reforms of justice sector institutions (including the penitentiary sector and policies encouraging rehabilitation and alternatives to incarceration).

1.3 Public Policy Analysis of the partner country/region

Caribbean national governments have identified justice sector improvement as a core priority and it is a key element of the CARICOM Strategic Plan. Also the CARICOM Crime & Security Strategy (CCSS) 2013 stresses the paramount importance of a strengthened criminal justice sector¹.

With the exception of Guyana and Saint Lucia, the legal system of English-speaking Caribbean countries is based on common law. French civil law shaped Saint Lucia's legal

¹ (e.g. Strategic Goal 5: *Enhance Law Enforcement and Security Capabilities and Strengthen Regional Security Systems*, Strategic Goal 7: *Strengthen the Effectiveness of Criminal Investigation Through Modern Technologies and Scientific Techniques*; Strategic Goal 10: *Strengthen the Justice Sector*; Strategic Goal 11: *Modernise and Enhance Correctional Services and Institutions Management*)

tradition, Dutch tradition influenced Guyana's system, and the Dutch legal system has had a strong influence on Suriname.

Although the justice sector in CARIFORUM faces serious problems, it presents various aspects that contribute to create a relatively conducive context for a criminal justice support programme. These include similar legal systems in most countries, similar governance systems, independent judiciaries and talented people committed to reform. Judges from the region have served on international courts and tribunals and many well-trained, competent people are prepared to assume the task of implementing justice reform in critical areas of need. However, the justice sector organisations interested in reforms in the region face many challenges, among them the following:

- Many small, widely dispersed countries whose economies are not well integrated and who, for sovereignty concerns may lack the political will to implement justice reforms on a regional basis;
- Dearth of strong organisations able to manage large justice reform programmes across the region;
- Rising violent crime that clogs the courts and prisons;
- Complex gender, child and juvenile justice issues, many impeding access to justice;
- Inadequate crime prevention programmes targeted at youth;
- Widespread public disillusionment with the justice system;
- High levels of debt and debt servicing that hinder new investments in justice reform.

1.4 Stakeholder analysis

Effective reforms in the justice sector require the inputs of the range of actors involved – from police, prosecutors, judiciary and corrections, and the civil society.

Consequently, ministries of justice and national security, attorney generals, (directors of) public prosecutions, chief justices, courts (judges and magistrates, court management services, clerks), lawyers and bar associations, departments of corrections, prison staff and prisoners/detainees awaiting trial, other justice sector departments/practitioners (such as legal aid services, judicial training institutes and victim support units) in each participating country are all important stakeholders for the programme.

Key regional criminal justice entities are the Caribbean Court of Justice (CCJ) and the Eastern Caribbean Supreme Court (ECSC). The CCJ is both a court of last resort and an international court vested with original, compulsory and exclusive jurisdiction in respect of the interpretation and application of the Revised Treaty of Chaguaramas. In the exercise of this original jurisdiction, the CCJ discharges the functions of an international tribunal, applying rules of international law in respect of the interpretation and application of the treaty. In this jurisdiction, the CCJ has the powers to establish legally binding norms for all member states with respect to the rights and obligations created by the CARICOM Single Market and Economy (CSME) as they relate to the establishment of economic enterprises, the provision of professional services, the movement of capital and the acquisition of land for commercial purposes. The CCJ thus performs in a way that is somewhat similar to the

European Court of Justice, the East African Court of Justice, the ECOWAS² Court of Justice, and the Court of Justice of the Andean Community³.

In its appellate jurisdiction, the CCJ was designed to replace the Privy Council as the final court of appeals in the region, establishing an entirely self-sufficient Caribbean-based justice system. However, to date only four countries (Barbados, Guyana, Belize, Dominica) have officially recognised the CCJ as their designated final court of appeals.

The Caribbean Community Administrative Tribunal (CCAT) will be an independent tribunal providing the means for resolving employment-related disputes involving the staff of eligible CARICOM institutions. The services of the CCAT will be available where the parties have exhausted their institution's internal grievance processes and the dispute remains unresolved. The Agreement establishing the tribunal was negotiated (over a period of 3 years) and agreed by the Regional Institutions of CARICOM. The formal adoption of the Agreement is expected for the Regular Meeting of the Heads of Government of CARICOM on July 4, 2018.

The ECSC functions as a high court of justice and court of appeals for nine Caribbean nations and territories. The court of appeal is itinerant, travelling to each member state where it hears appeals from the decisions of the high courts and magistrate's courts. The ECSC is composed of a chief justice, seven justices of appeal, 27 high court judges and five masters who are primarily responsible for procedural and interlocutory matters. Judges of the high court are each assigned to, and reside in, the various member countries. Described as a pioneering example of outsourcing by individual sovereign countries of the provision of justice to a regional court, the ECSC has functioned within the region since 1967. The successes of the ECSC and the CCJ highlight the importance of regional links in the Caribbean.

In view of the difficulties encountered with case management systems that were not tailored to the specific needs of the Caribbean, both courts could take on a leading role in facilitating and leading discussions on court management and e-litigation systems among the judiciaries to avoid a proliferation of systems in the region. In the current judicial landscape within the Caribbean region with its major shifts in growth and development, systems and processes, the CCJ has embarked on a judicial reform agenda and provides technical support to many judiciaries. Areas of particular importance for judicial reform include: backlog reduction, bench and bar rules revision and implementation and court registry process re-engineering.

The Caribbean is home to several networks of professional associations that aim at linking officials and providing frameworks of cooperation and information sharing. For instance, the Association of Caribbean Heads of Corrections and Prison Services comprises of 16 member states. The Caribbean Association of Judicial Officers consists mostly of current or retired judicial officers from throughout the Caribbean. The Caribbean Forum of Heads of Judiciary which aims, inter alia, at encouraging, fostering and promoting the development of Caribbean jurisprudence, has been active for almost twenty years. The CARICOM Standing Committee of Commissioners of Police meets regularly. There have been attempts to establish a Caribbean network of Police Complaint Authorities that would function as a way to promote autonomy, independence, and sharing information. There is no Caribbean Federation of Bar Associations, but the Organisation of Commonwealth Caribbean Bar Associations (OCCBA)

² Economic Community of West African States

³ Tribunal de Justicia de la Comunidad Andina (TJCA)

and the OECS Bar Association which is an organisation of legal practitioners under the jurisdiction of the Eastern Caribbean Supreme Court are filling this gap.

Strengthening partnerships for enhanced provision of legal aid services is key throughout the Caribbean. Grenada serves as a strong example of the supportive role civil society can play in providing legal aid services: The Legal Aid and Counselling Clinic (LACC), which is a subsidiary of the Grenada Community Development Agency (GRENCODA), has provided legal aid, mediation and counselling services to the Grenadian public since 1987. LACC has a full complement of legal advisors and counsellors.

1.5 Problem analysis/priority areas for support

There are different factors that concur to cause the structural weakness of the criminal justice systems in the Caribbean. Uncoordinated efforts contribute, in part, to several of the problems within the sector. International lessons point to the need to pursue better coordination among institutions in the criminal justice chain. Initiatives to enhance coordination and cooperation across justice agencies in the Caribbean exist to varying degrees across the countries but are generally inadequate. Furthermore, only the most rudimentary official data useful for measuring and describing the operations of justice systems are available for the Caribbean. Putting in place effective justice solutions requires proper analysis and diagnosis of problems in each nation and across the region. Improvements will be required to the quality and availability of statistics and analysis in order to more effectively gauge the progress of justice operations.

Case backlogs are the most serious impediments to justice in CARIFORUM and are particularly severe in magistrates' courts. Some of the many inter-related reasons for backlogs include the following:

- Case management and related administrative systems are under-resourced, inadequately disciplined and inefficient;
- Few courts set rigorous performance standards for the expedition of cases;
- Magistrates and judges are too few in some countries⁴;
- Rules of procedure in some courts need updating⁵;
- Lawyers often ask for and are granted adjournments in court proceedings;
- A steep rise in violent crime has overwhelmed some courts;
- Court information systems are largely manual and most courts lack technological aids, such as digital recorders and transcription technologies that could make them more efficient;
- Registries are antiquated, inefficient and records management wanting, such that it can take an inordinately long time to produce court documents;

⁴ In Guyana there are 12 High Court Judges, 43 Appeal Judges and only 24 magistrates for a population of 775,000. In Suriname the situation is even more serious as the country has only 19 judges (40 are foreseen by law). In such a situation the judges cannot spare time to train their junior colleagues, and the country at the moment does not have a fully functioning system for training of judges. Consequently, the number of judges has been reducing over the years, generating a vicious circle and seriously putting at risk the rule of law in the country (for which Suriname is seeking international support).

⁵ Guyana is trying to approve 'paper committal' legislation, (allowing magistrates to decide on the basis of documentary evidence alone whether a case has sufficient evidence to go to trial), while Trinidad and Tobago is considering the elimination of preliminary enquiries and trial by jury for weapons-related crimes.

- Turnover for court administrative staff is frequent, and many staff have insufficient training and few opportunities for ongoing professional development;
- Pre-trial hearings slow the pace of case resolution;
- Many cases that could be settled outside the courts are not because Alternative Dispute Resolution (ADR) and restorative justice programmes are in an embryonic stage of development⁶;
- There are cases of legislation (that some countries are planning to reform/update) which set relatively high minimum punishments for mild offences resulting in a proliferation of cases on relatively minor issues;
- Many countries have no small claims courts, traffic courts or specialised courts that can help streamline case management.

Furthermore, court infrastructure, particularly in magistrate's courts, is in poor condition. Many courts are overcrowded and lack proper facilities for the public and private spaces where attorneys can meet their clients. Children and youth often have to sit with accused offenders when waiting for courts proceedings. Few courts are customer-oriented, child-friendly or gender-sensitive in their design and services.

Deficiencies in police investigation and evidence management practices make successful prosecutions difficult. Crime laboratories are not always properly trained, staffed and equipped to process criminal evidence quickly and accurately. Conviction rates tend to be low, and case dismissals are common because of witness intimidation, lack of witness/victim participation in prosecution and attorney absenteeism. Witnesses frequently fail to appear in court or, once on the stand, recant statements. Witness intimidation is especially challenging in a region of small countries where witness protection programmes are weak and not regional. Due to the smallness of Caribbean societies where it is impossible to hide witnesses and where safe houses would turn into prisons for the witnesses they are supposed to protect, especially in the heated pre-trial time, witness protection programmes can only realise their potential if designed at regional level.

Information sharing and knowledge management across the region are far from sufficient. Performance standards, measurement and evaluation have yet to be fully developed. Chief justices have no formal mechanism and insufficient data with which to assess the performance of the judiciary and few civil society organisations are involved in monitoring the courts. Evaluation is rather compliance-oriented than performance-directed.

Many countries have access to justice deficiencies, among them: weak implementation of laws designed to protect vulnerable groups; inadequate mediation services; a paucity of rehabilitation programmes for young offenders; and lack of public education concerning the justice system and the rights of citizens. Access to legal aid is inadequate.

⁶ Sentencing alternatives to prison, such as mediation, restitution to victims and probation, offer a number of potential benefits: they often cost less than a conventional prison sentence, help avoid the stigmatisation of imprisonment, eliminate the negative socialisation processes that occur in prison (thereby reducing the tremendous challenges associated with reintegrating offenders into society following their release), and often bring greater satisfaction to victims. While many nations in the region have acknowledged the need to implement alternatives to imprisonment, the use of relevant programmes has been sporadic.

2 RISKS AND ASSUMPTIONS

Risks	Risk level (H/M/L)	Mitigating measures
Differences between the two major legal systems (civil and common law) may have a negative impact on the focus and quality of the programme	M	Support through separate Technical Assistance (TA) components, integrating different legal traditions
Inherent to any regional programme, tensions between partner countries and judiciaries may adversely impact implementation; in particular, judiciaries of the region may be divided and favour different technical solutions for court management systems	M-H	Promote continuous dialogue
Model legislation may not adequately reflect national requirements and laws, once drafted, may face long delays before enactment	M	Provide TA to adapt model legislation to country needs and circumstances and ensure adequate information and training for parliamentarians responsible for enacting legislation
Court staff, once trained, may seek employment elsewhere for better pay and career advancement	M	Work with national governments to provide incentives (e.g. career advancement) to ensure those trained remain
Financial sustainability of maintaining technological systems	M	Examine and , where warranted, revise fee structures at court registries
Education programmes may be too costly to sustain	M	Make training programmes learner-centred and cost-effective; collaborative approaches with partners (e.g. bar associations, council of legal education, judicial education institutions) for the development of training modules
National funding constraints may impede innovations in relation to court management and administration	M	Tailor capacity building measures to needs, ensuring administrative reforms are localised, appropriate and sustainable
Streamlining court management and administrative systems could shift backlogs to higher courts	M	Apply comprehensive changes to magistrates' and high courts
Resistance to change	L	Get high-level support for change; communication
Judges have little time to attend learning events	M-H	Learner-centred, non-time-bound training, distance delivery at times convenient to

		learners
Possible insufficient commitment/interest by some bar associations	M	Rally bar associations via OCCBA and the OECS Bar Association
Availability of key stakeholders to support and contribute to initiatives	M	Early identification of required stakeholder involvement; continuous dialogue
Many small sub-components, needing different kind/nature of assistance	M	Use of an experienced , flexible and well accepted implementer
Insufficient commitment by governments	L	The proposal is open to all countries but only countries where government has expressly requested support in this area will be targeted
Assumptions		
Continued commitment of participating partner countries to criminal justice reform and to enable required legislative changes		
Sustained political will of partner countries to ensure sustainability of the programme by making available the necessary human, financial and material resources		
Readiness of partner countries to cooperate at regional level		
Close cooperation and coordination with all relevant stakeholders		
Willingness by relevant educational institutions to adopt training modules in order to ensure sustainability		
Ability of participants in project training activities to translate acquired knowledge into actions, thereby strengthening the capacity of the criminal justice chain		

3 LESSONS LEARNT AND COMPLEMENTARITY

3.1 Lessons learnt

The project will support a range of interventions across the justice sector. There is evidence from international best practices from countries in Asia and Africa that a more holistic approach to the administration of justice processes can yield positive results in terms of reducing the backlog of cases, facilitating easier access to justice and increasing the overall resource envelope.

Region-specific lessons that can be drawn from different past and ongoing bilateral projects mainly stem from Canada's support programmes in view of their long-standing support to institutional justice reform in the region:

- There has been a trend among most donors to support security-related initiatives, such as those involving policing and drug- and gang-related crime at the expense of consistent support to justice reform of an institutional and organisational nature;
- Leaders from the region must drive justice reform programming, and reform initiatives ought to be anchored in appropriate regional institutions;

- There are successful case management practices in the Caribbean that could be emulated, and a model regional case management system should be developed with standards to which each country could aspire;
- In rectifying the inordinate case backlog in many of the region's courts, as well as in dealing with other needed reforms, it is crucial to have the support of the legal profession; the judiciary and the courts administration can only be successful if the bar is engaged and ensures that lawyers are fully knowledgeable and supportive of proposed changes;
- Transformative justice reform requires long timelines and progress may be uneven within a region;
- Ongoing monitoring and evaluation are essential for the success of justice reform programmes;
- The political nature of regional justice reform and the interconnectedness of justice systems are among the most critical challenges inherent in mounting a successful regional support programme;
- Court leaders must affirmatively embrace a process of constant self-examination and evaluation the results of which, in very broad ways, should be made public;
- In ensuring accountability and transparency, the ability to collect court data to enable the conduct of adequate performance measurement is of critical importance;
- In addition, a stronger focus is necessary at the policy level of the court in order to drive more aggressively needed improvements in the administrative, technological and activities design areas; in this regard, all court stakeholders such as the bar associations and members of the wider public must be kept apprised on a periodic basis of the progress of agreed upon reform interventions;
- Decisions on the allocation of judges, supporting personnel and other resources cannot be responsibly taken without access to quantitative information; a good starting point is the number of cases filed per year in different case categories and sub-categories which were established at the time of filing.

3.2 Complementarity, synergy and donor coordination

International development partners like Canada, United States, Inter-American Development Bank, the United Nations, and the EU among others have supported either in the past or have ongoing initiatives to strengthen the justice system.

The UK Crown Prosecution Service has deployed two criminal justice advisors working in Barbados for the Eastern Caribbean. The initiative is financially supported by the UK and the US. The Crown Prosecution Service also had a similar action with one advisor in Trinidad and Tobago, but the project – so far supported by Canada – ended in 2017.

Canada has two major rule of law programmes that focus on the administration of (formal) justice (reduction of court backlogs) – each worth approx. CAD 20,000,000: a) The regional justice sector reform project *Improved Access to Justice in the Caribbean* (IMPACT), implemented by the UWI (Cave Hill Campus) for 5 years (2014-2019), designed to address deficiencies in the justice sector in CARICOM, others than those that are directly related to the judiciary. Activities are aimed at addressing administrative problems and reducing backlogs of cases. They include support to legislative drafting, mediation, arbitration and expansion of legal databases. b) The *Judicial Reform and Institutional Strengthening* (JURIST) Project, a five year (2014-2019) Canadian regional initiative in collaboration with the Caribbean Court of Justice (CCJ). Also aimed at delay and backlog reduction, the project

seeks to improve the capacity and skills of judges, court administrators and court personnel and will be rolled out in pilot countries (Barbados, Belize, Grenada, Guyana, Jamaica).

In Suriname, cooperation with the Netherlands has been implemented through the Foundation for Legal Cooperation between Suriname and the Netherlands, an institution which also implemented a smaller EU-funded project on the issue of capital punishment in 2015. Because of its legal system, Suriname relies on the expertise of institutions in the Netherlands, such as the Council of the Judiciary for training of judges and prosecutors.

The US (USAID) has been working via UNDP on improving juvenile justice through establishing juvenile courts in Trinidad and Tobago and also provided audio digital recording systems to magistrates' courts through the State Department's Bureau of International Narcotics and Law Enforcement Affairs (INL).

Other complementary initiatives have focused on the security sector with spin-off effects for the justice system, such as USAID's 64 million USD youth and citizen security programme which includes interventions in hotspot communities, juvenile justice reform and data collection (the latter is being implemented through UNDP).

However, there is still space for additional actions geared at improving the justice system and enhancing access to justice across the Caribbean.

Donor coordination of justice- and security-related initiatives at regional level is taking place in the Eastern Caribbean Donor Partner Group (ECDPG) – "Safe and Just Caribbean" and in the Mini-Dublin Group in Bridgetown where all major donors and also implementers (such as the U.S., Canada, the U.K., France, UNDP, UNICEF, the OECS and the OAS) to relevant programmes are represented.

4 DESCRIPTION OF THE ACTION

4.1 Overall objective, specific objective(s), expected outputs and indicative activities

Overall Objective: To increase public confidence in the justice systems of the CARIFORUM region.

Specific Objectives:

- To improve access to justice;
- To enhance regional cooperation and exchange at the regional level, including in witness protection.

The following outputs/results are expected:

1. Improved policies/rules for court governance, case management and case disposition;
2. Upgraded systems/processes for sharing information between courts and jurisdictions;
3. Enhanced capacity development of justice actors in court governance, customer-focused services, case-flow management and case disposition;
4. Greater opportunities for inter-institutional coordination and cooperation in the justice sector;
5. Strengthened capacities of justice institutions for compliance with human rights standards;
6. Better public education on justice sector institutions;
7. Establishment of a regional witness protection programme supported.

Main activities

4.1.1 Anglophone Caribbean, procurement for the Caribbean Court of Justice (CCJ) & the Caribbean Community Administrative Tribunal (CCAT), and overall coordination

Detailed activities will be further refined with the implementer of this component depending on the outcome of the call for proposals, but salient features will be:

Technical Assistance

- to develop model criminal laws and evidence acts; studies on reform initiatives, such as on jury systems, pre-sentencing reports, practice directions in the criminal justice rules for early guilty pleas etc.;
- to establish performance standards in court offices and further professionalisation in case-flow management, court process re-engineering;
- to build capacities and enhance independence, accountability and professional development of prosecutors, judges, court managers and administrators;
- to improve data collection & analysis, and provide (access to) justice assessments as evidence base for reform and planning;

Procurement of equipment

- case/court management, e-filing & e-litigation systems;
- online mediation hardware and software;
- audio and video digital recording and digital voice transcription technology;
- video-conferencing equipment;
- internet court portals;
- rehabilitation initiatives/workshops in prisons;
- electronic monitoring equipment (ankle bracelets etc.);

Training

- training for judges, prosecutors, case managers, registrars and court clerks, police investigators and crime laboratories;
- capacity development for legal aid attorneys and paralegals, lawyers' associations, universities, and other civil society actors (Legal Aid Schemes);

National/Regional Coordination

- meetings, seminars and workshops to improve coordination of national and regional justice sector institutions through cross-agency dialogue, common strategic planning, case management and monitoring and evaluation;

Witness Protection Programme

- adequate specialised support and advice to establish a regional Caribbean witness protection programme/network (e.g. development of standard operating procedures and appropriate structures, training, strengthened international cooperation etc.);

Victim Support

- assistance to victim support units/councils;

Rehabilitation services aimed at offenders

- support to dedicated mental health resources, after-care programmes, entrepreneurship & vocational training and transitional housing to prepare prisoners for release;

Public outreach

- awareness raising campaigns on access to justice and legal rights.

4.1.2 Suriname

Activities in Suriname will be mainly focused on the provision of fixed training courses and target the Police Force, the Public Prosecution Office and the Court of Justice of Suriname.

I. The Police Force

Two follow-up, higher police training courses of 12 months duration [‘Advanced Police Training/Deputy Inspector’s Course’ and (subsequently) ‘Cadre Course’] will be provided twice to a total of 1,000 police officers nationwide to build on the basic 1-year entry-level training for new police officers and upgrade their skills and existing capacities in developing criminal dossiers that will hold in court and thus contribute to reduce the backlog in trials of offenders.

II. Public Prosecution Office

Support to the Prosecution will focus on: (i) a traineeship/compulsory internship programme for 18 prosecutors at a Prosecutor’s office abroad (Curaçao) – which is part of the 20-months ‘fast course’ for new hires; (ii) establishment⁷ of a bureau within the Prosecutor’s Office⁸ for and running of a ‘pilot programme’ on alternative sentencing at the magistrate court level⁹ that would build on the results of a past USAID financed programme¹⁰. (iii) The Public Prosecutor’s Office would also be supported to develop a software for a digitalised investigations database of criminal dossiers that would help tackle limitations of the current, Microsoft Access based, system and support the Prosecutor’s Office in its centralised role to access and add information in criminal dossiers in a secure manner.

III. The Court of Justice of Suriname

Support to the Court of Justice will center on three main training programmes for (i) future civil¹¹ and criminal judges (20 in total); (ii) future secretaries of the Court (20 in total) to draft civil¹¹ and criminal judgments (of 15-months duration); (iii) as well as civil¹¹ and criminal branch court clerks (48 in total). Though different in length (24 months duration for judges; 15 months for secretaries and 12 months for court clerks), each training programme will be run twice, comprise a practice-based and a tailor-made theoretical part, and would – in view of the acute shortage of judges or other court staff in Suriname – mainly be given by experienced Dutch lecturers/judges/secretaries/court staff seconded from the Netherlands through the Dutch Council for the Judiciary.

4.1.3 Caribbean Court of Justice (CCJ)

Activities under the CCJ component will centre on the establishment and operationalisation of the planned Caribbean Community Administrative Tribunal (CCAT), specialised training

⁷ (i.e. procurement of computers, desks and other office equipment)

⁸ (coordinated with the Ministries of Justice, Education, Social Affairs, as well as Youth Correction Facilities)

⁹ (i.e. handbook, training curricula, programme protocols, digital system to keep track of those enrolled and monitor performance of the programme, cooperation with NGOs to develop skills of offenders and prepare them for re-integration)

¹⁰ From 2013-2016 the Pan American Development Foundation (PADF) had built a collaborative network with relevant partners to provide support, pre- and post-release services for offenders.

¹¹ Although the overall action targets the criminal justice sector, Suriname’s training cycles are such that they cannot be disaggregated into civil and criminal trainings.

activities in collaboration with the Council of Legal Education (CLE) on the CCJ's original jurisdiction, its referrals and advisory process, as well as a public awareness and communications programme to extend the messages of the role, functions and work of the CCJ across the country signatories of the court.

I. CCAT

Activities to support the establishment and operationalisation of the Caribbean Community Administrative Tribunal (CCAT) would be mainly (i) procurement centred and include: ICT equipment and solutions to equip a courtroom, furnishings and office infrastructure, library and research material. (ii) In addition, tribunal rules would be developed along with administrative policies and procedures as well as (iii) training and sensitisation programmes¹² for CARICOM staff on the role and functions of the new tribunal.

II. Legal Education

Legal education would be carried out by the Court's educational arm, the Caribbean Academy for Law and Court Administration (CALCA), and include (i) sensitisation meetings and conferences to provide information on the rights and legal remedies available to CARICOM citizens under the Revised Treaty of Chaguaramas; (ii) trainings on the CCJ's referrals and advisory processes for judges, registrars, court staff and attorneys; (iii) as well as the development and dissemination of public awareness material. (iv) In partnership with the Council of Legal Education (CLE), training would also be provided on other areas of legal education (e.g. comparative law) to supplement the programmes of the region's law schools, law faculties and the bar associations and to boost intra-regional and international cross-fertilisation. (v) International linkages would be strengthened through exchange visits, dialogue and knowledge sharing activities with similar regional courts and legal education institutions.

III. Public awareness, communication and stakeholder engagement

(i) Further development and upgrade of existing audio/visual and other recording equipment of the CCJ to extend its reach would afford the people of the region with greater access to the Court, its hearings and other judicial work, (ii) whereas a public communications campaign will increase awareness of and public trust and confidence in the CCJ's role in the region. This campaign would comprise market research, country visits, development & placing of print and electronic media material, social media planning & execution.

4.2 Intervention Logic

The project will support a range of interventions across the justice sector.

To facilitate coordination and strategic oversight as well as complementarity, the project will support the establishment of a Justice Sector Facility / Regional Stand-By Task Force staffed by a mix of international and national experts (criminal justice advisers, procurement experts) and locally recruited support staff that would assist countries on a temporary basis with their different needs in a flexible and cost-effective manner and focus on measures that will facilitate closer communication, cooperation and coordination amongst all justice actors, foster improved planning and budgeting across the sector, and promote partnership with civil society.

¹² (i.e. print and electronic material, creation of a web-presence, seminars etc.)

The facility would be guided by the following principles:

- nationally driven;
- building on earlier successes;
- encouraging cross sector collaboration;
- promoting government/civil society partnerships;
- targeting areas with achievable results to build the credibility of the process;
- laying foundations for more harmonised donor support to the justice sector.

To ensure a more systematic and evidence based approach to justice sector reform, the project will undertake criminal justice institutional assessments, as necessary. Criminal justice advisers will analyse the systemic, interconnected and multi-faceted nature of the issues that exert a profound influence on the fairness and effectiveness of criminal justice systems: case processing delays and backlogs, low conviction rates, prison overcrowding and insufficient alternatives to prison. These assessments will provide a strong evidence base for reform, inform government planning and provide information to better tailor the technical assistance under this programme and ensure its long-term sustainability. Focus will be placed on efforts to better understand existing gaps and challenges to offer a range of solutions from a country and regional perspective. The use of pilots and testing could be utilised in this regard. Provision of support will be specifically targeted to address identified needs and problems. Assistance will explicitly seek to benefit those most left behind to address issues of equality, inclusion and accountability. In recognition of the need for sector-wide improvements, greater cooperation and collaboration will be promoted amongst justice sector institutions, including consultation and collaboration with civil society.

Given that each country has a different context, country assistance will be tailored to suit the specific local context. Although open to all interested member states of the region, the programme will be particularly tailored to the needs of smaller jurisdictions. The project will promote opportunities for collaboration and to share information among the countries to improve the justice systems, given the commonalities throughout the region, while recognising particularities (both in terms of legal system and language) of others, such as Haiti and Suriname. The intervention will be aimed at improving regional capacities to strengthen and complement national capacities. Efforts will pull on relevant Caribbean expertise as well as those from other Commonwealth countries and the EU. All efforts will be in line with regional and national priorities and complement ongoing efforts of other development partners.

4.3 Mainstreaming

Human Rights: The project will apply human rights-based approaches and be people centred. It will integrate the promotion of equality, non-discrimination, participation and inclusion of disadvantaged groups, and strengthen state accountability concerning its human rights obligation in the justice system.

Gender: The project will seek to address the specific needs of women, and survivors of gender based violence (GBV) in particular, and support approaches to tackle impunity of gender based violence. Discrimination and gender based violence continue to be a reality throughout the region. While all countries have ratified the CEDAW convention, implementation to date has not been sufficient to deal with the phenomenon of violence against women. The WHO estimates intimate partner violence in the Caribbean at 27.09%, just above the global average of 26.4%. Domestic violence accounts for between 30% to 50%

of all murders in Caribbean countries. Additional efforts are needed to ensure women's access to legal services and assistance.

Further details both on human rights- and gender-related aspects of the programme can be found in the cross-cutting issues checklist/mainstreaming annex attached to this Action Document.

4.4 Contribution to SDGs

This intervention is relevant for the 2030 Agenda. It contributes primarily to the progressive achievement of SDG 16 – Peace, Justice and Strong Institutions (*Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels*), while also contributing to SDG 10 – Reduced Inequalities (*Reduce inequality within and among countries*) and SDG 5 – Gender Equality (*Achieve gender equality and empower all women and girls*).

5 IMPLEMENTATION

5.1 Financing agreement

In order to implement this action, it is foreseen to conclude a financing agreement with the Caribbean Forum of the ACP States (represented by the Secretary General of CARIFORUM as the Regional Authorising Officer).

5.2 Indicative implementation period

The indicative operational implementation period of this action, during which the activities described in section 4.1 will be carried out and the corresponding contracts and agreements implemented, is 72 months from the date of entry into force of the financing agreement.

Extensions of the implementation period may be agreed by the Commission's responsible authorising officer by amending this Decision and the relevant contracts and agreements.

5.3 Implementation modalities

The action envisages procurement under direct management for an amount of 250 000. This procurement is linked to communication, visibility, audit and evaluation and not to the achievement of the objectives/outputs in section 4.

The Commission will ensure that the EU appropriate rules and procedures for providing financing to third parties are respected, including review procedures, where appropriate, and compliance of the action with EU restrictive measures¹³.

5.3.1 Grants: (direct management) – Anglophone Caribbean, support to the Surinamese Police Force and the Surinamese Public Prosecution Office, and facilitation of overall coordination

(a) Purpose of the grant(s)

The specific objectives of this component are:

¹³ www.sanctionsmap.eu Please note that the sanctions map is an IT tool for identifying the sanctions regimes. The source of the sanctions stems from legal acts published in the Official Journal (OJ). In case of discrepancy between the published legal acts and the updates on the website it is the OJ version that prevails

- To strengthen capacities of justice sector agencies to improve (legal) systems governance, customer focused services, case flow management and case disposition;
- To enhance regional cooperation and exchange to complement national capacities, including witness protection at regional level.

The following outputs/results are expected:

1. Improved policies/rules;
2. Upgraded systems/processes;
3. Enhanced capacity development of justice actors in court governance, customer-focused services, case-flow management and case disposition;
4. Closer inter-institutional coordination and cooperation in the justice sector;
5. Strengthened compliance of justice institutions with human rights standards;
6. Better public education on justice sector institutions;
7. Establishment of a regional witness protection programme supported.

Moreover, as there is no comparable arrangement between the Paramaribo-based Stichting Juridische Samenwerking Suriname Nederland (SJSSN; Foundation for Judicial Cooperation between Suriname and the Netherlands) and a partner institution in the Netherlands that has resulted in the recognition of the SJSSN as the official training institute for the Surinamese police and prosecution [see 5.3.2 (c) below], the implementer of this component would also be tasked to carry out the activities related to the Surinamese Police Force and the Surinamese Public Prosecution Office described in 4.1.2 above.

(b) Type of applicants targeted

For this component – which constitutes most part of the overall programme – it is foreseen to carry out a call for proposals for the award of one grant contract for its implementation. The entrusted entity selected under the call for proposals will, inter alia, carry out the following: the identification of technical assistance needs (TA), the drafting of terms of reference (ToRs), the fielding of technical assistants, seminars and meetings, the procurement of equipment and services etc. – and their related operational and financial management. This implementation entails (a) the management of the first component of the programme (Anglophone Caribbean, including procurement for the Caribbean Court of Justice); and (b) facilitation of the close coordination of all components of the programme (Anglophone Caribbean; Suriname; Caribbean Court of Justice) with its respective implementers.

In order to be eligible for a grant, the applicants must:

- ❖ be a legal person; and
- ❖ be non-profit making; and
- ❖ belong to the following categories: national justice/law enforcement actors/agencies, public bodies responsible for security/justice policies, or development cooperation agencies with pertinent experience in the security and justice sectors; and
- ❖ be (effectively established) in:
 - an ACP State;
 - a Member State of the European Union;
 - Beneficiaries of the Instrument for pre-accession assistance;
 - a Member State of the European Economic Area;
 - Overseas Countries and Territories;

- developing countries and territories, as included in the OECD-DAC list of ODA Recipients, which are not members of the G20 group, without prejudice to the status of the Republic of South Africa¹⁴;
 - countries for which the European Commission has adopted a decision approving the request for reciprocal access to external assistance in agreement with ACP countries¹⁵;
 - a Member State of the OECD, in the case of contracts implemented in a Least Developed Country (LDC) or a Highly Indebted Poor Country (HIPC), or in the case of a contract implemented in regional or global programmes which include at least one LDC or HIPC country; or
- ❖ be international organisations; and
 - ❖ be directly responsible for the preparation and management of the action with the co-applicant(s) and affiliated entity(ies), not acting as an intermediary.

Applicants may act with co-applicants.

The maximum number of co-applicants is indicatively fixed at 5, which is considered a number compatible with sound financial management. Co-applicants must participate in designing and implementing the action. Activities must be open to all interested CARIFORUM countries. The grant may be awarded to sole beneficiaries and to consortia of beneficiaries (coordinator and co-beneficiaries).

5.3.2 Grants: (direct management) – Suriname

(a) Purpose of the grant(s)

The specific objective of this component is:

- to promote a fairer and more accessible, timely and effective criminal justice system in Suriname through better trained judges.

This component will mainly support Suriname's National Action Plan to address the acute shortage of judges in the country through provision of fixed training courses that target the Court of Justice of Suriname. Those activities described in 4.1.2 above that are targeted at the Police Force and the Public Prosecution Office would be implemented by the entrusted entity selected under the call for proposals mentioned above under 5.3.1.

(b) Type of applicants targeted

This action specifically targets the direct award of a grant to an already known entity.

(c) Justification of a direct grant

Under the responsibility of the Commission's authorising officer responsible, the grant may be awarded without a call for proposals to the Raad voor de Rechtspraak (the Netherlands Council for the Judiciary) in partnership with the Stichting Juridische Samenwerking Suriname Nederland (SJSSN; Foundation for Judicial Cooperation between Suriname and the Netherlands) and Justice Coopération Internationale (JCI). Under the responsibility of the Commission's authorising officer responsible, the recourse to an award of a grant without a call for proposals is justified because the legal system in Suriname is based on Dutch Civil Law and EU support would build on and complement (in part) technical assistance that is

¹⁴ (as governed by Protocol 3 of the Partnership Agreement)

¹⁵ (currently there are no such countries)

provided/envisaged by the Netherlands (e.g. training of court clerks and training on alternative sentencing), requiring a particular type of body on account of its technical competence, its high degree of specialisation or its administrative power (Art 195 (f) of the FR).

The Paramaribo-based Stichting Juridische Samenwerking Suriname Nederland (SJSSN) is a particularly well-placed organisation to facilitate the work on the ground in Paramaribo, as it is a trusted partner of the Surinamese Government yet at the same time considered to be a balanced, independent and well managed organisation by other donors and stakeholders. Since its establishment in 1982, it has gained significant experience in providing judicial training over the years, funded inter alia by the US and the Netherlands, and it is now recognised by the Court of Justice of Suriname as the training institute for the Surinamese judiciary¹⁶. However, its light administrative structure of seven employees and limited experience of managing grants of the envisaged financial magnitude – while offering promising outlooks in terms of cost-effectiveness and overheads – does not allow for the Foundation to be the sole implementer independent of a consortium.

The Raad voor de Rechtspraak – which has also been mobilised in past donor support to the Surinamese Judiciary – would enable the SJSSN to mobilise trainers/expertise from partner countries/organisations without burdensome tendering. The Council has developed a ‘Priority Country Policy’ and Suriname is one of the three countries with which the Council is working on an ambitious level, building long-term relationships, which includes using experts for projects and promoting exchange programmes.

Justice Cooperation International (Justice Coopération Internationale; the French Ministry of Justice’s public interest group (that would also enable support of the École Supérieure de la Magistrature in Bordeaux) would join as a second partner of the Netherlands Council for the Judiciary in this direct grant in order to strengthen synergies and boost judicial cooperation with neighbouring French Guyana.

5.3.3 Grants: (direct management) – Caribbean Court of Justice

(a) Purpose of the grant(s)

The specific objective of this component is to:

- contribute to the objective of strengthening the functions of the CCJ and thus improve access to justice for all persons in the Caribbean by supporting those activities as detailed in 4.1.3 above that are not procurement related:
 - ❖ Development of tribunal rules and administrative policies and procedures as well as training and sensitisation programmes on CCAT;
 - ❖ Sensitisation meetings and conferences to provide information on the rights and legal remedies available to CARICOM citizens under the Revised Treaty of Chaguaramas;
 - ❖ Trainings on the CCJ’s referrals and advisory processes for judges, registrars, court staff and attorneys;

¹⁶ Cooperation Agreement between the Foundation for Judicial Cooperation between Suriname and the Netherlands, the Court of Justice of Suriname and the Netherlands Council for the Judiciary of 08 December, 2017.

- ❖ Other areas of legal education (e.g. comparative law) to supplement the programmes of the region's law schools, law faculties and the bar associations and to boost intra-regional and international cross-fertilisation;
- ❖ Strengthening of international linkages through exchange visits, dialogue and knowledge sharing activities;
- ❖ Social media planning & execution.

(b) Type of applicants targeted

This action specifically targets the direct award of a grant to an already known entity:

(c) Justification of a direct grant

Under the responsibility of the Commission's authorising officer responsible, the grant may be awarded without a call for proposals to the Caribbean Court of Justice (CCJ) in cooperation with the Council of Legal Education (CLE). Under the responsibility of the Commission's authorising officer responsible, the recourse to an award of a grant without a call for proposals is justified because the CCJ has a *de jure* monopoly (Art 195 (c) of the FR) as the international organisation with the exclusive competence for interpretation of the provisions of the Revised Treaty of Chaguaramas (RTC). More specifically, as written in the RTC and the Agreement Establishing the CCJ (AECCJ), the Court holds:

- Compulsory and exclusive jurisdiction to hear and determine Treaty disputes [Article 211 RTC; Article XIII a,b,d AECCJ];
- Exclusive jurisdiction for 'advisory opinions' concerning the interpretation and application of the Treaty [Article 213 RTC; Article XIII AECCJ];
- Exclusive jurisdiction to hear 'referrals' [Article 214 RTC; Article XIII c & XIV AECCJ].

As it relates to the establishment of the Caribbean Community Administrative Tribunal (CCAT), the CCJ holds a *de facto* monopoly as the judicial body that has led the design of the Tribunal and to which decisions of the CCAT can be appealed on a point of law.

While this monopoly justifies the direct award of a grant to the CCJ in cooperation with the Council of Legal Education for carrying out training programmes and sensitisation meetings on the areas of its monopoly (e.g. referrals and advisory processes), exchange visits with peer organisations and regional conferences, as well as the development of Tribunal Rules along with administrative policies and procedures for the CCAT, the procurement related part of the support to the CCJ¹⁷ and the CCAT¹⁸ cannot be implemented by the CCJ as it would constitute sub-contracting of core tasks in view of its considerable financial volume of approximately 50% of the overall grant amount – which is inadmissible within a grant contract¹⁹. Therefore, the procurement will have to be carried out by the Caribbean Community Secretariat on behalf of the CCJ and the CCAT. Thus, both the Court's independence from undue influences as the final appellate court for the region and the

¹⁷ (i.e. development and upgrade of ICT technology in courtrooms; pre- and post-campaign market research in the context of a public awareness and communications programme, print & electronic material; facilitation of print and electronic media advertising opportunities)

¹⁸ (i.e. procurement of ICT equipment, office infrastructure, library and research material, fixtures and furnishings for the office space and facilities)

¹⁹ See also Art. 10.4 of the General Conditions applicable to European Union-financed grant contracts for external actions.

exclusive arbiter of the RTC – which is critical in the service of its mandate in its day-to-day functions – will be fully maintained.

The Council of Legal Education (CLE)²⁰ holds a *de facto* monopoly to provide training in the region (rather than in the UK) and issue ‘legal education certificates’ that are required for admission to practise for lawyers in the participating territories of the English-speaking Caribbean. The respective governments undertake that they will recognise that any person holding such a legal education certificate fulfils the requirements for practice in its territory so far as institutional training and education are concerned and that (subject to any reciprocal arrangements that any of the said territories may hereafter make with any other country) no person shall be admitted to practise in that territory who does not hold such certificate.

5.3.4 Indirect management with a regional organisation

A part of this action with the objective of:

- extending the CCJ’s reach through upgrades of its existing audio/visual and other recording equipment and a public communications campaign as well as the operationalisation of the CCAT

may be implemented in indirect management with the Caribbean Community (CARICOM) Secretariat according to the following modalities:

The regional organisation will act as the contracting authority for the procurement and grant procedures. The Commission will control ex-ante all the procurement and grant procedures.

Payments are executed by the Commission.

The financial contribution does not cover the ordinary operating costs incurred under the programme estimates.

The regional organisation shall apply the Commission’s rules on procurement and grants. These rules will be laid down in the financing agreement to be concluded with the regional organisation.

(a) Overview of implementation

Activity/objective/output, include location	Type of financing (works, supplies, or service contract,
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²⁰ The CLE was created by an agreement signed in 1971 by Barbados, Dominica, Grenada, Guyana, Jamaica, Trinidad and Tobago, the University of the West Indies (UWI) and the University of Guyana. Its establishment came one year following the UWI Faculty of Law which has departments on each of the university’s three campuses [Mona Campus (Jamaica); St. Augustine Campus (Trinidad); Cave Hill Campus (Barbados)]. The CLE is governed by a council which meets annually. This governing council comprises governments, the judiciary and the private bar. The CLE operates three law schools in the region – the Norman Manley Law School in Jamaica, the Hugh Wooding Law School in Trinidad and the Eugene Dupuch Law School in the Bahamas. To be admitted to these law schools, persons must have first obtained a bachelor’s degree in law (LLB). Non UWI LLB graduates can be admitted to the law schools if they are successful in the CLE’s annual entrance examination. Graduates must then complete two years of study and practical training at one of the three schools. At the end of this period, a professional legal education certificate is awarded by the CLE. Upon receiving the legal education certificate, an applicant is fully qualified to practise in the English-speaking Caribbean.

	grant, programme estimate)
Development and upgrade of ICT technology in courtrooms for the CCJ;	Supplies contracts;
Pre- and post-campaign market research in the context of a public awareness and communications programme for the CCJ; development of print & electronic material; facilitation of print and electronic media advertising opportunities;	Service contracts;
Procurement of ICT equipment, office infrastructure, library and research material, fixtures and furnishings for the office space and facilities of the CCAT.	Supplies contracts.

5.4 Scope of geographical eligibility for procurement and grants

The geographical eligibility in terms of place of establishment for participating in procurement and grant award procedures and in terms of origin of supplies purchased as established in the basic act and set out in the relevant contractual documents shall apply.

The Commission's authorising officer responsible may extend the geographical eligibility on the basis of urgency or of unavailability of products and services in the markets of the countries concerned, or in other duly substantiated cases where the eligibility rules would make the realisation of this action impossible or exceedingly difficult.

5.5 Indicative budget

	EU contribution (amount in EUR)	Indicative third party contribution, in currency identified
5.3.1 – Grant to an entity to be selected through a call for proposals (direct management)	10,250,000	EUR 2,562,500 [tbc]
5.3.2 – Direct grant to the Netherlands Council for the Judiciary (Raad voor de Rechtspraak) for Suriname (direct management)	1,500,000	N.A.
5.3.3 – Direct grant to the Caribbean Court of Justice (direct management)	790,000	EUR 240,000 [tbc]
5.3.4 – Indirect management with a regional organisation – Caribbean Community (CARICOM) Secretariat (1,160,000	N.A.
5.8 – Evaluation and 5.9 - Audit	200,000	N.A.
5.10 – Communication and visibility	50,000	N.A.
Contingencies	50,000	N.A.
Totals	14,000,000	2,802,500 [tbc]

5.6 Organisational set-up and responsibilities

Given that the action will have to work across two major legal systems (civil and common law), that those civil law countries covered by the action follow distinct traditions and speak different languages, and that the programme will also include support to the Caribbean Court of Justice as the exclusive arbiter of the Revised Treaty of Chaguaramas and the final appellate court for those countries that have ratified its appellate jurisdiction (Barbados, Guyana, Belize, Dominica), separation of TA components cannot be avoided entirely. Close coordination of these components of the programme (Anglophone Caribbean; Suriname; Caribbean Court of Justice) will be ensured by the Regional Authorising Officer who may task the implementer of the first component (Anglophone Caribbean) to facilitate this coordination – with strong involvement and oversight by the European Union.

Hence, there is a particularly broad skillset required for this major component of the programme, also in view of the fact that the common law based countries have different contexts and diverse priorities that follow from that, which is why it will be crucial to use an experienced and well accepted implementer who is able to perform an ‘umbrella’ function, who can bridge the different components of a comprehensive and complex programme such as this, and who has the necessary rosters of Commonwealth legal expertise in place. To better address the main areas of action and the different countries involved, a proposal taking into account a broader number of contributors to the implementation of this programme (stakeholders, operating partners, partners, collaborators, etc.) shall be positively assessed. Further details will be defined in the call for proposals document.

The responsibilities of the grant beneficiaries will include:

- (1) The following responsibilities related to the preparation of the Programme:
 - (a) To further refine support actions and projects jointly with the beneficiary institutions;
 - (b) To formulate the terms of reference for these actions;
 - (c) To identify the most appropriate bodies/experts/institutions for the transfer of their know-how;
 - (d) To follow-up and accompany the implementation of the actions;
 - (e) To organise events of strategic dimension in order to deepen and extend the dialogue on judicial cooperation in the region;
 - (f) To formulate a communication and visibility strategy.
- (2) The following responsibilities related to the implementation of the Programme:
 - (a) To draft the methodology and the mix of support actions and projects geared towards the achievement of sustainable results;
 - (b) To assign the executive tasks of each intervention to the most suitable institutions in the consortium, taking into account the required profile specified in the terms of reference;
 - (c) To set up a system of indicators in order to follow up the actions and measure the results;
 - (d) To reinforce the collaborative links among the justice sector authorities of the participating countries and the regions in general;
 - (e) To disseminate good practices and results of the programme.

A Programme Steering Committee (PSC) shall be set up to oversee and validate the overall strategic direction and policy of the programme. It will review project progress and performance on a periodic basis, and make the necessary decisions to keep the project ‘on track’ (including required changes in project scope, targets, budget, management arrangements, etc.). The Committee may issue opinions and recommendations submitted by the executing entities, ensuring the relevance of the indicators measuring the results of the Programme, as well promote synergies between the different components/pillars of the programme and coordination with the programmes and projects financed by other donors. The PSC will be chaired by the Secretary-General of CARIFORUM (or his representative), and will meet twice annually (once virtually). The PSC members will include representatives from: CARIFORUM States, CARIFORUM Directorate, European Commission, the implementers of all programme components, the relevant national and judicial authorities of all participating countries, and other relevant partners.

The implementation modalities and the requirements to be respected by the grant beneficiaries will be developed in a document which will detail, in particular, the following concepts already mentioned in this Action Document:

- Demand-driven approach;
- Participation of CARIFORUM and the European Union in the decision making;
- Ex-ante approval of CARIFORUM and the European Union of the main decisions;
- Interrelationships between the coordination and the implementation phases;
- Possibility to participate in the activities of the programme for all countries in the region;
- Continuous communication regarding the programme activities;
- Follow up and oversight of the European Union and of the Steering Committee.

5.7 Performance monitoring and reporting

The day-to-day technical and financial monitoring of the implementation of this action will be a continuous process and part of the implementing partner’s responsibilities. To this aim, the implementing partner shall establish a permanent internal, technical and financial monitoring system for the action and elaborate regular progress reports (not less than annual) and final reports. Every report shall provide an accurate account of implementation of the action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (outputs and direct outcomes) as measured by corresponding indicators, using as reference the logframe matrix (for project modality) or the partner’s strategy, policy or reform action plan list (for budget support).

SDGs indicators and, if applicable, any jointly agreed indicators as for instance per Joint Programming document should be taken into account.

The report shall be laid out in such a way as to allow monitoring of the means envisaged and employed and of the budget details for the action. The final report, narrative and financial, will cover the entire period of the action implementation.

The Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews).

5.8 Evaluation

Having regard to the importance of the action, a mid-term and a final evaluation(s) will be carried out for this action or its components via independent consultants contracted by the Commission (final evaluation) and via an implementing partner (mid-term).

The mid-term evaluation will be carried out for problem solving and learning purposes, in particular with respect to difficulties encountered and corrective measures needed to ensure efficient implementation of the action.

The final evaluation will be carried out for accountability and learning purposes at various levels (including for policy revision), taking into account in particular the ability of the programme to work across different country and legal contexts and the suitability of programme components for replication and expansion.

The Commission shall inform the implementing partner at least one month in advance of the dates foreseen for the evaluation missions. The implementing partner shall collaborate efficiently and effectively with the evaluation experts, and inter alia provide them with all necessary information and documentation, as well as access to the project premises and activities.

The evaluation reports shall be shared with the Regional Authorising Officer and other key stakeholders. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, in agreement with the Regional Authorising Officer, jointly decide on the follow-up actions to be taken and any adjustments necessary, including, if indicated, the reorientation of the project.

Evaluation services may be contracted under a framework contract.

5.9 Audit

Without prejudice to the obligations applicable to contracts concluded for the implementation of this action, the Commission may, on the basis of a risk assessment, contract independent audits or expenditure verification assignments for one or several contracts or agreements.

It is foreseen that audit services may be contracted under a framework contract.

5.10 Communication and visibility

Communication and visibility of the EU is a legal obligation for all external actions funded by the EU.

This action shall contain communication and visibility measures which shall be based on a specific Communication and Visibility Plan of the Action, to be elaborated at the start of implementation.

In terms of legal obligations on communication and visibility, the measures shall be implemented by the Commission, the partner country, contractors, grant beneficiaries and/or entrusted entities. Appropriate contractual obligations shall be included in, respectively, the financing agreement, procurement and grant contracts, and delegation agreements.

The Communication and Visibility Requirements for European Union External Action (or any succeeding document) shall be used to establish the Communication and Visibility Plan of the Action and the appropriate contractual obligations.

It is foreseen that a contract for communication and visibility may be contracted under a framework contract.

APPENDIX - INDICATIVE LOGFRAME MATRIX (FOR PROJECT MODALITY) ²¹

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Key Comments:

- 1) Please review the formulation of the SO and outputs (refer to our comments under section 4.1)
- 2) At output level, the indicators should only measure the benefits provided with the support of the action. It should not refer to a general situation. Indicators that are not under the control of the action should be moved to SO level.

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	Results chain: Main expected results (maximum 10)	Indicators (at least one indicator per expected result)	Sources of data	Assumptions
Impact (Overall Objective)	To increase public confidence in justice systems in the CARIFORUM region	1. Number of member states with updated court procedures, protocols and working practices* (with the support of this project) 2. Level of customer satisfaction (disaggregated by country and sex)	1. Survey of data sources, desk top study 2. Periodic exit interviews conducted in participating courts	<i>Not applicable</i>
Outcomes (Specific Objectives)	1. Strengthened capacities improved (legal) systems governance, customer focused services, case flow management and case disposition	1.1 Number of courts and other justice sector agencies that have instituted customer focused reforms (disaggregated by country/ jurisdiction;) 1.2 Length of delays and backlogs in participating courts (disaggregated by country/ jurisdiction;	1.1 Court reports and other registered information; country/implementation reports 1.2 Government statistics; country/implementation reports	National funding constraints do not impede innovations in relation to court management

²¹ Mark indicators aligned with the relevant programming document mark with '*' and indicators aligned to the EU Results Framework with '**'.

	2. Enhanced regional cooperation and exchange at regional level, including regarding witness protection	2.2 Number of common strategic plans and harmonised laws adopted	2.1 Government/ implementation reports 2.2 Government/ implementation reports	t and administrati on
Outputs	1.1. Improved policies/rules for court governance, case management and case disposition	1.1.1 Number of courts that produce a plan for more efficient court governance, case management and case disposition (disaggregated by country/ jurisdiction; with the support of this project) 1.2 Number of courts with delay reduction mechanisms implemented (disaggregated by country/ jurisdiction; with the support of this project) 1.3 Number of reform tools and guidelines developed (disaggregated by jurisdiction; with the support of this project) 1.4 Number of model laws and procedure rules developed (disaggregated by jurisdiction; with the support of this project) 1.5 Number of small claims courts established (disaggregated by country/ jurisdiction; with the support of this project) 1.6 Extent to which the Caribbean Community Administrative Tribunal is established & operational	1.1.1 Court reports; implementation/ project reports 1.2 Court reports; implementation/ project reports 1.3 Practice Directions Chief Justices; implementation/ project reports 1.4 Practice Directions Chief Justices; implementation/ project reports 1.5 Court reports; implementation/ project reports 1.6 CARICOM/ CCJ reports; project reports; training reports	Continued commitment of participating partner countries to criminal justice reform and to enable required legislative changes Sustained political will of partner countries to ensure sustainability of the programme by making available the necessary human, financial and material
	2. Upgraded systems/processes for sharing information between courts and jurisdictions	2.1 Number of data collection & knowledge management systems established that are generating, distributing and sharing information (disaggregated by country/ jurisdiction; with the support of this project) 2.2 Number of courts that have adopted case	2.1 Project reports; procurement data; court reports 2.2 Court reports; implementation/ project reports	

		management standards & systems (disaggregated by country/ jurisdiction; with the support of this project) 2.3 Number of online mediation portals established (disaggregated by country/ jurisdiction; with the support of this project) 2.4 Number of operational manuals developed (disaggregated by country/ jurisdiction; with the support of this project)	2.3 Online sources; Court reports; implementation/ project reports 2.4 Government/ court reports; implementation/ project reports; training reports	resources Support for change Financial sustainability of maintaining technological systems
	3. Enhanced capacity of justice actors in court governance, customer-focused services, case-flow management and case disposition	3.1 Number of legal practitioners/criminal justice stakeholders participating in workshops, hands-on-learning sessions, webinars and online training tools developed by the Action (disaggregated by sex and country/ jurisdiction)	3.1 Workshop reports; online sources, Database of training and event participants maintained by the project	Willingness by relevant educational institutions to adopt training modules in order to ensure sustainability
	4. Greater opportunities for inter-institutional and regional coordination and cooperation in the justice sector	4.1 Number of court jurisdictions for which model standards have been customised to fit local environments (disaggregated by country/ jurisdiction; with the support of this project) 4.2 Number of legal practitioners and criminal justice stakeholders participating in workshops, webinars and online tools developed on inter-institutional and regional coordination and cooperation (disaggregated by sex and country/ jurisdiction; with the support of this project)	4.1 Practice Directions Chief Justices; Strategic plans; government reports 4.2 Workshop reports; project reports; online sources, Database of training and event participants maintained by the project	Ability of training participants to translate acquired knowledge into actions
	5. Strengthened capacities of justice institutions for compliance with human rights standards	5.1 Number of strengthened legal aid schemes (disaggregated by country/ jurisdiction; with the support of this project) 5.2 Number of assisted victim support units/councils* (disaggregated by country/ jurisdiction; with the	5.1 Project reports; civil society actors' reports 5.2 Project reports; civil society actors' reports	Readiness of partner countries to cooperate at regional

		<p>support of this project)</p> <p>5.3 Number of improved rehabilitation services aimed at offenders* (disaggregated by country/ jurisdiction; with the support of this project)</p> <p>5.4 Recidivism rate* (disaggregated by country/ jurisdiction)</p>	<p>5.3 Correctional services information; project reports</p> <p>5.4 Government reports/ statistics</p>	<p>level</p> <p>Close cooperation and coordination with all stakeholders</p>
	6. Better public education on justice sector institutions	<p>6.1 Number of people reached through public education programmes and public awareness tools developed with the assistance of the project (disaggregated by country/ jurisdiction)</p> <p>6.2 Level of caseload of the Caribbean Court of Justice</p>	<p>6.1 Communications & Outreach service providers' data; government information services; media reports</p> <p>6.2 CCJ statistics</p>	
	7. Establishment of a regional witness protection programme supported	<p>7.1 Extent to which a Regional Caribbean witness protection programme/network/appropriate structures are established (with the support of this project)</p> <p>7.2 Number of standard operating procedures developed with the support of the project</p> <p>7.3 number of people trained on the SoPs (disaggregated by sex, country/ jurisdiction; with the support of this project)</p>	<p>7.1 Government information; project reports</p> <p>7.2 Project reports;</p> <p>7.3 Database of training participants maintained by the project</p>	