PROGRAM PERFORMANCE REPORT
COOPERATIVE AGREEMENT BETWEEN
FLORIDA INTERNATIONAL UNIVERSITY
AND THE AGENCY FOR INTERNATIONAL DEVELOPMENT
FOR THE QUARTER ENDING JUNE 30,1990

VOLUME I

Luis Salas
Project Director
Center for the Administration of Justice
Florida International University

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1. Educational Development Center Final Report on ILANUD, June 4, 1990

2. Gerald Reed, ILANUD Personnel Classification System, April 6, 1990

3. ILANUD Informa

4. Memo from Vinicio Herrera, May 4, 1990

5. Memorandum from Rodolfo Osorio, August 3, 1990

6. Memorandum from Maria Lourdes Flores, Gerald Reed and Gerardo Rodriguez, May 21, 1990

7. Memorandum from Gerald Reed, May 9, 1990

8. ILANUD Manual de Viajes, April 1990

9. FIU Response to Audit of Regional Administration of Justice Project, Audit Report NO. 1-515-90-XX, March 19, 1990

10. FIU proposal for a grant to assist the administration of justice in Panama, May 25, 1990

11. Memorandum from Deborah McFarland to Cathy Kennedy re Panama-specific program, June 12, 1990

12. CAJ/FIU Ecuador proposal, May 1990

13. CAJ/FIU Honduran trip report

14. Memorandum from Tirza Rivera to Eggenory Vinegas, May 15, 1990, updating of the Costa Rican Justice Assessment

The first Cooperative Agreement between Florida International University and the Agency for International Development was signed on July 30, 1985. This agreement was completed and a new one was entered into to take effect on June 1, 1989. The following is a brief summary of the activities that took place between April 1, 1990 and June 30, 1990.

I. Technical Assistance to ILANUD in Project Implementation and Management.

We have continued to provide services to ILANUD in this area.

1. EDC Consultancy

The primary area of assistance was through the contracting of a consulting firm to evaluate its current and prospective structure. As the previous quarterly report indicated, Educational Development Center of Boston was contracted, after bids were submitted, to conduct this evaluation. EDC worked closely with Gerald Reed, FIU's institutional development advisor to ILANUD, in this regard.

EDC's contract addressed three basic objectives:

1. To evaluate ILANUD's current business and organizational structure as it relates to the attainment of its evolving mission. Primary areas of focus included: the relationship between ILANUD's objectives and programs, as tentatively identified in the 1990-1994 Institutional Development Plan, and its organization structure and culture; how management decisions are undertaken and how these interact with both strategy and structure; and how management processes (planning, administration, budgeting, policies and procedures, etc.) support and control the responsibilities and authority defined by ILANUD's strategy and structure. This evaluation will also include organizational changes currently in process, and how these relate to the aforementioned evolving mission of ILANUD.

2. To develop specific recommendations, based on the previous findings, relating to improved organizational structure, personnel/resource match, support mechanisms, and management processes and their implementation. Particular emphasis will be given to ILANUD's institutional decision making process, the form and structure of its Program & Project, as well as the role of the administrative function in support of Program goal attainment.

3. To develop a time-phased work plan for implementation of the recommendations.

EDC began field work on this project during the previous quarter and a final report was presented to AID on June 4, 1990 (See Attachment 1).

The evaluation concluded that:

- Its organization is a "heavy, bureaucratic oriented organization, placing more emphasis on its administrative structure than in the production/service component of its organization".

- It has "limited knowledge of planning, fund raising and little awareness of the traditional structures and processes of management and control".

- Interview results show an upper middle employee pool who are, to a large extent, appreciative of the prestige and monetary compensation perceived, but who feel alone in the

organization and unhappy with how the organization is being managed and led".

- Interviews with outside parties reveals that ILANUD has low visibility but a favorable reputation.

- Clients expressed frustration over the bureaucratic structure of the institution.

- While there is general agreement on the desirability for ILANUD to continue, significant changes are necessary in order to achieve organizational goals, especially decreased dependence on AID.

- "Finally, outside parties tended in general to see the Institute as a facilitator of international resources (skills, finances and technology) rather than as a center of innovative and substantive contributions to the Judicial field".

The final draft report was discussed with ILANUD prior to its presentation as a final document. Thereafter, on June 4, 1990 the document was submitted to AID.

2. Organizational Development Advisor

This was a position which did not exist in the first cooperative agreement and which has been defined and filled pursuant to specific requests from ILANUD. Mr. Gerald Reed has filled this position and has resided in Costa Rica since May of 1989. His contract will end August 7, 1990 and FIU will cease to provide this assistance thereafter.

A detailed month by month description of his activities are set forth as follows:

April:

Reed presented a proposal for a "Personnel Classification System" for ILANUD and submitted it on April 6, 1990 (See Attachment 2). The proposal was well received and after some minor changes, was approved later that month. The proposal was also reviewed and approved by RAJO. It was also submitted to Mr. Jim Schlottfeld, the Director of Human Resources at IICA in San Jose for his comments.

Reed also proposed the formation of two "work Teams". The first was for the design of a strategic planning process for ILANUD, something which had been suggested by Reed previously and identified by EDC in his consultancy. The second was for the design of an adequate project control system for the Program Division of ILANUD, something which had also been identified as a need by the EDC consultancy.

May:

During this month the first internal bulletin for ILANUD was published (See Attachment 3). The bulletin was the product of one of the work teams of one of the teams formed previously. The idea was to provide a means to improve internal communications and offer a vehicle for educating the Institute's personnel on administrative procedures, etc.

The "project control work team" initiated work during May (See Attachment 4).

The "strategic planning work team" initiated work during this month. The work initially consisted of a proposal and work plan submitted to the Institute's leadership for review and

approval (See Attachment 5).

Unfortunately, work in these two areas did not progress after May until mid-July. This was primarily due to the fact that the teams' leader was given other assignments.

The "information systems work team" also finished its work and submitted its report and recommendation on May 21, 1990 (See Attachment 6). The report offered recommendations for improvements in this area which could be implemented at little or no cost.

Work was initiated on the "Level of Responsibility work team". Reed prepared a questionnaire designed to identify the types of decisions being made and at what level (See Attachment 7). This was forwarded to all personnel in the Administrative Division of ILANUD.

June:

During this period, Reed assisted the Institute's Human Resources Division in the implementation of the new Classification System. This primarily involved helping to organize the office's work in relation to the new system.

The "work team" reviewing the administrative procedures for travel finished its work and submitted a proposal to the Director on June 8, 1990.

II. FIU Project Management

1. Project Director

Luis Salas is the FIU Project Director. He is employed half-time during this quarter. Among his responsibilities are:

1) Plan and implement the activities under the Cooperative Agreement, in coordination with the ILANUD Director and the RAJO Project Manager;

2) Provide personally up to sixty days of short-term technical assistance and advice to ILANUD annually, traveling to San Jose or other Project sites for this purpose.

3) Direction of FIU professional, administrative and technical staff;

4) Supervision, in coordination with ILANUD and FIU staff, of the development of computer networks and training necessary in the Project;

5) Account for budget and funds awarded to FIU;

6) Supervision of a publication effort (to be discussed hereafter);

7) Direction of institutional development for the Center for the Administration of Justice (FIU).

In furtherance of his normal duties, as outlined above, Salas made 1 trip to San Jose during this quarter (May 8 to June 2, 1990). This stay involved meetings with ILANUD, RAJO, USAID/Costa Rica, the Costa Rican National Commission, IIHR and a number of representatives from other countries. Salas also traveled to Washington for consultation with

LAC/DI (27 & 27 April, 1990). Salas also traveled to Boston to meet with EDC from June 2 to 6, 1990 regarding project management assistance to FIU.

Salas has maintained himself in daily contact with RAJO and ILANUD and has attempted to coordinate all of their requests. Additionally, Salas has worked on: revision and drafting of the comparative justice book, completion of the first two mongraphs, review of the progress of the compilation of codes, meetings with the Costa Rican National Commission for the Improvement of the Administration of Justice, and other tasks related to the institutional development of the Center for the Administration of Justice.

2. San Jose Office and Employment of New Personnel

Due to the expanded scope of activities under the Cooperative Agreement, we were compelled to move to larger quarters in San Jose. We had previously shared some space with the Central American Journalism Project in that city. This required a great deal of work by Ms. Rivera, the Deputy Director and Luis Salas.

During this quarter we interviewed for the employment of three full-time professionals to staff our San Jose office. The following persons were employed:

- Laura Chinchilla

Ms Chinchilla holds an MA in Political Science from Georgetown University and a BA in Political Science from the University of Costa Rica. She has been an advisor to Costa Rica's Minister of Planning and a United Nations Consultant.

She will be in charge of the Honduras sector assessment update and will be the project coordinator for Ecuador.

- Roger Echeverria

Mr. Echeverria holds an M.Sc.A. from the University of Montreal and a degree in electrical engineering from the University of Costa Rica. His background is primarily in information systems and public administration having worked as a consultant for the United Nations and served on the staff of ICAP in San Jose.

He will be the project coordinator for Panama, serve as an information systems consultant in Ecuador and oversee the Center's computer operations.

- Luis Guillermo Solis

Mr. Solis holds an MA in History and Political Science from Tulane and a BA in History from the University of Costa Rica. He was formerly chief of staff of the Costa Rican Foreign Ministry and has extensive diplomatic and political experience in Central America.

He will be in charge of the Costa Rican update, coordination with the National Commission of that country, coordination of the Indigenous workshop and provide support to the deputy director in administrative affairs.

As can be seen from the above qualifications, we have sought to employ a small number of project managers. Specialists will be contracted on a consultant basis.

3. Technical Audit of Regional Project

The Inspector General for Audit/Tegucigalpa conducted an audit of the AID Administration of Justice Project from May 9, 1989 to October 20, 1989. "The audit objectives were to determine if (1) Project strategy was fully executed, (2) the Project had adequate administrative and financial systems and controls".

While the field auditors visited a number of countries and institutions, they never visited Florida International University, except for a cursory visit on May 31, 1989 during which no technical issues were discussed. The audit team never reviewed any of the documents in the possession of FIU nor did they ever visit the Center for the Administration of Justice at FIU. Thereafter, the University protested the audit findings on the basis of its inaccuracy and the unfairness of a process in which the target of the audit was never interviewed.

Two of the auditors were killed in an airplane crash and another was seriously injured prior to the completion of the audit. The author of this audit was not on the audit team and worked from the notes of the deceased auditors. While the University regrets the tragedy which brought about the deaths of the auditors, it strenuously objects to the rush to complete an audit which was unfinished and is largely inaccurate.

While the audit methodology is basically flawed by the lack of interviews with FIU personnel, it is also lacking in that it seeks to determine the progress of ILANUD toward technical excellence by comparing it to Harvard University and Florida International University (page 5 of audit report). Using two major U.S. universities as the standards against which ILANUD's progress toward excellence is to be measured is unfair to ILANUD and methodologically unsound.

The audit consists of five findings. First, management responsibilities under the Project were not clearly defined. Second, Project strategy is not being fully executed. Third, Project purpose is not being satisfactorily achieved. Fourth, the Project lacks a system to measure Project progress and impact. And, fifth, financial and administrative controls over the Project need improvement.

The first, fourth and fifth findings do not deal directly with FIU's performance while the other two appear to focus primarily on FIU.

The second finding, concludes that the Project "strategy was not being fully executed" because of four factors:

1. FIU "did not complete the sector assessments in the first year of the Project as required".

There is no such requirement in the FIU cooperative agreement; any perceived delays were justified and thoroughly explained to A.I.D.; and, finally A.I.D. was fully appraised and agreed with the proposed timetables.

2. The FIU project director and the AID project officer changed the methodology and the scheduled completion date of the sector assessments.

FIU took extraordinary steps to insure that the methodology, in an area in which no assessments had ever been performed by A.I.D., complied with stringent research standards; contracted experts to review same; and, advised A.I.D., both at the Washington and Mission

levels, of its intent. Finally, there was no methodological change since the cooperative agreement charged FIU with developing a methodology, which it did and stands by.

3. The FIU project director and the A.I.D. project officer "decided that the sector assessments should be more detailed than those normally performed under A.I.D. procedures and should be performed one country at a time".

There is no standard or approved methodology for A.I.D. sector assessments, other than normal research criteria demanding seriousness and reliability, especially in an area in which such work had never been carried out before. Additionally, each assessment methodology and scope was thoroughly discussed with the Missions and the appropriate national officials and their approval was obtained. As characterized by the only evaluation of this project, the sector assessments were the major achievement of this Project.

4. The Guatemala assessment was never completed.

We have attached a copy of the assessment, covering more than four hundred pages. Had the auditors ever checked with FIU they would have been able to review the applicable documents.

The third finding points out that the "main" Project purpose was to strengthen ILANUD's "ability to provide services and developing its capacity to provide regional leadership after the end of the Project". This purpose, the auditors claim, is not being satisfactorily achieved "as Grantee's abilities to date have not been enhanced to the level planned". The report charges that ILANUD's development was "hindered by the cooperative agreement contractor (FIU) as the contractor did not provide adequate management and technical advice to the Grantee as required under the cooperative agreement". This is based on five factors:

1. The Project Paper requires that ILANUD's documentation center improve its capacity to provide services.

While ignoring that the Project Paper does not mention this purpose, the auditors fail to note the funds which were expended to strengthen ILANUD's library and its ineffectiveness, resulting in reprogramming of those funds to assist more cost effective Project activities. Likewise, they complain that the bibliographic services to be provided by the library were hampered by the delays in furnishing them the raw data from the sector assessments. The only raw data which could have been furnished were survey results and SPSS (Statistical Package for the Social Sciences) tables, none of which would have been useful to a library. We fail to understand how the provision of reams of numeric sets could have made the search for a book or article any easier for this library.

2. ILANUD did not gain any experience in carrying out sector assessments since they did not actively participate in them.

The auditors assume that assessment of justice systems is a skill, in and of itself, or a discipline which can be learned in a short period of time regardless of the educational or research background of the trainee. These were multidisciplinary research studies carried out by teams of people from a diversity of disciplines. Additionally, the Project Paper and subsequent implementing agreements, recognized that ILANUD was going to be so overwhelmed by the scope of implementing responsibilities that they could not also be charged with the responsibility of the assessments. That is the reason for the cooperative agreement with FIU. Finally, the

assessments were conceived as one-shot reviews which would not be repeated. Thus, development of an institutional capacity to carry out sector assessments was not viewed as critical to ILANUD's emergence as a "center of excellence" in Latin America.

3. The audit report begins this criticism of ILANUD's lack of expertise by stating that "besides having a knowledge of each country's justice system, expertise in the legal process is desirable for analysis and research which could stimulate legal process reforms."

Although FIU, and its personnel, are generally considered experts in this field, we must confess that we have never heard this terminology before and do not understand the criticism.

The report then goes on to demean the assignments accorded to ILANUD in the Project Paper, as if research was a more laudable skill than implementation, and states that "however, the types of projects provided for in the project agreement were generally of an administrative type and thus, were not effective in developing the Grantee's (ILANUD's) legal process expertise. For example, the statistics project required the expertise of a statistician more than a legal expert".

This point is one of the weakest in the report since it attempts to mix terminology and concepts which tend to intimate that "pure" research will make an institution a more important leader in the field of criminal justice than applied research. That is not accepted by any serious practitioner in this field.

4. The audit also complains that the Project did not provide assistance to ILANUD's research office. The auditors complain that "in order to become a leader in criminology after this Project ends, the Grantee needs to administer projects and perform research which will accomplish this purpose".

Even though this does not involve FIU directly, we feel some professional responsibility to clarify technical terminology. The Project never intended that ILANUD become a leader in criminology, a science growing out of sociology and largely concerned with the causes of crime, but rather a leader in criminal justice which tends to emphasize measures directed toward public sector improvement rather than focusing on the offender. It should also be pointed out that a research unit is not created just with money but requires a group of committed and trained individuals with unique skills, education and a devotion to academic pursuits. This is one of the primary reasons for being of academic institutions something ILANUD is not.

5. This finding consists of an allegation that FIU did not provide adequate management and technical advice to the Grantee (ILANUD) to assist in substantially strengthening its capacity to provide regional leadership as required under the cooperative agreement". It then goes on to complain that only one of the advisors could dedicate full-time attention to ILANUD's needs due to the pressing demands of the assessments.

This is a point which FIU has always agreed to and, indeed, motivated it to seek amendments to its agreement to include institutional and organizational advisors for ILANUD. However, the report states that FIU only provided the Grantee "some technical advice (mostly prior to the commencement of the sector assessments in mid-1985)". Indeed, the advice and short-term technical assistance given to ILANUD was substantial, after the commencement of the cooperative agreement. It should be pointed out that FIU provided no such advise to ILANUD prior to this agreement, in mid-1985, as claimed by the audit report.

The assistance, referred to in this finding, was to be provided through the employment of

three senior advisors who would assist ILANUD in technical and management areas: a technical advisor to assist the ILANUD Project Director in program planning and project management; a training specialist to assist in the design and delivery of courses; and, a justice administration specialist who could assist in the development and provision of technical assistance by the ILANUD staff. All of these experts were employed. Additionally, short-term numerous consultancies have been provided to ILANUD in this area.

The Project Paper seriously underestimated the requirements which the sector assessment responsibilities were going to place on two of the advisors. FIU recognized this immediately and sought modifications which eventually led to the employment of an institutional development advisor and an organizational advisor.

Despite the demands of the sector assessments, FIU personnel devoted a great deal of time assisting ILANUD. Indeed, at some points they even became part of the ILANUD staff and assumed a leadership rather than advisory role, something for which FIU has been criticized in previous evaluations.

This entire section is a serious criticism of FIU's efforts. It is based on poor knowledge of the facts, possibly related to the auditors' lack of contact with FIU staff. We stand ready to provide any documentation which may be desired on short-term technical assistance provided to ILANUD. It is impossible for us to determine how these judgments could have been reached in the absence of interviews or reviews of reports and contracts, in the possession of FIU.

6. Possibly the most damaging charge leveled by this audit, and one which is especially unfair, due to the refusal of the auditors to interview FIU staff, is that "based on the sector assessments, performed under (the) cooperative agreement to this Project, FIU has published research documents and a book on one country's justice system. FIU currently has plans to publish additional books on other countries' systems assessed by them under this Project. In addition, with its expertise in Latin America, FIU has been able to obtain a contract under another A.I.D. grant to improve the media in Central America and will undoubtedly seek a planned contract to improve the legislatures in Central America. Because a primary objective of the cooperative agreement was to develop FIU as a legal center specializing in Latin America it was probably not in FIU's interest to assist the Grantee in accomplishing this same purpose for the Grantee (ILANUD) under the Project agreement."

This statement charges FIU with engaging in a contract wrought by conflicts of interest. The only proof given to support such a claim is that FIU sought to benefit from the agreement by engaging in its primary mission, research and academic pursuits. It then links a series of unrelated facts, such as the award of an A.I.D. grant to a totally distinct academic unit within the University, to its performance in the administration of justice project.

We can only assume that these statements are the product of confusion due to the absence of contact with FIU personnel and their failure to conduct, even a brief visit to the Center for the Administration of Justice at FIU, by the authors of this report prior to its preparation.

Florida International University is a member institution of the State University System of Florida with an enrollment of over 20,000 students. It was recognized as a leader in Latin American studies prior to this cooperative agreement and will continue to be so judged regardless of its affiliation with A.I. D. It is exactly because of their expertise that they were employed by A.I.D., as requested by the Grantee, to provide this assistance. Since neither ILANUD nor A.I.D. found the relationship troublesome, it is surprising that auditors would find it to be so, almost as an afterthought.

7. "As a consequence of FIU's inadequate advice, AID has required the Grantee to produce an institutional development plan".

Institutional development plans are a prerequisite to the planned growth of any institution. Thus, an institutional development plan is not a result of FIU's poor management advice, but rather the product of sound counsel. As is customary throughout the document, the auditors first reach a conclusion and then describe consequences without describing the basis for the conclusion nor its relationship to the consequences.

An especially worrisome concern is that the first draft of the audit findings (RAFs) were forwarded to ILANUD, the Grantee, by the auditors. These were then sent by ILANUD to the United Nations and a protest was filed by the U.N. with the United States delegate regarding US interventionism in a United Nations institution. This careless disregard for discretion has resulted in the development of a negative relationship between ILANUD and FIU while also, and more importantly, damaging U.S. foreign policy objectives.

The entire audit document is full of inaccuracies, misstatements of fact, poor analysis and demonstrates a lack of knowledge of the field of criminal justice and Florida International University. FIU has had a number of A.I.D. contracts over the years. Fortunately, for the federal government, it has treated them a lot more seriously than it has been dealt with by this audit.

On March 19, 1990 FIU made a formal response to the audit findings and protested the manner in which the findings were prepared (Attachment 9). As of this date, no response has been received to this response although it is our understanding that the final audit document makes no reference to FIU.

4. Fiscal Audit of FIU

AID's Regional Inspector General's Office began a fiscal audit of FIU's Administration of Justice Project during this quarter. This was the second audit of the FIU Administration of Justice Project conducted by the Regional Inspector General of A.I.D. in the last year. Both were preceded by an A.I.D. financial analysis by the Controller of USAID/Costa Rica in 1987 and annual audits by the State of Florida.

The period of performance for this audit was from July 8, 1985 to April 30, 1989. The objectives of this audit were to: "determine: the allocability, allowability and reasonableness of costs claimed, the adequacy of the Florida International University system of internal controls over Cooperative Agreement costs, and the extent of compliance with cost-related terms and conditions of the Cooperative Agreement".

The field audit was performed during a sixteen day period from February 12 to March 1, 1990. In addition to this audit, the University has undergone detailed annual fiscal reviews from the State of Florida Auditor General since the commencement of this grant in 1985.

During the exit conference, FIU's Controller and a representative of the University's Division of Sponsored Research complained about the manner in which the prior audit had been conducted, specifically denying FIU an opportunity to respond to the audit findings prior to widespread distribution. They were assured that this would not be repeated and that FIU would be provided with an opportunity to respond to this audit while still in draft.

5. Procurement

We have not undertaken any purchases for ILANUD.

6. Conferences, Bar Association Meetings, Training and Study Tours

We have been available to provide this service to ILANUD and other grantees encompassed under the Project Paper but have received no requests during this quarter.

III. Services to USAID Missions in RAJP

During this period, we have been requested to provide assistance to USAID/Colombia and to ILANUD in reference to the development of bilateral projects in Panama, Honduras, Costa Rica and Ecuador.

1. Panama

As a result of a request from LAC/DI, FIU sent a team for a one-week site visit to Panama to evaluate the immediate justice The proposals made in the report reflect only emergency assistance to remedy the damages caused by the military action and to provide a transitional period for the reestablishment of a functioning justice system. A long-term project is now being developed under the Checchi IQC.

During this quarter FIU worked on a proposal for a bridge grant to provide services to the Attorney General and the Supreme Court until the long-term project is adopted (Attachment 10). These services would consist of a training needs assessment for circuit court judges. Travel to Panama by Luis Salas and Tirza Rivera was undertaken to discuss the proposal with Deborah McFarland and John Oleson of Checchi. The primary purpose was to agree on a mechanism whereby the FIU team would coordinate with Checchi so as to avoid duplication of efforts.

Since Panama was not included in the Regional Agreement, FIU requested authorization from LAC/DI and AID Contracts to allow it to incur precontract costs. The urgency was dictated by the demand from the USAID/Panama Mission pursuant to the emergency legislation enacted by the Congress. After a series of conversations with Deborah McFarland (USAID/Panama), Peter Howeley and Beth Paige (OP/OS/LAC) and Norma Parker (LAC/DI), FIU was informed verbally of an agreement to incur such costs. This was ratified in a latter from Deborah McFarland dated June 12, 1990 (Attachment 11). She indicated in this letter that while Howley had agreed to FIU incurring precontract costs, the Panama project would be the result of an amendment to the regional cooperative agreement. This modification should be completed in mid-June. As of the end of the quarter, the modification had not been completed. FIU repeatedly insisted on further written authorization and speeding up the process to no avail.

Roger Echeverria has been selected to be the Project Manager for Panama. We are intending to employ a local contractor to be his counterpart.

2. Colombia

While Center personnel have previously worked on the Colombian administration of justice Project Paper, we have heard nothing further on this during this quarter.

3. Ecuador

A final proposal for carrying out a sector assessment in Ecuador was prepared by FIU in May, 1990 (Attachment 12). FIU was originally contemplated to be the team leader of this assessment but due to conflicts with ILANUD it withdrew. Thereafter, LAC/DI insisted that FIU agree to direct the effort. FIU complained that due to other commitments, the distance involved and the problems with ILANUD it would not be beneficial to have FIU direction of this effort. However, LAC/DI insisted. Finally, FIU agreed under the following division of labor between MSD, FIU and ILANUD:

i. Management Sciences for Development (MSD)

As the prime contractor, Management Sciences for Development (MSD) will have overall management responsibility for carrying out the Ecuador judicial management study. Specifically, MSD will be the lead organization in providing overall coordination and administrative assistance to the institutional team leader. It will also be responsible for contracting local personnel.

MSD will designate from its own staff a Project Administrator responsible for overseeing the implementation of the proposed scope of work and for coordinating and monitoring the contractor's activities during the life of the project (LOP) in collaboration with the relevant parties listed above.

MSD will also be responsible, in collaboration with FIU and ILANUD for hiring a local (Ecuadorian) project coordinator and other local support staff. MSD will also be responsible for renting local office space, furniture, equipment, and other materials (as indicated in the cost proposal).

The local project coordinator and staff in the local office to be established in Quito, Ecuador, will provide assistance to the international specialists and local sub-contractors. In addition, MSD will be responsible for making all logistical arrangement for a proposed workshop, including reproduction and distribution of the draft report to all participants, rental of a conference facility, invitation and travel costs for participants, hiring of secretaries and drivers, equipment rental, etc.

Once the proposed final report on findings and recommendations has been revised at the workshop, MSD will provide for production of the final version in Spanish and its reproduction in sufficient quantity to provide at least one copy for each participant in the workshop and three additional copies for AID.

ii. Center for the Administration of Justice (CAJ/FIU)

MSD will negotiate a sub-contract with CAJ/FIU for the provision of a team leader. CAJ/FIU will have the lead technical role in the conducting of the Ecuador study. CAJ/FIU will have the technical overall responsibility for the assessment, due to the need to maintain an homogeneous research criteria and methodology throughout the components of the assessment.

CAJ/FIU will be contractually responsible to MSD and USAID/Ecuador for carrying out its responsibilities. It shall keep ILANUD, the Supreme Court of Ecuador and USAID/Ecuador appraised as to the decisions as set forth below.

As team leader, CAJ/FIU will have the following responsibilities:

1. Designate a project manager from its own staff to oversee the implementation of the work.

2. Drafting of a workplan. The workplan shall be forwarded to USAID/Ecuador, RAJO, MSD, ILANUD and the Supreme Court.

3. Conduct a preliminary visit to explain to local officials and USAID/Ecuador about the nature and scope of the study and to coordinate arrangements with them.

4. Identify a local study coordinator to act as liaison with CAJ/FIU, local contractors to be employed by MSD, and justice officials.

5. Prepare scopes of work for all the studies detailed herein.

6. Employ all international consultants.

7. Advise MSD on employment of local contractors. These shall be employed by MSD. CAJ/FIU shall review and approve their contracts and no payments shall be issued to them with CAJ/FIU approval.

8. Although ILANUD will have responsibility for carrying out the training needs assessment detailed herein, it will act under the supervision and technical guidance of the CAJ/FIU.

9. Furnish to USAID/Ecuador, MSD and ILANUD monthly progress reports.

10. Prepare a final report.

11. Coordinate the technical aspects of the post-study workshop.

iii. ILANUD

ILANUD will appear as the study sponsoring agency, together with USAID/Ecuador.

Specifically, ILANUD will carry out the training need assessment, according to the technical orientation and supervision of CAJ/FIU. In doing so, it will act as any other subcontractor and report to CAJ/FIU.

4. Bolivia

We have heard nothing further on this during this quarter.

5. Paraguay

We conducted a site visit to Paraguay during the prior quarter. LAC/DI requested another visit in this quarter. Since we were unable to undertake this mission it was agreed that a Checchi team would conduct such a visit and design a $100,000 short-term assistance grant to the justice sector in that country.

6. Honduran National Commission on Justice Reform

In June of 1990, a team from CAJ/FIU visited Tegucigalpa to meet with the Commission and other high officials of the Honduran Government, the US Embassy and the USAID Mission (Attachment 13). Presentations were made to the US Embassy Country Team presided over by the Ambassador and the Supreme Court with the attendance of all members of the Commission.

As a result of this visit, the Honduran authorities determined the need to have the Center's assistance in three areas: definition of priorities in the updating of the sector assessment; assistance to the USAID Mission and US Embassy on critical issues affecting the Justice sector; and assistance to high level officials of the Government of Honduras with the purpose of establishing an inventory of needs, benefits and costs of the fundamental reforms to be implemented in the justice sector.

The trip revealed a lack of consensus among Honduran authorities as to the goals to be met by the Justice sector. This indefinition has been worsened by the absence of local political will to promote substantial changes to improve the precarious conditions in which the Honduran Justice sector operates. The fact that a new Commission has been elected further complicates the situation. Nonetheless, the growing interest of the Supreme Court to proceed with the updating, and its own petition of having a CAJ/FIU team brief Honduran President Rafael Leonardo Callejas, could well indicate a change in this trend which could lead to a more enthusiastic endorsement of the Commission's activities.

The follow-up trip is still pending of confirmation by the Honduran National Commission and the Supreme Court.

7. Costa Rican National Commission on Justice Reform

A series of meetings have taken place between CAJ/FIU personnel and the National Commission for Justice Reform. These meetings have had the purpose of clarifying the scope of the Center's advisory services, as well as the new priorities of the incoming Calderón Administration in the updating of the Justice Sector Assessment, particularly in what respects to the police, the judiciary, and the correctional system.

As it was the case in Honduras, the Costa Rican Commission has not been able to define its mission as coordinator, advisor, and facilitator of initiatives seeking the improvement of the Justice sector. Furthermore, given the Commission's inability to focus in the sector as a whole, it has generated a rather fragmented approach to Justice issues. Clearly, it is also limiting its initiatives capacity, and has delayed the updating of the sector assessment carried out by CAJ/FIU in 1987.

This lack of general direction and sense of purpose, and the slow pace at which the Commission resumed its duties after the new Government took office on May 8, motivated CAJ/FIU to express to the Commission the need to urgently resolve a number of pending issues without which the Center's advisory services could not be satisfactorily implemented (Attachment 14).

The letter resulted in a meeting between the full Commission and CAJ/FIU Deputy Director Tirza Rivera. In the meeting, the Commission reiterated its interest to continue supporting the sector assessment update, and received from the Center a list of issues which required further clarification. Currently, the Costa Rican Commission is in the process of drafting a final proposal for the CAJ/FIU to analyze and make recommendations upon. It has

also expressed interest on furthering contacts with other National Commissions to exchange experiences in the field.

We have been frustrated by the lack of progress in Costa Rica. This has been communicated to the Commission, LAC/DI and RAJO. While we stand ready to carry out our assistance, these delays may make it impossible for CAJ/FIU to fulfill its contractual responsibilities as it regards the Costa Rica sector assessment update.

8. Guatemala

There have been no activities in this country during this quarter.

IV. Strengthening the institutional and academic potential of FIU in this sector

A central objective of the first AID/FIU Cooperative Agreement was the provision of institutional assistance to the Center for the Administration of Justice in strengthening its capacity to provide support to reforms in the Latin American justice sector. This was never realized during the agreement.

The Center had, during the first Agreement, been engaged in the provision of services to ILANUD, and had not devoted much attention to its own institution building. This component of the new Agreement presents four activities to be carried out by the Center as a complement to the services it provides to ILANUD. These activities are:

a) Publication of monographs;
b) Publication of national reports and bibliographies;
c) Meetings of experts;
d) Travel to conferences.

The objectives of the proposed activities are: to strengthen the presence and reputation of the Center for Administration of Justice of Florida International University in Latin America through the dissemination of information collected by the Center during the development of the project on Regional Administration of Justice and by providing an international forum for the discussion of justice administration.

It will also promote the availability of legal materials to the legal establishment and thus enhance the role of the United States in the improvement of justice administration in Latin America.

It will also provide a source for regional legal information and data which would be an alternative to the few, mainly European sources, presently available to the legal community in the region.

The Center will also disseminate information gathered as a result of the Regional Administration of Justice Project. The fist Cooperative Agreement between Florida International University and AID did not expressly contemplate financial resources for publication of the findings of the sector assessments. These findings run to thousands of pages and constitute a valuable product of the Regional Administration of Justice Project. It should be remembered that one of the problems of the SLADE PROJECT (the Stanford Law School's program of Studies in Law and Development), financed by AID at the beginning of the 70's, was the lack of resources at the end of the project with which to publish the information it had collected. None of the manuscripts resulting from this major research effort were ever published

and Latin America never had access to them.

1. Publications

A result of the research done by the FIU's Center for the Administration of Justice in gathering data for the sector assessments has been the promotion of individual research on specific topics. There are two types of publications which are proposed: the first, are books on the sector assessments. The first three have already been published (***La Justicia Penal en Costa Rica*** and ***La Justicia Penal en Guatemala***) and ***La Justicia Penal en Honduras***), the report on the Dominican Republic is being worked on. The final book shall be a comparative work on the administration of justice in Central America. While publication of the Costa Rican assessment was not financed by the Project, it is our intent to finance the others with Project funds. We are proposing widespread distribution of 1,000 copies (with the majority going to Latin American countries). Some of the copies will be distributed free while the majority will be sold through bookstores and to US libraries. We have requested authorization from AID and we have been allowed to assume the publication with a recognition being included as to the support provided by AID to these projects. We have provided drafts of the Honduran and Guatemalan books to LAC/DI and RAJO for their review. They have agreed that some acknowledgement should be given to AID and have approved the publication.

In addition to these books, we are also proposing to publish monographs on some of the most pressing issues facing the region. Drafts of the first two (Judicial Career and Judicial Independence) were completed during this quarter. We also worked on a short monograph on Honduras' administration of justice, authored by Mark Rosenberg, another short piece on the administration of justice in Bolivia, authored by Eduardo Gamarra, and another on Nicaragua's administration of Justice by Richard Wilson.

These studies are valuable technical and academic efforts that will provide valid contemporary information regarding the legal justice field and they constitute practical devices for the improvement of justice administration in the countries affected by the project. It would be highly beneficial to the Center and to AID, in its role as a provider of justice assistance, to reproduce and distribute these studies without cost to academic or governmental institutions.

In addition to these studies, another major byproduct of the sector assessments have been the development of complete bibliographies on administration of justice in the different countries.

There are no complete bibliographies on the justice sector in the participating countries. Indeed, a hindrance to legal development has been the lack of current legal materials. Each sector assessment produced the first complete legal bibliography in the country. The efforts represent a mammoth task, not only of compiling the bibliographies but also annotating them and identifying in which library they may be found (including many private law libraries). The bibliographies are restricted to national materials and represent an invaluable tool for law researchers, legislators, judges and practicing attorneys in the countries.

Approximately one hundred copies will be distributed per country. An additional two hundred would be printed for distribution outside the countries but these costs would be borne by the sale of copies to US and European libraries.

Another publication effort to which the Center is committed is the publication of the criminal procedure codes, law on court organization and criminal codes of Latin America. Such a collection will prove to be of invaluable assistance as basic reference material to justice

reformers. The preparation of the collection of criminal procedure codes is now almost completed and the others are being collected.

2. Meetings of Experts

The interchange of ideas and experiences in a field as dynamic as justice administration is of great importance. In Central America there are few occasions when formal working meetings of respected high level experts in justice are held.

The countries covered by this Agreement are attempting to maintain democratic regimes in the face of serious political, economic and social difficulties. The justice system, now more than ever, needs to respond rapidly and efficiently to the diverse and frequently complex situations and problems that arise in the region. The proposed meetings would be a forum where experts in the field of justice administration with an in-depth knowledge of the area could gather to discuss and analyze regional problems and propose viable solutions to them.

No meetings were held during this quarter but we continued to work on the meeting on the impact of the administration of justice on indigenous communities in the region. This workshop will be cosponsored by the InterAmerican Institute of Human Rights.

ATTACHMENTS

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ATTACHMENT 1

EDUCATIONAL DEVELOPMENT CENTER FINAL REPORT ON ILANUD

DC

OBSERVATIONS, CONCLUSIONS and RECOMMENDATIONS

relating

ILANUD's

ORGANIZATIONAL STRATEGY, STRUCTURE

and

MANAGEMENT PROCESSES

FINAL REPORT

RECEIVED
22 JUN. 1990
R. A. J. O.

EDUCATION DEVELOPMENT CENTER
Boston, MA

JUNE 4, 1990

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EDC

Executive Summary

Historical Perspective

The United Nations Latin American Agency for the Prevention of Crime and the Treatment of the Offender (ILANUD) is an international organization that came into existence as a result of an accord between the United Nations and the Government of Costa Rica.

Its charter endows ILANUD with a certain level of international independence, provides for a minimum level of economic support from the Costa Rican Government, but includes no commitment for financial or technical assistance from the United Nations or any of its agencies. In fact, whereas ILANUD is part of a loose network of Regional Institutes sponsored by the United Nations Social and Economic Council via its Vienna-based Committee on Crime Prevention, the Institute is not a dependency of the United Nations nor of any of its agencies and does not appear in any of its organizational charts.

ILANUD's mission, expressed in broad philosophical terms, provides ample opportunities for involvement across lines that transcend its name. The charter does not restrict ILANUD, operationally, in any significant way, nor does it offer any specific direction.

The charter is most significant by what it does not do. It doesn't specify how ILANUD is to service its mission, how inter-organizational relationships are to operate, or how ILANUD is to grow and adapt to changes in its environment, nor does it provide flexible mechanisms for change.

Furthermore, the charter does not specify a governing entity to direct change, to account for change, and upon whom final responsibility rests for ILANUD's performance and its evolving mandate and mission, leaving ILANUD practically "alone" to direct and manage itself. Since ILANUD is, in fact, rather autonomous and NOT a UNITED NATIONS dependency, the lack of a governing council with "board of director" level authority and responsibility is a major deficiency, not shared by most international and independent organizations.

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Organizationally, the charter provides for the selection of a Director by the Costa Rican Government and a Co-director by the U.N.. The latter was subsequently substituted by an interim Costa Rican appointed Sub-director. In the absence of any direct involvement by either of the founding organizations, these positions have become, de facto, permanent appointments and the "ruling" body of ILANUD.

ILANUD, founded in 1975, operated during the first 10 years of its existence as a small research-oriented organization. Its personnel consisted of the above mentioned Director and Sub-director and a small group of law school graduate students, none of who had any formal training (beyond graduate school) or prior work experience in areas relevant to ILANUD's mission.

In addition to the minimal support provided by the Costa Rican government, financing was supplemented with small research contracts from United Nations agencies and some (very nominal) contributions from other governments in the region. Although exact numbers are difficult to ascertain, it appears that ILANUD's budget during that 10 year period was approximately $150,000 per year.

Managerial and organizational requirements were obviously minimal and ILANUD appears to have functioned adequately within such an elemental scope of work.

Involvement with USAID

In 1985, ILANUD entered into a multi-year agreement with USAID to provide a vast array of services in one of its purported areas of competence: Administration of Justice. The level of activity that this agreement represented was TWENTY times its prior level. Consequently, the USAID agreement also provided for a substantial level of institutional support to assist ILANUD in absorbing and channeling the necessary resources to meet these new service obligations.

Institutional Development support from USAID to ILANUD has been channeled through two principal mechanisms: a direct subsidy to cover ILANUD's overhead expenses (principally salaries of non-project personnel) and technical assistance through a service contract with Florida International University.

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The latter, in turn, encompasses two distinct support areas: those related to field support and collaboration - joint projects where FIU's expertise is shared with and hopefully absorbed by ILANUD, and those which relate to administrative, organizational and planning aspects in support of ILANUD's internal management and administration.

Albeit not the subject of this study, the programmatic component of ILANUD's USAID related efforts appear to have been completed reasonably well.

<u>However, the institutional development component has not been successful</u>

Since 1985, and almost overnight, ILANUD grew by a factor of 20, yet its organizational structures and management processes are as simple today as they were during its incipient years as a fledgling research organization.

In fact, most of the <u>key</u> personnel today (in management, administration and Programs & Projects) are the same individuals originally employed (Director, Sub-Director, lead project managers and those individuals in administration who yield the effective day-to-day control). By and large, most ILANUD employees have no prior experience other than ILANUD; most do not have any formative training in many of ILANUD's areas of programmatic focus, and certainly none have prior experience in the diverse disciplines of institutional management. ILANUD has been unsuccessful in attracting and/or retaining professional managers - staff or line.

<u>Recent attempts at Institutional Development</u>

Through the Institutional Development component of the USAID agreement, several efforts have been undertaken to assist ILANUD in absorbing the massive changes required to service its new obligations and to develop an operational level of independence and self sufficiency.

However, these activities have been to no avail. A key conclusion by the authors of this report is that this failure is due primarily to the intrinsic lack of understanding for the need of these changes exhibited by ILANUD's top management.

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Change is apparently resisted peacefully and often under the guise of collaboration. During the period of this engagement, the consultant team has experienced this "peaceful resistance" to change. Things seem to happen, plans are laid out, new proposals presented, but the bottom line remains the same, no real change. An illustrative example: during the three month period of performance of this study, three distinct organizational proposals were presented by ILANUD's top management, each purporting to substantially cut the overwhelming administrative load exhibited by the organization. When the "dust" settled on each, the net result was at best negligible - only a token number of low level employees were eliminated and total personnel budget was almost identical.

When token collaboration fails to stem the tide of change, opportunistic use of the United Nations dependency banner is invoked.

It is unclear why change seems to be resisted so vehemently and whether it is a consequence of the perceived need to maintain the status quo by ILANUD's key managers or perhaps, and more probable, it is the result of the lack of understanding of the complex needs of managing a diverse international institution.

Objectives of this engagement and Methodology employed

The principal objectives of this study at its incept were: to evaluate the organizational strategy of ILANUD, its management structures and processes; to develop specify recommendations aimed at an enhanced and self-sustaining operation; and, to suggest a time phased series of activities to achieve said goal.

To attain these objectives and to create the base from which its key conclusions and recommendations were to be derived, the consultant team reviewed all available documentation, undertook a detailed analysis of ILANUD's planning and procedural documents, interviewed all middle to top managers of the organization, and conducted a series of interviews with selected representatives of outside organizations; clients, collaborators, past, current and prospective sponsors, key Justices from the Costa Rican Supreme Court, as well as representatives from both the outgoing and incoming Costa Rican governments.

At the incept of this study and after a review of the documentary evidence available (representing both the organizational evolution of the Institute as well as recent attempts at structural reorganization) and the first series of interviews with the top four managers / directors of the Institute, it became apparent to the consultant team that:

- There were too many obvious problems at the Institute which prior consultations had failed to correct (but not identify).

- That the key players (the Institute and its principal funding sponsor, USAID) had reached an impasse in the resolution of issues of mutual interest.

- Their appeared to be a perception (or expectation) that this consultancy was "another" futile attempt to resolve the above two points. An overpowering sense of deja vu permeated the initial interviews and interactions between the consultant team and ILANUD.

Consequently, the consultant team opted for a rather dramatic change of venue, still within the original scope of work, that focused on both identification of the substantive limiting aspects for progress as well as the mediation of a cooperative formula for their resolution.

From the incept of this assignment, the principal investigator of this effort held periodic one-on-one meetings with the Director General of ILANUD, wherein open, frank and candid discussions of <u>all</u> issues presented in this document took place.

Finally, and prior to the issuance of the final report, the key findings of this effort were candidly presented and discussed with USAID Washington, USAID Costa Rica, the American Embassy in San Jose, the recently appointed Costa Rican Minister of Justice and, at the request of the Director General of ILANUD (with whom an initial private preview of these findings had already taken place), to the top echelon of ILANUD.

Limitations of the Study

This study was not intended to be and is NOT an audit of the organization, neither is it a comprehensive evaluation of all aspects of ILANUD, measuring and balancing overall strengths against weaknesses.

There was no intent or attempt to assess the programmatic contents, the relevance or the adequacy of ILANUD's products and services, beyond those ideas and reactions expressed by non-USAID sponsors as a proxy for ILANUD's ability to meet the mainstream requirements of internationally oriented funding institutions.

This study focused on those management structures, processes and organizational strategies that are generally held critical for the effective and efficient management of an organization and the cost effective delivery of services. Consequently, these become imperative requirements for the evolution of ILANUD into an autonomous and self-sufficient international organization.

Finally, and as expressed frequently to ILANUD's top management, this study made no attempt to assign culpability for historical inadequacies of the organizations or its collaborators, nor did it attempt to identify any shortcomings not germane to the successful evolution of the Institute.

As the study unfolded, it became obvious that the original objectives of the study needed to be augmented by developing answers to three specific questions:

- Why had some very self-evident managerial, structural and administrative problems not been resolved through the various institutional development attempts (evaluations, audits, and multiple consultancies) of the recent past ?

- What is or are the underlying (substantive) managerial and administrative issues that were preventing ILANUD from attaining a respectable measure of self-sufficiency ?

- Under what basis can or will funding agencies (currently disproportionately represented by US taxpayers) continue to support an organization whose principal managerial preoccupation appears to be the perpetuation of its administrative structure.

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Summary of Observations

A review of the current and proposed organizational structures, shows ILANUD as a top heavy, bureaucratic oriented organization, placing more emphasis on its administrative structure than in the production/service component of its organization.

An analysis of ILANUD's planning documents shows an organization with limited knowledge of planning, fund raising and little awareness of the traditional structures and processes of management and control. To a very significant level accounting and bookkeeping systems are used as proxies for management control and financial reporting, while management energies are focused primarily on the administrative component of the organization in lieu of the producing (service delivery) aspects of the Institute.

Interview results show an upper middle employee pool who are, to a large extent, appreciative of the prestige and monetary compensation perceived, but who feel alone in the organization and unhappy with how the organization is being managed and led.

Interview results with outside parties presents a profile of ILANUD that includes low visibility but a favorable reputation. The Institution is envisaged as a Costa Rican / U.N. related institution with significant potential for the region and Latin America as a whole. A potential that is yet to be attained.

ILANUD clients (primarily from Costa Rica) expressed a sense of frustration given the bureaucratic laden procedures in existence at ILANUD, the indecision of key managers on a broad spectrum of issues and the appearance of internal fiefdoms that significantly limit the institutional response to changes in its environment.

There appears to be unanimous agreement that ILANUD should continue to exist and grow (an opinion the report authors strongly share), but significant changes were seen as needed to endow the institute with enough internationality, managerial aggressiveness and professionalism to break the excessive dependence it exhibits on USAID institutional support funding.

Finally, outside parties tended in general to see the Institute as a facilitator of international resources (skills, finances and technology) rather than as a center of innovative and substantive contributions to the Judicial field.

Summary Conclusions

To a significant extent, the funds of USAID have masked a multitude of inefficiencies at ILANUD. Simultaneously, ILANUD's managers have made opportunistic use of the United Nations banner as a shield against unwanted requests for change (Institute-wide financial reporting, use of an internal auditor, creation of an effective Board of Directors, etc.).

As detailed later in this report, ILANUD is an administration laden organization, with minimal direction and with an unclear operational concept of its mission. With an administration employee level four times the number of "service producing" staff, and a corporate management with minimal experience, ILANUD is unable to make clear, swift or responsive decisions.

ILANUD is viewed by others - clients, sponsors and interested observers - as outside the mainstream of sponsorship interest, limited in its ability to respond by its bureaucratic entanglements and, without the USAID Institutional support, economically noncompetitive.

The consultant team finds it particular disturbing that ILANUD's management opposes the creation of an effective Board of Directors, and that in the absence of a consolidated external audit and consolidated Institute-wide financial reporting, it likewise opposes the creation of an internal and independent auditor.

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Recommendations

It is evident that a major series of changes must occur to facilitate institutional growth at ILANUD. Foremost, its management must either change or allow for change, in real terms. ILANUD needs certain standard organizational and management structures that it currently lacks: a Board of Directors, an internal auditor, an Executive Committee, Financial Reporting, Project Management and Control, and a Cost Recovery Process to determine, track and recuperate operating costs.

ILANUD must also renegotiate with its funding agencies, in particular USAID, JICA and UNDP for realistic direct cost plus overhead contributions, while shifting dramatically from an administrative driven organization to a product/service institution.

Finally, ILANUD must embark upon a directed and concentrated institutional development effort that will ensure its independence and autonomy beyond the "grace" period provided by the institutional development support of its major contributor, USAID.

Options

As an independent international organization, ILANUD has a significant amount of independence in determining its course of action. This is particularly true given the lack of governing structure incorporated in the agreement that created the organization. Consequently, and in the possible absence of a Costa Rican political imperative for change, it is largely up to ILANUD's top management to steer the future of the organization.

USAID's proactive choices are therefore limited. However, unless ILANUD decides to accept change in real terms, USAID's funds for Institutional Development will be inevitably wasted on an organization who does not function nor understands what is needed to extricate itself from its present condition. In fact, it is unlikely that USAID could effectively use ILANUD for service delivery under normal competitive conditions (i.e. without the masking effect of institutional development funds) unless significant change precedes such a contractual relationship.

If ILANUD's top management accepts and directs a significant effort towards rational organizational development, USAID could envision a reliable and competent regional organization to undertake challenging activities in the area of Justice Administration and Judicial Process.

For such transformation to take place, however, USAID will need to redirect its institutional development support away from indiscriminate overhead support (via general salary payments) and towards specific institutional building activities, while separating institutional support from the acquisition of products and services (with its commensurate components of direct costs and overhead) in concert with either regional or country specific programmatic objectives.

OBSERVATIONS, CONCLUSIONS and RECOMMENDATIONS

I. OBJECTIVE OF THE STUDY

As stated in the terms of reference of the Request for Proposals, and subsequently restated in the proposed workscope for this engagement, the objectives of this study are threefold:

1. To evaluate ILANUD's current business and organizational structure as it relates to the attainment of its evolving mission. Particular attention was to be given to decision making processes, support mechanisms, control systems and the organizational changes currently in process and defined by the Institutional Development Plan 1990-1994 and the Reorganization Plan initiated on 2/2/90.

2. To develop specific recommendations, based on aforementioned findings, related to improved organizational structure, personnel/resource match, support mechanisms, and management processes and their implementation.

3. To develop a time-phased work plan for the aforementioned recommendations.

As the study unfolded, it soon became apparent that the study objectives needed to be modified (in fact augmented) to take into consideration the needs and objectives of the two key players - ILANUD and USAID, needs and objectives which, to a large extent, coincide in their impact upon the organization.

Specifically, the goal expressed by ILANUD is to attain self sufficiency, programmatic versatility and a large measure of economic independence from its principal sponsor (USAID). The the counterpart goal, as expressed by USAID, is to see ILANUD achieve operational maturity, funding diversity and managerial self sufficiency.

Additionally, it became apparent almost from the start, that ILANUD exhibited several obvious structural deficiencies, which albeit previously identified, had not been overcome. This pointed to more substantive and underlying issues which needed to be ascertained and if possible resolved.

During the course of this engagement, this augmented set of objectives has been referred to as the "Formula Concept" - the search for a formula that would motivate both parties to help each other in attainment of their common goal.

II. METHODOLOGY

Three basic components determine how an organization, within the boundaries of a specific institutional "culture", is to be "organized" (structured and administered) regardless of the type of "operation" in which the organization is engaged. These components are:

The end product : the mission, purpose or direction, stated in both philosophical and operational terms.

The service : the technology, the expertise or the knowhow that is offered - the "product" of the organization. In a professional services entity - what it can offer its clients.

The resources : the funds, the people and the support systems. Elements that are harnessed to provide the "service" that will attain the objective.

In order to focus on these components and aiming to reach the aforementioned study objectives, the consultant team undertook a series of activities that included the following:

A - Collection, compilation and review of all information sources that dealt with these three components. Appendix "A" provides a listing of all documents, papers, studies, reports, etc. that were used in this study.

These are, by reference, incorporated into this report.

B - A series of in-depth personal interviews conducted with approximately 50 individuals representing ILANUD's management and operations, current and former ILANUD sponsors, funding agencies, clients, and representatives of groups interested in the lubbers of ILANUD (e.g. Costa Rican Supreme Court, Presidential Advisors, Justice Department, etc.).

Although the specifics of these interviews were confidential, several significant results were obtained which can be expressed as consensus opinions of the overall respondent base.

Please note that the interviews were aimed at eliciting substantive information on topics which are by their very nature subjective (understanding of mission, clarity of objectives, leadership, service satisfaction, support mechanisms, etc.) and not to obtain statistically significant response rates on deterministic issues. Appendix "G" provides an overview of the interview process and some of its salient results.

C - In response to the RFP terms of reference, a directed evaluation of the February 2, 1990 Organizational Restructuring Plan and the April 4, 1990 Institutional Development Plan was undertaken. Additionally, the Job Classification Manuals was reviewed from the organizational perspective only. Appendix "B" provides details of these evaluations.

The balance of this report presents the CONCLUSIONS derived by the consultant team (conclusions based largely on the information presented in the various appendices at the end of the report) and the RECOMMENDATIONS derived from these conclusions. These constitute the consultant's assessment of the adequacy of the structures, systems and procedures that ILANUD, at present, counts upon and the enhancements and improvements needed to facilitate ILANUD's attainment of self sufficiency and operational independence.

- The last section, under the heading of OPTIONS, presents a discussion of the alternatives that ILANUD's management appear to have in determining the course of action to pursue, and those, which in consequence, are available to USAID in dealing with ILANUD's decision.

III. CONCLUSIONS

This chapter presents the more salient conclusions reached by the consulting team based on the observations made and reported in the appendix section of this report.

Conclusions are presented in relation to the aforementioned three components of the ILANUD organization:

- Its Mission
- Its Service
- Its Resources

The first section of this chapter deals with the "Mission" of ILANUD and those aspects - planning, funding and Institutional Development - that are intimately related to the understanding and articulation of the Mission.

Section A - ILANUD's MISSION

There is a proliferation of ideas as to what ILANUD's mission is or should be, how the mission translates into specific goals and how these become planned, programmed, funded and implemented.

Multiple documents conceive ILANUD's mission as an evolution of the original charter from the UN, and a reflection of the evolving areas of programmatic interest of the UN and the regional governments. This rendition of ILANUD's mission is exemplified by eight "programmatic" areas, namely:

1 - Organization and Administration of Judicial Courts
2 - Fundamental Rights, Due Process and Penal System
(actually Public Defense and Ministerio Publico)
3 - Correctional Institutions and Alternatives to Incarceration.
4 - Crime Prevention and Juvenile Delinquency
5 - Legal Protection of the Environment and other Natural Resources
6 - Agrarian Justice
7 - Organized Crime and Drug Trafficking
8 - Women and Justice

Recent documents, specifically, the Institutional Development Plan dated 4/4/90, present seven such areas of programmatic interest (combining the first two into one).

The interview process showed that independently of how these areas were derived, selected, structured and supported, the organization as such (i.e. two thirds of the upper half of the personnel) did not understand the logic behind such choices and had not been "sold" on the mission. Whereas a certain level of organizational discrepancy is usual and as well as useful, the level exhibited at ILANUD from these interviews exceeds functionality thresholds.

Specifically, interview results indicate that few respondents seemed to understand why this list was originated, under what premises (self determined ? market researched ?) or whether the obvious implications of these for ILANUD (qualifications of its people, sources of expertise, specific areas for research & development, departmental organization, etc.) had been realistically integrated into the Institute's annual operating plans or its Institutional Development Five Year Plan.

Interestingly, the majority of external interviewees did not correlate ILANUD's mission with programmatic areas, but rather with functional processes (conceiving of ILANUD primarily as a conduit for international resources - financial and expertise).

Planning documents reviewed to date include, inter alia:

- the 1988 five year plan
- the 1990 budget and plan
- the 1990-94 Institutional Development Plan (last two versions)
- Project Identification Process
- Several planning papers from Cooperacion Internacional

These documents deal with issues of mission, areas of involvement, operational goals, funding strategies, etc. They share the following characteristics:

1 - Their focus is in subject areas which, although falling within the general umbrella of Justice, encompass a vast spectrum of knowhow that exceeds the capabilities of any single, regional organization.

2 - Proposed areas of involvement are not a reflection of in-house capabilities of ILANUD, nor are they a function of past performance or in-house personnel expertise.

3 - In no case are any of these documents related to or validated by in-house operating plans (departmental budgets, personnel allocations, recruitment, or short and medium term tactical plans)

4 - These plans lack any type of need validation from intended recipients of the service.

5 - These plans are not related to funding opportunities, funding strategies, or expressed interest of current, past or potential sponsors.

6 - These plans represent top-down planning processes. In most instances (based on the interviews conducted) Operations, Administration and the specific programmatic areas have had no input in their generation and final determination.

Additionally, the institution apparently responds to

".. we will do whatever it is necessary to obtain funds .. "

and then attempts to undertake

".. whatever tasks anyone will pay us to do ...".

(interviews results)

This correlates with the opinion held by those outside ILANUD, who feel that ILANUD should concentrate on becoming a facilitator of international resources (financial and independent expertise) and stop attempting to play the role of multifaceted "functional" expert.

Interview results with past, current and prospective funding agencies tend to show that ILANUD is outside the mainstream of most non-USAID sponsor objectives. This is most probably the result of limited ability to formulate an acceptable "offer" (a product with a clear positional advantage) combined with a lack of market analysis which would alert ILANUD to particular programmatic objectives of target sponsors.

Additionally and of grave consequence for ILANUD is the inability of ILANUD to integrate funds generating strategies to the economics of the Institution. At present, most non-USAID grants and funding contracts are money loosing activities for ILANUD. They cover direct out of pocket expenses and some marginal indirect costs but do not cover their share of total overhead costs.

As a result, current attempts to generate additional and independent funding are doomed to failure. There is no clear understanding of what constitutes a "funds generating" strategy, what such a strategy should be based upon, nor how it relates to ILANUD's long term plans (programmatic or financial).

Appendix "D" provides a general listing of historical funding sources and levels, current funding options and potential prospects.

An assessment of ILANUD's mission and planning processes clearly demonstrates that, internally, ILANUD appears to be excessively dependent on "programmatic" areas as a proxy for an operational definition of its mission. Specifically, ILANUD does not deal with:

- how these programmatic areas contribute to organizational "goals", other than numerical contributions to the budget. There is really no clarity - focus or specificity - of its mission.

- how, and which, organizational strengths form the basis for the determination of these goals. The staff, in general and management, in particular, (consequently of greater significance), does not have an understanding of what ILANUD can do or should do.

- how these "goals" are to be achieved, with what resources and funding. Planning, whether internally oriented (e.g. budgets, medium to long term plans, development) or externally focused (fund raising, public image, market assessments, etc.) lacks sophistication and as a result is ineffectual.

In conclusion, the inability to structure a coherent mission statement in operational terms has a profound and pervasive impact on the long term viability of the Institute, the resources (professional and support) needed to perform appropriately, the funds generation alternatives and the morale of its employees.

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The next section of this Chapter deals the services (products) that ILANUD provides (real or perceived) and how these are related to its Mission. The last section of this chapter relates the services provided with the internal resources of the Institute.

Section B - THE SERVICE COMPONENT

Key issues pertinent to the service or product area include:

- what services (programmatic/product combinations) can be provided, and
- how are they to be provided (delivery mechanisms) ?

These issues are relevant in terms of how the mission is to be operationally implemented (via providing fundamental statistical research, basic statistical or information services, policy formulation, project implementation, etc.) as well as to the process of activity specification.

Activity Levels

The current level of effort at ILANUD (refer to Appendix "E") appears to encompass relatively few activities of a service or product oriented nature.

These activities do not fall under any obvious grouping framework, nor are they managed by predefined clusters of professionals (refer to Appendix "B" for ILANUD's on-paper organization structure).

An additional observation regarding these activities is that most do not seem to be administered by ILANUD directly. Rather they are administered by the country of application. This raises the question as to the occupational load of the administrative component of ILANUD. Interview results clearly and unanimously showed that project managers feel very "alone" in their job, with little management or administration support within ILANUD.

Furthermore, the nature and size of these activities do not seem appropriate in relation to the <u>small</u> number of direct staff professionals involved, nor in relation to their apparently <u>disproportion</u>ate budgets (either too large or too small).

As seen in the prior section of this chapter, ILANUD's management uses functional, i.e. programmatic, areas to express ILANUD's mission, programmatic areas that are not, operationally, integrated. Unfortunately and in a similar fashion, ILANUD also uses the programmatic areas as a proxy for its service or product, as well as for delivery of those services so that they meet mission expectations.

"Mode or Vehicle of Service"

When the issue of ILANUD's role within these programmatic areas was raised during the interview process:

> "... is ILANUD a research firm, a service group, an implementor, "the conscience" of the institutional legal system, a facilitator, etc. ? ... "

the answer given by ILANUD respondents was almost always YES to all of the above. Within ILANUD, there is no clear understanding or consensus on this matter.

On the other hand, respondents from outside ILANUD gave a more clear, consistent and focused reaction: ILANUD is a facilitator of international resources.

"Products and Services"

During the past 15 years, ILANUD appears to have undertaken a broad range and variety of projects, programs, and activities. The overall impression, however, is that few, if any, of these have provided ILANUD with a core base of "resident" expertise which could be offered on a recurrent basis.

There seems to be a great deal of confusion as to what ILANUD's products and projects actually are, who really manages them, who controls them, who decides upon them, who evaluates their performance, what their budgets are, etc.

The project team was able to compile a list of sixteen current projects and one activity, but required three different sources:

- Accounting
- Individual Project Managers
- Programs and Projects Division management

None of these coincided. NO SINGLE DEPARTMENT had a clear understanding of which Projects were still operational, what percentage completion had been achieved or how much money was left in the budget.

The process undertaken to determine current projects work loads and the specific results demonstrates the following:

1- Unclear relationship between ILANUD's mission statements, even between programmatic proxies and actual activities.

2 - Lack of a relationship between what people "think" is happening, what official documents say is supposed to be happening, management's understanding of what is happening and what is actually happening.

3 - Standard management-oriented processes for Project Control are inexistent. Accounting processes are being used for that purpose. Since accounting was never meant as tool for conducting management (rather it is intended for reporting on management) the use of these tools by ILANUD for the wrong purpose is creating major bottlenecks in decision making and delivery.

4 - Most of the USAID funded projects DO NOT appear to be administered by ILANUD directly, which might explain the difficulty in obtaining project information and raises questions relating to ILANUD's administrative overhead.

5 - The current workload at ILANUD is very low, does not correlate with the extant administration structure, and appears to promote fiefdoms.

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The last section of this chapter focuses on the Institutional resources (either available or to be made available) that ILANUD requires to generate the services and products that meet its objectives. The term "resources" is used in the broad sense and includes human resources, management processes, support systems and organizational structure.

Section C - THE RESOURCE COMPONENT

The RESOURCE COMPONENT includes those processes, structures and support systems that permit the organization to provide "services" to meet its objectives. Within the context of this evaluation, the following resources components have shown to have particular relevance:

1. Decision Making Process.
2. Structural Support Systems
3. Organization Structure

Conclusions on the Decision Making Process

The interview process and the analysis of the planning documents clearly highlight decision making (or leadership) as a key concern in ILANUD. It is the leadership that establishes mission statements; it is the leadership that sets planning guidelines; it is the leadership that defines areas of competence and channels resources in their support; and it is the lack of leadership that creates unyielding bureaucracies, limiting dependencies and operational mediocrities.

The Director General decides everything at ILANUD, yet there is very little decision making and even less delegation of authority. All too often, decisions are postponed indefinitely. In that way, confrontational decisions are avoided or passed on to the project managers of the funding agencies.

Most organizationally related documents (see Appendix "A") diffuse responsibilities among several entities and/or leave final responsibility to the Director General. In theory, this is not per se inappropriate, if, in practice, consensus decision making works within the established organizational culture. Unfortunately, at ILANUD the organizational culture clearly establishes decision making as the exclusive prerogative of the Director General, rendering the organization inoperative in his absence.

With the exception of the subdirector, who attempts to run his own mini-ILANUD, neither the new director of Programs & Projects nor the director of Administration will make any decision that hasn't received prior approval by the Director General. In fact, during the interview process a situation was encountered where, in the absence of a final resolution by the Director General (who was away on a trip), nobody dared to render a purely administrative decision, even with the blessing of legal counsel.

An additional complication in the decision making process at ILANUD is the confusion that exists at the management level between the Administration of Justice Project of USAID and all other functions or projects. Whether on purpose or by default, ILANUD appears to be managed as several somewhat independent organizations, as a reflection of funding sources (USAID, UNDP, Japan, etc.). This process further perpetuates the inability of management to undertake coherent planning processes, evaluate the Institute as a whole (there are no consolidated financial statements) while promoting unnecessary intra organizational power struggles.

In the face of this vacuum of decision making capability, the remaining staff at ILANUD have turned to funding agencies for day-to-day decision making or to created individual fiefdoms in which they retain sole decision making authority.

Conclusions on Structural Support Systems

In general one observes few effective support mechanisms working at ILANUD. It would appear that the original mechanisms ILANUD needed to support its incipient research activities have not evolved with the increased size and complexity of ILANUD's service level requirements.

Whereas ILANUD at one time was basically a homogenous service institution -- providing one type of service, research and statistics, requiring a simple set of administrative support systems -- it has since evolved into a multifaceted service organization. The current organization combines elements of a research unit (an activity that has unfortunately diminished substantially), a consulting/project oriented firm (servicios consultivos), and a project management and implementation group (unidades ejecutoras).

Each of these types of services require support and control systems which are missing at ILANUD.

In particular:

1. Systematic Information Processes

At ILANUD, standard information is, at best, quite difficult to obtain from uniform sources. For example, information on projects, past current or proposed, are poorly and inadequately recorded. Budget information, progress tc date, information on clients, etc. are generally unavailable in a flexible format. Less structured types of information, but quite common in professional services firms, such as evaluations, benefits, failures, potential areas for follow-up, etc. are at best anecdotal, resident in the minds of project managers.

2. Client and Lead Control System.

There is no follow up on ILANUD's activities. Contacts are lost, telephone numbers are not updated, client histories forgotten, etc.

The lack of a Project Control and Administration System strongly limits ILANUD's ability to determine the delivery capacity, project potential bottlenecks in delivery, and optimize resources.

5. Cost Recovery Process.

All professional services organizations, whether for profit or not-for-profit, who are not subsidized operations of either governments or foundations (and certainly ILANUD is neither of the latter), use one of several models for cost recovery, i.e. recovery of non-directly project-chargeable expenses, a.k.a. overhead.

ILANUD does not have a cost recovery model. In fact, the interview process highlighted the general lack of awareness and understanding on this topic. In recent project proposals, ILANUD has consistently overpriced itself, or as in the case with UNDP, underpriced itself since they apply for grants as if they are subsidized operations.

Without such a system, ILANUD cannot hope to ever compete effectively, and stay in business, against any organization in its field. ILANUD <u>desperately</u> needs a Cost Recovery Model to plan and budget projects within a reasonable cost structure.

6. Fund-raising Program

Professional service firms who offer products and services in the public sector typically need to search for and pursue a variety of financing sources which might include grants, direct subsidies, service contracts, annuity programs, etc. and develop clear cut strategies over time to blend these appropriately (see Appendix "H" for a typical model).

Specific efforts to generate financing sources requires integration of project people, cluster managers, top management, Public Relations, Publications, etc. led by "relationship" oriented specialists. For example, at ILANUD one of several clusters might be the specialists in Escuelas Judiciales.

These types of funding efforts do not exist at ILANUD. There is no financing model, no systematic plan, no prior proven skills in fund raising, no door-opening strategies. Perhaps most importantly, the ILANUD fund raising group has little to offer prospective donors due to a lack of market analysis of programmatic directions and a poorly structured basket of services.

A review of ILANUD's Fund raising activities (see Appendix "A" Project Profiles and Appendix "D") and the results of interviews with prospective funding agencies reveals a process akin to a "fishing expedition".

Conclusions on the Organization

Appendix "B" provides a view of the current organization of ILANUD, paying particular attention to the manpower distribution between product generating activities, management activities and administration and finance.

It might be useful to compare the ILANUD organization with two US-based organizations, with extensive international activities (not dissimilar to ILANUD's) and whose projects involve the same funding agencies as those with whom ILANUD has experience.

Firm A is a small, 15 person technical assistance for-profit institution. It operates at a profit and has a mixed portfolio of private and public sector clients.

Firm B is a 160 person firm, a nonprofit institution working exclusively for government agencies and foundations. This organization, with 160 people, invoices over 25 million dollars a year (of which 17 million dollars is revenue). The ratio between work undertaken in developed countries versus LDCs is approximately 50%.

The ensuing chart presents in columns 1 and 2 the personnel distribution by functional category for each of this two firms. For comparative purposes, the third column includes ILANUD's current manpower distribution, as extracted from such records as the organization charts and the interviews. The fourth column represents ILANUD's latest "manpower reduction" plan 4/19/90.

The fifth column suggest a distribution we consider more appropriate for ILANUD. Although it still reflects a higher administrative to production ratio than one might encounter in more aggressive nonprossed service oriented institutions, thus taking into consideration ILANUD's unique characteristics, it represents a more adequate distribution given the "theoretical workload" presented in the 1990 Business Plan.

Notice, however, than on a per person total this scenario still allots ILANUD twice as many "overhead" employees as the 160 person firm.

ORGANIZATIONAL COMPARISON

CATEGORY / ACTIVITY	Number of Full-time Employees: CURRENT LEVELS				PROPOSED
	15	160	70	63	50
	Firm A	Firm B	ILANUD	ILANUD	ILANUD
Corporate	1/2	4	15	15	6
Business Service					
Treasurer	1/2	1	0	0	1
Office Manager	1/2	1	3	3	2
Personnel	-	1	1	1	1
Publishing & Distr.	-	2	4	3	3
Operations	1	8	16	16	4
Accounting	1	5	8	6	3
Total of people devoted to managing the firm	3 1/2	22	47	44	20

Balance of people, are producers who split time between business development, delivery and project management.

Development/area promotion	2	30	?		4 *2
Delivery - project work	7	80	?		17 *3
Project Management	2 1/2	28	?		9
Total Producers & direct business development	11 1/2	138	23 *1	19	30 *4
TOTAL NUMBER OF EMPLOYEES	15	160	70	63	50

*1- Includes 4 people from bilateral project in Costa Rica, plus the sub-director staff of 3
*2- Should include 2 people from Fund Raising Group
*3- Should include the 4 people from Training Group
*4- Should reflect real producers and direct business development, no administrative type overhead

SUMMARY CONCLUSIONS

Conclusions from Interview Process

The ensuing table shows that both internal employees as well as outside respondents to the interview process had positive and negative comments about ILANUD that are largely consistent with each other and with the results of the consultants' analysis of the organizational structure and support systems at ILANUD as presented in prior sections of this chapter.

INTERVIEW GROUP	SALIENT POSITIVE COMMENTS	SALIENT NEGATIVE COMMENTS
ILANUD INTERNAL	. Expressed enthusiasm for ILANUD . Viewed potential of ILANUD to contribute to improvements in LA ADM of Justice . Sense of pride in ILANUD and what it represents. . Proud of past tasks	. Lack of clear objectives . Weak leadership . Feudal system . Operating units have little or no say in Planning . Spread too thin . Bureaucratic environment . Funding dependency
ILANUD EXTERNAL	. Excellent conduit for external resources. . Enjoys favorable external reputation . Very useful for Costa Rica . Facilitators of funds and outside resources . Achieved certain level of recognition via easy access to many seminars.	. Does not add any significant contents to projects. . Outside the mainstream of non USAID organizations . Too bureaucratic, it is operationally unyielding . Too Costa Rican, no Inter'l flavour . Low level of creativity and management. . Fiefdoms. Project oriented NOT client oriented.

Overall Project Team Conclusions

PROBLEM: ILANUD has severe limitations which prevent it from performing effectively.

Furthermore, it is unable to make the necessary decisions to extricate itself from current its inoperative environment.

ROOT CAUSES:

- ILANUD has no clear concept of its MISSION

  CONSEQUENTLY it cannot determine what it should do

- ILANUD lacks effective LEADERSHIP

  CONSEQUENTLY is at the mercy of circumstances.

- ILANUD has no expertise in MANAGEMENT or PLANNING

  CONSEQUENTLY it unable to chart a course for its future, plan for and obtain funding, determine the proper mix of personnel expertise, or determine service requirements of its sponsors.

- ILANUD does not have an adequate ORGANIZATION structure

  CONSEQUENTLY it has evolved a bureaucratic environment that inhibits clients and sponsors from utilizing its services - it is slow and it is expensive.

- ILANUD has not developed appropriate SUPPORT processes

  CONSEQUENTLY it cannot monitor its "business", forgoing service opportunities while its efficiency and effectiveness in service delivery are well below accepted norms.

IV. RECOMMENDATIONS

When asked during the interview process to identify the top three most critical barriers that ILANUD faces to accomplish its goals and mission, the majority of respondents had the following suggestions:

SOURCE	MOST PRESSING PROBLEM TO OVERCOME
ILANUD INTERNAL	o LEADERSHIP o CLARIFY MISSION o STREAMLINE BUREAUCRATIC PROCESS o DIVERSIFY FUNDING o IMPROVE PROFESSIONALISM OF STAFF
ILANUD EXTERNAL	o LEADERSHIP o ENHANCE RESEARCH ACTIVITIES o STREAMLINE OF BUREAUCRATIC PROCESS o INCREASE "INTERNATIONALITY" o IMPROVE CALIBER OF PROFESSIONAL STAFF

Differences are obvious consequences of the diverse perspectives of the respondents. However, there was almost uniform concurrence in three out of the five areas identified as most critical to success.

Project Team Recommendations

The fundamental question which arises is whether ILANUD's management, employees, representatives of both organizations who created it (Government of Costa Rica and the United Nations), and the funding agencies with which it has collaborated, are committed in its continued existence as a viable entity. An entity with some measure of financial and programmatic independence, able to compete as a professional services organization in the Justice arena and to contribute effectively in the Latin America region.

If the answer is in the affirmative, then a significant overhaul of several of ILANUD's structures must be undertaken; specifically:

- o ORGANIZATION STRUCTURE
  - STAFFING LEVELS
  - RESPONSIBILITIES ASSIGNATIONS
- o MANAGEMENT PROCESSES
  - DECISION MAKING PROCESS
  - PLANNING SYSTEMS
- o KEY SUPPORT SYSTEMS MUST BE IMPLEMENTED
  - PROJECT CONTROL
  - COST CONTROL AND RECOVERY
  - INFORMATION MANAGEMENT SYSTEMS

In order to affect these changes, a significant commitment at the top management level of ILANUD must be made, along with a clear sign of "institutional" will to allow and foster effective change.

The ensuing pages provide an overview of the changes needed to attain the goals stated above.

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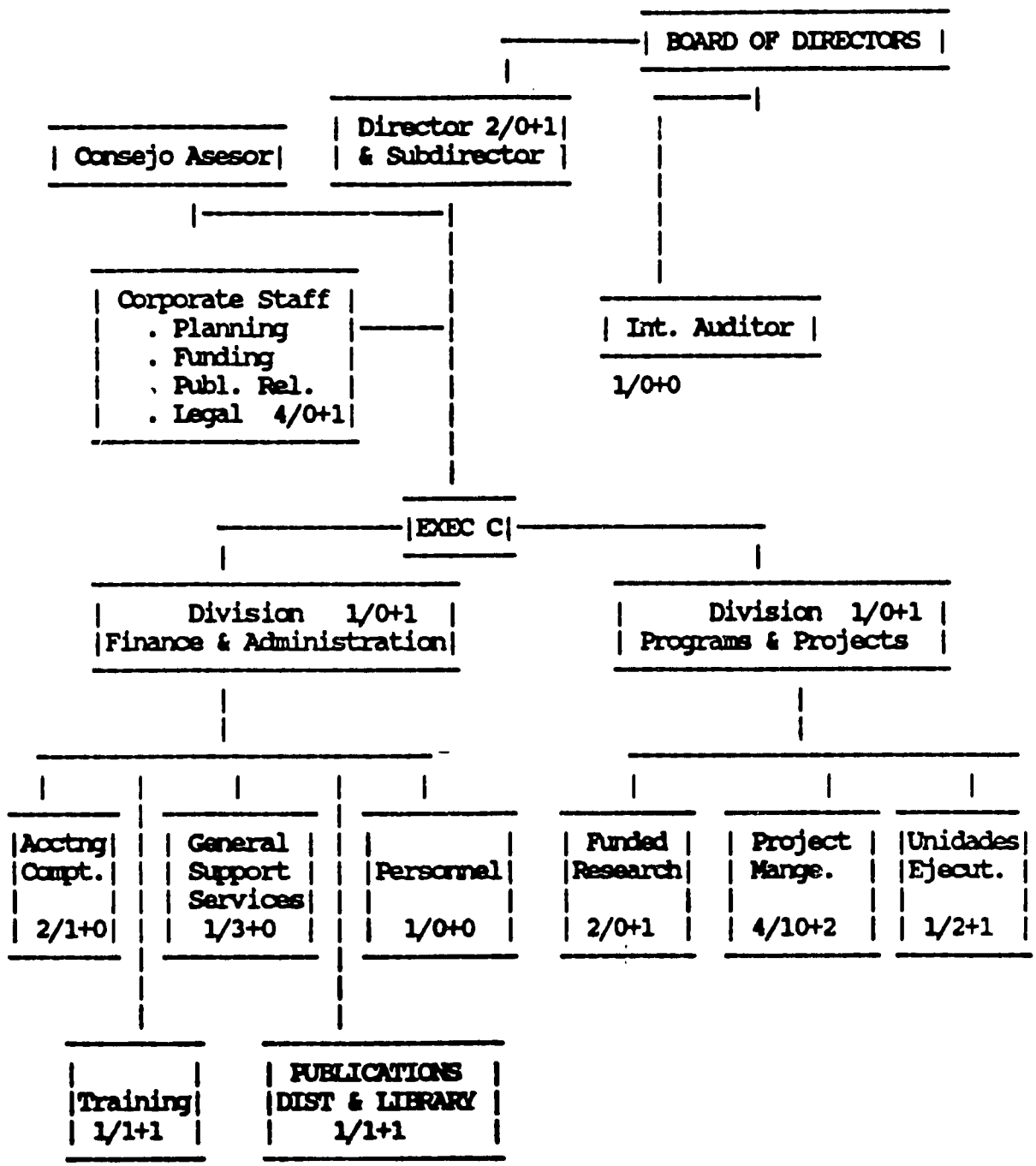
PROPOSED ORGANIZATION



Total Personnel- Level 1+2 (Directors) = 4
Level 3 (project-area managers) = 18
Level 4 (professionals) = 18
Level 5 (support personnel)
(secretaries) = 10

LEGEND a/b+c a=project manager; b=professional c= secretary
area manager ; technical administrative

ORGANIZATIONAL STRUCTURES

Board of Directors

Key aspect: The Consejo de Asesores was and still remains a good idea. However, the Consejo is largely a consultative body, one that by its very nature, constituency and projected role cannot assume responsibility for the Institute. ILANUD needs an effective (hence relatively small and remunerated) unit to assume the responsibility of the Institute, lead the Institute through the various stages of its evolution and ensure the Institute's independence, not only from outside sources but also from within.

Composition. Core group to include:

- Representative of Costa Rica (Ministerio de Justicia)
- Representative or appointee from the United Nations
- Director General ILANUD

plus four active (outsiders) such as:

- Representative Sponsor Group (participating countries)
- Representative Funding Agencies
- International Judicial Advisor
- Organization & Business Management Consultant

Board members should also act as Trustees for the Endowment Fund, have fixed terms (staggered) of three years and be monetarily compensated for their time.

Responsibility: The Board of Directors should:

- make all hire / fire decisions for senior management levels
- Approve Organizational and Operational Policy
- Approve annual budgets, operating plans and fund allocations
- Evaluate performance and receive confidential reports from Internal Auditor
- determine use of discretionary funds

EXECUTIVE COMMITTEE

At ILANUD and organizations similar to ILANUD, there exist two "chief officer" type roles. The first, typically headed by the Director General, focuses on external relations, the latter, more often under the aegis of an Executive Officer, focuses on internal operations. These two positions, however, are neither mutually exclusive or divorced from other top level management positions. Hence the need for a somewhat formal entity, the Executive Committee, whose functions is primarily that of ensuring intra and inter Institute integration and cohesion.

Composition:
- Director General or Executive Officer who represents both Direccion General as well as Planning and Funding (Coop. Int.)
- Head of Administration and Finance
- Head of Projects and Programs

Reports to Director General (if headed by Executive Officer) or the Board of Directors if headed by Director General).

Makes all operating decisions within the annual budget parameters, resolves interdepartmental issues, and is responsible for the pre-approval of all budgets, plans, contracts, etc.

In effect, the Executive committee is the Chief Executive Officer of the Organization.

A P P E N D I X A

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Environmental and Tourism Legislation: Harmonization of the Protection of Ecosystems with Ecotourism

Pilot Project for the Study of, and the Formulation of, Proposals on Environmental Protection in the Costa Rican Industrial Sector

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PRESENT PROJECTS

STRENGTHENING OF AGRARIAN COURTS AND LAW IN COSTA RICA
April 1989 to December 1992

(Continued)

Objective to be Achieved:
For Costa Rica: Finish and Publish Treaty on Agrarian Procedural Law

Prepare and Realize Conferences on Agrarian Procedural Law

Administrative Study

Plan and Realize 1st Course of Agrarian Law (four seminars)

Prepare and Publish Four Anthologies

Implement Databases

Plan and Realize 2nd Course of Agrarian Law (four seminars)

Prepare and Publish Four Anthologies

Implement Judges' Counsel

Plan and Realize 3rd Course of Agrarian Law (four seminars)

Prepare and Publish Four Anthologies

Evaluate Project

Demonstration of Project to Venezuela, Dominican Republic and Peru

Technical Assistance to Other Countries

Functional Study of Courts in Venezuela and Peru

Discussion of Findings

Consulting Strategy to Venezuela and Peru

Follow-up Course for Venezuela

Follow-up Consulting to Colombia, Honduras and Other Countries

DIRECTOR GENERAL

Reports to the Board of Directors.

Primary responsibility (shared with the Sub-director) in three areas :

- Overall responsible for ILANUD. Chairs the Executive Committee, who in turns sets operational control on ILANUD.
- On-going supervision and coordination between Finance & Administration, Programs & Projects and the Staff Group.
- Directly responsible for the Staff Group as acting manager for public relations, fund generation and Long term planning for ILANUD.

Sub-DIRECTOR

As currently structured this unit is not functioning in congruence with the title. This organizational issue needs to be resolved.

STAFF GROUP

Reporting directly to the Director General, this staff group is integrated by three staff units, namely:

PLANNING: integrated by a planning executive plus secretary

FUND Generation (Cooperacion International), integrated by a funding executive, an assistant and if needed a secretary.

PUBLIC RELATIONS & MARKETING : integrated by one professional and as assistant.

LEGAL and outside Auditor

Secretarial support for the STAFF GROUP and the DIRECTOR GENERAL should be pooled.

INTERNAL AUDITOR

An independent internal auditor, reporting to the Board of Directors. Initially, this should be an operations auditor, later to be expanded to include finance.

It is inconceivable that an organization that functions and activities cross so many national boundaries and whose fiduciary responsibility is so highly visible and thus sensitive, would not have an internal auditor to report to the Board of Directors and coordinate Institute wide coordinating functions.

DIVISION OF FINANCE AND ADMINISTRATION

The director of this department should be both Finance and Administration, and should coordinate the departments of Administrative Support, Comptroller (accounting) Human Resources, Library and Publications and Training Center.

Integrated by : Director
Assistant / Secretary

Principal responsibilities of this Division are:

- Administration of ILANUD resources
- Support the operations component - Programs, Research and other parts of the programmatic activities.
- Control of funds, expenditures, etc. at organizational levels.
- Provide necessary information to permit budgetary control, planning, and fund projections
- Financial reporting of ILANUD state of finance, administration and results of operations.

The FIVE departments of this Division should be:

Accounting: Traditional record keeping and cost control

Administrative Services: Logistics support for Programs & Projects.

Human Resources:

Library, Publishing and Documentation: In its two main services functions - general organizational support (P.R.) and specific project support.

Training Center: Specifically in terms of the pedagogical support to Program & Project initiated and managed training services.

The first unit to be envisioned as serving the organization as a corporate unit, the latter four envisioned as support units to Programs & Projects. These latter four units should be viewed as resources for the producing unit and not as either controllers of these producing units or competing with them.

DIVISION OF PROGRAMS & PROJECTS

This division is the "operating" division of ILANUD. This unit should be the source and object of 60 to 75 percent of all budget allocations.

This division, headed by the equivalent of a Vice President of Operations, should integrate ALL product service activities of the organization, without dotted lines to any other unit of the organization.

The head of this division, unlike the head of the organization, need not be public relations oriented, but must be a capable operations manager.

Depending on the "mission" statement to be derived subsequently, this Division might be envisaged as a cluster of three operational activities:

(1) - RESEARCH

Internally or externally funded activities that are the operational equivalent of a "think tank" devoted to issues of Justice in L.A.

These activities would typically be funded from the endowment fund and/or unspecified contributions of sponsors.

One might envisage this group as having a network of internal and external contributors with open freedom to operate.

(2) - PROGRAMS & PROJECTS

Technical assistance and consulting. Divided into a group of seasoned project managers and technical / professional experts. This group is envisaged as operating in a traditional consultant type environment, responding to requests for proposals, initiating consulting engagements, etc.

This area should be run as a horizontal pool of professionals, open across justice application activities, eliminating issues of territoriality, fiefdoms, etc. Assignation of leads and work directed by senior project leaders in concert with division head.

(3) - IMPLEMENTATION UNITS (Unidades Ejecutoras)

This is similar to above but as a vertical, <u>country</u> oriented organization.

Key justification for this entity revolves around the sui generis needs of individual countries, buttressed by the apparent success of these units in recent past.

SPECIFIC SUPPORT SYSTEMS

In addition to prior organizational changes, ILANUD needs to develop and incorporate standard support mechanisms sui generis to this type of professional service. Specifically:

1 - A Project Control System. Integrated with budget control and an on-going monitoring process. This system needs to incorporate time sheets, personnel allocation modules, etc.

2 - Costing System. Aimed at cost recovery, budget control and reporting.

3 - Information Management System. With ILANUD's current technical base (see Appendix "H"), a simple LAN system along with a central data base system will provide seriously needed capabilities to process information and control daily project activities.

4 - Funds Generation Model, in concert with a Public Relations and a Promotional Program.

5 - Institutionalizing planning process.

6 - Control and monitoring processes for review and budgetary cycles.

7 - Administrative support systems and Financial Reporting systems

The adjoining CHART presents a summarized time-phased implementation plan for the aforementioned recommendations.

EDC

TIME - PHASED INSTITUTIONAL DEVELOPMENT PLAN

KEY ACTIVITIES

ACTIVITY	1990									1991										1992			
	M	J	J	A	S	O	N	D		J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A
Min.Organization Structure	**																								
Convenio Modification	***																								
Selection of BOD	..	**																							
Selection Exec. Committee	..	**																							
Dev. Mission & Program Struc. "operationally"		..	***																						
Dev. Support Sys specifications		....	***																						
Dev. Costing sys		....	**																						
Dev. Project Control System		....	**																						
Personnel needs & selection		...	****																						
Dev&Impl Support system req's			.....	****																					
Dev Fund Stratgy		....	***																						
Initiate P & P structure			********																						
Initiate Plan'g system this yr		**					**								**										
next year																					**				
Initiate Funding structure		**					**			**********															
Impl. full P&P system							**			**********															
Evaluate-Funding																**					**			**	
planning															**					**				**	
support systems												**		**			**		**					**	
program&project													**			**			**					**	
Meetings of BOD			*		*			*		*				*			*			*	*	*			*
Meetings ExecC.			*	*	*	*	*	*		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	

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V. OPTIONS - ALTERNATIVE SCENARIOS

The recommendations made in the prior section of this report require significant commitments by both parties to this "formula" concept.

On the one hand, ILANUD is asked to make a substantive overhaul of its management style, organization and perhaps most difficult, to relinquish its concentrated decision-making power and share it with a variety of organizational units. This will necessitate, as it does in all similar cases, a enormous sacrifice by the parties involved and, at ILANUD, an unprecedented, altruistic contribution for the long term viability of the organization.

As an independent international organization, ILANUD does not have to accept the recommendations, and the ensuing section of this report presents alternative options for ILANUD.

On the other hand, USAID, the principal funding agency of ILANUD contributing over 90% of all operating and project funds, must also make significant contributions (at least at a rate similar to initial projections) if the aforementioned recommendations, if accepted by both parties, are to be effectively implemented.

Institutional Development at ILANUD must continue probably for another two years, before significant progress can be attained. USAID needs to modify its "service contract" approach and view ILANUD as a competitive (direct cost plus overhead) service provider. It must monitor progress carefully, and separate Institutional Development from Project Delivery, perhaps by separating responsibility for each.

The ensuing section also discusses what the options for USAID might be as a function of ILANUD's decision on the recommendations.

ALTERNATIVE (1) : NO EFFECTIVE CHANGE

This is the scenario characterized by ILANUD's decision not to affect any substantive change in either management control or organizational structure.

Given ILANUD's:

- high overhead-to-productive personnel ratio
- lack of effective fund raising expertise, and
- poorly packaged "saleable" products and services

ILANUD will probably need to retrench its proposed activities dramatically.

With no change in its managerial and administrative structure, it is highly doubtful that ILANUD will attract significant contributions from outside sources. On the contrary, it will loose a major portion of its current institutional support.

As competing institutions strengthen and consolidate their positions in this field, ILANUD will experience decreased capacity to promote and retain qualified staff and, as a result, ILANUD's opportunities will erode further with a commensurate decrease in its operating viability.

Consequently, it is not unreasonable to presume that ILANUD will gradually be forced to evolve into a small Costa Rican based research organization with annual operating budgets in the $200,000 to $300,000 a year operating level.

While this scenario is not necessarily negative (in fact, being quire similar to what ILANUD was 5 years ago) it is not the expectation of either ILANUD's key staff, the Costa Rican Officials, or the client/sponsors interviewed by the consultant team.

ALTERNATIVE (2) : CHANGES IN STRUCTURE AND PROCESS BUT NOT IN MANAGEMENT LEADERSHIP OR CONTROL

While recognizing some of the conclusions and recommendations of this report, this scenario reflects ILANUD's decision not to relinquish current management's control of the organization and would limit change to those structural elements that it must change to survive in a competitive environment.

The kind of substantive change required to encourage external funding agencies to "invest" significantly for institutional development will require both structural change and management/leadership change.

ILANUD may improve itself and its competitive positioning by:

. undertaking a dramatic decrease in its overhead structure to cushion the inevitable reduction of its institutional support,

. narrowly limiting the scope of its programmatic structure so as to focus its very limited resources optimally,

. initiating an aggressive fund-raising effort in concert with new a programmatic focus and enhanced planning expertise.

In practice, this may mean a very focused, upgraded professional staff (10 to 15 professionals), with heavy reliance on outside experts and supported by a bare bones administration (no more than 6 to 8 individuals to include the necessary managers, accountants, fund raising professionals and planners). This, in turn, requires a significant level of "institutional" WILL which ILANUD may not encounter - internally or externally.

Given the Costa Rican Government's current subsidy of 18 employees and the no-cost use of physical facilities offered by the Supreme Court (in effect a base operating structure for ILANUD), revenue generation needs only to focus on programmatic activities and salary supplementation.

This scenario will require more formal reliance on the subsidies of the Costa Rican Government.

It also implies the need to improve such support systems as information support, project control and planning systems (currently non existent) and to limit involvement to a limited number of areas of activity (services). This concentration could, perhaps, encompass two leading programmatic areas (training and judicial schools) with a few one-time activities for seminars, while other "engagements" might be undertaken as opportunities arise.

With a greatly reduced overhead structure, ILANUD may be able to retain such "transfer" programs as the batteries, for which ILANUD is less a professional service organization and more a conduit for international assistance.

It is difficult to predict whether or not such a "lean" and effective professional service firm is attainable by current management of ILANUD and whether current management would be willing to accept the income generating constraints that such an option represents.

The current version of the 1990-1994 Institutional Development Plan appears to be directed toward that route, but fails to make enough institutional adjustments or to demonstrate a sufficient understanding of what is required to accomplish this "metamorphosis".

ALTERNATIVE (3) ACCEPTANCE, IN PRINCIPLE, OF THE CONCLUSIONS AND RECOMMENDATIONS OF THIS REPORT

This scenario envisions a situation in which ILANUD has the institutional will, perhaps aided by "political" realities, to decide that it will undertake substantive changes in both structure and management.

Substantives changes (of the kind suggested in this report) will assist ILANUD to grow into a fully functioning organization, capable of taking advantage of a unique set of current realities / circumstances that include:

1 - Generally unrestricted use of the UN flag
2 - Location in the "Switzerland" of the Americas.
3 - Low key but a 15 year "reputation" throughout Latin America.
4 - The only organization in Latin America with the potential to become a real "regional" provider of services.
5 - Democratic Institutional development initiative of the US
6 - An era of attention on multifaceted justice issues from criminal systems to environmental concerns.

Areas of support where USAID might help via Institutional Support include:

A - Temporary funding of certain overhead areas to allow Program and Projects to grow and thus contribute to cost recovery.

- initiate a directed fund-raising strategy
- executive steering committee

B - Temporary coverage of key management support positions while ILANUD converts to more efficient organization.

- the "professional manager" to structure the
- internal auditor
- fees for Board of Directors
  administrative support systems

C - Funding of outside services to assist in a restructuring process.

- develop the project control system
- design and implement an accounting system to track direct and overhead components
- development of a COST Recovery System
- determine the EDP based automation requirements for the project control and delivery system
- develop a planning system
- develop support systems for coordination, monitoring and planning of ILANUD's activities

It is likely to require an intensive 6 to 9 month effort in order to initiate these changes, with a closely monitored implementation time-frame of 12 to 18 months thereafter.

All of the efforts described above will provide ILANUD, for a predetermined period of time, with a combination of direct outside assistance and internal support to develop a management infrastructure capable of self-sufficiency.

However, actually achieving self-sufficiency will depend on the organization's ability to capture the "real" needs of its operating environment (market) and the skills of its professional staff.

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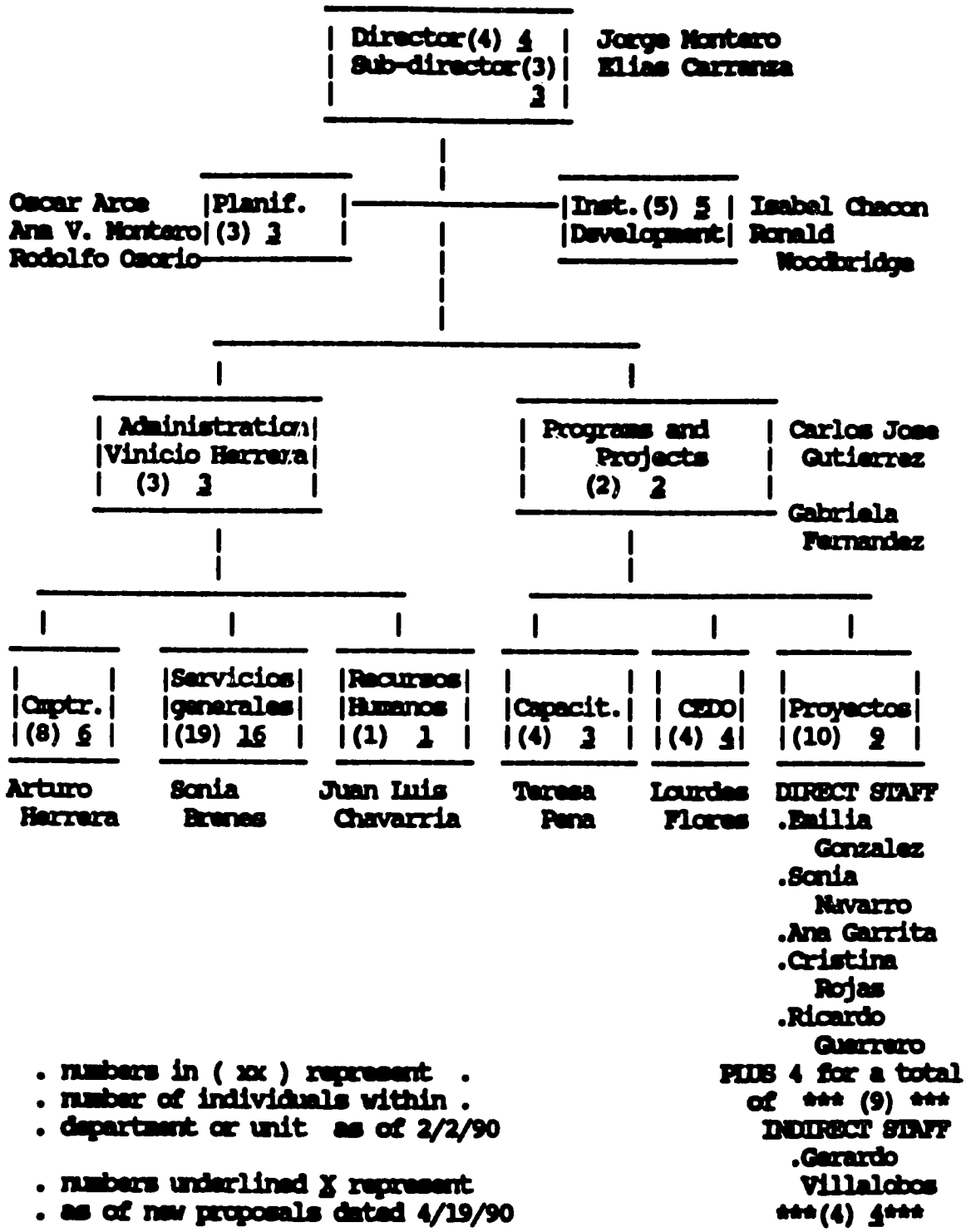
A P P E N D I X B

CURRENT ORGANIZATION STRUCTURE

Current Organization



. numbers in (xx) represent .
. number of individuals within .
. department or unit as of 2/2/90

. numbers underlined X represent
. as of new proposals dated 4/19/90

SUMMARY TABLE

DEPARTMENT	# PERSONNEL 02/02/90	# PERSONNEL PROPOSED	COMPENSATION 02/02/90	COMPENSATION PROPOSED
DIRECTOR GENERAL	4	4	$ 78,975.	$ 81,634.
SUB-DIRECTOR GEN.	3	3	$ 26,374.50	$ 46,982.
PROG.& PROJECTS (DIRECTORS)	2	2	$ 68,900.	$ 66,872.
DIV.OF PROGRAMS	10	9	$148,200.	$124,787.
CEDO	4	4	$ 32,825.	$ 37,921.
TRAINING	4	3	$ 55,900.	$ 43,187.
ADMIN. SERVICES	19	16	$121,524.	$101,305.
COMPTROLLER/ FINANCE	8	6	$ 78,728.	$ 60,151.
INTERNATIONAL COOPERATION	5	5	$ 56,225.	$ 64,470.
DIV. OF ADMIN.	3	3	$ 54,925.	$ 56,335.
HUMAN RESOURCES	1	1	$ 16,900.	$ 21,528.
PLANNING & EVALUATION	3	3	$ 54,925.	$ 46,696.
BI-LATERAL (C.R.) UNIDAD EJECUTORA	4	4	$ 69,875.	$ 60,957.
TOTALS	70	63	$864,276.50	$812,825.

DIRECTOR GENERAL

	DIRECT COMPENSATION 02/02/90	04/19/90
D. JORGE ARTURO MONTERO CASTRO Director General	$58,500.	$58,507.
Gustavo Cartad Moto Executive Asst. to Dir. General	$10,400.	$11,427.
Olga Marta Ugalde Piedra Secretary for the Dir. General	$ 5,850.	$ 6,773.
Javier Ramirez Vargas Chauffer for the Dir. General	$ 4,225.	$ 4,927.

DIRECTOR GENERAL	TOTAL PERSONNEL: 4 = (02/02/90)	
	02/02/90	04/19/90
DIRECT COMPENSATION	$ 78,975.	$ 81,634.
DEPARTMENT BUDGET	$ 176,692.00	

SUB-DIRECTOR GENERAL		
	DIRECT COMPENSATION	
	02/02/90	04/19/90
D. ELIAS CARRANZA Sub-Director	$20,245. (Source of Funds: Gobiernos Latino Americanos)	$32,253.
Rose Marie Usana Guevara Secretary to the Sub-Director	$ 2,619.5 (Source of Funds: Gobierno Latino Americanos)	$6,409.
Fernando Coto Marten Research Associate	$ 3,510.	$ 8,320.

SUB-DIRECTOR GENERAL	TOTAL PERSONNEL: 3 = (02/02/90)	
	02/02/90	04/19/90
DIRECT COMPENSATION	$26,374.5	$46,982.
DEPARTMENT BUDGET	$ 31,895.00	

DIVISION OF PROGRAMS

	DIRECT COMPENSATION 02/02/90	04/19/90
D.CARLOS JOSE GUTIERREZ GUTIERREZ Director of Programs	$52,000.	no change
Maria Gabriela Fernandez Pacheco Executive Asst. to Dir. of Programs	$16,900.	$14,872.
Ana Isabel Garita Vilchez Director of Projects	$16,900.	$19,318.
Ricardo Guerrero Portilla Director of Projects	$11,700.	$17,940.
Sonia Navarro Solano Director of Projects	$16,900.	$18,629.
Emilia Gonzalez Madriz Director of Projects (Bi-Lateral Honduras)	$28,600.	$17,940.
Cristina Rojas Director of Projects (not pd by ILANUD: Pd by JICA)	($ 7,150.)	($18,629.)
Ricardo Ulate Chacon Director of Projects	$33,800.	$19,318.
Juan Carlos Montero Villalobos Prof. de Planta	$ 9,100.	(TERMINATED)
Alfredo Chirino Sanchez Prof. de Planta	$10,400.	$11,427.
Jose Fernando Saborio Jenkins Prof. de Planta	$10,400.	$ 8,788.
Luis Lachner Trejos Prof. de Planta	$10,400.	$11,427.

DIVISION OF PROGRAMS	TOTAL PERSONNEL: 10 = (02/02/90) 9 = (04/19/90)	
	02/02/90	04/19/90
DIRECT COMPENSATION	$148,200.	$124,787.
DEPARTMENT BUDGET	$ 194,778.00	

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CEDO		
	DIRECT COMPENSATION	
	02/02/90	04/19/90
MARIA LOURDES FLORES DE LA FUENTE Director of Center of Documentation	$16,900.	$20,696.
Rosita Li-Chan Prof. de Planta	$10,400.	$10,816.
Grace Montiel Espinoza Secretary	$ 5,525.	$ 6,409.
Maria Cecilia Jimenez Zuniga Documentation Specialist	($ 7,462.) (Directly paid by Costa Rican Government)	

CEDO	TOTAL PERSONNEL: 4 = (02/02/90) 4 = (04/19/90)	
	02/02/90	04/19/90
DIRECT COMPENSATION	$32,825.	$37,921.
DEPARTMENT BUDGET	$ 71,189.00	

TRAINING		
	DIRECT COMPENSATION	
	02/02/90	04/19/90
SRA. DNA. TERESA PENA SILVERIO Director of Training	$28,600.	$22,347.
Nora Maria Sotomayor Villanea Prof. de Planta	$ 9,100.	(TERMINATED)
Carlos Marin Jimenez Prof. de Planta	$11,700. (Source of Funds: Apoyo Institucional)	$14,066.
Norma Lopez Cortes Admin. Asst. to the Director	$ 6,500.	$ 6,774.

TRAINING	TOTAL PERSONNEL: 4 = (02/02/90) 3 = (04/19/90)	
	02/02/90	04/19/90
DIRECT COMPENSATION	$ 55,900.	$ 43,187.
DEPARTMENT BUDGET	$ 389,102.00	

ADMINISTRATIVE SERVICES		
	DIRECT COMPENSATION	
	02/02/90	04/19/90
SONIA BRENES BONILLA Director of Administration	$28,600.	$17,253.
Elka Jimenez Rojas Admin. Asst.	$ 6,500.	$ 6,409.
Jenny Espinoza Leal Technical Assistant	$14,300.	$ 6,774.
Isabel Flores Portilla Conserje	$ 3,575.	$ 4,931.
Carlos Acuna Fernandez Mensajero	$ 4,225.	$ 5,214.
Marcos Alvarado Sancho Proveedor	$10,400.	$ 8,320.
Mario Bustamente Castillo Conserje	$ 3,575.	(TERMINATED)
Rodrigo Portilla Elizondo Operario de Imprenta	$ 4,225.	$ 4,927.
Norman Jimenez Mora Mensajero	$ 4,225.	$ 5,213.
Rafael Angel Mora Monje Chofer	$ 4,225.	$ 4,927.
Rosario Murillo Rodriguez Receptionist	$ 4,875.	(TERMINATED)
Bernald Murillo Vargas Admin. Asst. for Supplies	($ 6,500. (PAID BY BI-LATERAL)	$ 5,213.)
Maribel Solano Cruz Receptionist	$ 4,875.	$ 6,409.

ADMINISTRATIVE SERVICES (cont.)		
	DIRECT COMPENSATION	
	02/02/90	04/19/90
Roberto Munoz Campos Conserje	$ 3,575.	(TERMINATED)
Carlos Nunez Portuguez Operario de Mantenimiento	$ 4,550.	$ 4,927.
Angel Marita Rojas Mora Secretary	$ 5,850.	$ 6,773.
Araya Cardas Iracema Secretary	$ 5,200.	$ 6,409.
Nidia Calvo Secretary	$ 5,525.	$ 6,409.
Xenia Villalobos Rojas Bi-lingual Secretary	$ 3,224.	$ 6,410.

ADMINISTRATIVE SERVICES	TOTAL PERSONNEL: 19 = (02/02/90) 16 = (04/19/90)	
	02/02/90	04/19/90
DIRECT COMPENSATION	$121,524.	$101,305.
DEPARTMENT BUDGET	$ 177,060.00	

CONTROLLER/FINANCE		
	DIRECT COMPENSATION	
	02/02/90	04/19/90
LUIS ARTURO HERRERA PORRAS. Controller	$27,300.	$29,250
Mayra Alvarado Sandoval Secretary	$ 5,200.	$ 6,409.
Fernando Arana Murillo Computation Analyst	$ 9,100.	(TERMINATED)
Rigoberto Monge Arroyo Accountant	$ 7,800.	$ 7,852.
Julio Sancho Chaves Financial Analyst	($10,400. (PAID BY BI-LATERAL)	$ 8,320.)
Mercedes Trejos Hernandez Accountant	$ 8,528.	(TERMINATED)
Carlos Luis Ulate Alvarado Accountant	$10,400.	$ 8,320.
Aurea Zumbado Rodriguez Financial Analyst	$10,400.	$ 8,320.

CONTROLLER/FINANCE	TOTAL PERSONNEL: 8 = (02/02/90) 6 = (04/19/90)	
	02/02/90	04/19/90
DIRECT COMPENSATION	$78,728.	$60,151.
DEPARTMENT BUDGET	$ 123,794.00	

INTERNATIONAL COOPERATION		
	DIRECT COMPENSATION	
	02/02/90	04/19/90
ISABEL CHACON ACUNA Director of International Relations	$16,900.	$21,528.
RONALD WOODBRIDGE GONZALEZ Special Asst. to the Director (Assigned to International Cooperation)	$16,900.	$18,850.
Eugenia Delgado Sancho Executive Asst.	$10,400.	$10,816.
Flora Castro Alvarado Bi-lingual Secretary	$ 6,500.	$ 6,773.
Ana Lucia Mendez Levantadora de Texto	$ 5,525.	$ 6,773.

INTERNATIONAL COOPERATION TOTAL PERSONNEL: 5 = (02/02/90)		
	02/02/90	04/19/90
DIRECT COMPENSATION	$56,225.	$64,470.
DEPARTMENT BUDGET	$ 159,389.00	

DIVISION OF ADMINISTRATION		
	DIRECT COMPENSATION	
	02/02/90	04/19/90
VINICIO HERRERA VILLALOBOS Director of Admin. Division	$40,300.	no change
Gerardo Rodriguez Valverde Computation Analyst	$ 9,100.	$ 9,262.
Sara Nunez Alvarado Secretary for the Director	$ 5,525.	$ 6,773.

DIVISION OF ADMINISTRATION	TOTAL PERSONNEL: 3 =(02/02/90)	
	02/02/90	04/19/90
DIRECT COMPENSATION	$54,925.	$56,335.
DEPARTMENT BUDGET	$ 106,991.00	

HUMAN RESOURCES		
	DIRECT COMPENSATION	
	02/02/90	04/19/90
JUAN LUIS CHAVARRIA QUESADA Director of Human Resources	$16,900.	$21,528.

HUMAN RESOURCES	TOTAL PERSONNEL: 1 = (02/02/90)	
	02/02/90	04/19/90
DIRECT COMPENSATION	$16,900.	$21,528.
DEPARTMENT BUDGET	$ 32,843.00	

PLANNING AND EVALUATION		
	DIRECT COMPENSATION	
	02/02/90	04/19/90
OSCAR ARCE CARVAJAL Asst. Dir. of Planning and Evaluation	$28,500.	$17,940.
Rodolfo Osorio Ponce Prof. de Planta	$20,800.	$22,347.
Ana Virginia Montero Salas Secretary	$ 5,525.	$ 6,409.

PLANNING AND EVALUATION TOTAL PERSONNEL: 3 = (02/02/90)		
	02/02/90	04/19/90
DIRECT COMPENSATION	$54,925.	$46,696.
DEPARTMENT BUDGET	$ 120,913.00	

BI-LATERAL (COSTA RICA)		
UNIDAD EJECUTORA	DIRECT COMPENSATION	
	02/02/90	04/19/90
GERARDO VILLALOBOS DURAN Dir. of Bi-lateral Project (Costa Rica)	$28,600.	$23,179.
Olman Aguilar Castro Admin. Asst. for the UEP Bi-lateral Project	$11,700.	$11,427.
Maria Bernardita Rodriguez Canossa Secretary to the Director	$ 5,525.	$ 6,409.
Luis Alberto Meza Duran Buyer	$ 7,150.	$ 6,409.

BI-LATERAL PROJECT	TOTAL PERSONNEL: 4 = (02/02/90)	
	02/02/90	04/19/90
DIRECT COMPENSATION	$69,875.	$60,957.
DEPARTMENT BUDGET	$ 1,509,626.00	

A P P E N D I X C

- The February 2, 1990 Re-Organization Plan
- The April 4, 1990 Institutional Development Plan 1990-1994
- The April 19, 1990 Job Position & Classification Manual

EVALUATION OF CURRENT ILANUD

ORGANIZATIONAL AND DEVELOPMENTAL PROPOSALS

OBSERVATIONS & CONCLUSIONS

The terms of reference of the RFP specifically requested an evaluation of the following two ILANUD proposals:

REESTRUCTURACION ORGANIZATIVA dated 2/2/90 by the Director General of ILANUD, D. Jorge A. Monteiro.

PLAN DE DESARROLLO INSTITUCIONAL : 1990-1994, dated April 4, 1990 by ILANUD's Departamento de Planificacion.

The ensuing observations and conclusions are based on above cited documents plus their immediate precursors (work undertaken by the Organization Consultant from F.I.U, various reports by the Planning Department, and those of the Funding Group).

When any aspect of the above was unclear, we made use of the interview process to amplify and whenever possible, provide clarification and understanding of the underlying processes.

To set the stage for this evaluation it is important first to take a look at the current organization. The view presented is a composite developed by the consulting group since no official organizational chart concurred with the views of individuals at ILANUD.

MACRO ORGANIZATION VIEW

The attached Organization Chart presents the current (perceived or real) organization, the number of people in each category, and the "current" reporting relationships.

Please refer to Appendix B for details of:

Current Job positions
Salary Levels
Reporting Units - direct personnel costs versus departmental budgets

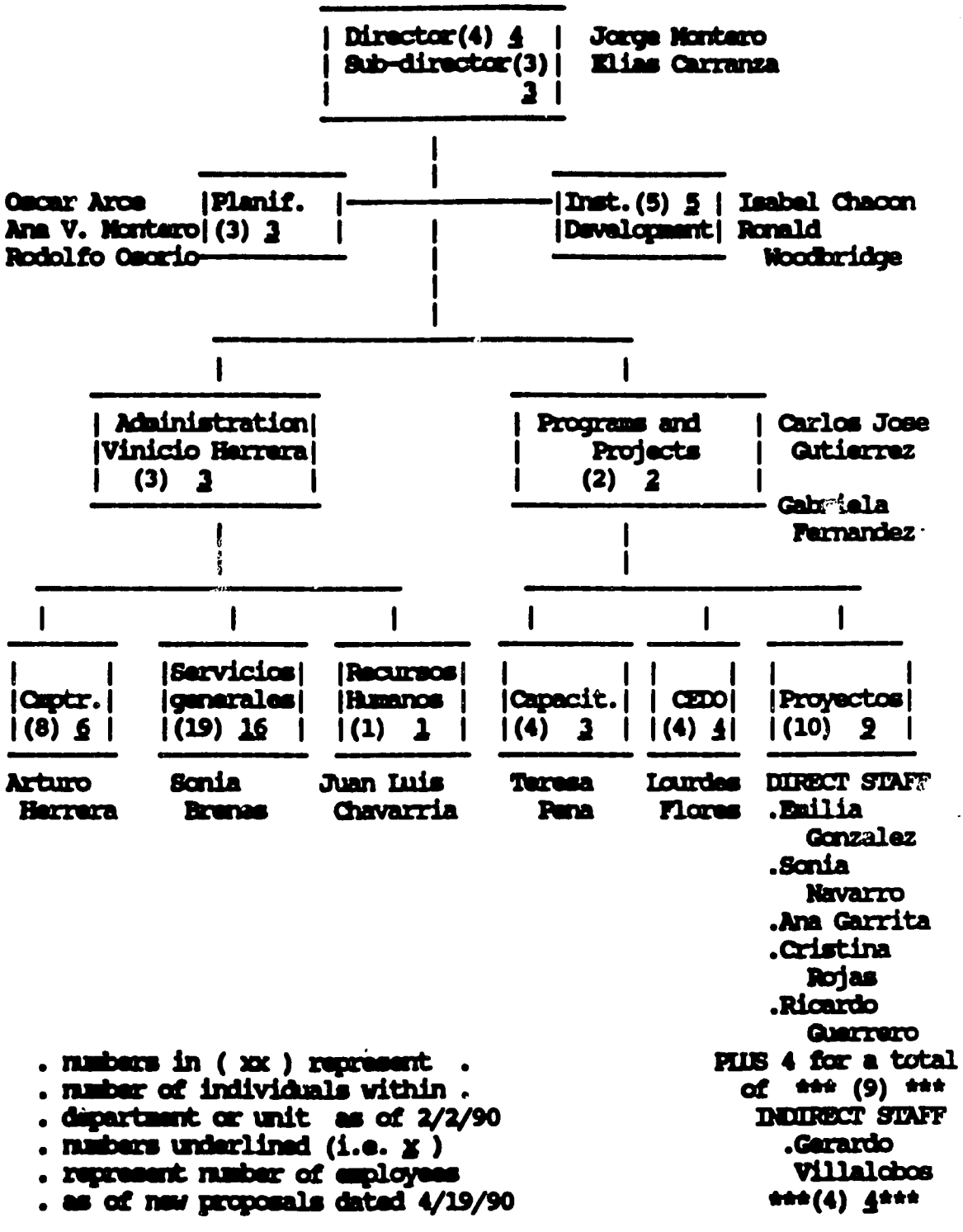
In brief, there are approximately 70 individuals employed by ILANUD as of 2/2/90 (we say approximately since some are in a quasi-permanent status in ILANUD and other organizations simultaneously). For uniformity purposes we classified 3 as such, leaving 70 actively and for our purposes employed directly by ILANUD.

Of these, 66 work directly for ILANUD and 4 are part of the Unidad Ejecutora for the bilateral effort on behalf of the Comision Nacional.

Grouping staff and line personnel by "logical" units, ILANUD can be structured, from a personnel perspective, as follows:

Direccion General plus corporate staff	12
Subdireccion (an organizational glitch)	3
Administration	31
(plus Training and Library)	8
Bilateral	4
Productive units (programs, etc.)	12
TOTAL	70

Current Organization



. numbers in (xx) represent .
. number of individuals within .
. department or unit as of 2/2/90
. numbers underlined (i.e. x)
. represent number of employees
. as of new proposals dated 4/19/90

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Observations & Conclusions on the Organizational Restructuring

Observations reported in this Appendix are the result of a compendium of approaches, from the traditional organization development discipline (i.e. somewhat rigorous analysis), to the pragmatic (i.e. what usually appears to work best in similar situations). These can be briefly summarized under three clusters or categories as follows:

(1) Reorganization Plan does not differ substantivaly from prior modus operandi. In fact, it actually provides the basis for institutionalizing extant aberrations.

(2) Reorganization Plan has failed to make substantive contributions in areas of obvious need.

(3) The re-organizational plan shows many instances of poor conceptual rigor, and is structured in the absence of a "corporate" strategy.

Specifically:

(1) - It appears that the reorganization is no more than a reshuffling of the old modus operandi i.e. few, if any, of the old major structural problems appear to have been addresses. namely:

a. There exists extensive duplication of functions across organizational lines

- Certain "programs" supported by non USAID funds appear to be treated as separate "businesses" - UNDP is outside Programs; USAID bilateral appears headed in the same direction.

- Publication function is handled by several groups (Training, CEDO, Inter., Subdireccion, etc.)

- Certain functions of the Programs & Project Direccion appear to coincide with what Direccion General should be doing, and vice-versa, (i.e. selection of personnel), likewise for Planning and Coop. Inter.

- Actual activities in functional areas such as fund generation, marketing and public relations are spread among too many groups (Direccion, Coop. Intr., CEDO and specific assignations in the Programs group).

b. The functions of the Subdireccion are inconsistent with the rest of the organization, the function is given both line and staff duties, such as : specific program management control, publication and research tasks (which do not belong there) but no duties more in tune with those of a second in command.

c. Focus of the reorganization has been to give the appearance of "structure" to the OVERHEAD component of ILANUD, little is said about the PRODUCING component - Programs & Projects .... number of individuals needed, functions, tasks, internal organization, etc.

d. There exist an inordinate excess of top management functions which are totally unjustifiable. For example:

- Direccion General has assigned to it tasks which are then repeated across staff and line structures (personnel selection, funding activities, assistance to international conferences, etc.)

- As stated previously, the entire Subdireccion is superfluous.

- Planning needs to concentrate on Planning versus developing manuals for planning. ILANUD is not such a large organization that it needs a four person planning staff group. Planning staff should focus on planning, not on specific programs or evaluations (there exist other departments for such). Neither should it be involved in information providing, internally, nor externally (promotion and/or public relations). A two person staff would be adequate.

- Cooperation Internacional has many duties which overlap with those currently under the responsibility of the Director General (or which should be), is also involved in CEDO activities (publication of promotional material) and finance. This group, also excessive in personnel (a two person group with bilingual secretaries would suffice) should be integrated into Direccion General to avoid duplication of effort.

e. In general, it appears that the organization's restructuring plan has been accomplished around the individuals who have been designated to fill the positions rather than the other way around.

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(2) - It also appears that the plan has failed to make substantive changes in obvious areas of need, namely:

a. There is no Governing Board of any kind to assume overall organizational responsibility. No real mention of the Consejo de Asesores is made, but the title itself, augmented by subsequent interviews clearly demonstrates its passive role.

b. There is no mention of any type of Executive Council or Committee to assist in evaluation and determination of multidepartmental issues.

c. There is no internal auditor - either financial or operations, unless one assumes that some of the functional assignations given to Planning (those of evaluation) or those given to the Comptroller, are intended to substitute the auditing function. This would be a mistake, sine neither of those extant departments should have the auditing responsibility.

To some extent, both an internal auditor in the finance area and an operations area are needed. . The former perhaps more important given the public fiduciary responsibilities vis-a-vis funding agencies.

d. The plan fails to differentiate between staff and line positions, blending both in instances such as the CEDO and Training Departments.

e. The organizational structure of the most important component of ILANUD, Projects & Programs is totally absent, which by itself would invalidate the whole plan.

f. Key functions are watered down: Planning, Public Relations, Program Management and Execution. Position descriptions are overly limited in specific responsibilities, which are often shared interdepartmentally, yet include excessive number of areas of involvement (everyone is doing a little bit of everything). A recent document by Cooperacion Internacional "Procedimiento para Ordenar la Participacion de Funcionarios del ILANUD en el Proceso de Elaboracion de Proyectos" March, 1990, has practically the entire organization involved in the process of project identification, selection and implementation. An assured way to prevent any project from ever surfacing, no less being successfully implemented.

g. Perhaps the most salient aspect of the reorganization plan is that one gets the feeling the organization is structured as a staff group reporting directly and operationally to the Director General.

h. Chronologically, the Re-Estructuracion Organizativa was presented and approved before a near or long term plan had been approved, and certainly before specific determinations on Programs & Projects are made (still in process). Consequently, the organizational plan makes no reference and seems unrelated to

- any "business" plan
- operational strategies
- contractual obligations
- marketing or promotional efforts
- long term forecast of revenue generating opportunities.

As such it is a reorganization plan in the vacuum of any business reality and consequently cannot reflect organizational needs..

i. The organizational plan makes no mention of, and appears unrelated to any directed endeavor for self sufficiency.

Observations & Conclusions on the Institutional Development Plan

The latest version of the Institutional Development Plan (4/4/90) contains the following principal chapters or components:

(1) An Overview of the 5 Year Plan

As with all prior versions of the Institutional Development Plan, this 5 Year Plan addresses a series of lofty goals and areas of potential or desirable involvement but fails to address how these will be attained, the resources necessary to procure and deliver on these or who might the clients be for these services. There is no business plan, no operations plan, and perhaps most important there is no explanation or logic behind the "default" mission of ILANUD which appears to be to address seven programmatic areas (which in turn do not appear to have been the object of any conscientious market validation).

Of particular interest is the fact that a report entitled "Institutional Development" does not address the topic itself directly, but rather it is inferred as a consequence of the unmet financing needs of its intended programmatic goals.

(2) Details of the programmatic components of the 5 Year Plan

This section of the 5 Year Institutional Development Plan addresses the seven programmatic areas selected by ILANUD. There is no basis presented for their selection, and certainly there is no market research upon which to base them, nor is there any resident competence in ILANUD to justify them.

(3) Specific Alternative Scenarios for each programmatic component as a function of Funding Availability

In this chapter a series of Ghantt type charts are presented by programmatic area, showing time and funds required.

Lacking is any attempt to discern a minimum critical mass of activities (projects, programs or specific nonrecurrent activities), personnel to undertake same, or level of developmental effort (Institutional Development) required to attain them.

In general the expectations are quite optimistic, from obtaining two million dollars from a hereto unfamiliar funding source (EID) to several recurrent 40 thousand dollar support entries per year from AID for "execution" of non USAID funded programs.

Again, there is no indication as to who is going to source these opportunities, who is going to manage them, and who will execute them.

Traditional Project Management is an area that ILANUD appears not to understand or to focus upon.

(4) An organizational Plan

Since the Organizational Chart provided in this Plan appears identical to the one submitted under the Re-Estructuracion Organizativa, one would assume that the principles utilized are the same. Consequently the observations and conclusions expressed previously are deemed still relevant.

Whereas it is true that the number of people in the proposed "minimum" base has decreased dramatically (to 29 employees from a current high of 47), the rational or support for this number is still inexistent.

In summary, the new revised organization is still top heavy, with more proposed personnel in the administrative function than in the contributing "production/service" category.

It is interesting to note that in a subsequent proposal (to USAID, dated April 19, 1990) no more than two weeks after this proposal was submitted, a "new" organization structure was presented. This one was quite similar to the February 2, 1990 version and did not match the "minimum" version herein proposed.

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(5) Budget Proposal for the 5 Year Plan.

The budget offered has several obvious flaws, namely:

a. The expected rate of return of 24% on the one million dollar endowment is unrealistic. Unless salaries and expenses are quoted in local currency, without adjustments for inflation or dollar/colones variations in exchange rates, the endowment would be consumed quickly under said plan.

b. The non-salary overhead expenses amount to 10% of salaries. Unless ILANUD expects to have projects "land" in their doorstep, such an amount is most unrealistic to cover promotion, funds development, public relations, and other non program related expenses.

c. The Costa Rican Government contribution appears to be underestimated, it is reported a salaries for 3 people whereas it has recently been up to 18 people.

d. There is no hard number projections made for the overhead contribution potential of actual programs and projects. Again, as in the re-estructuracion organizativa, this is an exercise in absentia of reality.

e. Perhaps the most serious flaw is the assumption that the "minimum" structure offered will take care of running the place while individual programs and projects will be self sufficient. Whereas the former assumption may be true (albeit debateable since it is excessive nonetheless) the latter is hardly true. One cannot expect to become engaged exclusively in projects where personnel requirements will always be in FTE units over a reasonable period of time, and be successful in offering services. Consequently, this assumption creates the impossibility of employing FTE on a reasonable basis and for a reasonable period of time.

Finally, even the titles of the Exhibits as well as the contents of the report clearly establish the profound lack of understanding that ILANUD has relative to the issue of the meaning and significance of Institutional Development (as different from Project Execution and Management).

APPENDIX D

FUNDING ACTIVITIES, SPONSORS & CLIENTS

PAST AND PRESENT SOURCES OF FUNDING OF ILANUD

PROJECT DONATOR	AMOUNT	YEAR	DURATION
IMPROVEMENTS IN ADMINISTRATION OF JUSTICE IN LATIN AMERICA			
A.I.D./Washington	$14,991,114	1985-1992	5 Year 2 Year Ext.
STRENGTHENING OF SYSTEMS OF ADMINISTRATION AND JUSTICE IN NICARAGUA			
Ford Foundation	$112,000	1986-88	36 months
SEMINARS FOR CHILDREN'S HUMAN RIGHTS UNDER SYSTEMS OF ADMINISTRATION OF JUSTICE			
Int'l Defense of Children/	$ 28,410	1987	12 months
Interamerican Inst. of Human Rights	$ 10,000		
SUPPORT SYSTEMS OF JUSTICE AND HUMAN RIGHTS FOR DEVELOPMENT OF:			
	A) DELIQUENCE OF MINORS/SYSTEMS OF JUVENILE JUSTICE		
	B) REDUCTION OF PRISON POPULATION OF LOW-INCOME SECTORS		
PNUD-Programa de Naciones Unidas para el Desarrollo	$150,000	1988-1990	2 Years
EFFECTIVE MEASURES TO COMBAT DRUG CRIME AND IMPROVE ADMINISTRATION OF PENAL JUSTICE SYSTEM FOR COSTA RICA			
JICA/CICAD/UN Support for Control of Drug Abuse	$500,000	1988-1990	18 Months

PROJECT DONATOR	AMOUNT	YEAR	DURATION
PROBLEMS OF ADMINISTRATION AND ORGANIZATION OF JUSTICE IN LATIN AMERICA: ACTUAL STATE AND FUTURE PERSPECTIVES			
Italian Ministry of Foreign Affairs/ UNICRI	$100,000	1989	12 Months
SEMINAR/WORKSHOP CONCERNING PRISON SYSTEMS			
Ministry of Justice School of Prison Development	$ 60,000	1989	15 Days
SYMPOSIUM CONCERNING CONSTITUTIONAL JURISPRUDENCE AND HUMAN RIGHTS			
A.I.D./ Interamerican Inst. of Human Rights/ Iberoamerican Inst. of Cooperation (IBI)	$ 30,000	1989	3 Days
"PROGRAMA COMUNITARIA" AGAINST THE ILLEGAL USE OF DRUGS IN COSTA RICA			
U.N. Foundation for Control of Use of Drugs (UNFDAC)	$200,000	1989-1990	18 Months
DEVELOPMENT OF JUVENILE COURTS IN LATIN AMERICA: TRENDS AND PERSPECTIVES			
Interregional Institute for the Study of Crime and Justice	$ 36,500	1989-1990	24 Months
REGIONAL SEMINAR FOR DIRECTOS OF PRISONS AND DETENTION CENTERS IN LATIN AMERICA			
Government of Switzerland-Inst. Henri Dunant/ Int'l Committee of the Red Cross/Interamerican Inst. of Human Rights	$ 44,000	1990	1 Week

POTENTIAL DONORS TO ILANUD

DONOR	TYPE	FIELD OF INTEREST	ACTION TAKEN
1. ROCAP/AID Regional Office of Central American Programs	Gov't	Legal Protection of Environment	Profile In Preparation
2. Inter-american Development Bank	Multii lateral	Legal Protection of Environment	July/August Profile Ready for Government Agendas w/Bank
3.1 World Bank	Multi-lateral	Legal Protection of Environment	None
3.2 UN Regional Program Office on Environment	Multi-lateral	Legal Protection of Environment	Letters to Max.
3.3 U.N.D.P. Develop-ment Prog.	Multi-lateral	Legal Protection of Environment	UNDP Will Contact ILANUD when ready
4. Inter-American Foundation	Foundtn	Legal Protection of Environment/Natural Resources/Women and Law/Agrarian Justice y Development	Awaiting Answer
5. Conservation International	Foundtn	Legal Protection of Environment	Awaiting Answer

6. World Resources Institute	Foundtn	Legal Protection of Environment	To be Contacted
7. Joyce Mertz Gilmore Fdtn	Foundtn	Legal Protection of Environment/Women and Law/Human Rights	To be Contacted
8. Tinker Fdtn	Foundtn	Legal Protection of Environment/Natural Resources	Profiles to be Studied During April Meeting
9. John D./ Catherine T. MacArthur	Foundtn	Legal Protection of Environment/Criminal Judicial Systems	Studying Profiles
10. Ford Fndtn	Foundtn	Criminal Judicial Systems/Human Rights and Women and Law	After suggesting changes, will present budget
11. Panamerican Organ. of Health	Multi-lateral	Organized Crime and Drug Trafficking Legal Protection of Environment/Natural Resources	To be Contacted
12. Panamerican Organ. of Health/CR Regional Office	Multi-lateral	same as above	Awaiting Answer
13. Konrad Adenauer Foundation	Foundtn	Judicial Criminal Systems/Legal Protection of Environment/ Natural Resources/ Agrarian Justice/Development	Meeting Scheduled for March
14. NORAD/Royal Norwegian Ministry of Development Cooperation	Gov't	Criminal Judicial Systems and Human Rights/ Women and Law	No 1990 Funds Available/ Budgets will be studied

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A P P E N D I X E

CURRENT WORKLOAD LEVELS

#	PROJECT NAME	ILANUD REP	1990 BUDGET	COUNTRY OF OBJCTV	ADMIN. BY	ILANUD PEOPLE	% COMPLTD	FUNDING SOURCE
1	INTEGRATED PROJECT FOR COURTS OF GUATEMALA	SONIA NAVARRO	$128,500.	GUATEMALA	GUATEMALA	1	70%	AID/ JUDICIAL ORGANIZA-TION
2	INFORMATION GATHERING & DISSEMINATION OF JUDICIAL INFORMATION	ANA GARITA	$ 84,027.	COSTA RICA/ GUATEMALA	GUATEMALA	3	95%	AID/ COSTA RICA SUPREME CT./GOCR PROCURADURIA
3	STRENGTHENING OF AGRARIAN COURTS & LAW IN COSTA RICA	RICARDO GUER-RERO	$111,000.	COSTA RICA		2	40%	ILANUD/ CSJ
4	EFFECTIVE MEASURES TO COMBAT USE & TRAFFIC-KING OF DRUGS IN LATIN AMERICA	CRISTINA ROJAS	$ 85,270.	COSTA RICA	ILANUD	1	20%	JICA: (100%)/ UNIFEI/ GOCR
5	LEGAL PROTEC-TION OF THE ENVIRONMENT	CUG	$ 54,550.	ECUADOR		3		AID(100%) UNIV. OF RHODE ISLAND
6	STRENGTHENING OF JUDICIAL SCHOOLS OF HONDURAS	EMILIA GONZALEZ	$407,859. (TOTAL)	HONDURAS	HONDURAS	1	25%	AID

#	PROJECT NAME	ILANUD REP	1990 BUDGET	COUNTRY OF OBJCTV	ADMIN. BY	ILANUD PEOPLE	% COMPLTD	FUNDING SOURCE
7	PROJECT TO REDUCE PRISON POPULATION IN COSTA RICA & VENEZUELA	ELIAS CARRANZA	$47,974.	COSTA RICA/ VENEZUELA		1	75%	PNUD
8	PROGRAM OF TRAINING/RESEARCH OF JUVENILE DELINQUENCY	ELIAS CARRANZA	$(incl.in #7 bgt)	COSTA RICA		1	85%	PNUD
9	DEMONSTRATION PROJECT IN ARGENTINA & VENEZUELA OF DEINSTITUTIONALIZATION OF MINORS	ELIAS CARRANZA	$(incl.in #7 bgt)	ARGENTINA/ VENEZUELA		1	75%	PNUD
10	PROJECT TO INVESTIGATE JUVENILE COURTS IN LATIN AMERICA	ELIAS CARRANZA	$40,000.	LATIN AMERICAN REGION		1 (proposal)		(100%) UNICRI
11	RESEARCH ON ALTERNATIVES TO PRISON	ELIAS CARRANZA	$(incl.in #7 bgt)	LATIN AMERICAN REGION		1	85%	PNUD

PRESENT PROJECTS

GESTION INTEGRAL DE TRIBUNALES EN GUATEMALA
(Pilot Project)
October 1988 to April 1990

ILANUD Project Director: Sonia Navarro
1 Legal Assistant as of January 1990)

Country(ies): Guatemala

Total Budget: $472,730.50
1990 Budget: $158,000)

Beneficiary: Guatemalan Judicial System/Criminal Justice Offices

Contact: Josefina Coutino, Director of CENALEX

Funding Sources: AID/Organizacion Judicial

Objectives Achieved: Evaluation of Diagnostic Documentation and Functions and Formulation of an Integration Document of Both

Creation of a Method of Analysis of Judicial Offices

Structural Analysis of Administrative Justice in Connection with Criminal Judicial Offices

Detection of Problems and Recommendations for Handling Judicial Reports more Expeditiously

Analysis and Recommendations to Improve Trial Practice

Determination of Judicial Personnel Problems and Recommendations

Training of Executives to Monitor Judges and Officials in Criminal Law

Determination of Critical Stages in Criminal Procedure

PRESENT PROJECTS

GESTION INTEGRAL DE TRIBUNALES EN GUATEMALA
(Pilot Project)
October 1988 to April 1990

(Continued)

Standardization of Formulas and Resolutions

Budget for Improving Criminal Judicial Archives

Training In:

- Filing Techniques
- Computerization Fundamentals
- Use of Microcomputers
- Installation of Computer Workstations
- Installation of Support Network in the Judicial Offices (March 1990)
- Training of Personnel in Criminal Justice in the Use of Computers
- Incorporation of Automated Offices with Respect to Resolutions Under Systems of Justice
- Projection of Formulas of Resolutions for Courts which are not yet Automated

PRESENT PROJECTS

GESTION INTEGRAL DE TRIBUNALES EN GUATEMALA
(Pilot Project)
October 1988 to April 1990

(Continued)

Objectives To Be Achieved:

Elaboration and Testing of Preliminary Programs

Tests of Workstations with Selected Units

Evaluation and Adjustments of Developments

Gradual Utilization of System (Work which will not fall within ILANUD's Framework)

PRESENT PROJECTS

INFORMATION GATHERING AND DISSEMINATION OF JUDICIAL INFORMATION
October 1985 to June 1990

ILANUD Project Director:	Ana Garita 2 Legal Assistants Guatemalan Judicial Assistants Costa Rican Judicial Assistants
Country(ies):	Costa Rica Guatemala
1990 Budget:	$ 20,418
Beneficiary:	Guatemalan Judicial System/Criminal Justice Offices Honduran Judicial Supreme Court Costa Rican Judicial Supreme Court
Contact:	Josefina Coutino, Director of CENALEX (Guatemala) Cecilia Sanchez, Director, Judicial Supreme Court Jurisprudence Digest (Costa Rica) Rafael (Manual) Ramos, Chief of Information Office, GSJ, (Costa Rica) (Tel. 23 75 33)
Funding Source:	AID/CR, Corte Suprema, GOCR, Procuraduria
Objectives Achieved:	Training of Work Materials and Equipment for the Treatment of Judicial Information Elaboration of Formats for "Warehousing" and Gathering of Judicial and Legislative Information Development of Regional "Thesaurus" Processing of Jurisprudence Information (Costa Rica -March 1990- and Guatemala) and Legislative Information (Guatemala) Appendix "E" - page 8

PRESENT PROJECTS

INFORMATION GATHERING AND DISSEMINATION OF JUDICIAL INFORMATION
October 1985 to June 1990

(Continued)

Objectives Achieved:

Development and Donation of Reporting Software and Consultations with Thesaurus and Training of their Uses

Donation of Computer Equipment

Development of Software for Judicial Information Procedures

Dissemination of the Regional System

Donation of Library Files Concerning Criminal Codes

Development of Volumes 1,2,3, and 4 of Critical Jurisprudence and Preparation of Numbers 1 and 2

Publication and Distribution of Indexes Concerning Guatemalan Criminal Legislation (March 1990)

Test of Computer Programs in Costa Rica (February 1990)

Adjustments of Programs in Costa Rica (February 1990)

System Development of Current Legislation (Costa Rica)

Installation of Equipment in Executive Office of "Procuradoria"

Training of Prosecutors

Development of Specific Techniques of Information Gathering on Legislative Issues

Installation of Computer Equipment

Indexing of Current Legislation of Costa Rica

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PRESENT PROJECTS

INFORMATION GATHERING AND DISSEMINATION OF JUDICIAL INFORMATION
October 1985 to June 1990

(Continued)

Objectives To Be Achieved:

Publication and Distribution of Guatemalan Criminal Code Indices

Elaboracion del Reglamentacion del Servicio (Costa Rica)

Training of Personnal (Costa Rica)

Evaluation of Project (Costa Rica and Guatemala)

System Development of Current Legislation (Costa Rica) Still to be Done

Installation of Computer System for Producing Text of Annual Information

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PRESENT PROJECTS

STRENGTHENING OF AGRARIAN COURTS AND LAW IN COSTA RICA
April 1989 to December 1992

ILANUD Project Director:	Ricardo Guerrero Expert: Ricardo Zeledon 2 Legal Assistants as of December 1989) 1 Legal Assistant as of March 15, 1990 1 Secretary as of December, 1989
Country(ies):	Costa Rica
1990 Budget:	$ 111,000
Beneficiary:	Judicial Supreme Court of Costa Rica
Contact:	Carmen Blanco, Sub-Director of CSJ Judicial School
Funding Source:	ILANUD/CSJ
Objectives Achieved:	Identification (100%), Information Gathering (80%), Classification (50%) of Jurisprudence in Agrarian Issues Development of "Treaty of Agrarian Procedural Law" Development of Four Anthologies (100%) (Articles Written by National Experts) Agrarian Business Land Titles Agrarian Possessions Constitutional Agrarian Law and Interpretation

PRESENT PROJECTS

STRENGTHENING OF AGRARIAN COURTS AND LAW IN COSTA RICA
April 1989 to December 1992

(Continued)

Seminars (2 Regional/1 in Costa Rica)

Inherent Problems in Latin America Concerning Function and Institutionalization of Agrarian Jurisdiction

Conferences Over Agrarian Jurisdiction (Costa Rica)

Agrarian Law in International and Community Relations

Placement of Nationals Who Will Participate in Training Exercises

Revision/Review of Developed Material by Outside Contracted Experts (75%)

Development of a Database of Agrarian Law (75%)

Development of Published Articles in the Magazine "Twenty Years of Agrarian Justice in Peru"

Participation of New Colombian Law Oct. 7, 1989 in Agrarian Jurisdiction

Participation of Tenth National Judicial Congress to Reform Law of Agrarian Jurisprudence (Lic. Antonio Picado G.)

Consulting of the Public Agrarian Sector and the Honduran Bar of Lawyers to Motivate Movement of the Substantive Issues Regarding Agrarian Jurisdiction

Participation in Revision of Macro-Thesaurus in Law

Preliminary Study Concerning Legislation and Competence of Agrarian Jurisprudence in Latin America

PRESENT PROJECTS

PROJECT ON EFFECTIVE MEASURES TO COMBAT USE AND TRAFFICKING OF DRUGS IN LATIN AMERICA

1989 to 1992

ILANUD Project Director:	Christina Rojas
Country(ies):	Latin America Region
1990 Budget:	$ 685,774
Beneficiary:	Police, Judicial Systems, Judicial Branch, Government of the Interior
Contact:	JICA/Japan
Funding Source:	JICA, UNIFEI, GOCR

Objectives to be Achieved:

Create Methods for Determining Problems relative to Production, Development, Trafficking, Consumption, Commercialization, and Use of Illicit Drugs

5 Seminars of 25 Participants Each, One Per Year Given by Four Experts

Training of an ILANUD Project Manager for a year

Donation of Equipment

PRESENT PROJECTS

LEGAL PROTECTION OF THE ENVIRONMENT

1987 to December 1990

ILANUD Project Director:	Rafael Gonzalez
Country(ies):	Ecuador
1990 Budget:	$
Beneficiary:	Program of the Use of Coastal Resources of Ecuador
Contact:	Luis Arriaga, Director of the Program of the Use of Coastal Resources of Ecuador
Funding Source:	AID/Rhode Island University
Objectives Achieved:	Information Gathering of Legislation Concerning Environmental Law in Latin America Development of a Manual of the Use of Coastal Resources Three Workshops in Training of the Manual of the Use of Coastal Resources

Objectives to be Achieved:

Workshop (April 1990) about Administrative Criminal Law and Environmental Issues

Three Workshops of Evaluation of the Application of Manual of the Use of Coastal Resources with the Aim of Adjusting the Needs of the Galapagos Islands and of Analyzing its Results

Training Workshop of the Manual, elaborating issues (Washington authorization of participation of "Officials of the Marina"

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PRESENT PROJECTS

STRENGTHENING OF JUDICIAL SCHOOLS IN HONDURAS
1988 to 1991

ILANUD Project Director:	Emilia Gonzalez
Country(ies):	Honduras
Total Budget:	$ 800,000
Beneficiary:	Judicial Branch Honduran Judicial School Judges
Contact:	Salamon Jimenez, (Tel 311944)
Funding Sources:	AID

STRENGTHENING OF JUDICIAL SCHOOLS IN COSTA RICA
1988 to 1991

ILANUD Project Director:	Gerardo Villalobos
Country(ies):	Costa Rica
Total Budget:	$ 1,563,000
Beneficiary:	Judicial Branch Costa Rican Judicial School Judges
Contact:	Santiago Pla, (Tel 550122) Carmen Blanco
Funding Sources:	AID/CR and GOCR

DATA BASES AND DOCUMENT SUPPORT
1986 to 1990

ILANUD Project Director:	Lourdes Flores, Director of CEDO
Country(ies):	Regional Countries
1990 Budget:	$
Beneficiary:	ILANUD and Countries of the Region
Funding Source:	AID/ILANUD

PRESENT PROJECTS

MANUAL FOR JUSTICES OF PEACE IN GUATEMALA
1988 to 1990

ILANUD Project Director:	Teresa Peña, Director of Training
Country(ies):	Guatemala
1990 Budget:	$
Beneficiary:	Justices of Peace and Lawyers
Contact:	Edmundo Vazquez
Funding Source:	AID/Court

DIAGNOSTIC STUDY OF JUDICIAL POWER IN BOLIVIA
1990

ILANUD Project Director:	Ricardo Ulate, Director of Planning and Evaluation Eduardo Rodriguez
Country(ies):	Bolivia
Total Budget:	$ 450,000
Beneficiary:	Judicial Branch, ILANUD and Government of Bolivia
Contact:	Edgar Oblitas (Tel. 21992/327668)
Funding Source:	AID/Bolivia and GOB

DIAGNOSTIC STUDY OF JUDICIAL POWER IN ECUADOR
1990

ILANUD Project Director:	Carlos Jose Gutierrez G., Director of Project Luis Salas
Country(ies):	Ecuador
Total Budget:	$ 350,000
Beneficiary:	Judicial Branch, Judicial Schools and Judges of Ecuador
Contact:	Edgar Carrion (Tel. 562059/9405952)
Funding Source:	AID/Ecuador

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PRESENT PROJECTS

PROJECT TO REDUCE PRISON POPULATION IN COSTA RICA AND VENEZUELA
1988 to 1990

ILANUD Project Director:	Elias Carranza
Country(ies):	Costa Rica Venezuela
1990 Budget:	$
Beneficiary:	Judicial Branch and Ministry of Justice
Contact:	Fabio Leon (Costa Rica) Jose Martinez (Venezuela)
Funding Source:	PNUD

PROGRAM OF TRAINING/RESEARCH OF JUVENILE DELINQUENCY
1988 to 1990

ILANUD Project Director:	Elias Carranza
Country(ies):	Costa Rica
1990 Budget:	$
Beneficiary:	Juvenile Courts/Juvenile Centers
Contact:	Daniel O'Donnell
Funding Source:	PNUD

DEMONSTRATION PROJECT IN ARGENTINA AND VENEZUELA OF THE DE-INSTITUTIONALIZATION OF MINORS
1988 to 1990

ILANUD Project Director:	Elias Carranza
Country(ies):	Argentina Venezuela
1990 Budget:	$
Beneficiary:	Drug addicted Minors/Poor Minors
Contact:	Jose Martinez (Venezuela)
Funding Source:	PNUD

PRESENT PROJECTS

PROJECT TO INVESTIGATE JUVENILE COURTS IN LATIN AMERICA
1988 to 1990

ILANUD Project Director:	Elias Carranza
Country(ies):	Latin American Region
1990 Budget:	$
Beneficiary:	Judicial Branch and Juvenile Agencies
Contact:	Emilio Sanchez
Funding Source:	UNICRI/ILANUD

RESEARCH ON ALTERNATIVES TO PRISON
1983 to 1990

ILANUD Project Director:	Elias Carranza
Country(ies):	Latin American Region
1990 Budget:	$
Beneficiary:	ILANUD, Researchers and Authorities of the Region
Contact:	
Funding Source:	AID/PNUD

PROJECT TO PREVENT DRUG USE IN COSTA RICA
1989 to 1990

ILANUD Project Director:	Rodolfo Osorio
Country(ies):	Costa Rica
1990 Budget:	$
Beneficiary:	"Organizaciones Comunales
Contact:	Rosa Anais Chan
Funding Source:	UNFDAC

PAST PROJECTS

SUPPORT TO THE INTER-AMERICAN INSTITUTE OF HUMAN RIGHTS
1986 to 1988

ILANUD Project Director:	Jorge A. Monteiro
Country(ies):	Regional Countries in Latin America
Total Budget:	$
Beneficiary:	Inter-american Institute of Human Right
Contact:	Sonia Picado, IIGH (Tel. 340581)
Funding Sources:	AID

INVESTIGATION ABOUT PENAL FINES IN LATIN AMERICA
1987

ILANUD Project Director:	Ana Garita/Elias Carranza
Country(ies):	Regional Countries in Latin America
Total Budget:	$
Beneficiary:	ILANUD, Researchers and Authorities of the Region
Contact:	
Funding Sources:	PNUD/ILANUD

RESEARCH CONCERNING PRISON POPULATION CONVICTED FOR DRUG USE
1986

ILANUD Project Director:	Elias Carranza
Country(ies):	Regional Countries in Latin America
Total Budget:	$
Beneficiary:	ILANUD, Researchers and Authorities of the Region
Contact:	
Funding Sources:	PNUD

PAST PROJECTS

RESEARCH CONCERNING INFRINGEMENT OF THE LAW IN LATIN AMERICA
1987 to 1989

ILANUD Project Director:	Elias Carranza Harry Iraza
Country(ies):	Regional Countries in Latin America
Total Budget:	$
Beneficiary:	ILANUD, Researchers and Authorities of the Region
Contact:	
Funding Sources:	PNUD

RESEARCH CONCERNING SOCIAL CLASSES AND DIFFERENTIAL CRIMINALOLOGY
1988

ILANUD Project Director:	
Country(ies):	Regional Countries in Latin America
Total Budget:	$
Beneficiary:	ILANUD, United Nations
Contact:	
Funding Sources:	PNUD

RESEARCH CONCERNING MINOR VIOLATOR IN LATIN AMERICA
1987 to 1989

ILANUD Project Director:	Elias Carranza
Country(ies):	Regional Countries in Latin America
Total Budget:	$
Beneficiary:	ILANUD, United Nations, Countries of the Region
Contact:	Daniel O'Donnell, DCI (Tel. 50207323 Switzerland) Sonia Picado, IIDH (Tel. 340581 CR)
Funding Sources:	PNUD, DCI, OEA, IIDH

PAST PROJECTS

BASIC LIBRARIES
1986 to 1988

ILANUD Project Director:	Sonia Brenes
Country(ies):	Regional Countries in Latin America
Total Budget:	$
Beneficiary:	Honduras Guatemala El Salvador Costa Rica Dominican Republic
Contact:	Edmundo Vazquez (Guat. 27831) Francisco Guerrero (El S. 713312) Salomon Jimenez (Hond. 311911) Miguel Blanco (CR 550122) Nestor Contin (DR 5331017)
Funding Sources:	AID

PROJECT OF JUDICIAL STATISTICS IN THE DOMINICAN REPUBLIC
1986 to 1989

ILANUD Project Director:	Luis Lachner
Country(ies):	Dominican Republic
Total Budget:	$
Beneficiary:	Judicial Branch Department of Statistics of the Dominican Republic
Contact:	Nestor Contin (DR 5331017) Rafael Camilo
Funding Sources:	AID/Supreme Court

PAST PROJECTS

DONATION OF EQUIPMENT TO THE SUPREME JUDICIAL COURT
1986 to 1987

ILANUD Project Director:	Oscar Arce
Country(ies):	Honduras, Guatemala, Dominican Republic
Total Budget:	$ 150,000
Beneficiary:	Honduras Guatemala Dominican Republic
Contact:	Edmundo Vazquez (Guat. 27831) Salomon Jiminez (Hond. 311911) Nestor Contin (DR 5331017)
Funding Source:	AID

RULE OF LAW ON JUDICIAL CAREER IN HONDURAS
1987

ILANUD Project Director:	Oscar Arce Ricardo Ulate
Country(ies):	Honduras
Total Budget:	$
Beneficiary:	Judicial Branch
Contact:	Salomon Jiminez (Hond. 311911)
Funding Sources:	AID

MANUAL FOR JUSTICES OF PEACE IN HONDURAS
1987

ILANUD Project Director:	Oscar Arce Teresa Pena Sonia Navarro
Country(ies):	Honduras
Total Budget:	$
Beneficiary:	Justices of Peace, Lawyers
Contact:	Salomon Jiminez (Hond. 311911)
Funding Sources:	AID

PAST PROJECTS

DIAGNOSTIC STUDY OF THE WORKINGS OF ARCHIVES IN THE JUDICIAL BRANCH OF THE DOMINICAN REPUBLIC
1988

ILANUD Project Director:	Oscar Arce
Country(ies):	Dominican Republic
Total Budget:	$ 150,000
Beneficiary:	Dominican Republic
Contact:	Marisol Florem (DR. 5293562) Nestor Contin (DR 5331017)
Funding Source:	AID

A P P E N D I X F

COST AND EXPENDITURE ALLOCATION

Figura90

DISTRIBUCION DE GASTOS ADMINISTRATIVOS Y DE PROYECTOS DE ILANUD POR DEPARTAMENTOS
PARA EL AÑO 1990

DEPARTAMENTO	MONTO	GASTOS ADMINIST	PORCENTAJES ADMINISTRAT.	GASTOS PROGRAMATICOS	PORCENTAJES PROGRAMATICOS
DIRECCIÓN GENERAL	$176,692.00	176,692.00	9.16%	0.00	0.00%
CONSEJO ASESOR	8,690.00	8,690.00	0.45%	0.00	0.00%
SUBDIRECCION	31,895.00	31,895.00	1.65%	0.00	0.00%
PLANEACION Y EVALUACION	120,913.00	120,913.00	6.27%	0.00	0.00%
COOPERACION INTERNACIONAL	159,389.00	159,389.00	8.27%	0.00	0.00%
DIVISION DE ADMINISTRACION	106,991.00	106,991.00	5.55%	0.00	0.00%
CONTRALORIA,CONTABILIDAD Y FINANZAS	123,794.00	123,794.00	6.42%	0.00	0.00%
SERVICIOS GENERALES	177,060.00	177,060.00	9.18%	0.00	0.00%
RECURSOS HUMANOS	32,843.00	32,843.00	1.70%	0.00	0.00%
DIVISION DE PROGRAMAS *	194,778.00	194,778.00	10.10%	0.00	0.00%
CAPACITACION	389,102.00	158,183.00	8.20%	230,919.00	10.19%
CEDO **	71,189.00	66,189.00	3.43%	5,000.00	0.22%
ESCUELA JUDICIAL HONDURAS	407,859.00	182,370.00	9.46%	225,489.00	9.95%
DESARROLLO JURIDICO PENAL:					
DIST. JURISP. PENAL C.R.	103,013.00	83,608.00	4.34%	19,405.00	0.86%
ORGANIZACION Y ADM DIST. DE JUSTICIA:					
A.T. ADM. DE TRIBUNALES	190,167.00	17,500.00	0.91%	172,667.00	7.62%
FORTALEC. TRIBUNALES AGRARIOS	105,939.00	16,923.00	0.88%	89,016.00	3.93%
PROTECCION MEDIO AMB. ECUADOR	53,865.00	0.00	0.00%	53,865.00	2.38%
UNFDAC (FUNDAFAMILIA)	126,834.00	0.00	0.00%	126,834.00	5.60%
AIDA	85,270.00	0.00	0.00%	85,270.00	3.76%
P.N.U.D. (PROY. RLA 88-001-01)	25,540.00	0.00	0.00%	25,540.00	1.13%
CIR/IIDH/GOB.SUIZA	43,506.00	0.00	0.00%	43,506.00	1.92%
BILATERAL AID/C.R.	1,509,626.00	287,346.00	14.99%	1,222,280.00	53.95%
TOTALES	6,244,955.00	1,945,164.00		2,299,791.00	
PORCENTAJES	100%	45.98%		54.02%	

* COMPRENDE SALARIOS CARLOS JOSE G/GABRIELA FERNANDEZ Y JUAN C. ROMERO
** AB GASTOS DE OPERACION SERV. CONSULTIVOS

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DISTRIBUCION DE GASTOS ADMINISTRATIVOS Y DE PROYECTOS DE ILANUD POR DEPARTAMENTOS
PARA EL AÑO 1990

DEPARTAMENTO	MONTO	GASTOS ADMINIST	PORCENTAJES ADMINISTRAT.	GASTOS PROGRAMATICOS	PORCENTAJES PROGRAMATICOS
DIRECCION GENERAL	$176,692.00	176,692.00	10.74%	0.00	0.00%
CONSEJO ASESOR	8,690.00	8,690.00	0.53%	0.00	0.00%
SUBDIRECCION	31,895.00	31,895.00	1.94%	0.00	0.00%
PLANEACION Y EVALUACION	120,913.00	120,913.00	7.35%	0.00	0.00%
COOPERACION INTERNACIONAL	159,389.00	159,389.00	9.68%	0.00	0.00%
DIVISION DE ADMINISTRACION	106,991.00	106,991.00	6.50%	0.00	0.00%
CONTRALORIA,CONTABILIDAD Y FINANZAS	123,794.00	123,794.00	7.52%	0.00	0.00%
SERVICIOS GENERALES	177,060.00	177,060.00	10.76%	0.00	0.00%
RECURSOS HUMANOS	32,843.00	32,843.00	2.00%	0.00	0.00%
DIVISION DE PROGRAMAS	194,778.00	194,778.00	11.83%	0.00	0.00%
CAPACITACION	389,102.00	158,183.00	9.61%	230,919.00	22.24%
CEDO	71,189.00	71,189.00	4.33%		0.00%
ESCUELA JUDICIAL HONDURAS	407,859.00	182,370.00	11.08%	225,489.00	21.71%
DESARROLLO JURIDICIO PENAL	103,013.00	83,608.00	5.08%	19,405.00	1.87%
ORGANIZACION Y ADM. SIST. DE JUSTICIA	298,995.00	17,500.00	1.06%	281,495.00	27.11%
UNDPDAC	126,834.00	0.00	0.00%	126,834.00	12.21%
OICA	85,270.00	0.00	0.00%	85,270.00	8.21%
U.N.O.D.	25,540.00	0.00	0.00%	25,540.00	2.46%
CIR/IIDH/GOB.SUISA	43,506.00	0.00	0.00%	43,506.00	4.19%
TOTALES	2,684,353.00	1,645,895.00		1,038,458.00	
PORCENTAJES	100%	61.31%		38.69%	

Hecho por _____
13/04/90

A P P E N D I X G

INTERVIEW PROGRAM/

OVERVIEW OF RESULTS

DIRECCION

D. JORGE ARTURO MONTERO CASTRO
Director General

SUB-DIRECCION

D. ELIAS CARRANZA
Sub-Director

DIVISION OF PROGRAMS

D. CARLOS JOSE GUTIERREZ GUTIERREZ
Director of Programs

Maria Gabriela Fernandez Pacheco
Executive Assistant to the Director of Programs

Ana Isabel Garita Vilchez
Director of Projects

Ricardo Guerrero Portilla
Director of Projects

Sonia Navarro Solano
Director of Projects

Emilia Gonzalez Madriz
Director of Projects (Bi-lateral Honduras)

Cristina Rojas
Director of Projects

Juan Carlos Montero Villalobos
Prof. de Planta

DIVISION OF PROGRAMS Continued

Alfredo Chirino Sanchez
Prof. de Planta

Jose Fernando Saborio Jenkins
Prof. de Planta

CEDO

MARIA LOURDES FLORES DE LA FUENTE
Director of Center of Documentation

TRAINING

SRA. DÑA. TERESA PEÑA SILVERIO
Director of Training

Norma Lopez Cortes
Administrative Assistant to the Director

ADMINISTRATIVE SERVICES

SONIA BRENES BONILLA
Director of Administration

Elka Jimenez Rojas
Administrative Assistant

Jenny Espinoza Leal
Technical Assistant

Rodrigo Portilla
Operario de Mantenimiento

CONTROLLER/FINANCE

LUIS ARTURO HERRERA PORRAS
Controller

Julio Sancho Chaves
Financial Analyst

INTERNATIONAL COOPERATION

ISAEL CHACON ACUÑA
Director of International Cooperation

RONALD WOODBRIDGE GONZALEZ
Special Assistant to the Director
(Assigned to International Cooperation)

Rodolfo Osorio Ponce
Prof. de Planta

Flora Castro Alvarado
Bi-lingual Secretary

DIVISION OF ADMINISTRATION

VINICIO HERRERA VILLALOBOS
Director of Administration Division

PLANNING AND EVALUATION

RICARDO ULATE CHACON
Director of Planning and Evaluation

Oscar Arce Carvajal
Assistant Director of Planning and Evaluation

Luis Lachner Trejos
Prof. de Planta

HUMAN RESOURCES

JUAN LUIS CHAVARRIA QUESADA
Director of Human Resources

UNIDAD EJECUTORA

GERARDO VILLALOBOS DURAN
Director of Bi-lateral Project (Costa Rica)

NATIONAL COMMISSION

EGENNERY VENEGAS
Executive Secretary

U.S. A.I.D.

CARL CIRA
Director of R.A.J.O./Costa Rica

Linn Hammergren
R.A.J.O.

F.I.U. TECHNICAL ASSISTANCE

LUIS SALAS
Director of Center of Administration of Justice F.I.U.

Gerald Reed
Organizational Consultant to ILANUD

EXTERNAL INTERVIEWS
(Former and Current Client Sponsors;)
(Consultants; Government Officials; Others)

Robert Page
Consultant to A.I.D., Washington

Sonia Picado
Inter-American Institute for Human Rights

Carlos Arguedas
Advisor to the President

Enrique Pochet
Fiscal, Procuradoria

Edgar Carvantes
Justice, Supreme Court and Head of National Commission

Luis Fernando Solano
Justice, Supreme Court
Sala Constitucional

Luis Paulino Mora Mora
Justice, Supreme Court
Sala Constitucional

Ricardo Zamora Caravajal
Justice, Supreme Court

Miguel Blanco
Chief Justice, Supreme Court

EXTERNAL INTERVIEWS (cont.)
(Former and Current Client Sponsors;)
(Consultants; Government Officials; Others)

Steven Cox
Ford Foundation

Raul Sanchez
Ford Foundation

Richard Raiford
United Nations Development Office

David Smathers (for Dan Martin-Adele Simmons)
John D. and Catherine T. MacArthur Foundation

Anonymous (Director of Funding)
Inter /merican Foundation

Robert Crane
Joyce Mertz Gilmore Foundation

Dennis Norsky
Defense of Children International

In addition to the prior individuals and organizations interviewed, the project team presented and discussed draft versions of this study with the following:

GOVERNMENT OF COSTA RICA

Lic. Elizabeth Odio
Minister of Justice

USAID - Washington

Mr. James Michael
Ms. Norma Parker

USAID - Costa Rica

Mr. Carl Leonard
Mr. Douglas Tinsler

US Embassy - Costa Rica
Mr. John Todd Stewart

KEY OBSERVATIONS - INTERVIEWS

SOURCE	SALIENT POSITIVE	SALIENT NEGATIVE
ILANUD I N T E R N N A L	. Expressed enthusiasm for ILANUD . Viewed potential of ILANUD to contribute to improvements in LA ADM of Justice . Sense of pride in ILANUD and what it represents. . Proud of past tasks	. Lack of clear objectives . Weak leadership . Feudal system . Operating units have little or no say in Planning . Spread too thin . Bureaucratic environment . Funding dependency
ILANUD E X T E R N A L	. Excellent conduit for external resources. . Enjoys favorable external reputation . Very useful for Costa Rica . Facilitators of funds and outside resources . Achieved certain level of recognition via easy access to many seminars.	. Does not add any significant contents to projects. . Outside the mainstream of non USAID organizations . Too bureaucratic, it is operationally unyielding . Too Costa Rican, no Inter'l flavour . Low level of creativity and management. . Fiefdoms. Project oriented NOT client oriented.

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KEY RECOMMENDATIONS - from INTERVIEWS

*** This is what we heard interviewees telling us ***

IN ORDER TO ENSURE THAT ILANUD COULD ACHIEVE ITS MISSION / GOAL THE MOST IMPORTANT ACTIONS TO TAKE ARE .....

SOURCE	
ILANUD INTERNAL	o LEADERSHIP o CLARIFY MISSION o STREAMLINE BUREAUCRATIC PROCESS o DIVERSIFY FUNDING o ELEVATE PROFESSIONAL STAFF
ILANUD EXTERNAL	o LEADERSHIP o ENHANCE RESEARCH ACTIVITIES o STREAMLE OF BUREAUCRATIC PROCESS o INCREASE "INTERNATIONALITY" o ELEVATE PROFESSIONAL STAFF

INTERVIEW GUIDE

ILANUD INTERNAL

OPENING REMARKS

Confidentiality of the interview

Purpose of Interview (mention RFP and EDC's response, focus on "asesoramiento" rather than "evaluation", the latter strikes a connotation in Spanish closer to "audit", and we are not doing that)

PART I

What are their jobs, areas of responsibility, etc.

Objective :

to understand their role, and their perception of their role

to understand the level of effort required to undertake their role, are they over/under tasked ? etc.

to determine if their function and that of their people is justified and properly "staffed" - number
- quality/caliber
- professional experience

PART II

(probe only to the extent interviewee is in a position which will allow him/her to comment substantively, otherwise probe from the perspective of the "trickle down effect ")

1 - MISSION of ILANUD

What is ILANUD's Mission - Philosophically
- Operationally

What are its near term objectives ? (Probe for such issues as Independence ?

Growth;

reverting to a Research and Information operation - the old ILANUD)

2- What does ILANUD "produce" ?

(Probe for Do they see themselves as providing Ideas on Justice areas

Consulting
Research
Training

and if all (as they may state) how much of each ?

Who defines what is produced ?

Who decides whom to sell it to, or how to offer it ?

3 - DECISION MAKING PROCESS

Who determines what is done in - your department ?
other departments
in ILANUD

Who tells you if you are doing the right job,
a good job ?

4 - The Barbara Walters' special .....

What do you see as the top 3 problems facing ILANUD vis-a-vis achieving its goals ?(probe and relate to initial statements)

What do you see as the top 3 actions ILANUD should take to accomplish its goals - in your area ?

- at large ?

I N T E R V I E W G U I D E

EXTERNAL

OPENING REMARKS

Focus on the objective of finding a formula to ensure ILANUD's ongoing independence.

Highlight interest in our understanding ILANUD's external component.

AREAS OF PROBE

1 - Image of ILANUD - Current (as perceived by respondent, as interpreted might be held by others)

- What should it be ?, if any different !

2 - From your organization's perspective, what should the Mission of ILANUD be ? How does it differs from the perception given ?

(PROBE for UN/Costa Rican; regional, Latin American
for Research, think tank, service, promoter, etc.
for all Justice areas, Adm. of Justice, any
particular sector, ?)

3 - The BW Special .....

What are the three (3) most prominent barriers to achieve above Mission/goals/service ?

What ideas or suggestions you have to overcome same ?

APPENDIX "H" SUPPORT SYSTEMS

- INFORMATION TECHNOLOGY BASE AT ILANUD
- FUND-RAISING MODELS

FUND RAISING MODEL

Most nonprofit institutions who provide some kind of a "service" of a contributive nature (i.e. non charitable), rely of a mixed portfolio of funding sources for their continuing operation and service provider functions:

TYPE A : Institutional Founding Sponsors:

Funds from institutions that contribute money either in annual lump sum basis to create a discretionary operating fund or as contributions towards some type of an endowment trust. These are usually few in number, initially comprising the largest percentage of the available funds to an institution, and decreasing, on a percentage basis, as the institution expands and broadens its funding sources.

TYPE B : Research and Special Activity Support Sponsors:

These are funds from organizations who advance or contribute funds with the expectation that "services" of a specific nature will be provided to a specific target audience (themselves, their constituents or other third parties).

TYPE C : Client Service Activities:

These are funds that are generated when organizations "hire" or retain the services of the institution to perform specific services. Funds from these organizations, perhaps better referred to as "clients", may originate from themselves or from other organizations (like TYPE B) who may be sponsoring the service requested. The difference between these and those of TYPE B is that the originator is the client, not the sponsor.

TYPICAL FUNDING SOURCES & TIME VARIATIONS

Initially, funds are sourced mainly from a few "institutional type" sponsors. Funds typically are directed at Institutional development activities, providing "seed" money for the development of products and services.

Gradually, products and services are purchased by funding sponsors on behalf of third parties. These funding sponsors have particular programmatic objectives that match the "offers" from the institution.

Eventually, the recipients of these products and services start initiating requests for services (paid for by themselves or other funding institutions).

```
First year      ...                 eventually ( 5 to 8 years)
|P|                                                          |
|E|                                                    20%   |
|R|          TYPE A                          . . . . . . . . |
|C|                                 . . . .                  |
|E|   75%                     . . .                          |
|N|                   . . .                                  |
|T|             .                TYPE  B              40%   |
|A|          .                                                |
|G|       .                          . . . . . . . . . . .  |
|E|   .                   . .   . .                         |
| |.                  . .                                   |
|F|                . .                                       |
|U|  25%     . .                                              |
|N|      . .                            TYPE C         40%   |
|D|  . .                                                      |
|S|.                                                          |
```

INFORMATION TECHNOLOGY BASE

The attached documents presents the existent technology base at ILANUD. In essence, ILANUD has approximately 47 PC's, 39 Printers and a Central micro processing unit with 6 terminals.

A comparison of this technology base with the existing organizational chart illustrates the minimal use made of these resources. Most I.T. resources are used as stand-alone typrewriters, with no custom application use.

An immediate task at ILANUD has to be the rationalization of these resources to structure an effective support service for ILANUD's project and administrative staff.

I L A N U E

EQUIPO Y SU UTILIZACION

MICROCOMPUTADOR	USUARIO	DEPENDENCIA	DISCO DURO	DISCO A	DISCO B	APLICACIONES
EPSON EQUITY II	FLORA CASTRO	CORP. INTERNACION	30 MB			PROCESAR TEXTOS
IBM PC/XT	LUCIA MENDEZ J.	" "	20 MB			VENTURA PUBLISHER
IBM PORTABLE	XENIA VILLALOBOS	" "		360 KB	360 KB	PROCESAR TEXTOS
IBM PC/XT	EUGENIA MELNCADO	" "		360 KB	360 KB	PROCESAR TEXTOS
ZENITH LT	RODOLFO OSORIO	" "		720 KB	720 KB	PROCESAR TEXTOS
IBM PC/XT	DEPARTAMENTO	CONTABILIDAD	20 MB	360 KB		PROCESAR TEXTOS
LEADING EDGE	ANTONIO MERREA P.	"	30 MB	360 KB		HOJA DE CALCULO, ETC
IBM PS/2 80	DEPARTAMENTO	"	115 MB	1.44 MB	TAPE-B	SISTEMA CONTABLE, ETC
IBM PC	ANGEL ZUNIGAS	"		360 KB	360 KB	HOJA DE CALCULO
EPSON EQUITY II	SARA NUNEZ	DIRECCION	30 MB	360 KB		PROCESAR TEXTOS
LEADING EDGE	OLGA MARTA UCALDE	"	30 MB	360 KB		PROCESAR TEXTOS
LEADING EDGE	VINICIO HERRERA	"	30 MB	360 KB		HOJA DE CALCULO, ETC
IBM PC/XT	GERARDO RODRIGUEZ	"	20 MB	360 KB		ANALISIS Y DISEÑO.
EPSON EQUITY II	MICKY MONTERO	PLANIFICACION	30 MB	360 KB	720 KB	PROCESAR TEXTOS
LEADING EDGE	ELIAS CARRANZA	SUBDIRECCION	30 MB	360 KB		PROCESAR TEXTOS, ETC
LEADING EDGE	JUAN L CARVAJAL	RECURSOS HUMANOS	30 MB	360 KB		BASE DATOS EMPLEADOS

SERVICIOS CONSULTIVOS

MARCA	No. SERIE	MEMORIA	DISCO DURO	DISCO A	DISCO B	PERSONA QUE LO USA	TAREAS EN QUE SE UTILIZA
Equity I+	0242002613	640 Kb.	30 Mb.	360 Kb.		Alfredo Chirino	Procesar texto.
Equity I+	0242001146	640 Kb.	30 Mb.	360 Kb.		Ana Berita	Procesar texto.
Equity I+	004627	640 Kb.	30 Mb.	360 Kb.		Fernando Arena	Desarrollo, Procesar texto, Análisis.
Equity I+	0242002599	640 Kb.	30 Mb.	360 Kb.		Nidia	Procesar texto.
Equity I+	0242001147	640 Kb.	30 Mb.	360 Kb.		Gabriela Fernández	Procesar texto.
Equity I+	110006	640 Kb.	30 Mb.	360 Kb.		Sonia Navarro	Procesar texto.
Equity II+	0252010278	640 Kb.	80 Mb.	1.2 Mb.		Kebc	Base de Datos Drs Search.
Equity III+	003003	640 Kb.	30 Mb.	1.2 Mb.		José Saborío	Tesaurus, Procesar Texto.
IBM PC/XT	01003605150	640 Kb.	20 Mb.	360 Kb.		Luis Meza	Comisión Nacional, Datos Proveduría, Texto
IBM PC/XT	19253105150	640 Kb.	20 Mb.	360 Kb.		Carlos Cruz	SPSS, Procesar texto.
IBM PC/XT	13704355150	640 Kb.	20 Mb.	360 Kb.		Carlos Cruz	SPSS, Procesar texto.
IBM PC/XT	54205015160	640 Kb.	20 Mb.	360 Kb.	720 Kb.	Ricardo Guerrero	Procesar texto
Zenith LT	0001097502	640 Kb.		720 Kb.	720 Kb.	Gelen la ocupa	Se utiliza para giras

PROYECTO BILATERAL

EVEREX AGI	6DX10077	640 Kb.	30 Mb.	360 Kb.		Gloria Aguilar	Procesar texto.
EVEREX AGI	6DX10019	640 Kb.	30 Mb.	360 Kb.		Fernanda	Procesar texto.
EVEREX AGI	6DX10002	640 Kb.	30 Mb.	360 Kb.		Vanesa Guillén	Procesar texto.

CENTRO DE DOCUMENTACION

IBM PC/AT	50465465170	2.0 Mb.	70 Mb.	1.2 Mb.		CEDC	Base de Datos Drs Search.
IBM PC/XT	5160-30140	256 Kb.		360 Kb.	360 Kb.	CEDC	Base de Datos Drs Search, Procesar texto.

CAPACITACION

Equity I+	004305	640 Kb.	30 Mb.	360 Kb.	720 Kb.	Juan Carlos Montero	Procesar texto.
IBM PC/XT	001	512 Kb.	20 Mb.	360 Kb.	720 Kb.	Yorma Lopez	Procesar texto.
IBM PORTA.	0064618	512 Kb.	10 Mb.	360 Kb.		Graciela Cordas	Procesar texto.
Leading E.	00418657	512 Kb.	30 Mb.	360 Kb.		Carlos Marin	Procesar texto.
Leading E.	00418034	512 Kb.	30 Mb.	360 Kb.		Mora Sotomayor	Procesar texto.
Zenith LT	0021050714	512 Kb.	30 Mb.	720 Kb.	720 Kb.	Teresa Peña	Procesar texto.

ADMINISTRACION

Equity III+	0030005	640 Kb.	30 Mb.	1.2 Mb.		Fernal	Procesar texto, Inventarios.
Everex Agi	6DX10000	640 Kb.	30 Mb.	360 Kb.		Jenny	Procesar texto.
Everex Agi	6DX10073	640 Kb.	30 Mb.	360 Kb.		Marita	Procesar texto.
Everex Agi	6DX1001	640 Kb.	40 Mb.	360 Kb.		Marcos	Procesar texto.
IBM PC	10054105150	256 Kb.		360 Kb.	360 Kb.	Gerardo Villalobos	Procesar texto.
IBM PC/XT	55731175160	640 Kb.	10 Mb.	360 Kb.	720 Kb.	Elba	Procesar texto.
Leading E.	00417495	512 Kb.	30 Mb.	360 Mb.		Sonia Dreses	Procesar texto.

EQUIPO DE COMPUTO CON SUS CARACTERISTICAS

	SERIE	MEMORIA	TECLADO	MONITOR	DISCO_DURO	DISCO_A.>	DISCO_B.>
VICIOS CONSULTIVOS							
ON EQUITY I+	0242002613	640 KB	EPSON-EXP	EPSON MONOCROMO	30 MB	360 KB	
ON EQUITY I+	0242001146	640 KB	EPSON-EXP	EPSON MONOCROMO	30 MB	360 KB	
ON EQUITY I+	684427	640 KB	EPSON-EXP	EPSON MONOCROMO	30 MB	360 KB	
ON EQUITY I+	0242002599	640 KB	EPSON-EXP	EPSON MONOCROMO	30 MB	360 KB	
ON EQUITY I+	0242001147	640 KB	EPSON-EXP	EPSON MONOCROMO	30 MB	360 KB	
ON EQUITY I+	118006	640 KB	EPSON-EXP	EPSON MONOCROMO	30 MB	360 KB	
ON EQUITY II+	0252018278	640 MB	EPSON-EXP	EPSON COLOR EGA	80 MB	1.2 MB	
ON EQUITY III+	A030003	640 KB	EPSON-EXP	EPSON MONOCROMO	30 MB	1.2 MB	
PC/XT	N18036085150	256 KB	IBM-AT	ZENITH AMBAR	20 MB	360 KB	
PC/XT	19253105150	640 KB	IBM-AT	IBM MONOCROMO	20 MB	360 KB	
PC/XT	15704355150	640 KB	IBM-EXP	IBM COLOR RGB	20 MB	360 KB	
PC/XT	54285815160	640 KB	IBM-AT	IBM MONOCROMO	10 MB	360 KB	720 KB
ITH LT	8801097502	640 KB	INCORPORADO	INCORPORADO		730 KB	730 KB
YECTO BILATERAL							
REX AGI	6BX10077	640 KB	EVEREX-EXP	EVEREX AMBAR	30 MB	360 KB	
REX AGI	6BX10019	640 KB	EVEREX-EXP	EVEREX AMBAR	30 MB	360 KB	
EREX AGI	6BX10082	640 KB	EVEREX-EXP	EVEREX AMBAR	30 MB	360 KB	
DO							
M PC/AT	50465465170	2.5 MB	IBM-AT	IBM MONOCROMO	70 MB	1.2 MB	TAPE BACKUP 40 MB
M PC/XT	5160-30140	256 KB	IBM-EXP	ENTRE COLOR		360 KB	360 KB
RECCION GENERAL							
SON EQUITY I+	0242001134	640 KB	EPSON-EXP	EPSON MONOCROMO	30 MB	360 KB	730 KB
SON EQUITY I+	0242002214	640 KB	EPSON-EXP	EPSON MONOCROMO	30 MB	360 KB	
SON LT	011305	640 KB	INCORPORADO	INCORPORADO	20 MB	730 KB	
M PC	1974-2005150	256 KB	IBM-AT	IBM MONOCROMO		360 KB	360 KB
M PC/XT	5503-5105160	640 KB	IBM-EXP	ENTRE COLOR	20 MB	360 KB	
ADING EDGE	71166079	640 KB	LEADING-AT	LEADING MONOCROMO	30 MB	360 KB	
ADING EDGE	71163924	640 KB	LEADING-AT	LEADING MONOCROMO	30 MB	360 KB	
ADING EDGE	81128928	640 KB	LEADING-AT	LEADING MONOCROMO	30 MB	360 KB	
NITH LT	8851141902	640 KB	INCORPORADO	INCORPORADO	10 MB	730 KB	
NITH LT	8801021802	640 KB	INCORPORADO	INCORPORADO		730 KB	730 KB
RVICIOS DE EXT. Y COOPERACION							
SON EQUITY I+	004322	640 KB	EPSON-EXP	EPSON MONOCROMO	30 MB	360 KB	
M PC/XT	5060-3015166	640 KB	IBM-AT	ENTRE COLOR	20 MB	360 KB	730 KB
M PC/XT	5060-3014958	256 KB	IBM-AT	ENTRE COLOR		360 KB	360 KB
M PORTABLE	0064627	512 KB	IBM-AT	PGS COLOR		360 KB	360 KB
NITH LT	8811013214	640 KB	INCORPORADO	INCORPORADO		730 KB	730 KB

EQUIPO DE COMPUTO CON SUS CARACTERISTICAS

MARCA	SERIE	MEMORIA	TECLADO	MONITOR	DISCO_DURO	DISCO_A.>	DISCO_B.>
FINANZAS Y CONTABILIDAD							
IBM ASCCI TERMINAL	00-A1930		IBM-EXP	IBM MONOCROMO			
IBM ASCII TERMINAL	00-A1882		IBM-EXP	IBM MONOCROMO			
IBM ASCII TERMINAL	00-A1885		IBM-EXP	IBM MONOCROMO			
IBM ASCII TERMINAL	00-A1884		IBM-EXP	IBM MONOCROMO			
IBM PC	2000-3095150	256 KB	IBM-AT	AMDEK 600 COLOR		360 KB	360 KB
IBM PC/XT	5160-4047973	640 KB	IBM-EXP	ENTRE COLOR	20 MB	360 KB	
IBM PS/2 80	72-6070747	8 MB	IBM-EXP	IBM VGA MONOCROMO	115 MB	1.44 MB	TAPE BACKUP 80 MB
LEADING EDGE	80980689	640 KB	LEADING-AT	LEADING MONOCROMO	30 MB	360 KB	
CAPACITACION							
EPSON EQUITY I+	004385	640 KB	EPSON-EXP	EPSON MONOCROMO	30 MB	360 KB	730 KB
IBM PC/XT	001	512 KB	IBM-EXP	ENTRE COLOR	20 MB	360 KB	730 KB
IBM PORTABLE	0064618	512 KB	IBM-AT	IBM AMBAR	10 MB	360 KB	
LEADING EDGE	80418657	512 KB	LEADING-AT	LEADING AMBAR	30 MB	360 KB	
ZENITH LT	8821050714	512 KB	INCORPORADO	INCORPORADO		730 KB	730 KB
ADMINISTRACION							
EPSON EQUITY III+	A030005	640 KB	EPSON-EXP	EPSON MONOCROMO	30 MB	1.2 MB	
EVEREX AGI	6BX10080	640 KB	EVEREX-EXP	EVEREX AMBAR	30 MB	360 KB	
EVEREX AGI	6BX10093	640 KB	EVEREX-EXP	EVEREX AMBAR	30 MB	360 KB	
EVEREX AGI	6BX1001	640 KB	EVEREX-EXP	EVEREX AMBAR	40 KB	360 KB	
IBM PC	18054185150	256 KB	IBM-AT	ZENITH AMBAR		360 KB	360 KB
IBM PC/XT	55731175160	640 KB	IBM-AT	ENTRE COLOR	10 MB	360 KB	730 KB
LEADING EDGE	80417495	512 KB	LEADING-AT	LEADING MONOCROMO	30 MB	360 KB	
RECURSOS HUMANOS							
LEADING EDGE	80622156	640 KB	LEADING-AT	LEADING MONOCROMO	30 MB	360 KB	

LISTADO DE LAS IMPRESORAS

CA	SERIE	CONTRATO	FECH_IN	FECH_EXP	GARANTIA	FECH_IN	FECH_EXP
VICIOS CONSULTIVOS							
SON FX-1050	0E10000327						
SON LX-800	0010269529						
SON FX-286E	12056746						
SON LX-800	0010269509						
SON LX-800	0011236411						
SON LQ-2550	00F0036574						
N PROPRINTER	0245982						
SON LX-800	10234112						
SON LX-800	0011239799						
SON LX-800	0010266207						
OYECTO BILATERAL							
N PROPRINTER XL	0006791						
N PROPRINTER XL	0006373						
N PROPRINTER XL	0245932						
EDO							
SON FX-286e	270a;6455						
N PROPRINTER	53-2780887						
IRECCION GENERAL							
PSON EX-1000 (SHEET FEE)							
PSON EX-1000 (SHEET FEE)							
PSON EX-1000 (SHEET FEE)							
N PROPRINTER							
PSON FX-286e							
LASER JET IID							
PSON FX-286e (SHEET FEE)							
PSON EX-1000							
VICIOS DE EXT. Y COOPERACION							
LASER JET IID							
LASER JET+							
SPIN 2550							

LISTADO DE LAS IMPRESORAS

MARCA	SERIE	CONTRATO	FECH_IN	FECH_EXP	GARANTIA	FECH_IN	FECH_EXP

FINANZAS Y CONTABILIDAD

EPSON FX-286e
EPSON FX-286e
EPSON LQ-2550
EPSON EX-1000 (SHEET FEE)

CAPACITACION

EPSON FX-1050	0E10000331
EPSON FX-286E	02046784
EPSON LQ-2500	02002479
EPSON FX-286E	02046731

ADMINISTRACION

EPSON EX-1000	00P0005443
EPSON FX-286E (SHEET FEE)	
IBM PROPRINTER	47-2919506
EPSON LX-800	0010169866

RECURSOS HUMANOS

EPSON FX-286e (SHEET FEE)

I. L. A. N. U. D.

29-03-1990

SOFTWARE DISPONIBLE

CASA	SOFTWARE	VERSION
LOTUS DEVELOPMENT	LOTUS 123	2.00
ASHTON - TATE	dBASE III Plus	1.00
MICRO PRO	WORDSTAR	3.30
SSI SOFTWARE	WORDPERFECT	4.1
BRS	BRS DATABASE	2.00
SANTA CRUZ OPERATION	SCO XENIX V	3.2
SANTA CRUZ OPERATION	SCO FoxBASE+	2.1
SANTA CRUZ OPERATION	SCO PROFESSIONAL	2.00
IBM	DOS	4.01
MICROSTUF	CROSSTALK	3.61

ATTACHMENT 2

ILANUD PERSONNEL CLASSIFICATION SYSTEM

AUTHORED BY GERALD REED AND APPROVED ON APRIL 6, 1990

DUE TO THE LENGTH OF THIS ATTACHMENT IT IS PRESENTED

IN A SEPARATE VOLUME

ATTACHMENT 3

"ILANUD INFORMA"

ILANUD INFORMA

MAYO 1990

No. 1

SUMARIO

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NOTA TECNICA 3

COMITE DE EDICION

- Vinicio Herrera
- Sonia Brenes
- Gerald Reed
- Cecilia Jiménez
- Ana Lucía Méndez

ACTIVIDADES DEL MES

SEMINARIO LATINOAMERICANO PARA FUNCIONARIOS RESPONSABLES DE LOS SISTEMAS PENITENCIARIOS Y CENTROS DE DETENCION:

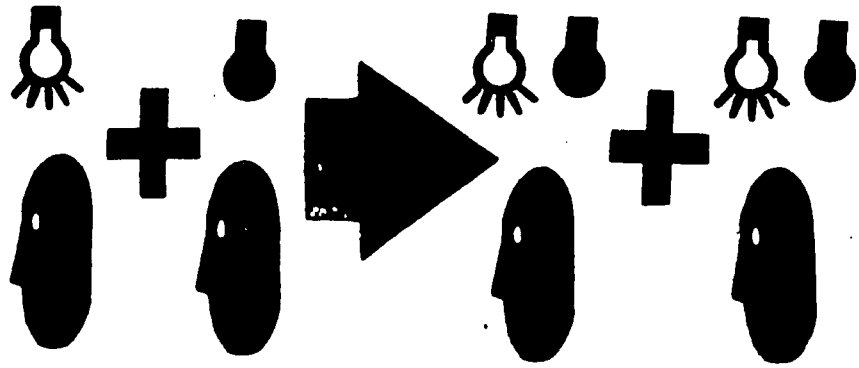
Auspiciado por el Gobierno de Suiza, el Instituto Interamericano de Derechos Humanos (IIDH), Comité Internacional de la Cruz Roja (CICR) e ILANUD. Se realizará del 14 al 18 de mayo, en el Hotel Europa. Países participantes: Argentina, Bolivia, Brasil, Chile, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Guatemala, Haití, Honduras, México, Nicaragua, Panamá, Paraguay, Perú, República Dominicana, Uruguay y Venezuela. Coordinadores: Jean Hoefliger, Director del Instituto Henry Dunant, Ginebra, Suiza y Elías Carranza, Subdirector de ILANUD.

Objetivo: Dar a conocer entre los participantes, las condiciones actuales de los centros de detención y penitenciarios de América Latina, a la luz de la normativa internacional vigente, para el tratamiento humanitario de las personas privadas de libertad.

Recopilado por: Cecilia Jiménez

AGRADECIMIENTO

Nuestro agradecimiento al personal que dio su valioso aporte, para escoger el nombre del Boletín, muy especialmente al Sr. Fernando Coto, quien suministró el nombre seleccionado originalmente y a nuestros compañeros: Isabel Flores, Nora Sotomayor y Gerardo Villalobos, por sugerir el nombre "ILANUD INFORMA", con que final y definitivamente, se identifica nuestro Boletín.



COMENTARIO

El esquema superior ilustra cómo el conocimiento humano se enriquece mediante la comunicación de las ideas. Se afirma que nada acontece a la humanidad mientras no exista tal comunicación. La comunicación, incluso entre amigos, unas veces resulta fácil y otras, imposible. Cuando existen relaciones jerárquicas como en toda organización, los sentimientos interpersonales pueden ser más negativos que positivos. Pero existen ciertos principios básicos para que la comunicación sea efectiva: siempre debe existir retroalimentación (del receptor para el transmisor). La audición es la dimensión de más importancia y tal vez la más descuidada de la comunicación... No tenemos el hábito de escuchar... Otra característica importante de la comunicación es la sinceridad. Los subordinados rápidamente notan si una comunicación se hace con sinceridad o con hipocresía. La efectividad de la comunicación es esencial para la salud de la organización.

Vinicio Herrera

INFORMACION DE INTERES

MISIONES OFICIALES

FECHAS:	FUNCIONARIO:	MISION
27 mayo-2 junio	Cristina Rojas	Quito. Participar Reunión Continental para la Programación e Implementación del Plan Internacional "La Educación en la Acción contra el Abuso de Drogas" organizado por CICAD.
14-18 mayo	Ma. Lourdes Flores	Montevideo. Participación en Taller sobre el Proyecto de Información Documental al Servicio de los Niños. Organizado por el Instituto Interamericano del Niño.
3-5 mayo	Carlos José Gutiérrez Ana I. Garita Alfredo Chirino	Guatemala. Entrega Proyecto de Sistematización de Jurisprudencia.

VISITANTES

Cindy Skach, quien está haciendo el doctorado en ciencias políticas en la Universidad de Columbia, Nueva York, ha sido acogida como investigadora invitada por el ILANUD para realizar un proyecto sobre la delincuencia en los refugiados. Este proyecto de investigación tiene como hipótesis la falta de integración socioeconómica de los refugiados, y los efectos sociopsicólogos de su migración, como causas contribuyentes a la delincuencia. La Srta. Skach permanecerá en ILANUD hasta finales de junio.

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PROYECTOS

PROYECTO GESTION INTEGRAL DE TRIBUNALES

El pasado 28 de abril, en la ciudad de Guatemala, se inauguró el Sistema de soporte automatizado de la Oficina Judicial como producto de la fase inicial del Proyecto Piloto Gestión Integral de Tribunales, en el que ILANUD, desde octubre de 1988 ha venido brindando asistencia técnica, para su ejecución. La dirección de este proyecto ha estado a cargo de Sonia Navarro, quien ha trabajado estrechamente con el Centro Nacional de Información Jurídica (CENALEX) de Guatemala.

PROYECTO PILOTO "SISTEMATIZACION DE LA JURISPRUDENCIA PENAL DE COSTA RICA"

La Dirección de Programas entregará en el transcurso de este mes, a la Corte Suprema de Justicia de Costa Rica, el Proyecto "Sistematización de la Jurisprudencia Penal de Costa Rica", desarrollado en el marco del Proyecto "Sistematización de Recopilación y Difusión de la Información Jurídico-Penal". El proyecto ha estado bajo la dirección de la Dra. Ana J. Garita.

PROYECTO DE SISTEMATIZACION DE LEGISLACION Y JURISPRUDENCIA PENAL

En la ciudad de Guatemala, concretamente en el Organismo Judicial, se efectuó la entrega del Proyecto "Sistematización de Legislación y Jurisprudencia Penal" de Guatemala, el día 3 de mayo.

A la entrega asistieron el Dr. Carlos José Gutiérrez, Director de Programas; la Dra. Ana Garita, Directora del Proyecto y el Lic. Alfredo Chirino, Asistente.

Guatemala fue representada por el Dr. Edmundo Vásquez, Director del Organismo Judicial y Presidente de la Corte Suprema de Justicia de Guatemala y por la Licda. Josefina Coutiño, Directora del Centro Nacional de Informática Jurídica (CENALEX) de esa nación centroamericana.

Pasa a pág. 4

NOTA TECNICA

Por: Juan Luis Chavarría

FILOSOFIA DE LA CLASIFICACION DE PUESTOS

Clasificación es el proceso de agrupar o separar objetos en clases que guardan relación sistemática entre unos y otros. Es el modo de encontrar relación lógica entre cosas que pueden ser tratadas en grupos. Desde que la mente humana parece aborrecer el caos, siempre trata de ordenar masas o ideas dispersas. Por eso, nos inclinamos a tomar objetos, personas, trabajos, etc. de todas las clases y las agrupamos de acuerdo con sus similitudes o diferencias.

Cuando clasificamos puestos, podemos hacerlo de diferentes maneras. Podemos agrupar todos los que comúnmente desempeñan los hombres y los que comúnmente desempeñan las mujeres. Hay otras agrupaciones posibles. Sin embargo, por el particular objetivo que tenemos en mente, clasificamos los puestos por la clase de trabajo que se ejecuta en ellos. El salario recibido, el sexo de los empleados y los demás factores pueden variar, pero si clasificamos trabajos por la clase de tareas que se hacen, entonces todos los trabajos son similares en ese aspecto, no importando las diferencias que haya con otros.

¿Por qué clasificamos puestos con base en el trabajo que en ellos se realiza? Probablemente sea porque en una economía de mercado, como la nuestra, o en otros sistemas económicos, existen diferentes tipos de trabajo que involucren tareas que por su complejidad, esfuerzo que necesiten, etc. son apreciados en forma distinta, es decir, registran diferencias de valor.

Sea esta presunción válida o no, en nuestra sociedad el trabajo de un médico o de un abogado tiene un valor mayor que el de un obrero o el de un campesino. En un mercado, los artículos más destacados o escasos tienden a registrar mayores precios. Lo mismo sucede con el trabajo. La habilidad mental, conocimientos, educación y aptitudes requeridas en un médico o en un abogado son más raras entre la población que la fuerza física requerida en los obreros, consecuentemente, el precio por un trabajo y otro registra diferencias.

El concepto de que un tipo de trabajo tiene más valor que otro no puede ser una verdad eterna, pero si una presunción sobre la cual nuestra sociedad opera.

Este enfoque del valor es tan válido para el trabajo como para cualquier bien o mercancía. Sin embargo, estamos tratando con un concepto de trabajo como una clase de bien que tiene un valor en el mercado. Por consiguiente, clasificamos puestos de acuerdo con el trabajo, hecho de tal modo que, posteriormente, podemos asignarle un valor y también identificar fuentes de abastecimiento. La clasificación por clase de trabajo también tiene otros usos, tales como indicar necesidades de adiestramiento, pero la paga y la fuente de reclutamiento son los dos usos básicos.

NOTA: en posteriores entregas trataremos acerca de los sistemas de clasificación.

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(Viene de pág. 3)

La División de Administración ha planeado desarrollar, bajo la modalidad de "trabajo en equipo", los siguientes proyectos:

PROYECTO	OBJETIVO	EQUIPO
Clasificación de Puestos	Establecer un sistema moderno, equitativo y práctico para clasificar debidamente las diferentes posiciones en la organización.	Juan Luis Chavarría, Vinicio Herrera, Gerald Reed.
Procedimiento para Giras	Definir el procedimiento óptimo para solicitar, evaluar y aprobar viajes y viáticos, así como su liquidación posterior. Diseñar las fórmulas que se deben emplear.	Jenny Espinoza, Vinicio Herrera, Aurea Zumbado, Sonia Brenes, Julio Sancho
Procedimientos Administrativos para la Unidad Ejecutora de Honduras	Definir los procedimientos a seguir en todos los trámites administrativos que efectúe la Unidad Ejecutora de Honduras.	Aurea Zumbado, Arturo Herrera, Jorge Arita, Emilia González.
Información Presupuestaria	Estudiar si el sistema actual de reportar la ejecución del presupuesto es efectivo, expedito y claro, o si el mismo debe cambiarse e implementar a la vez los cambios necesarios.	Rigoberto Monge, Arturo Herrera, Gerardo Rodríguez, Gabriela Fernández, Gerald Reed.
Sistema de Evaluación de Personal	Establecer un sistema adecuado de evaluación de personal para que sea implantado en ILANUD.	Juan Luis Chavarría, Vinicio Herrera, Gerald Reed.
Boletín de ILANUD	Desarrollar un Boletín Informativo con circulación interna para mejorar la comunicación.	Sonia Brenes, Vinicio Herrera, Lucía Méndez, Gerald Reed, Cecilia Jiménez.
Plan 1990 para la División de Administración	Establecer las metas y objetivos, así como los proyectos a ser desarrollados durante 1990 por la División de Administración.	Vinicio Herrera, Jorge A. Montero, Arturo Herrera, Juan Luis Chavarría, Sonia Brenes, Gerald Reed.
Nivel de Responsabilidad	Determinar la clase de decisiones y el nivel de responsabilidad que le corresponde a cada posición de la División de Administración.	Gerald Reed, Vinicio Herrera, Arturo Herrera, Sonia Brenes.
Mejorar el Sistema de Información.	Estudiar el sistema de comunicaciones internas y hacer recomendaciones para mejorarlo.	Gerardo Rodríguez, Lourdes Flores, Gerald Reed.

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ATTACHMENT 4

MEMO FROM VINICIO HERRERA DATED MAY 4, 1990

INSTITUTO LATINOAMERICANO DE NACIONES UNIDAS PARA LA PREVENCION DEL DELITO Y TRATAMIENTO DEL DELINCUENTE

TELEX 2849-ILANU-CR
FAX (506) 33-71-75

SAN JOSE, COSTA RICA
CABLE: ILANUD

APARTADO 10071-1000
TELEFONO 53-78-03

M E M O R A N D U M

PARA : Ver Distribución

DE : Vinicio Herrera

ASUNTO : Revisión ejecución proyectos de Administración.

FECHA : 4 Mayo 1990

Adjunto cuadro con la lista de los principales proyectos de la División de Administración, así como el comentario correspondiente a su avance hecho el 4 de mayo.

Igualmente, se han incorporado dos nuevos proyectos, los cuales figuran con los números 10 y 11, a saber:

10: Proceso de Planeamiento Estratégico

11: Sistema de Control de Proyectos

VHV/sena

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TRABAJO EN EQUIPO

	PROYECTO	OBJETIVO	EQUIPO	ROL	FECHA LIMITE	REVISION MAYO 4, 90
1	CLASIFICAC ON DE PUESTOS	ESTABLECER UN SISTEMA MODERNO, EQUITATIVO, ETC.	JUAN LUIS & ..	1	MAR 20	HECHO
2	PROCEDIMIENTO PARA GIRAS	DEFINIR EL PROCEDIMIENTO OPTIMO PARA SOLICITAR, EVALUAR Y APROBAR VIAJES Y VIATICOS, ASI COMO SU LIQUIDACION POSTERIOR. DISEÑAR LAS FORMULAS QUE SE DEBEN EMPLEAR	JENNY ESPINOZA VINICIO HERRERA AUREA ZUMBADO SONIA BRENES GERALD REED JULIO SANCHO	1 2 3 3 3 3	MAR 15	SE ESTUDIARON TODOS LOS PASOS. SE REDUJO EL NUMERO DE ELLOS Y SE ELABORO EL PROCEDIMIENTO ESCRITO PARA EL MANUAL.
3	PROCEDIMIENTOS ADMINISTRA	DEFINIR PROCEDIMIENTOS A SEGUIR EN HONDURAS..	AUREA ZUMBADO &	1	MAR 20	HECHO
4	INFORMACION PRESUPUESTARIA	ESTUDIAR SI EL SISTEMA ACTUAL DE REPORTAR LA EJECUCION DEL PRESUPUESTO ES EFECTIVO, EXPEDITO Y CLARO, O SI EL MISMO DEBE CAMBIARSE E IMPLEMENTAR A LA VEZ LOS CAMBIOS NECESARIOS.	RIGOBERTO MONGE ARTURO HERRERA GERARDO RODRIG. GABRIELA FERNA. GERALD REED	1 2 3 3 3	ABR 10	TRABAJO ESTA INICIANDOSE
5	SISTEMA DE EVALUACION DE PERSONAL	ESTABLECER UN SISTEMA ADECUADO DE EVALUACION DE PERSONAL PARA QUE SEA IMPLANTADO EN ILANUD.	JUAN LUIS CH. VINICIO HERRERA GERALD REED	1 2 3	MAY 30	AUN NO SE HA EMPEZADO
6	BOLETIN DE LANUD	DESARROLLAR UN BOLETIN INFORMATIVO CON CIRCULACION INTERNA PARA MEJORAR LA COMUNICACION	SONIA BRENES VINICIO HERRERA LUCIA MENDEZ CECILIA JIMENEZ GERALD REED	1 2 3 3 3	MAR 31	SE PREPARO COMO PREVISTO PRIMERA EDICION SALDRA A PRINCIPIOS DE MAYO
7	PLAN 1990 PARA LA DIVISION DE ADMINISTRACION	ESTABLECER LAS METAS Y OBJETIVOS, ASI COMO LOS PROYECTOS A SER DESARROLLADOS DURANTE 1990 POR LA DIVISION DE ADMINISTRACION	VINICIO HERRERA JORGE A.MONTERO ARTURO HERRERA JUAN LUIS CH. SONIA BRENES GERALD REED	1 2 3 3 3 3	ABR 30	AUN NO SE HA INICIADO
8	NIVEL DE RESPONSABILIDAD	DETERMINAR LA CLASE DE DECISIONES Y EL NIVEL DE RESPONSABILIDAD QUE LE CORRESPONDE A CADA POSICION DE LA DIVISION DE ADMINISTRACION.	GERALD REED VINICIO HERRERA ARTURO HERRERA SONIA BRENES	1 2 3 3	ABR 5	SE TUVO LA PRIMERA REUNION
9	MEJORAR EL SISTEMA DE INFORMACION	ESTUDIAR EL SISTEMA DE COMUNICACIONES INTERNAS Y HACER RECOMENDACIONES PARA MEJORARLO.	GERARDO RODRIG. LOURDES FLORES GERALD REED	1 3 3	ABR 15	SE ESTUDIARON LAS POSIBILIDADES. SE ESTA ELABORANDO REPORTE.
10	PROCESO DE PLANEAMIENTO ESTRATEGICO	DESARROLLAR UN PROCEDIMIENTO PARA LA DEFINICION Y PREPARACION DEL PLAN ESTRATEGICO	RODOLFO OSORIO OSCAR ARCE GABRIELA FERN. GERALD REED	1 3 3 3	JUN 30	PROYECTO NUEVO
11	SISTEMA DE CONTROL DE PROYECTOS	ESTABLECER UN METODO EFECTIVO, AGIL Y COMPRENSIVO PARA EL CONTROL DE LOS PROYECTOS	RODOLFO OSORIO GABRIELA FERN. LINN HAMMERGREN GERALD REED	1 3 3 3	JUN 30	PROYECTO NUEVO

ATTACHMENT 5

MEMO FROM RODOLFO OSORIO DATED AUGUST 3, 1990

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INSTITUTO LATINOAMERICANO DE NACIONES UNIDAS PARA LA PREVENCION DEL DELITO Y TRATAMIENTO DEL DELINCUENTE

TELEX 2849-ILANU-CR
FAX (506) 33-71-75

SAN JOSE, COSTA RICA
CABLE: ILANUD

APARTADO 10071-1000
TELEFONO 53-78-03

MEMORANDUM

PARA : Srs. Jorge A. Montero, Elías Carranza, Carlos José Gutiérrez, Henry Issa, Vinicio Herrera, Arturo Herrera, Ana I. Garita, Sonia Navarro, Cristina Rojas, Teresa Peña, Isabel Chacón, Ronalo Woodbridge, Emilia González, Ricardo Guerrero, Gabriela Fernández, Lourdes Flores, Gerardo Villalobos, Ricardo Ulate, Oscar Arce, Luis Lachner, Gerald Reed.

DE : Rodolfo Osorio F., Director de Planeamiento

ASUNTO : **ESTADO DE SITUACION DE LOS PROCESOS DE SEGUIMIENTO Y CONTROL DE PROYECTOS Y PLANIFICACION ESTRATEGICA**

FECHA : 3 de agosto de 1990.

Tengo el agrado de invitarlos a una sesión de trabajo para tratar los temas de seguimiento y control de proyectos y de planificación estratégica, que en una etapa preliminar, han estado siendo estudiados por dos distintas comisiones, bajo la orientación de planeamiento.

El desarrollo completo de ambas tareas requiere de la participación de distintos funcionarios del ILANUD; debido a ello es necesario difundir lo avanzado e incorporar la experiencia y

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/O LATINOAMERICANO DE NACIONES UNIDAS PARA LA PREVENCION DEL DELITO Y TRATAMIENTO DEL DELINCUENTE

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los puntos de vista de las diferentes personas, unidades niveles de mando que involucrarán los dos sistemas.

En una apretada síntesis, en seguimiento y control de proyectos, se ha avanzado hasta identificar las variables básicas que podría contener el sistema, se ha diferenciado el control de la evaluación y se han perfilado los elementos que comprendería el sistema. Ahora es necesario que, por ejemplo, los directores de proyecto analicen lo avanzado e incorporen sus necesidades desde el punto de vista de la ejecución; igualmente, los niveles superiores, deben analizar el sistema desde el punto de vista de sus necesidades de supervisión. En su debido momento se visitarán organizaciones parecidas al ILANUD para estudiar sus sistemas, se estudiarán programas de empresas en el área de computación y se tomará finalmente una decisión para aplicar el sistema más conveniente al ILANUD.

En la reunión se expondrá en detalle lo esbozado anteriormente y se les entregará un primer documento borrador para recibir sus observaciones.

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Respecto de planeamiento estratégico, a partir de una propuesta general (ver documento adjunto), se están diseñando instrumentos de recolección de información para, con los recursos disponibles, iniciar los sondeos de la demanda, competencia y oferta en los actuales doce paises donde funciona el proyecto de administración de justicia (como primera etapa) y en los temas tradicionales del ILANUD. Por ahora, se recurrirá a fuentes secundarias de informacion, a informantes claves y a los directores de proyectos.

La reunion se efectuará el día viernes 10 de agosto, a las 10 a.m. en la sala Quirós Cuaron.

Agradeciendo su asistencia, lo saluda atentamente.

COPIA: Linn Hammergren

RO/vms

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CONTROL.PRO

COMISION DE CONTROL DE PROYECTOS
ESTADO DE SITUACION AL 19/6/90

1. Se realizó una primera reunión, con asistencia de los cuatro integrantes: G. Reed, G. Fernández, R. Osorio, L.Hamergreen para intercambiar las primeras ideas acerca de la necesidad del sistema y para uniformar conceptos.

2. El 23/5/90 se presentó un borrador de "Plan para desarrollar y aplicar un sistema de control de proyectos en el ILANUD", a los miembros de la Comisión y al director de la División de Programas.

3. Se realizó una reunión el día 23/5/90, convocada por el director de la División de Programas, para presentar el sistema computarizado "by ouput". Se realizaron comentarios, entre los cuales destacan los siguientes:

- No debe confundirse el sistema de control de proyectos, con evaluación de proyectos. El sistema puede ayudar al segundo, pero no sustituirlo.

- El sistema "by output" supone un buen diseño y formulación previa de los proyectos ; el sistema no controla esa tarea, pero la considera un prerequisito.

- El sistema propuesto, o cualquier otro, exige la capacitación del personal en dos aspectos: a) diseño y formulación de proyectos y b) manejo del sistema computarizado de control.

- Para ayudar a la decisión acerca de qué sistema utilizar, deben definirse claramente los objetivos y alcances del sistema y especialmente, a quienes pretende servir. En el caso, del"by ouput", los dos principales usuarios, son el director de proyecto y el director de la División de Programas, además de la agencia financiera y otros funcionarios del ILANUD.

- Gerald Reed expresó dudas respecto a que el sistema expuesto, respondiera a lo propuesto por el señor Pradas; don Carlos José Gutiérrez respondió que el sistema "by ouput" era uno de otros posible, que se estaba en proceso de valoración y que el ILANUD decidirá acerca del sistema que crea útil.

- Sobre este punto, el suscrito estima que Gerald Reed está manejando un concepto de "sistema de control de proyecto" que incluye los procesos de formulación y programación de los proyectos, cuestiones que el "by output" no incorpora; de allí arrancan sus dudas. Pareciera necesario determinar con exactitud lo que se espera del sistema, para seleccionarlo.

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La cantidad y la complejidad de los actuales proyectos que maneja el Instituto, a juicio del suscrito, no ameritan un sistema excesivamente sofisticado para su control. Por otra parte, es necesario discutir los pros y contras de mantener separados los procesos de diseño y formulación de proyectos, con los de seguimiento y control, o por el contrario, unirlos a través de herramientas de programación y control.

4. Debido a situaciones personales de G. Reed que lo han ausentado del trabajo y en estos días, a la ausencia del país de L. Hamergreen, no se han podido realizar nuevas reuniones.

5. La Comisión se abocará a la discusión del borrador del Plan, a la definición operativa de lo que entenderá por sistema de control de proyectos y propondrá un calendario de las principales tareas a realizar.

Rodolfo Osorio P.
19/6/90

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MEMORANDUM

PARA	:	Srs. Jorge A. Montero, Elías Carranza, Carlos José Gutiérrez y Vinicio Herrera.
DE	:	Rodolfo Osorio P., Comisión de Planificación Estratégica
ASUNTO	:	Propuesta de Planificación Estratégica.
FECHA	:	30 de mayo de 1990.

Como es de su conocimiento, mediante memorandum de la División de Administración de fecha 4/5/90, se nombró una comisión para desarrollar un proceso de planeamiento estratégico para el ILANUD. Dicha comisión quedó integrada por la señora Gabriela Fernández y los señores Oscar Arce, Ricardo Ulate, Gerald Reed y el suscrito, en carácter de coordinador.

La Comisión decidió producir un documento para ponerlo a disposición de las autoridades del ILANUD y en esa forma, provocar una discusión profunda y práctica acerca del tema de la planificación estratégica, de su pertinencia, oportunidad e implicaciones y en razón de las conclusiones a las cuales pudiera llegarse, tomar decisiones fundadas acerca de la propuesta para su aplicación en el ILANUD.

Por lo expuesto, ruego atentamente a Ud. estudiar el documento adjunto y me permito invitarlo a una reunión para su discusión, el día miércoles 6 de junio a las 9:00 horas, en la oficina del señor Director General.

c/c. Gabriela Fernández
Oscar Arce
Gerald Reed
Ricardo Ulate

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PROPUESTA PARA ESTABLECER LA PLANIFICACION ESTRATEGICA EN EL ILANUD

- DOCUMENTO INTERNO -

Oscar Arce
Gabriela Fernández
Rodolfo Osorio
Gerald Reed
Ricardo Ulate

ILANUD
MAYO DE 1990

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PROPUESTA PARA ESTABLECER LA PLANIFICACION ESTRATEGICA EN EL ILANUD

I. INTRODUCCION

Hasta ahora, el ILANUD no ha contado con un proceso de administración ni planificación estratégica. Después de quince años de labor y en condiciones externas e internas distintas a las existentes en el momento de su fundación, ha llegado la hora de establecerla.

Esta propuesta plantea un proceso de varios meses de duración para diseñar el sistema, adiestrar al personal, y paulatinamente, introducir los cambios que la planificación estratégica señale.

En este trabajo, se hablará de "planificación estratégica", entendiendo que este proceso abarca todos los elementos de lo que algunos autores reconocen como la "Administración estratégica". En este sentido y para efectos de este trabajo, entenderemos como sinónimos ambos conceptos.

Las dos siguientes definiciones señalan con claridad lo que se persigue al aplicar la planificación estratégica en el ILANUD:

> "Es un proceso para determinar lo que una organización quiere ser en el futuro y qué deberá hacer para lograr lo. Este proceso de planificación requiere que se tomen ciertas decisiones fundamentales sobre el futuro de la organización, como: la misión o metas que perseguirá la organización, los programas, servicios o productos que ofrecerá, cómo captará y utilizará los recursos necesarios". Libro de Trabajo de Planificación Estratégica, Bryan W. Barry

> "Es un proceso continuo de análisis, planificación y acción que intenta mantener a una organización en línea con su medio ambiente mientras que utiliza los aspectos fuertes de su organización y las oportunidades ambientales, y reduce o evita las debilidades de la organización y las amenazas externas. La administración estratégica también es una orientación hacia el futuro, un sistema de administración activa." Capacidades de Administración Estratégica. Power, et. al., Addison, Wesley, 1986.*

Definiciones tomadas de notas de trabajo del INCAE

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Ahora es necesario resaltar la diferencia entre la planificación estratégica y la administración operativa del ILANUD. Ambas están relacionadas, pero la primera se ocupa principalmente de avizorar el futuro y por ello es contínua, motivadora, altamente participativa (especialmente en los niveles de decisión) e integral y a diferencia de la administración, trabaja con temas específicos y trascendentes. La administración operativa del ILANUD, por definición, se ocupa de lo inmediato, de lo contingente a través de sus actividades presupuestarias, de aprovisionamiento, control, informes y otros. La planificación estratégica integra esas actividades "dentro de un marco más amplio, tomando en cuenta el ambiente externo de la organización, sus capacidades internas y su propósito y dirección general".

Desde la perspectiva téorica que se asume en esta propuesta, el proceso de planificación estratégica supone seis pasos que se repiten contínuamente y que en breve síntesis, consisten en lo siguiente:

1) **Evaluación Ambiental**

Es el análisis de los factores externos (tendencias, eventos y desenvolvimientos) que pueden afectar positiva o negativamente al ILANUD para el logro de su misión.

2) **Evaluación de la Organización**

Busca detectar las fortalezas y debilidades del ILANUD en cuanto a recursos humanos, materiales, financieros, así como su administración y programas y proyectos; puede compararse con otras organizaciones equivalentes y medir su competencia no sólo respecto de su eficiencia y eficacia, sino respecto de su acceso a fuentes financieras y receptividad por parte de los paises de la región latinoamericana; un examen riguroso le permitirá medir sus capacidades actuales y sus necesidades futuras, en vistas de su misión.

3) **Dirección Estratégica**

Es el momento de utilizar los resultados de los dos pasos previos. Los directivos del ILANUD podrán disponer de información confiable para responder con claridad a las siguientes interrogantes: a) ¿Cuál es nuestro propósito futuro? b) ¿Qué servicios ofreceremos? c) ¿A quién serviremos? d) ¿Dónde ofreceremos nuestros servicios? e) ¿De qué forma ofreceremos nuestros servicios? f) ¿Cómo costearemos las operaciones?

Las respuestas, darán la visión estratégica del ILANUD. Puede que sea necesario revisar la misión del Instituto, para hacerla consistente con su visión; también es posible que deba revisar su organización, para adecuarla al logro de su visión estratégica.En síntesis, en esta fase, los directivos establecen la dirección que ha de tomar el Instituto.

4) **Planificación Estratégica**

Se ocupa de formular estrategias, es decir, medidas o pasos amplios "que tendrá que tomar la organización para responder a los puntos críticos estratégicos y así lograr su visión estratégica". Se desarrollan estrategias alternas y de ellas, los directivos aprueban aquellas que prefieren aplicar. En este sentido, el desarrollo de estrategias, "es el corazón de la actividad de una organización". Contrario a lo que

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se piensa frecuentemente, una estrategia no debe ser algo tan general que no tenga aplicación concreta; "una declaración de estrategia debe dar una clara y lógica base para formular los planes y presupuestos operacionales". Además, debe considerarse la relación entre estrategia y cultura de una organización. Muchas veces, una estrategia requiere la modificación del "modo de hacer" tradicional de una organización; en caso contrario, la estrategia se torna inaplicable.

5) Ejecución

Es el momento de desarrollar por escrito los planes de las unidades operaciones y de los individuos involucrados en el proceso, para llevarlos a cabo. Es necesario precisar si se efectuarán cambios en la estructura y sistemas de la organización, establecer sistemas de controles, asignar responsabilidades y recursos, calcular los tiempos, monitorear y estimular a las unidades e individuos que trabajan bien.

6) Evaluación de Rendimiento

Se trata de un proceso de seguimiento para ajustar estrategias, recursos, momentos de decisión y ejecución y otros; es un proceso contínuo, que se basa en un sistema regular de recolección de información y de actividades formales de evaluación.

II. IMPORTANCIA E IMPLICACIONES DEL PLANEAMIENTO ESTRATEGICO PARA ILANUD

La decisión del ILANUD de adoptar un sistema de planeamiento estratégico, debe sustentarse en una concepción clara de las ventajas que ofrece el sistema, así como de las implicaciones que supone su implantación. A continuación se puntualizan algunos elementos que ayudan a orientar esta decisión:

1. Necesidad e importancia del Planeamiento estratégico en ILANUD:

a) Contribuye a identificar y centrar la dirección futura del ILANUD, es decir, obliga a la definición de una estrategia global que oriente su acción. ¿Hacía dónde se quiere ir?

b) Facilita la definición y adecuación constante del tipo de organización y modo de funcionamiento que debe adoptar para alcanzar los fines que se proponga, así como la optimización de los recursos disponibles.

c) Permite sistemáticamente la identificación de las necesidades de los países de la región, facilitando el establecimiento de prioridades y la asignación de recursos.

ch) Ayuda a monitorear sistemáticamente el comportamiento de los competidores, facilitando la adopción de medidas o estrategias en el proceso de captación de recursos financieros internacionales, así como en la organización programática y operativa.

d) Orienta la planificación operativa y la medición y evaluación oportuna de resultados.

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e) Eleva la capacidad de respuesta del ILANUD, pués contribuye a aumentar la eficiencia, en términos de cantidad y calidad, en la prestación de sus servicios.

f) Asegura la capacidad del ILANUD para adecuarse a las cambiantes condiciones de su medio ambiente.

En general, el proceso de planeamiento estratégico entrega información sobre aspectos tales como: ¿Qué quiere el ILANUD? (Misión y objetivos); ¿Cuáles son las necesidades y prioridades de los países? (la demanda); ¿Quién o quiénes están trabajando en programas similares?, ¿Qué están haciendo?, ¿Cómo lo están haciendo? (la competencia); ¿Qué instituciones están destinando recursos para determinados programas?, ¿Qué les interesa? (oferta); ¿Cuáles son las fortalezas y debilidades de ILANUD? (capacidad de respuesta); etc.

2. Implicaciones de la adopción del Planeamiento estratégico:

a) Supone el análisis y determinación definitiva y operacional de la misión que el ILANUD desea darse más allá del corto plazo.

b) Demanda una definición sobre la estructura organizativa del ILANUD.

c) Requiere de una difusión e interiorización, en los distintos niveles del ILANUD, de los objetivos y estrategias que se adopten, a efecto de que cada quién sepa con certeza lo que debe hacer.

ch) Requiere de un compromiso del personal del ILANUD con el proceso y del desarrollo de disciplina institucional para su ejecución.

d) Supone un cambio en la forma de trabajo tradicional, tanto en los niveles técnicos y administrativos como, muy especialmente, en el nivel de dirección.

e) Implica una variación sustancial en el proceso de toma de decisiones. Dicho proceso debe ser claramente definido y organizado.

f) Requiere una estricta asignación de funciones y responsabilidades y consecuentemente un estricto proceso de seguimiento, control y evaluación del funcionamiento del sistema.

g) Supone la realización de estudios iniciales y períodicos del medio ambiente del Instituto. Deberán definirse la oportunidad, magnitud y profundidad de dichos estudios.

h) Implica costos adicionales.

i) Supone estrecha relación con la administración operativa, actualmente en proceso de cambio en el ILANUD.

III. PROPUESTA

Para poner en marcha un sistema como el anteriormente descrito en el ILANUD, es necesario tomar en consideración, al menos, lo siguiente:

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1) El ILANUD está en pleno proceso de revisión no sólo de su estructura y funcionamiento administrativo y financiero, sino también, de lo programático.

2) Como resultado de lo anterior, se ha propuesto elaborar para el 15 ó 30 de agosto del presente año, la versión definitiva y completa de su Plan Quinquenal de Desarrollo.

3) Está procurando ejecutar lo relativo al año 1990, del proyecto de Administración de Justicia con AID

4) Está analizando las implicaciones de las recomendaciones de la evaluación de EDC y

5) Está estudiando eventuales nuevas fórmulas de reestructuración de la organización del Instituto y de su personal.

Tomando en cuenta lo anterior, se propone que las autoridades del ILANUD analicen y eventualmente aprueben y apoyen el siguiente plan de actividades para el mes de junio 1990:

El plan de actividades que supone el diseño del planeamiento estratégico en el ILANUD implica el desarrollo de tres etapas:

1. DISEÑO DEL PROYECTO DE PLANEAMIENTO ESTRATEGICO

2. DESARROLLO Y APLICACION INICIAL DEL SISTEMA DE PLANEAMIENTO ESTRATEGICO

3. IMPLANTACION DEL SISTEMA DE PLANEAMIENTO ESTRATEGICO COMO FUNCION REGULAR DEL ILANUD

ETAPA I: DISEÑO DEL PROYECTO DE PLANIFICACION ESTRATEGICA

1. OBJETIVO:

Formular el Proyecto para el "Establecimiento de un Proceso de Planeamiento Estratégico en ILANUD"

2. RESULTADOS ESPERADOS AL CONCLUIR LA ETAPA:

Al final de la etapa se espera contar con un documento(*) que contenga, al menos, los siguientes aspectos:

a) Los antecedentes y necesidad de un proceso de planeamiento estratégico en ILANUD

b) Un marco teórico referencial del Planeamiento estratégico

(*) Será un documento corto, pertinente; en lo teórico contendrá sólo los elementos mínimos indispensables, concentrándose en los aspectos prácticos que requiere la aplicación del planeamiento estratégico.

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c) Los fines y objetivos del Planeamiento estratégico en el ILANUD

ch) El método para la ejecución del Proceso de Planeamiento Estratégico

d) Cronograma de actividades

e) Identificación de decisiones importantes para la ejecución del Proyecto.

3. **PERIODO PARA EL CUMPLIMIENTO DE LA I ETAPA: Junio de 1990**

4. **RESPONSABLES:**

Gerald Reed, Rodolfo Osorio, Gabriela Fernández, Ricardo Ulate, Oscar Arce.

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CRONOGRAMA DE ACTIVIDADES

ACTIVIDADES	JUNIO 1990			
	1 SEMANA	2 SEMANA	3 SEMANA	4 SEMANA
1. Confirmación de Equipo de trabajo. Designar responsable individual y tiempo que dedicará a esta tarea.	*			
2. Elaboración del capítulo referente a los antecedentes, justificación y marco teórico del Proceso de Planeamiento Estratégico en ILANUD.	**********			
3. Definición de los fines y Objetivos del proceso de Planeamiento estratégico en ILANUD.	**********			
4. Diseñar el proceso para la evaluación del Ambiente.	**********	**********		
5. Diseñar el sistema para la Evaluación del ILANUD.	**********	**********		
6. Formular el procedimiento para la toma de decisiones nivel de Dirección General en el proceso de planeamiento estratégico.		**********		
7. Formular el procedimiento a seguir para la formulación de estrategias.		**********	*********	
8. Formulación del procedimiento e identificación de los instrumentos necesarios para el desarrollo de planes.		**********	*********	
9. Formulación del sistema de Evaluación del proceso.			*******	
10. Elaboración de plan general de actividades y cronograma para desarrollo del proyecto.				*******
11. Estimación preliminar de costos del Proyecto.				*******
12. Presentación de informe.				**
13. Discusión del documento.				**

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ATTACHMENT 6

MEMO FROM MARIA LOURDES FLORES, GERALD REED AND GERARDO RODRIGUEZ DATED 21, 1990

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MEMORANDO

PARA...: Jorge Arturo Montero. Director General.
Elías Carranza L. Subdirector.
Carlos J. Gutiérrez. Director de programas.
Vinicio Herrera. Director Ejecutivo.

DE.....: María Lourdes Flores,
Gerald Reed y
Gerardo Rodríguez.

ASUNTO.: INFORME FINAL SOBRE EL ANALISIS DEL SISTEMA INFORMATICO DEL ILANUD.

FECHA..: 21 de mayo de 1990.

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El grupo de trabajo encargado de estudiar el Sistema de Informática en ILANUD, así como hacer recomendaciones para mejorar el Sistema de Información Institucional, entrega en el siguiente Informe las conclusiones y recomendaciones del "trabajo en equipo". El grupo se pone a la disposición de la Dirección del Instituto para aclarar los elementos que se consideren pertinentes.

Atentamente

cc/ Arturo Herrera P. Contralor.

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INSTITUTO LATINOAMERICANO DE NACIONES UNIDAS PARA LA PREVENCION DEL DELITO Y TRATAMIENTO DEL DELINCUENTE

RECURSOS COMPUTACIONALES DE ILANUD

INFORME DE LA COMISION

MIEMBROS DE LA COMISION

FERNANDO ARANA
GERALD REED
MARIA LOURDES FLORES
GERARDO RODRIGUEZ

ABRIL, 1990

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INFORME DE LA COMISION DE RECURSOS COMPUTACIONALES DE ILANUD

I. INTRODUCCION.

La división de Administración identificó como prioridad el estudio del sistema informático de ILANUD a fin de obtener conclusiones y recomendaciones que ayuden a mejorar el Sistema de Información general del Instituto. Por esta razón solicitó la integración de una comisión especializada a fin de que se realizara el estudio corresponsiente.

OBJETIVO GENERAL DE ESTE ESTUDIO

Obtener criterios válidos para la toma de decisiones a fin de mejorar el sistema de informática en ILANUD garantizando una optimización de los recursos actuales, en función de las unidades operativas y los programas que impulsa el Instituto, sin o bajo costo.

OBJETIVOS ESPECIFICOS

1. Realizar un inventario de existencia y uso del software y hardware disponible.

2. Recomendar usos racionales en cuanto a software y hardware en función del uso y necesidades reales de cada función desarrollada por los departamentos y programas de ILANUD.

3. Explorar y recomendar acciones tendientes a integrar los recursos informáticos existentes.

II. ANTECEDENTES:

En 1985, ILANUD con ayuda de la AID, y el desarrollo del Programa para el Mejoramiento de la Administración de Justicia, inicia un proceso de automatización de la gestión misma de las labores rutinarias de cada departamento.

En 1985, se reciben los primeros equipos que fueron donados por la Universidad Internacional de Florida concretamente para la sección financiera del Instituto. Luego se realizan varias peticiones formales de adquisición de equipos entre los que destacan los requerimientos del Centro de Documentación las cuales fueron hechas por el Dr. Adrián Araya, Consultor nacional contratado por ILANUD para el proyecto Base de Datos y Apoyo Documental. También surgen necesidades de otros proyectos por lo que se contrata al Dr. Osiris Villacampa quien efectúa un análisis de necesidades individuales y apoya la propuesta del Centro de Documentación y procede a recomendar las adquisiciones por cada departamento del Instituto. A este momento ILANUD, no contaba con un departamento de informatica y mucho menos con un modelo de desarrollo informático lo que en gran medida ocacionó

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que se solventaran los problemas departamentales pero en ningún momento se obtuvo una solución integral ni con proyecciones de crecimiento.

Posteriormente en 1987, se inicia con procesos reales de informatización y surgen departamentos como Finanzas y el CEDO, los cuales van desarrollando bases de datos en diversas materias los cuales solicitan soporte técnico para el desarrollo adecuado de sus actividades. Es así como a partir de esta fecha se contrata los servicios de un programador, el señor Gerardo Rodríguez, quien inicia su labor en el CEDO, pero a partir de su entrada el radio de acción va creciendo. Paralela a esta situación, el departamento de servicios consultivos, capacitación, dirección administrativa, dirección general, planeamiento y cooperación internacional adquirieren indiscriminadamente equipos según presupuesto asignado para este fin.

Esta situación ha provocado además un descontrol evidente en cuanto a software y no compatibilidad de sistemas además de que en ningún momento se ha logrado la optimización de recursos y su real integración a un sistema de gestión institucional. De esta forma y a pesar de la enorme inversión hecha ni siquiera es posible con la existencia actual de equipos, el desarrollo de un correo electrónico y el acceso en línea a bases de datos establecidas.

Es necesario señalar además como un antecedente muy importante que si ILANUD en su propia estructura no cuenta con capacidad técnica instalada ni con un plan de desarrollo informático, realmente no sabemos como ha sido posible que ILANUD esté impulsando proyectos regionales con un fuerte contenido informático como ha sido el caso de ESTADISTICAS JUDICIALES, SISTEMATIZACION DE LA INFORMACION JURIDICO PENAL y ADMINISTRACION DE TRIBUNALES. La única explicación viable es que esporádicamente se ha contado con la colaboración de expertos como Ing. Gerardo Mirabelli, Msc. Roger Echeverría, Dr. Derbes, Dr Gueron, Ing. Manuel Ramos, etc... quienes lamentablemente no han calado su experiencia meramente informática en ningún miembro de ILANUD, lo cual es un verdadero desperdicio.

Aclaramos que este informe abarca únicamente de manera extensa el que se refiere a la organización institucional es decir a la sede de ILANUD en San José, no así unidades ejecutoras como es el caso de Honduras y Bolivia.

Toda esta problemática, es lo que ha fortalecido la necesidad de hacer un estudio serio de Sistemas de información, el cual fue identificado en el plan de reorganización por Gerald Reed en febrero de 1990, como también en el informe de recomendaciones del consultor Antonio Pradas.

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III. METODOLOGIA DE TRABAJO

El grupo se organizó a fin de mantener reuniones todas las semanas. La recopilación de información necesaria para esta actividad implicó la obtención de material bibliográfico, la consulta a casas representantes, la consulta a especialistas y la recopilación de información de cada miembro de ILANUD mediante un formulario (Ver apéndice I) pasado a cada uno así como una revisión exhaustiva del equipo, software y uso real de los equipos existentes. En el apéndiceo II se incluyen los resultados obtenidos de estos procedimientos.

IV. RESULTADOS OBTENIDOS

1. Las aplicaciones reales en un 90% se dedican al uso de procesadores de Texto. Usando en este momento el WordPerfect 4.1 y 5.0, como también el WordStar 4.00 y 5.00 (Ver apéndice III).

2. Siempre en cuanto a procesamiento de texto se observa un uso necesario y real de procesadores profesionales, como el Ventura Publisher.

3. Se nota un uso real de hojas de cálculo y la más utilizada es el Quattro, hibrido de Lotus 123; como también el Lotus 123.

4. Varios departamentos desarrollan bases de datos utilizando manejadores como el BRS, DBASE III Plus y FOXBASE+.

5. En cuanto a otros paquetes de software, se pueden mencionar FORMTOOL, PROJECT MANAGER, CROSSTALK, Y EL HARVARD GRAPHICS.

6. Se determina una mala ubicación en algunos de los equipos asignados, esto relacionado con el uso o las necesidades de trabajo, claramente se puede ver en el apéndice IV, la tabla del equipo existente y su utilización.

7. El Instituto no tiene una verdadera comunicación de los equipos, lo cual impide eficiencia en el manejo de la información entre cada uno de los usuarios (Basado en los cuetionarios).

8. En cuanto a recursos humanos, dedicados en ILANUD exclusivamente al manejo y administración de los Recursos Informáticos, se identificó que la única persona con esas calidades es el señor Gerardo Rodríguez V, quien de acuerdo con la descripción de funciones ya aprobada, tiene como tareas específicas entre otras las siguientes:

"1 - Analizar las necesidades Informáticas de los diferentes Proyectos, tanto en el desarrollo de software como del hardware."

"6 - Participar en la evaluación de sistemas Informáticos para Proyectos específicos."

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Además de esta situación se nota que institucionalmente, se toman decisiones sobre el destino de equipos ya existentes o bien la compra de nuevos equipos sin consultar al personal antes mencionado. Sumado a se encontró gran cantidad de equipo y suministros computacionales, sin responsable alguno, dentro de Instituto.

V. RECOMENDACIONES

1. Como el 90 % del personal utiliza procesador de palabras ya sea WordPerfect o el WordStar. Esta comisión analizó los dos paquetes e incluso paquetes integrados, la experiencia en cuanto a manipulación de paquetes y la existencia de software original en ILANUD. Además se observó la compatibilidad entre sistemas. En este aspecto el grupo acordó recomendar el uso del paquete WordPerfect versión 5.00 en español, con lo que se garantiza la uniformidad en cuanto al procesamiento de textos; por lo tanto se sugiere que se adquiera el software original.

Debido a que algunos equipos no pueden ejecutar eficientemente programas como el WordPerfect y el lotus, necesario ajustar la memoria principal a 640 KB y dotarlos de disco duro, la siguiente tabla muestra los equipos que requieren de esta adecuación.

DEPARTAMENTO	EQUIPO
CEDO	IBM PC/XT
COOP. INTERNACIONAL	IBM PC/XT
DIRECCION GENERAL	IBM PC
UNIDAD EJECUTORA	IBM PC
FINANZAS	IBM PC

2. El procesamiento profesional de texto debe realizarse con la útlima versión de Ventura Publisher a fin de garantizar compatibilidad con el procesador de palabras WordPefect. Para esto es necesario adquirir dicho programa y la vez ajustar el equipo actual, asignando para tales tareas un microcomputador com procesador 80286, memoria principal de 1.5 MB, dos unidades de almacenamiento en disco (5.25" de 360 KB y 3.5" de 720 KB) también se debe ampliar la memoria de la impresora a 1.5 MB, los cual haría más eficaz y eficiente las labores de Ana Lucía Mendez, funcionaria encargada de realizar esta tarea. Por lo anterior, se optó por realizar un análisis de los equipos existentes y observar cuáles cambios podrían resolver el problema. Al final de las recomiendaciones se incluye una tabla de cambios los cuales pueden ser implementados inmediantamente y permiten resolver de inmediato los problemas actuales.

3. En cuanto al software de hoja electrónica se recomienda actualizar la versión de Lotus 3.0, si esto no es posible se recomienda utilizar la versión 2.0 de Lotus.

4. En cuanto a bases de datos se recomienda actualizar el dBASE III Plus por el dBASE IV, ya que es posible obtener

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la versión actual de dos de los programas por un costo medio.

5. En cuanto a paquetes para graficación se sugiere la adquisición del HARDVARD GRAPHICS en su última versión y para diseño de formas el FORMTOOL, también en su última versión.

6. En cuanto a posibilidad de comunicaciones se realizó una aproximación con funcionarios de Radiográfica Costarricense debido a que se necesitaría establecer Redes remotas de comunicación (ver apéndice V) y esto abarcaría una serie de gastos que realmente requieren de una justificación técnica de inversión. En este aspecto se sugiere la preparación de términos de referencia para este trabajo y la contratación de servicios profesionales para este fin (Ver apéndice VII).

En cuanto a la definición de una Red computacional, a partir de un estudio profesional previo, definiría una ruta real de comunicación de entre las oficinas, para tal efecto se deben considerar las siguientes actividades:

a) Identificar los requerimientos reales de comunicación entre equipos por departamento.

b) Definir conceptualmente Red de computadoras, diseño lógico de una Red de Area Local, el diseño lógico de Red Remota y su implementación (Ver apendice V).

c) Distribución de los equipos por departamentos segun sean sus necesidades de comunicación y los usuarios que accesarían dichos equipos.

d) Definición de software estandar para redes, como también el hardware requerido para el mismo efecto.

e) Definir claramente el concepto de administrador de redes, recurso humano que debe ser capacitado formalmente en el ramo, e imprescindible.

7. En cuanto a normas de seguridad, es necesario mantener contratos de mantenimiento para todos los equipos, así como polizas de seguros especiales para estos equipos. Es necesario garantizar mantenimiento en cuanto a administración de los sistemas: diseños lógicos, respaldos, etc.

8. En cuanto a la reubicación de equipos es necesario indicar que se fueron consideradas las siguientes variables:

a. Equipo existente

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b. Necesidades reales
c. Aplicaciones en cada equipo
e. Uso real de los recursos

A continuación se sugieren los cambios indispensables:

EQUIPO	USUARIO	NUEVO USUARIO
IBM PC	AUREA ZUMBADO	JENNY ESPINOZA
EVEREX	JENNY ESPINOZA	BERNAL MURILLO (PROVEEDURIA)
EPSON EQ III	BERNAL MURILLO	ANA LUCIA MENDEZ
IBM PC/XT	ANA LUCIA MENDEZ	RICARDO ULATE
ZENITH LT	RICARDO ULATE	LUIS LACHNER
EPSON EQ I+	FERNANDO ARANA	CEDO 5to PISO
IBM PC/XT	CEDO 5to PISO	CEDO 3er PISO
EPSON EQ I+	JUAN C. MONTERO	RODOLFO OSORIO
LEADING EDGE	NORA SOTOMAYOR	OSCAR ARCE
IBM PC/XT	MERCEDES	AUREA ZUMBADO
HP LASER JET+	ANA LUCIA MENDEZ	COOP. INTERNACIONAL
HP LASER II	COOP. INTERNAC.	ANA LUCIA MENDEZ

Las microcomputadoras Lap-Top serán reservadas para giras (estos equipos deben estar en bodega y se debe coordinar con Gerardo Rodríguez para adecuarlas a la gira respectiva).

9. PROGRAMA DE CAPACITACION.

Este grupo considera necesario el mejoramiento de la capacidad desarrollada actualmente, no obstante plantea la necesidad de volver a capacitar a todo el personal, fortaleciendo el área del sistema operativo y el área de los programas de uso cotidiano; por lo tanto se deben establecer talleres para este efecto, contratando los servicios profesionales de Escuelas Técnicas en Computación (Ver propuesta en el apéndice VI), o analizando el convenio ILANUD-UNIVERSIDAD DE COSTA RICA, el cual se podría coordinar y elaborar dichos talleres con la colaboración de la Escuela de Computación e Informática o bien con el Centro de Informática.

Los talleres de capacitación más apropiados serían:

1) Sistema Operativo DOS (Nivel I y II).

2) Procesador de Palabras WordPerfect

3) Hoja Electrónica de Cálculo Lotus 123.

4) Manejador de Bases de Datos dBASE III Plus.

5) Diseñadores de formas FormTool.

10. El grupo considera importante que las funciones de toma de desiciones centradas en la especificación del puesto que ocupa el señor Gerardo Rodríguez sean respetadas. Así cambio de equipos,

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debe ser autorizado por él. En cuanto a los Proyectos Bilaterales, el señor Rodríguez coordinará con la contraparte Informática asignada, y los directores de Proyecto deberían velar porque ésto se produzca antes de tomar cualquier desición. De esta forma se va desarrollando capacidad técnica interna, se racionalizan recursos y se optimiza la labor Informática dentro del Instituto. Además se sugiere que la Unidad de Informática aparezca en el organigrama Institucional.

VI. PRESUPUESTO.

El siguiente cuadro muestra una aproximación de costos por recomendación.

RECOMENDACION	ADQUISICION	COSTO EN COLONES
1	Procesador de palabra WP.	¢ 55,000.00
	Expansión de memoria RAM para IBM PC/XT 5 unid. 512 KB	100,000.00
	y 5 discos duros de 20 MB.	150,000.00
	SUBTOTAL	¢305,000.00
2	Programa de publicaciones Ventura Publisher 2.00.	70,000.00
	Expansión de memoria RAM para Epson Euity III de 1.5 MB.	55,000.00
	SUBTOTAL	¢125,000.00
3	Hoja de cálculo Lotus 123, 3.00	35,000.00
4	Bases de Datos dBASE IV.	35,000.00
5	Diseño de formas FormTool 2.01	9,000.00
	SUBTOTAL	¢79,000.00
6	Redes y Comunicaciones.	Necesita estudio
7	Mantenimiento de equipo y Poliza.	Necesita estudio
8	Reubicación de equipo.	Sin costo alguno.
9	Capacitación privada en: WordPerfect 5.00.(40 personas a 5,400.00)	216,000.00
	Lotus 123.(30 personas a 5,200.00) (Costo por persona se adjunta propuesta).	156,000.00
	TOTAL	¢ 881,000.00

VII. CONCLUSION.

El grupo considera que el aspecto de recursos computacionales o informáticos es solamente un elemento del Sistema de Información de ILANUD. Para que el estudio y las recomendaciones ofrezcan un estudio integral a la Institución, sería necesario recurrir a especialistas en Sistemas de Información, en cuyo caso sería conveniente identificar con claridad los términos de referencia del trabajo a realizar, así como las calidades del experto que podría responsabilizarse de un estudio de este tipo.

El presente informe por lo tanto pretende ser un instrumento exclusivo para optimizar los recursos informáticos existentes y eventualmente mejorar la capacidad técnica del personal en el referido campo.

APENDICE I.

CUESTIONARIO SOBRE USO DEL EQUIPO DE COMPUTO.

1) IDENTIFIQUE LAS TAREAS EN LAS QUE USTED UTILIZA COMPUTADORA:

2) IDENTIFIQUE LAS TAREAS EN LAS QUE USTED NO ESTA USANDO UNA COMPUTADORA, POR LAS RAZONES DE FALTA DE EQUIPO APROPIADO, SOFTWARE ESPECIFICO O BIEN CAPACITACION EN EL RAMO:

3) TIENE USTED MICROCOMPUTADOR ASIGNADO O ACCESA ALGUNO, INDIQUE:

MARCA.:_____ No DE SERIE.:_____

MARCA.:_____ No DE SERIE.:_____

4) CON BASE A SUS TAREAS, INDIQUE EL SOFTWARE QUE USTED UTILIZA:

HOJA DE CALCULO:_____ VERSION:_____

PROCESADOR DE PALABRAS:_____ VERSION:_____

_____ VERSION:_____

BASES DE DATOS:_____ VERSION:_____

GRAFICADORES:_____ VERSION:_____

MANEJADORES DE PROYECTOS:_____ VERSION:_____

EDITORES PROFESIONALES:_____ VERSION:_____

PROGRAMAS ADMINISTRATIVOS:_____ VERSION:_____

OTROS:_____

5) OBSERVACIONES:

APENDICE II.

[illegible]

[illegible] DE COMPUTO CON SUS CARACTERISTICAS

[illegible]	[illegible]	MEMORIA	TARJETA	MONITOR	[illegible]	[illegible]	[illegible]
[illegible]							
EPSON EQUITY I+	0242002613	640 KB	EPSON-EXP	EPSON MONOCROMO	30 MB	360 KB	
EPSON EQUITY I+	0242001146	640 KB	EPSON-EXP	EPSON MONOCROMO	30 MB	360 KB	
EPSON EQUITY I+	894427	640 KB	EPSON-EXP	EPSON MONOCROMO	30 MB	360 KB	
EPSON EQUITY I+	0242002599	640 KB	EPSON-EXP	EPSON MONOCROMO	30 MB	360 KB	
EPSON EQUITY I+	0242001147	640 KB	EPSON-EXP	EPSON MONOCROMO	30 MB	360 KB	
EPSON EQUITY I+	118006	640 KB	EPSON-EXP	EPSON MONOCROMO	30 MB	360 KB	
EPSON EQUITY II+	0252016278	640 MB	EPSON-EXP	EPSON COLOR EGA	80 MB	1.2 MB	
EPSON EQUITY II+	A030003	640 KB	EPSON-EXP	EPSON MONOCROMO	30 MB	1.2 MB	
IBM PC/XT	N18036085150	256 KB	IBM-AT	ZENITH AMBAR	20 MB	360 KB	
IBM PC/XT	19253105150	640 KB	IBM-AT	IBM MONOCROMO	20 MB	360 KB	
IBM PC/XT	15704355150	640 KB	IBM-EXP	IBM COLOR RGB	20 MB	360 KB	
IBM PC/XT	54285815160	640 KB	IBM-AT	IBM MONOCROMO	10 MB	360 KB	730 KB
ZENITH LT	8801097502	640 KB	INCORPORADO	INCORPORADO		720 KB	730 KB
PROYECTO ELATERAL							
EVEREX AGI	6BY10077	640 KB	EVEREX-EXP	EVEREX AMBAR	30 MB	360 KB	
EVEREX AGI	6BY10019	640 KB	EVEREX-EXP	EVEREX AMBAR	30 MB	360 KB	
EVEREX AGI	6BY10062	640 KB	EVEREX-EXP	EVEREX AMBAR	30 MB	360 KB	
[illegible]							
IBM PC/AT	[illegible]	6.5 MB	IBM-AT	IBM MONOCROMO	[illegible] MB	1.2 MB	TAPE BACKUP [illegible] MB
IBM PC/XT	5160-30140	256 KB	IBM-EXP	ENTRE COLOR		360 KB	360 KB
DIRECCION FEDERAL							
EPSON EQUITY I+	0243[illegible]	640 KB	EPSON-EXP	EPSON MONOCROMO	30 MB	[illegible] KB	730 KB
EPSON EQUITY I+	0243002214	640 KB	EPSON-EXP	EPSON MONOCROMO	30 MB	360 KB	
EPSON LT	011305	640 KB	INCORPORADO	INCORPORADO	20 MB	730 KB	
IBM PC	1974-2005150	256 KB	IBM-AT	IBM MONOCROMO		360 KB	360 KB
IBM PC/XT	5583-5135160	640 KB	IBM-EXP	ENTRE COLOR	20 MB	360 KB	
LEADING EDGE	71166079	640 KB	LEADING-AT	LEADING MONOCROMO	30 MB	360 KB	
LEADING EDGE	71163924	640 KB	LEADING-AT	LEADING MONOCROMO	30 MB	360 KB	
LEADING EDGE	61128928	640 KB	LEADING-AT	LEADING MONOCROMO	30 MB	360 KB	
ZENITH LT	8351141902	640 KB	INCORPORADO	INCORPORADO	10 MB	730 KB	
ZENITH LT	8801021802	640 KB	INCORPORADO	INCORPORADO		730 KB	730 KB
SERVICIOS DE EXT. Y COOPERACION							
EPSON EQUITY I+	894322	640 KB	EPSON-EXP	EPSON MONOCROMO	30 MB	360 KB	
IBM PC/XT	5060-3015166	640 KB	IBM-AT	ENTRE COLOR	20 MB	360 KB	730 KB
IBM PC/XT	5060-3014959	256 KB	IBM-AT	ENTRE COLOR		360 KB	360 KB
IBM PORTABLE	0064627	512 KB	IBM-AT	PGS COLOR		360 KB	360 KB
ZENITH LT	8311013214	640 KB	INCORPORADO	INCORPORADO		730 KB	730 KB

EQUIPO DE COMPUTO CON SUS CARACTERISTICAS

[illegible]	SERIE	MEMORIA	TECLADO	MONITOR	DISCO [illegible]	[illegible]	[illegible]
FINANZAS Y CONTABILIDAD							
IBM ASCCI TERMINAL	88-A1938		IBM-EXP	IBM MONOCROMO			
IBM ASCII TERMINAL	88-A1882		IBM-EXP	IBM MONOCROMO			
IBM ASCII TERMINAL	88-A1885		IBM-EXP	IBM MONOCROMO			
IBM ASCII TERMINAL	88-A1884		IBM-EXP	IBM MONOCROMO			
IBM [illegible]	2000-3095150	256 KB	IBM-AT	AMDEK 600 COLOR		360 KB	360 KB
IBM [illegible] XT	5160-4047973	640 KB	IBM-EXP	ENTRE COLOR	20 MB	360 KB	
IBM [illegible] 2 80	72-6070747	8 MB	IBM-EXP	IBM VGA MONOCROMO	115 MB	1.44 MB	TAPE BACKUP 60 MB
LEADI[illegible] EDGE	80980689	640 KB	LEADING-AT	LEADING MONOCROMO	30 MB	360 KB	
CAPACI ACION							
EPSON EQUITY I+	884385	640 KB	EPSON-EXP	EPSON MONOCROMO	30 MB	360 KB	720 KB
IBM PC/XT	001	512 KB	IBM-EXP	ENTRE COLOR	20 MB	360 KB	720 KB
IBM PORTABLE	0064618	512 KB	IBM-AT	IBM AMBAR	10 MB	[illegible]	
LEADING EDGE	80418657	512 KB	LEADING-AT	LEADING AMBAR	30 MB	360 KB	
ZENITH LT	8821050714	512 KB	INCORPORADO	INCORPORADO		720 KB	720 KB
SERV. GENERALES							
EPSON EQUITY III+	4020005	640 KB	EPSON-EXP	EPSON MONOCROMO	30 MB	1.2 MB	
EVEREX AGI	6BX10080	640 KB	EVEREX-EXP	EVEREX AMBAR	30 MB	360 KB	
EVEREX AGI	6BX10093	640 KB	EVEREX-EXP	EVEREX AMBAR	20 MB	360 KB	
EVEREX AGI	6BX1001	640 KB	EVEREX-EXP	EVEREX AMBAR	40 MB	360 KB	
IBM PC	1805-185151	256 KB	IBM-AT	ZENITH AMBAR		[illegible]	[illegible]
IBM PC/XT	5523117516[illegible]	640 KB	IBM-AT	ENTRE COLOR	[illegible] MB	[illegible]	[illegible]
LEADING EDGE	5[illegible]-17485	512 KB	LEADING-AT	LEADING MONOCROMO	[illegible] MB	[illegible]	
RECURSOS HUMANOS							
LEADING EDGE	80622156	640 KB	LEADING-AT	LEADING MONOCROMO	30 MB	360 KB	

14/05/90

[illegible]

LIST[illegible] DE L[illegible]

[illegible]	[illegible]	CONTRATO	[illegible]

[illegible]

EPSON FX-1050	0E10000327
EPSON LX-800	0010269523
EPSON FX-286E	12056746
EPSON LX-800	0010269589
EPSON LX-800	0011236411
[illegible] LQ-2550	00F0036574
[illegible]OPRINTER	0245982
[illegible]ON LX-800	10234112
[illegible]ON LX-800	0011239799
[illegible]ON LX-800	0010266207

PROYECTO BILATERAL

IBM PROPRINTER XL	0006791
IBM PROPRINTER XL	0006273
IBM PROPRINTER XL	0245932

CEDO

EPSON FX-[illegible]	[illegible]
IBM PROPRINTER	[illegible]

DIRECCION GENERAL

EPSON [illegible] (SHEET FEE)
EPSON [illegible] (SHEET FEE)

EPSON EX-1000 (SHEET FEE)
IBM PROPRINTER
EPSON FX-286e
HP LASER JET IID
EPSON FX-286e (SHEET FEE)
EPSON EX-1000

SERVICIOS DE EXT. Y COOPERACION

HP LASER JET IID
HP LASER JET+

NEC SPIN 3550

Best Available Document

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LISTADO DE ACTIVOS FIJOS

MARCA	S.F.E	ID TRATO	FECH_	FECH_EXP	GARANTIA	FECH_IN	FECH_E

FINANZAS Y CONTABILIDAD

EPSON FX-286e
EPSON FX-286e
EPSON LQ-2550
EPSON EX-1000 (SHEET FEE)

CAPACITACION

EPSON FX-1050	0E10000331
EPSON FX-286E	02046784
EPSON LQ-2500	02002479
EPSON FX-286E	02046731

SERV. GENERALES

EPSON EX-1000	00F0005443
EPSON FX-286E (SHEET FEE)	
IBM PROPRINTER	47-2819504
EPSON FX-[illegible]	[illegible]

RECURSOS HUMANOS

EPSON FX-286e (SHEET FEE)

I. L. A. N. U. D.

20-04-1990

SOFTWARE DISPONIBLE

CASA	SOFTWARE	VERSION
LOTUS DEVELOPMENT	LOTUS 123	2.00
ASHTON - TATE	dBASE III Plus	1.00
MICRO PRO	WORDSTAR	3.30
SSI SOFTWARE	WORDPERFECT	4.1
BRS	BRS DATABASE	2.00
SANTA CRUZ OPERATION	SCO XENIX V	3.2
SANTA CRUZ OPERATION	SCO FoxBASE+	2.1
SANTA CRUZ OPERATION	SCO PROFESSIONAL	2.00
IBM	DOS	4.01
MICROSTUF	CROSSTALK	3.61

APENDICE III.

RESUMEN DE LOS CUESTIONARIOS

ABRIL DE 1990.

SERVICIOS CONSULTIVOS

EQUIPO	PERSONA QUE LO USA	TAREAS EN QUE LO UTILIZA
EPSON EQ. I+	ALFREDO CHIRINO	PROCESADOR DE TEXTOS.
EPSON EQ. I+	ANA GARITA V	PROCESADOR DE TEXTOS.
EPSON EQ. I+		
EPSON EQ. I+	NIDIA CALVO	PROCESADOR DE TEXTOS.
EPSON EQ. I+	GABRIELA FERNANDEZ	PROCESADOR DE TEXTOS.
EPSON EQ. I+	SONIA NAVARRO	PROCESADOR DE TEXTOS.
EPSON EQ. II+	DEPTO CEDO	BASE DE DATOS BRS SEARCH.
EPSON EQ.III+	JOSE SABORIO J.	TESAUROS, PROC. DE TEXTOS.
IBM PC/XT	LUIS MEZA (C. NAC)	PROG. PROVEEDURIA, PROC. TEXTOS.
IBM PC/XT	EMILIA GONZALEZ	PROCESADOR DE TEXTOS.
IBM PC/XT	EMILIA GONZALEZ	PROCESADOR DE TEXTOS Y SPSS.
IBM PC/XT	RICARDO GUERRERO	PROCESADOR DE TEXTOS.
ZENITH LT	DISP. PARA GIRAS	

PROYECTO BILATERAL

EVEREX AGI	OLMAN AGUILAR	PROCESADOR DE TEXTOS Y HOJA DE CALCULO
EVEREX AGI	BERNARDITA RODRIGUE	PROCESADOR DE TEXTOS.
EVEREX AGI	VANESA GUILLEN	PROCESADOR DE TEXTOS.
IBM PC	GERARDO VILLALOBOS	PROCESADOR DE TEXTOS.

CAPACITACION

EPSON EG. I+		
IBM PC/XT	NORMA E. LOPEZ	PROCESADOR DE TEXTOS.
IBM PORTABLE		
LEADING EDGE	CARLOS MARIN	PROCESADOR DE TEXTOS.
LEADING EDGE		
ZENITH LT.	TERESA PEÑA S.	PROCESADOR DE TEXTOS.

SERVICIOS GENERALES

EPSON EQ.III+	BERNAL MURILLO	PROC. DE TEXTOS, INVENTARIO DE PROVEED.
EVEREX AGI	YENY ESPINOZA	PROCESADOR DE TEXTOS.
EVEREX AGI	MARITA ROJAS	PROCESADOR DE TEXTOS.
EVEREX AGI	MARCOS ALVARADO	PROC. DE TEXTOS. REGISTRO DE PROVEEDORES
IBM PC/XT	ELKA JIMENEZ	PROCESADOR DE TEXTOS.
LEADING EDGE	SONIA BRENES	PROCESADOR DE TEXTOS.

CENTRO DE DOCUMENTACION

IBM PC/AT	DEPTO CEDO	BASE DE DATOS BRS SEARCH.
IBM PC/XT	DEPTO CEDO	PROC. DE TEXTOS. CONSULTA AL BRS SEARCH.

RESUMEN DE LOS CUESTIONARIOS.

ABRIL DE 1990.

CONTABILIDAD

EQUIPO	PERSONA QUE LO USA	TAREAS EN QUE LO UTILIZA
IBM PC/XT	DEPTO	PROC. DE TEXTOS, HOJA DE CALCULO.
IBM PS2/80	DEPTO	CONTABILIDAD, PLANILLAS, HOJA DE CALCULO

FINANZAS

IBM PC	DEPTO	PROCESADOR DE TEXTOS.
LEADING EDGE	ARTURO HERRERA	HOJA DE CALCULO, PROC. DE TEXTOS.

SUBDIRECCION

LEADING EDGE	ELIAS CARRANZA	PROCESADOR DE TEXTOS.

DIRECCION GENERAL Y DIRECCION EJECUTIVA.

LEADING EDGE	VINICIO HERRERA	PROCESADOR DE TEXTOS Y HOJA DE CALCULO.
EPSON EQ. I+	SARA NUÑEZ	PROCESADOR DE TEXTOS.
LEADING EDGE	OLGA M. UGALDE	PROCESADOR DE TEXTOS.

RECURSOS HUMANOS

LEADING EDGE	JUAN LUIS CHAVARRIA	BASE DE DATOS DE PERSONAL, PROC. TEXTOS

ARCHIVO CENTRAL

EPSON EQ. I+	VICKY MONTERO	PROCESADOR DE TEXTOS.

COOPERACION INTERNACIONAL

EPSON EQ. I+	FLORA CASTRO	PROCESADOR DE TEXTOS.
IBM PC/XT	EUGENIA DELGADO	PROCESADOR DE TEXTOS.
ZENITH LT.	RODOLFO OSORIO P.	PROCESADOR DE TEXTOS.
IBM PC/XT	ANA LUCIA JIMENEZ	PROCESADOR PROFESIONAL DE TEXTOS.

PLANEAMIENTO

ZENITH LT.	OSCAR ARCE	PROCESADOR DE TEXTOS.
ZENITH LT.	RICARDO ULATE	PROCESADOR DE TEXTOS.

** TOMADO DE CONSULTA AL PERSONAL POR MEDIO DE CUESTIONARIOS **
** LOS CUALES ESTAN DISPONIBLES PARA REVISION ACLARATORIA **

APENDICE IV.

I L A N U D

UBICACION DEL EQUIPO Y ESPACIO UTILIZADO DEL DISCO DURO

(ABRIL, 1990)

MICROCOMPUTADOR	USUARIO	DEPENDENCIA	Nº DE ARCHIVOS	ESPACIO EN DISCO UTILIZADO	% UTILI	ESPACIO EN DISCO DISPONILBLE
PSON EQUITY III	JOSE F. SABORIO J	SERV. CONSUL.	1,323	29,974,261	99,92	888,832
PSON EQUITY II	NIDIA CALVO	" "	775	11,989,993	39,97	19,462,144
PSON EQUITY II	ANA I. GARITA V.	" "	903	23,970,670	79,91	7,204,864
PSON EQUITY II	ALFREDO CHIRINO.	" "	1,094	29,028,754	96,77	1,845,248
PSON EQUITY II	FERNANDO ARANA	" "	1,873	23,046,886	76,83	7,129,088
PSON EQUITY II	SONIA NAVARRO	" "	680	11,925,502	39,76	19,845,120
BM PC/XT	RICARDO GUERRERO	" "	401	6,273,006	62,74	3,321,856
PSON EQUITY II	FLORA CASTRO	COOP. INTERN.	489	4,289,688	14,30	27,688,960
BM PC/XT	LUCIA MENDEZ J.	" "	1,006	10,794,402	53,98	6,356,992
PEX AGI	BERNARDITA RODRIG	U. EJECUTORA	234	3,369,303	11,24	28,884,992
PEX AGI	OLMAN AGUILAR	" "	515	9,104,655	30,35	22,689,792
BM PC	LUIS A. MEZA D.	" "	215	3,194,813	10,65	17,856,512
PSON EQUITY III	BERNAL MURILLO	SERV. GENE.	252	3,593,326	11,98	28,706,816
PEX AGI	MARITA ROJAS	" "	999	9,068,823	30,23	22,392,832
PEX AGI	YENY ESPINOZA	" "	184	2,490,922	8,31	29,802,496
PEX AGI	MARCOS ALVARADO	" "	475	7,340,562	24,77	24,676,352
PC/XT	ELKA JIMENEZ	" "	581	4,814,380	66,05	4,374,528
CODING EDGE	SONIA M. BRENES	" "	646	11,368,585	37,90	20,387,840
PEX AGI	VANNESA GUILLEN	C. NACIONAL	229	2,586,936	8,63	29,630,464
BM PC/XT	DEPARTAMENTO	CONTABILIDAD	991	11,583,405	7,92	8,488,960
CODING EDGE	ARTURO HERREA P.	"	571	10,530,017	35,11	21,364,736
BM PS/2 80	DEPARTAMENTO	"		23,476,220	20,42	71,105,536
PSON EQUITY II	SARA NUÑEZ	DIRECCION	375	5,848,134	19,50	26,212,352
CODING EDGE	OLGA MARTA UGALDE	"	933	18,753,982	62,53	12,699,648
CODING EDGE	VINICIO HERRERA	"	632	7,717,975	25,73	24,109,056
PC/XT	GERARDO RODRIGUEZ	"	817	16,618,818	83,10	3,803,136
PSON EQUITY II	VICKY MONTERO	PLANIFIC.	1,291	19,584,616	62,29	10,897,408
CODING EDGE	ELIAS CARRANZA	SUB-DIRECCION	627	15,956,208	53,19	15,935,488

I L A N U D

UBICACION DEL EQUIPO Y ESPACIO UTILIZADO DEL DISCO DURO

(ABRIL, 1990)

OCOMPUTADOR	USUARIO	DEPENDENCIA	Nº DE ARCHIVOS	ESPACIO EN DISCO UTILIZADO	% UTILI.	ESPACIO EN DISCO DISPONILBLE
INC EDGE	NORA SOTOMAYOR	CAPACITACION	509	8,928,254	29,77	23,056,384
PORTABLE	IRACEMA CERDAS	"	846	15,319,518	76,60	4,909,056
INC EDGE	CARLOS MARIN	"	805	13,945,754	46,49	17,197,056
PC/XT	NORMA E. LOPEZ	"	852	19,409,023	97,05	743,424
INC EDGE	JUAN L CHAVARRIA	REC. HUMANOS	436	8,316,042	27,73	23,586,816
PC/AT	DEPARTAMENTO	CEDO		52,516,864	87,53	11,684,864
N EQUITY III	"	"		53,068,800	66,34	1,083,392

APENDICE V.

****** VENTAJAS DE UNA RED *********

A>- Comparte disco duro con todos los usuarios.

B>- Fácil transmisión de la información a traves de la RED.

C>- Permite la comunicación entre equipos remotos.

D>- Creación de agendas y correo electrónico.

E>- Mayor eficiencia en el desarrollo de aplicaciones informáticas para los proyectos de la Institución.

F>- Todas las computadoras pueden ser proveedoras/usuarias.

G>- Seguridad a los archivos de cada usuario, por claves.

H>- Protección del Software original del Instituto.

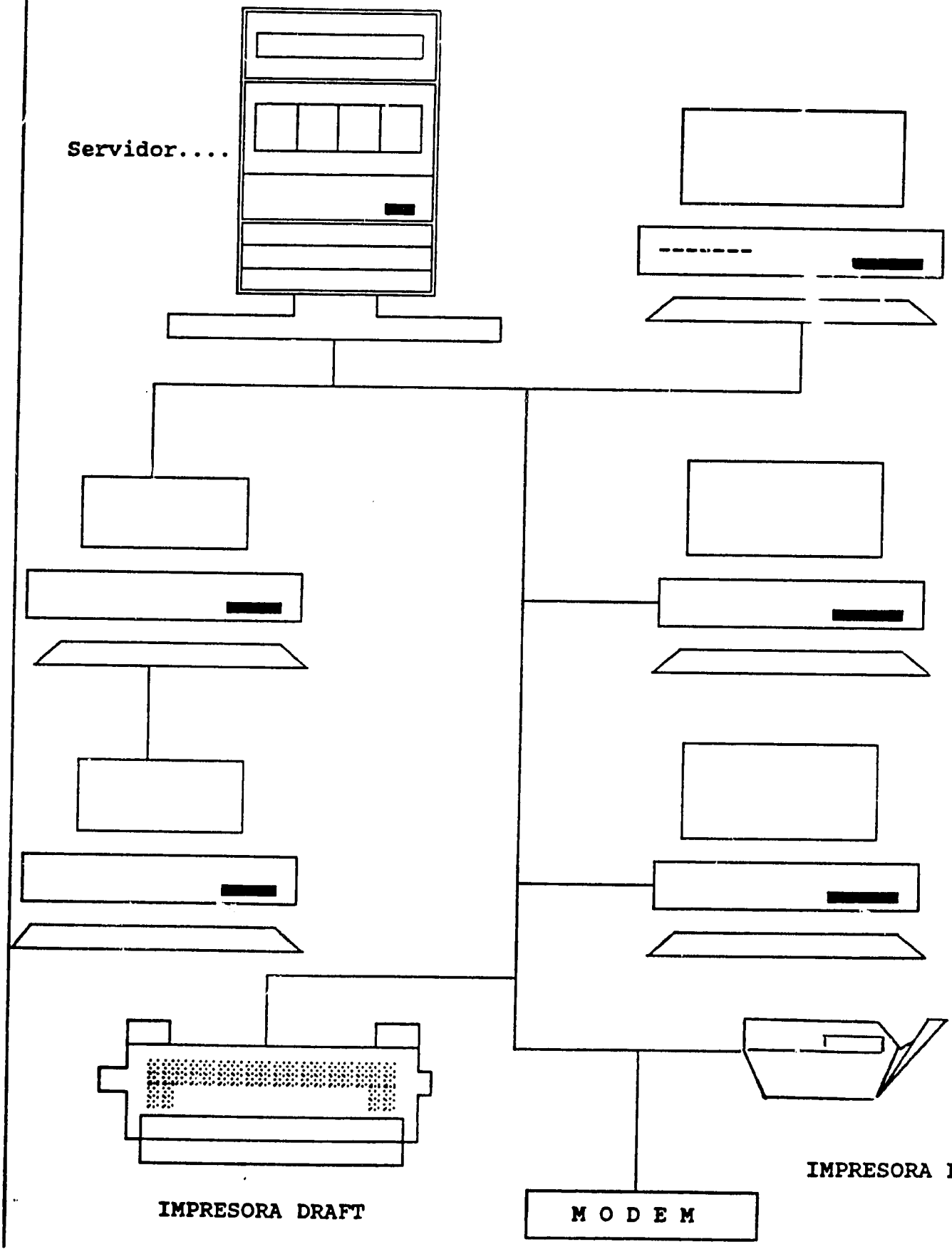
I>- Control uniforme de los paquetes de aplicación ...
...(Procesadores de palabras, Hojas de Cálculo, Graficadores, etc.).

J>- Fácil acceso a o las impresoras definidas.

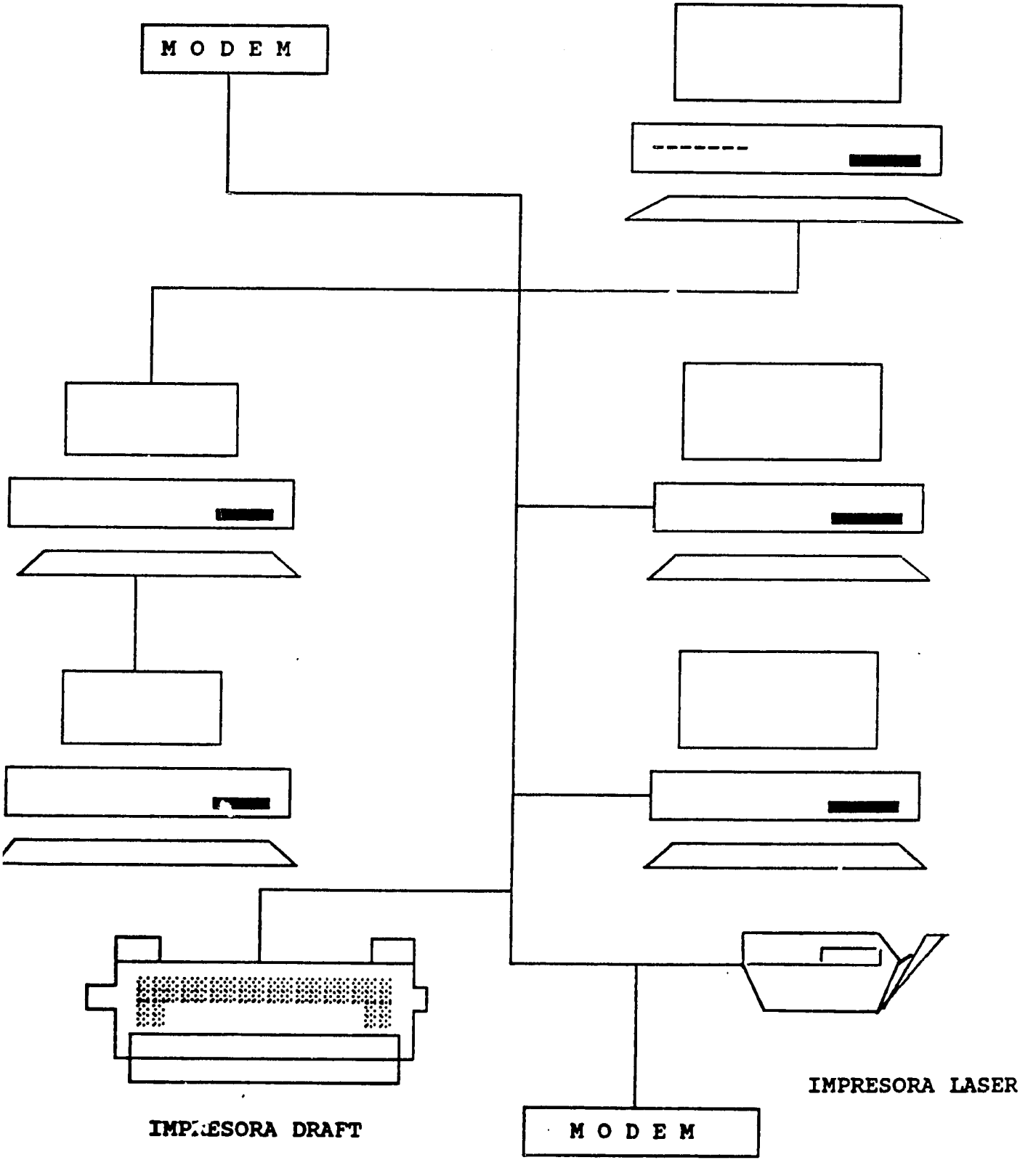
K>- Expansión gradual en función de las necesidades.

L>- Permite el compartimiento de recursos costosos.

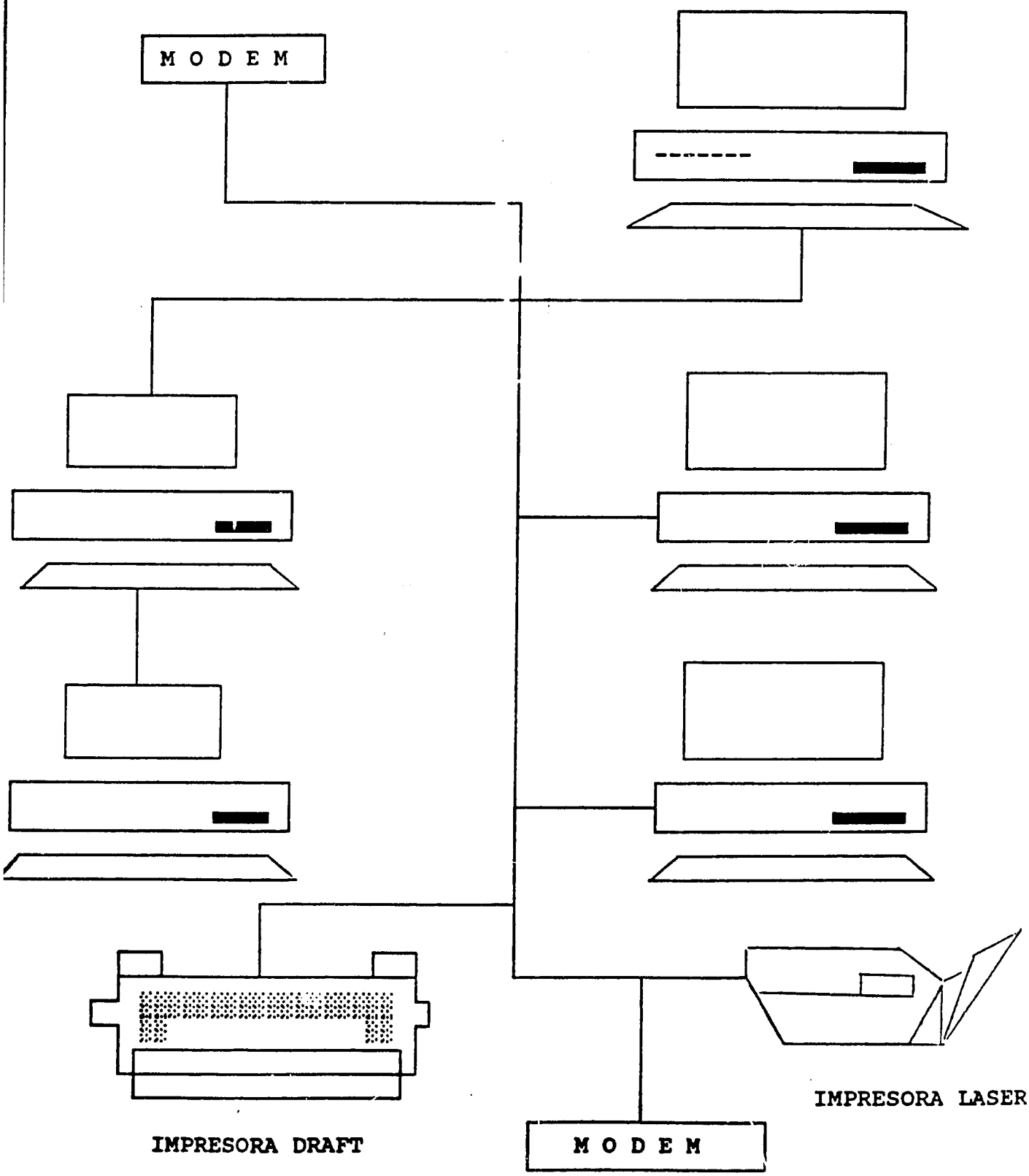
DISENO DE UNA RED (LAN)



DISENO DE UNA RED (LAN)



DISENO DE UNA RED (LAN)



APENDICE VI.

MICROASESORIA S.A.
Teléfonos Sabana 33-78-80 Barrio Amón 23-24-79
Apartado 6411 San José, Costa Rica

4 de mayo de 1989

Sr.
Gerardo Rodríguez
ILANUD
Presente

Estimado Sr. Rodríguez:

En respuesta a su estimable solicitud, nuestra empresa, MICROASESORIA S. A., tiene el gusto de presentarle una cotización para cursos de Word Perfect 5.0 y Lotus Básico para 30 personas.

Los cursos se impartirían en sus oficinas en un horario de 8 a 10 am. según la frecuencia conveniente para su institución. Particularmente le recomendamos un mínimo de cuatro horas por semana para cada curso. Puede impartirse un grupo lunes y miércoles y otro grupo martes y jueves.

El máximo número de personas que se recomienda por grupo es de 16.

Cuando los cursos se imparten a domicilio, es necesario que nos faciliten un equipo para cada dos alumnos durante todo el curso. El local donde se deben dar las clases debe contar con pizarra. También se solicita que no hayan llamadas ni interrupciones para los participantes.

Los cursos son tipo laboratorio; primero se explica la teoría y de inmediato se utiliza en un caso práctico.

Los profesores son profesionales con amplia experiencia tanto en computación como en docencia.

Se entrega una guía de estudio a cada participante.

Los cursos se evalúan. Todos aquellos alumnos que obtengan una nota de 70 o más, reciben un certificado de aprobación. También se lleva control de asistencia.

WORD PERFECT 5.0

La duración del curso de Word Perfect es de 30 horas.

El precio es de ¢5,000 (cinco mil colones) por persona para un grupo de 14 o más. Para 10 a 13 personas, el precio es de ¢5,400 (cinco mil cuatrocientos colones) por persona.

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LOTUS BASICO

La duracion del curso de Lotus Basico es de 24 horas.

El precio es de ¢4,800 (cuatro mil ochocientos colones) por persona para un grupo de 14 o más. Si el grupo tiene de 10 a 13 integrantes, el precio es de ¢5,200 (cinco mil doscientos colones) por persona.

Se adjunta el contenido de los cursos.

También adjunto la programación y los precios de los cursos que se ofrecen en nuestras oficinas.

En espera de que nuestra oferta sea de su entera satisfacción, se despide de Ud.,

Atentamente,
MICROASESORIA S. A.

Ligia Castrillo A.
Presidente

MICROASESORIA S. A.

MICROASESORIA S.A.

CONTENIDO DEL CURSO DE WORD PERFECT VERSION 5.0

1. Teclas importantes para el uso del procesador.
   Creación de un documento, nombres de archivos, seguridad y organización de los archivos dentro de los dispositivos de almacenamiento.
   Cómo Guardar Documentos?
   Cómo Llamar un Documento?
   Cómo solicitar ayuda interactiva?
   Cómo salirse del procesador?
   Cómo limpiar la pantalla?

2. Revisión de un Documento

   Eliminando texto de un documento
   Deshaciendo un cambio
   Cómo proteger bloques de texto?
   Agregando texto dentro de un documento
   Mover y copiar texto
   Atributos para el texto (negrilla, subrayado, tipos y tamaños de letra)
   Cómo guardar párrafos frecuentes
   Salida al sistema operativo D.O.S.
   Cómo buscar y reemplazar texto en un documento

3. Formateando el Documento

   Cambiando formato de línea (márgenes, espaciados, justificación, tabuladores).
   Cambiando el formato de página (Centrado, encabezados, pies de página, numeración de páginas, tamaño de papel).
   Subíndice y Superíndice

4. Paginación de un documento

5. Impresión de un documento

6. Notas al Pie de Página
   Creación, corrección, eliminación, cambiando el formato.

7. Combinación de documentos

8. Creación de Párrafos automáticos
   Eliminación, cambiando de estilo, nuevos estilos.

9. División silábica y chequeo ortográfico del documento.

10. [illegible]
Creación de Columnas [illegible] Texto
Revisión de Columnas
Reformateando una columna
Movimiento de Columnas

11. Dibujando con el cursor

12. Funciones matemáticas

13. Fusión de documentos para producir documentos repetitivos
Reglas para el uso de nombres de variables
Creación del documento machote y de relleno
Proceso de fusión para obtener las cartas

14. Clasificación
Para bloques y párrafos

15. Publicaciones. Incorporando gráficos, figuras o texto a su documento.

16. Técnicas especiales para la organización de archivos en un procesador. Orden.

APENDICE A

MICROASESORIA S. A.

CONTENIDO DEL CURSO DE LOTUS 1-2-3 BASICO

DURACION:	24 horas
REQUISITOS:	Conocimientos básicos de matemáticas
A QUIEN SE DIRIGE:	A personas que requieran de un instrumento que les ayude en la toma de decisiones, preparación de estudios, presentaciones, proyecciones, simulaciones y a la solución de problemas cotidianos de información. Este es un curso básico y no va dirigido a personas que tengan conocimiento previo del producto.
OBJETIVOS:	Familiarizar al participante con el equipo y con el Lotus 1-2-3; para lograr una mayor productividad y eficiencia.

CONTENIDO	DURACION EN MINUTOS TEORIA	PRACTICA
OPERACION DEL EQUIPO		
Encendido y apagado Introducción de la fecha Introducción de la hora Introducción al programa LOTUS	15	15
HOJA DE TRABAJO 1-2-3		
Descripción de la hoja de trabajo Utilización del teclado Movimiento dentro de la hoja de trabajo	60	50
Introducción de datos - modo READY Datos numéricos Texto - Alineación del texto (centrado, alineado a la izquierda o a la derecha) Uso de la tecla \ para repetir caracteres	15	15
Operaciones aritméticas Suma resta multiplicación división Elevar a potencia Fórmulas matemáticas - modo POINT Recalculación automática	40	30

	DURACION EN MINUTOS TEORIA	PRACTICA
Preparación de un modelo de práctica		30
Corrección de datos - modo EDIT	10	15
Utilización de comandos		
Menú de comandos	90	110
Guardar un archivo		
Llamar un archivo existente		
Borrado de la hoja de trabajo		
Definiciones de rangos		
Copia de fórmulas y texto		
Direcciones relativas		
Direcciones absolutas		
Borrado de rangos		
Inserción de filas y columnas	120	120
Eliminación de filas y columnas		
Presentación de los datos numéricos		
Formatos Específicos y Globales		
Fijo científico moneda ($) coma más o menos, porcentaje y texto		
Formato escondido		
Variación del ancho de las columnas		
Global o individualmente		
Estado de la hoja de trabajo /WS		
Esconder columnas y volverlas a desplegar		
Movimiento de datos de un lugar a otro		
Supresión de ceros		
Alineación de etiquetas mediante /RL		
Impresión de documentos	90	90
Utilización de la impresora		
Colocación del Papel		
Submenú de impresión		
Definición del rango de impresión		
Control de la paginación		
Encabezados y Pies de Página		
Numeración automática página		
Fecha del sistema automática		
Bordes - Repetición de encabezados en documentos de más de una página		
Márgenes y su relación con el tamaño del papel		
Control de la impresora		
Tipos de letra		
Espaciado interlineal		
Líneas por página		
Preparación de modelo de práctica		60
Funciones estadísticas	15	15
Suma, promedio, conteo, máximo, mínimo, variancia y desviación estándar (@SUM - @AVG - @COUNT @MAX - @MIN - @VAR - @STD)		

	DURACION EN MINUTOS TEORIA	PRACTICA
Clasificación de modelos - Ordenar Orden alfabético y numérico Concepto primario y secundario Ascendente y descendente Agregar o eliminar líneas a un modelo existente Preparación de un modelo de práctica	45	45 30
Creación y uso de nombres de rangos Combinación de archivos - Para pasar información de un modelo a otro Copia - Suma - Resta entre modelos Conversión de fórmulas a valores para copiar o mover solo resultados Salida al sistema operativo	50	60
ADMINISTRACION DE ARCHIVOS		
Listar archivos en el directorio Asignar otro directorio Eliminar archivos	15	25
GRAFICACION		
Gráficos de barras Gráficos lineales Gráfico circular Gráfico XY Gráfico de barras segmentadas Impresión de gráficos Cambio de tipo de letra y tamaño gráfico	80	80

APENDICE VII.

TERMINOS DE REFERENCIA PARA LA CONTRATACION DE UN ESPECIALISTA EN COMUNICACIONES Y AUTOMATIZACION DE OFICINAS

Objetivo.

Establecer Sistemas de Información completo, que conforme los aspectos Programaticos, Analisis Administrativo, Analisis Gerencial, toma de desiciones, etc. Además que establezca la Comunicación efectiva y una real Automatización de Oficinas en el Instituto.

Producto.

Definir un Sistema de Información que incluye las Comunicaciones internas a traves de una Automatización real de las oficinas.

Actividades.

1- Identificar los requerimientos reales de información formal e informal necesarias para la operación Institucional.

2- Definir conceptualmente Sistema de Información, diseño lógico e implementación.

3- Determinar las fuentes y los usuarios de la Información, además los flujos de comunicación formal e informal en la Institución.

4- Diseñc de formulas y procedimientos de comunicación de la información a traves de redes.

5- Identificar los requerimientos reales de una Red Computacional operativa en Ia Institución.

6- Definir conceptualmente Red de computadoras, diseño lógico de una Red de Area Local y el diseño lógico de Red Remota, así como su implementación.

7- Definición de software estandar para redes, como también el hardware requerido para el mismo efecto.

8- Definir claramente el concepto de administrador de redes, recurso humano imprescindible.

Recursos.

Para desarrollar e implementar este módelo se debe contar con la participación de un consultor, que debe cumplir con los siguientes requisitos:

- Post-Grado .. Sistemas de Información y/o Ciencias de la Computación e Informática.

- Amplia experiencia en el desarrollo e implementación de Sistemas de Información y automatización de Oficinas.

ATTACHMENT 7

MEMO FROM GERALD REED DATED MAY 9, 1990

INSTITUTO LATINOAMERICANO DE NACIONES UNIDAS PARA LA PREVENCION DEL DELITO Y TRATAMIENTO DEL DELIN UENTE

Denia Villalobos

TELEX 2849-ILANU-CR
FAX (506) 33-71-75

SAN JOSE, COSTA RICA
CABLE: ILANUD

APARTADO 10071-1000
TELEFONO 53-78-03

M E M O R A N D U M

PARA: Todo el personal de la Division de Administracion.

DE: Gerald G. Reed GR

ASUNTO: Estudio sobre decisiones niveles de responsabilidad.

FECHA: 9 de mayo de 1990

El propósito de este cuestionario es obtener informacion relacionada con el numero y los tipos de decisiones que usted toma como parte de su trabajo en el ILANUD.

Este cuestionario es parte de un estudio que se está llevando a cabo para determinar respuestas a preguntas tales como:

- ¿Qué decisiones están siendo tomadas por cada funcionario?
- ¿Están siendo tomadas las decisiones por el funcionario apropiado de acuerdo a su funcion?
- ¿Las decisiones son tomadas por los niveles correctos dentro de la organizacion?
- ¿Las decisiones están siendo tomadas de la mejor manera de la forma mas eficiente?

¿Qué es una decision? Una definición podria ser:

DECISION:

1- La emisión de un juicio sobre un tema que está bajo consideración;

2- el acto de llegar a una conclusion o tomar una determinacion;

3- una conclusión o un juicio tomado o pronunciado.

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NSTITUTO LATINOAMERICANO DE NACIONES UNIDAS PARA LA PREVENCION DEL DELITO Y TRATAMIENTO DEL DELINCUENTE

ELEX 2849-ILANU-CR
FAX (506) 33-71-75

SAN JOSE, COSTA RICA
CABLE: ILANUD

APARTADO 10071-1000
TELEFONO 53-78-03

Favor completar el cuadro adjunto sobre el proceso de toma de decisiciones. Medite sobre las decisiones que usted toma y/o de las cuales se responsabiliza **dentro de su trabajo**. Le ruego ser especifico. Enumere cada decision de manera separada. Enumere **todas** las decisiones -sin importar cuan rutinarias o poco importantes ~~éstas sean~~-.

Mientras usted piensa en las decisiones que toma diariamente, encontrará que este ejercicio es de mucha utilidad para repasar la descripcion de las funciones de su puesto (disponibles en el Departamento de Recursos Humanos).

Muchas gracias por su ayuda y cooperación. Considero que podra encontrar este ejercicio muy interesante debido a que lleva a una persona a pensar en su trabajo desde una perspectiva diferente.

Le agradeceré enviar su respuesta para el 25 de mayo proximo.

GR/sena

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Nombre _____

Departamento _____

Puesto _____

Supervisor _____

Decision	¿La Decision Es Rivisada? (Si Asi Fuera, ¿Por Quien?)	¿Toma Ud. Esta Decision De Manera Conjunta? (Si Asi Fuera, ¿Con Quien?)	¿Con Cuanta Frequencia Se Realiza Esta Dec.?

Comentarios O Sugerencias.

ATTACHMENT 8

ILANUD MANUAL DE VIAJES

DATED APRIL 1990

INSTITUTO LATINOAMERICANO DE LAS NACIONES UNIDAS
PARA LA PREVENCION DEL DELITO Y TRATAMIENTO DEL DELINCUENTE

MANUAL DE VIAJES

ELABORADO POR:

JENNY ESPINOZA

SAN JOSE, COSTA RICA
MARZO 1990

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INTRODUCCION

El objetivo de este Manual de Viajes es contar con un instrumento que nos ayude, una vez programadas las misiones oficiales, a agilizar al máximo los procedimientos requeridos para las giras, tanto de grupos, como individuales.

En él se detallan los procedimientos necesarios para concretar una gira, se indica cuáles trámites debe cumplir el solicitante, cómo llenar el formulario de autorización de gira, el papel de la secretaria del departamento solicitante y quién da la aprobación de la gira.

También se informa acerca de los documentos necesarios para efectuar la gira, los gastos de viaje, boletos, seguros y se instruye sobre cómo realizar la liquidación de gastos de viaje.

Finalmente se incluyen como anexos todos los formularios necesarios para el trámite de giras oficiales, modelos de cartas que se envían para las diferentes gestiones y un flujograma de todo el proceso.

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TRAMITES O PROCEDIMIENTOS INTERNOS

Se refiere esta primera Sección a los procedimientos internos que el Instituto ha identificado como mecanismos necesarios para dar seguimiento a las actividades.

Formulario: "Autorización de gira"

En este formulario se reúne toda la información que requieren los funcionarios que autorizarán la misión, tal como quién viaja, cuál es el propósito, en qué fechas y, a cuál proyecto o actividad se atribuye el gasto. Debe ser emitido con un mínimo de ocho días antes del inicio de la gira, en caso de que esta se origine en Costa Rica y con dos semanas de anticipación, para aquellos que se originan en otros países; este forrmulario debe ser llenado por el solicitante o su secretaria, cuidando de indicar en forma clara y completa el nombre, la edad, la nacionalidad y la posición que ocupa para el Instituto; la dirección exacta, el número de teléfono, télex o fax en caso de contar con ese servicio. Debe indicar también las fechas de salida y llegada de la gira, las fechas de traslados a ciudades o paises durante la gira tanto de donde salen como hacia donde se dirigen.

En el cuadro inferior izquierdo se deben especificar los insumos necesarios, tales como boletos, viáticos, seguro, alquiler de auto, etc.

El original de este formulario debe remitirse a la Oficina de Finanzas y dos copias a la Oficina de Compras. Una tercera copia la debe conservar la secretaria del solicitante, para que efectúe los trámites de reservaciones y migratorios.

En esta copia debe anotarse cualquier cambio del itinerario que se produzca por razones de disponibilidad de vuelos.

Solicitante

No importa quién realice la gira, el solicitante deberá ser siempre la persona responsable del Proyecto o Programa, de la Oficina o del Componente respectivo de donde se genere el viaje.

Ejemplos:

En el caso del Departamento de Capacitación, el Director deberá solicitar sus propias giras, las de sus colaboradores inmediatos, y las de los participantes en cursos y seminarios, sin importar el origen y la asignación de los fondos.

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En Cooperación Internacional el solicitante será el Director de la Oficina.

En el área programática, los Directores de Proyectos deberán solicitar las giras tanto de sus colaboradores inmediatos como las de los Consultores en misión para sus proyectos.

En Finanzas o Servicios Administrativos, serán los respectivos Directores de esas áreas a quienes les corresponderá solicitar sus misiones o las de sus colaboradores.

Aprobación de las giras

Simultáneamente a la gestión de reservaciones que realiza la secretaria y que se detalla más adelante, la misión se somete a aprobación.

Esta aprobación la realiza, para todos los casos, la Dirección General, entendiéndose por esta, la formada por el Director General, el Subdirector General, el Director de la División de Programas y el Director de la División de Administración.

De tal manera que las misiones de los funcionarios de las Oficinas de Planeamiento, Cooperación Internacional, Contraloría y los Directores de las Divisiones de Programas y Administración, serán aprobadas por el Director General.

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La misiones de los funcionarios de aquellos proyectos que están bajo la supervisión del Subdirector General, serán aprobadas por este funcionario.

Las misiones de Finanzas, Recursos Humanos y Servicios Administrativos, serán aprobadas por el Director de la División Administrativa.

Las misiones de las áreas programáticas como el CEDO, Capacitación, Proyectos sobre Gestión Integral de Tribunales, Sistemas de Información y Sistematización de Jurisprudencia, Fortalecimiento de Tribunales Agrarios, Delincuencia organizada y Tráfico de Drogas, Estudio Sectorial de Bolivia, Programa de la Escuela Judicial de Honduras y Programas de los componentes del Proyecto Bilateral serán aprobadas por el Director de la División de Programas.

Papel de la Secretaria del Departamento solicitante

El papel de la secretaria es sumamente importante y de él depende en gran medida el éxito de la organización de la gira oficial. Entre sus obligaciones se encuentran el comunicarse con

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los consulados de los países por ser visitados o estar en tránsito e investigar acerca de sus requisitos migratorios. Debe contactar a la Agencia de Viajes con el fin de identificar los itinerarios factibles y presentar ante el interesado o solicitante las opciones para que decida la más conveniente, tomando en cuenta las regulaciones vigentes y hacer llegar el original del formulario de autorización de gira a Finanzas, las copias a la Oficina de Compras y retener una copia para realizar sus gestiones y posteriormente adjuntarla a la liquidación de gastos de viaje.

Reservacion de vuelos

Esta gestión, como se mencionó anteriormente, la realiza la secretaria ante la Agencia de Viajes. Explora todas las posibilidades de vuelos directos y conectados hacia las ciudades por visitar. Estudia las alternativas comparando los precios y la conveniencia de las rutas y presenta las alternativas más viables ante el solicitante para que tome la decisión, para lo que hay que tomar en cuenta lo siguiente:

- La ruta más directa y económica siempre debe utilizarse, salvo excepciones calificadas, previamente aprobadas por la Contraloría.

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- La ruta más económica pero no más directa debe analizarse a la luz del programa de trabajo de la misión y, en caso de ser satisfactoria, debe hacerse la relación costo-beneficio, comparando el ahorro en el boleto con el encarecimiento de los viáticos de tránsito y de los días-hombre requeridos de más.

- En el caso de misiones costeadas por el Proyecto ILANUD/AID deben utilizarse en la medida posible líneas aéreas de bandera estadounidense. Si por alguna razón se utiliza otra línea, debe llenarse el formulario de "excepción de línea no estadounidense" e indicar el motivo por el cual no se utiliza.

Para estas misiones, la Agencia de Viajes debe restringir las porciones de los boletos en que se usa línea aérea de bandera americana con la leyenda no endosable esta porción.

Alquiler de hoteles y auto rentados

Si se trata de un funcionario que viaja a un país diferente de Costa Rica y en el país por visitar no se cuenta con personas que puedan efectuar las reservaciones de hoteles y auto, al igual

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que en el punto anterior, la secretaria puede solicitar a la Agencia de Viajes las reservaciones, teniendo en cuenta que la Agencia puede reservar únicamente los hoteles que están suscritos al sistema de información Hotel & Travel Index.

Si se trata de funcionarios que viajan hacia Costa Rica, lo procedente es dirigirse directamente al Hotel que le sea indicado, solicitar la reservación, pedir la tarifa especial para el Instituto y solicitar la confirmación por escrito.

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DOCUMENTOS

Los documentos que se requieren para efectuar el viaje, partiendo de Costa Rica, son:

Pasaporte vigente, una tarjeta de aeropuerto, un juego de timbres de salida y certificación de pensiones alimenticias.

En caso de funcionarios o participantes que viajan de un país diferente de Costa Rica, los requisitos varían de acuerdo con su país y, si bien es cierto, será responsabilidad de él proporcionarse sus documentos, es importante iniciar los trámites internos al menos con dos semanas de anticipación al viaje, de manera que el interesado cuente con su boleto en el tiempo necesario para sus trámites.

En caso de que el Consulado del país por visitar no exija que el trámite sea personal, éste puede solicitarse en la Autorización de gira y se tramita por medio de la Agencia de Viajes.

Visas

Siempre que se va a efectuar una gira, deben consultarse los requisitos migratorios al Consulado del país o países por visitar

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de tránsito. Entre los requisitos que generalmente solicitan los consulados están: formularios con los datos del viajero, fotografías, determinada suma de dinero por la emisión de la visa; por ejemplo en el caso del Consulado de Perú, debe pagarse la suma de $10.00. En otros Consulados como el de Brasil y Bolivia, solicitan, entre otros documentos, la presentación del boleto.

Pasaporte nuevo costarricense

Cuando el interesado es costarricense y requiere de pasaporte ordinario nuevo para realizar su gira, debe presentarse personalmente en las Oficinas de Migración para realizar los trámites respectivos, ya que se trata de toma de huellas y fotografía. Dicho trámite requiere de la presentación de la cédula de identidad, los timbres para la libreta, el recibo de cancelación de la foto y el documento de pensiones alimenticias.

El tiempo aproximado que tarda Migración para entregar el pasaporte, una vez presentados los documentos, es de 24 horas, salvo en época de mucha demanda, en que puede tardar hasta una semana.

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asaporte de servicio u oficial

Los funcionarios de ILANUD vinculados con el Ministerio de usticia deben viajar con el pasaporte oficial o de servicio. El rámite debe realizarse por medio de un oficio firmado por el irector General dirigido al Ministro de Justicia, en el que se iforma del propósito del viaje y se solicita la autorización ara realizarlo. Debe adjuntarse un acuerdo para ser publicado la gaceta, el cual debe ser firmado, tanto por el Presidente la República como por el Ministro de Justicia. En el acuerdo informa sobre la autorización del viaje, de dónde provienen s fondos y la fecha de la misión. Se adjunta además un oficio irigido al Ministro de Relaciones Exteriores, firmado por el inistro de Justicia, donde solicita se otorgue la visa de lida y el pasaporte oficial o de servicio de la persona que va realizar la gira.

El oficio dirigido al Ministro de Relaciones Exteriores y el uerdo para la gaceta se elaboran en papel membretado del nisterio de Justicia. En la sección de Anexos podrán encontrar s respectivos modelos.

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Posteriormente al envio de las cartas al Ministro de usticia y con ocho dias de anticipación al viaje, se envia a elaciones Exteriores, Oficina de Inmunidades y Privilegios, una otocopia de la cédula de identidad, la certificación de onsiones alimenticias, cuatro fotos y los timbres requeridos, ara que emitan el pasaporte. Esta oficina entrega adjunto al asaporte las cartas dirigidas a los Consulados de los países que van a visitar, si requieren la visa.

Para los funcionarios de ILANUD que no están vinculados al inisterio de Justicia pero que poseen pasaporte de servicio y e van a realizar una misión con dicho documento, bastará con rigir una carta a la Oficina de Inmunidades y Privilegios del inisterio de Relaciones Exteriores, en la que el ILANUD licita la visa oficial.

ncionarios extranjeros residentes en Costa Rica

Estos funcionarios deben poseer una visa especial otorgada el Ministerio de Relaciones Exteriores, único documento que esitan para salir y entrar al pais las veces que lo requieran.

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Para renovar la visa, ILANUD extiende al funcionario un ficio dirigido al Ministerio de Relaciones Exteriores, con la ie realiza la gestión personalmente.

Para la entrada a otros países deberá cumplir con los iquisitos que pida cada consulado, los cuales en ese momento iben ser investigados por la secretaria.

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GASTOS DE VIAJE

plantos

La Oficina de Finanzas recibe el original del formulario de torización de giras oficiales debidamente firmado y autorizado, el que inicia el proceso de elaboración del cheque de planto de viáticos, que requiere de tres días hábiles. En caso que la misión tenga carácter de urgencia y haya disponibilidad fondos de caja chica, el adelanto de gastos se hará en ctivo.

uidación

El formulario de liquidación de gastos de viaje debe pletarse atendiendo las instrucciones indicadas al dorso.

En caso de que el interesado varíe el itinerario por motivos pios de la gira o de fuerza mayor, lo indicará al dorso, en observaciones, y solicitará la firma a quien le autorizó la ión. De la misma forma justificará cualquier otro gasto en incurra y que no hubiera sido autorizado previamente.

Best Available Document

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Las horas de partida y llegada estipuladas en el formulario deben ser las reales y no las programadas, tomando en cuenta que éstas se refieren a la salida del hogar.

Los viáticos son asignados, según la tabla vigente para la ciudad visitada, por cuartos de día, de la siguiente manera:

1o. cuarto: de las 00.00 a las 06:00 horas

2o. cuarto: de las 06.01 a las 12:00 horas

3o. cuarto: de las 12:01 a las 18:00 horas

4o. cuarto: de las 18:01 a las 24:00 horas

La secretaria de la oficina del solicitante adjuntará la copia de la autorización de gira oficial a la autorización de gastos y velará porque el usuario adjunte copia original del boleto y otros documentos requeridos que justifiquen los gastos y lo remitirá a la Oficina de Finanzas para que procedan a efectuar la liquidación.

BOLETOS Y SEGURO

Es responsabilidad de la Oficina de Compras proveer revisar y entregar el boleto al solicitante. Para obtener el boleto, el encargado de esta Oficina parte de una de las copias del formulario de solicitud de gira, completa la fórmula para exoneración de impuestos y confecciona una orden de compra. De esta última envía una copia a la Contabilidad; los originales y una copia de ambos documentos los remite a la Agencia de Viajes, la cual se encarga de obtener la exoneración en el Instituto Costarricense de Turismo (I.C.T.) y de emitir el boleto o de enviar según el caso el boleto prepagado a otro país. Para la exoneración del impuesto el I.C.T. requiere 24 horas y ningún boleto puede emitirse o enviarse prepagado sin ella, a no ser que se paguen los impuestos de ley.

Boletos Prepagados

Estos boletos se envían a expertos, docentes y participantes de actividades de capacitación que residen en países diferentes a Costa Rica y que deben trasladarse de su país a otro diferente.

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Al igual que cualquier misión oficial, se tramita mediante un formulario de autorización de gira para cada persona, indicando muy claramente la dirección y teléfono en donde la línea aérea lo contactará para avisarle del recibo del boleto prepagado. En caso de que se consigne a otra persona debe indicarse la dirección y teléfono de ella, para comunicarle.

Además, debe indicarse en el formulario como nota, si el boleto pagará impuestos en el país de residencia del funcionario o por el contrario, si está exonerado de ellos.

Se debe tomar en cuenta que, para el envío del boleto prepagado, las reservaciones de ida y regreso deben estar confirmadas, así como que ninguna línea aérea acepta endosos.

Una vez emitido el boleto prepagado, la secretaria debe solicitar a la Agencia de Viajes el número, el nombre de la línea aérea, la ciudad en donde está depositado y transmitir al interesado esta información junto con el itinerario, mediante un telex, cable o por vía telefónica.

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Seguro de viaje

Este es un seguro internacional que cubre gastos médicos y pérdida de equipaje. Información sobre la protección de este seguro se incluye en la sección de anexos.

El seguro, al igual que el boleto, lo tramita la Oficina de Compras mediante una orden de compra, partiendo de su solicitud en el formulario de autorización de gira. Estos son vendidos por un solo proveedor y los ofrecen por periodos de 5, 10, 16 y 22 días y requieren para su emisión de 24 horas, del nombre del usuario, su nacionalidad y edad. La protección de este seguro no incluye a personas mayores de 65 años.

Una vez emitido, debe tenerse en cuenta que no puede ser endosado, reembolsado y que no estará vigente para otras fechas.

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TRABAJO EN EQUIPO

	PROYECTO	OBJETIVO	EQUIPO	ROL	FECHA LIMITE	EVALUACION MAYO 1990
1	CLASIFICACION DE PUESTOS	ESTABLECER UN SISTEMA MODERNO, EQUITATIVO, ETC.	JUAN LUIS & ..	1	MAR 20	HECHO
2	PROCEDIMIENTO PARA GIRAS	DEFINIR EL PROCEDIMIENTO OPTIMO PARA SOLICITAR, EVALUAR Y APROBAR VIAJES Y VIATICOS, ASI COMO SU LIQUIDACION POSTERIOR. DISEÑAR LAS FORMULAS QUE SE DEBEN EMPLEAR	JENNY ESPINOZA VINICIO HERRERA AUREA ZUMBADO SONIA BRENES GERALD REED JULIO SANCHO	1 2 3 3 3 3	MAR 15	SE ESTUDIARON TODOS LOS PASOS. SE REDUJO EL NUMERO DE ELLOS Y SE ELABORO EL PROCEDIMIENTO ESCRITO PARA EL MANUAL.
3	PROCEDIMIENTOS ADMINISTRA	DEFINIR PROCEDIMIENTOS A SEGUIR EN HONDURAS..	AUREA ZUMBADO &	1	MAR 20	HECHO
4	INFORMACION PRESUPUESTARIA	ESTUDIAR SI EL SISTEMA ACTUAL DE REPORTAR LA EJECUCION DEL PRESUPUESTO ES EFECTIVO, EXPEDITO Y CLARO, O SI EL MISMO DEBE CAMBIARSE E IMPLEMENTAR A LA VEZ LOS CAMBIOS NECESARIOS.	RIGOBERTO MONGE ARTURO HERRERA GERARDO RODRIG. GABRIELA FERNA. GERALD REED	1 2 3 3 3	ABR 10	TRABAJO ESTA INICIANDOSE
5	SISTEMA DE EVALUACION DE PERSONAL	ESTABLECER UN SISTEMA ADECUADO DE EVALUACION DE PERSONAL PARA QUE SEA IMPLANTADO EN ILANUD.	JUAN LUIS CH. VINICIO HERRERA GERALD REED	1 2 3	MAY 30	AUN NO SE HA EMPEZADO
6	BOLETIN DE LANUD	DESARROLLAR UN BOLETIN INFORMATIVO CON CIRCULACION INTERNA PARA MEJORAR LA COMUNICACION	SONIA BRENES VINICIO HERRERA LUCIA MENDEZ CECILIA JIMENEZ GERALD REED	1 2 3 3 3	MAR 31	SE PREPARO COMO PREVISTO PRIMERA EDICION SALDRA A PRINCIPIOS DE MAYO
7	PLAN 1990 PARA LA DIVISION DE ADMINISTRACION	ESTABLECER LAS METAS Y OBJETIVOS, ASI COMO LOS PROYECTOS A SER DESARROLLADOS DURANTE 1990 POR LA DIVISION DE ADMINISTRACION	VINICIO HERRERA JORGE A.MONTERO ARTURO HERRERA JUAN LUIS CH. SONIA BRENES GERALD REED	1 2 3 3 3 3	ABR 30	AUN NO SE HA INICIADO
8	NIVEL DE RESPONSABILIDAD	DETERMINAR LA CLASE DE DECISIONES Y EL NIVEL DE RESPONSABILIDAD QUE LE CORRESPONDE A CADA POSICION DE LA DIVISION DE ADMINISTRACION.	GERALD REED VINICIO HERRERA ARTURO HERRERA SONIA BRENES	1 2 3 3	ABR 5	SE TUVO LA PRIMERA REUNION
9	MEJORAR EL SISTEMA DE INFORMACION	ESTUDIAR EL SISTEMA DE COMUNICACIONES INTERNAS Y HACER RECOMENDACIONES PARA MEJORARLO.	GERARDO RODRIG. LOURDES FLORES GERALD REED	1 3 3	ABR 15	SE ESTUDIARON LAS POSIBILIDADES. SE ESTA ELABORANDO REPORTE.
10	PROCESO DE PLANEAMIENTO ESTRATEGICO	DESARROLLAR UN PROCEDIMIENTO PARA LA DEFINICION Y PREPARACION DEL PLAN ESTRATEGICO	RODOLFO OSORIO OSCAR ARCE GABRIELA FERN. GERALD REED	1 3 3 3	JUN 30	PROYECTO NUEVO
11	SISTEMA DE CONTROL DE PROYECTOS	ESTABLECER UN METODO EFECTIVO, AGIL Y COMPRENSIVO PARA EL CONTROL DE LOS PROYECTOS	RODOLFO OSORIO GABRIELA FERN. LINN HAMMERGREN	1 3 3	JUN 30	PROYECTO NUEVO

ATTACHMENT 9

FIU RESPONSE TO AUDIT OF REGIONAL ADMINISTRATION OF JUSTICE PROJECT, AUDIT REPORT NO. 1-515-90-XX, MARCH 19, 1990

CENTER FOR THE ADMINISTRATION OF JUSTICE

FLORIDA INTERNATIONAL UNIVERSITY

RESPONSE TO AUDIT OF REGIONAL ADMINISTRATION OF JUSTICE PROJECT

USAID/COSTA RICA

AUDIT REPORT NO. 1-515-90-xx

Presented on March 19, 1990

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ATTACHMENTS

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2. Vitae of Luis Salas and Jose M. Rico 30

3. Joseph R. Thome, "Plan of Action for the Analysis of the Administration of Justice in Central America and the Caribbean: a Working Document", August, 1985 47

4. List of Participants at the August 6 and 7th Meeting to Review the Proposed Sector Assessment Methodology 48

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EXECUTIVE SUMMARY

The Regional Inspector General for Audit/Tegucigalpa conducted an audit of the A.I.D. Regional Administration of Justice Project from May 9, 1989 to October 20, 1989. "The audit objectives were to determine if (1) Project strategy was fully executed, (2) Project purpose was being achieved, and (3) the Project had adequate administrative and financial systems and controls".

Florida International University entered into a three year cooperative agreement with the U.S. Agency for International Development on July 30, 1985. The purposes of this agreement were to: conduct five justice sector assessments; provide support to the primary grantee (ILANUD) through the contracting of three senior resident advisors; provision of procurement and travel assistance; and, advice on evaluation methodology.

The audit report assumes that this assistance effort is similar to any other AID project and fails to take into account the prior history of such efforts and the obstacles and dangers inherent in such assistance.

There were several limiting factors, recognized by A.I.D., which must be taken into account in evaluating this Project:

1. A concern by A.I.D. and the State Department that the Project could be viewed as political interference from the US in a basic area of national sovereignty.

Primarily as a result of these political concerns, ILANUD was selected as the primary implementer of this Project, as a convenient buffer to insulate A.I.D., and ultimately the U.S. government, from criticism of interference in the national affairs of its neighbors.

2. AID had no practical experience in this field.

3. Many Missions viewed this activity with skepticism as something very political and cooperated reluctantly.

4. This was a long-term effort that would require modifications and adjustments throughout.

5. A lack of qualified contractors for the implementation of this assistance.

The Project Paper design team was very conscious of the obstacles and limitations and specifically addressed these concerns when it warned that: "The complexity of the problems facing these justice systems cannot be underestimated in the search for early solutions. Immediate basic changes will not be forthcoming in the five year life of this Project. Any changes produced will be incremental".

The field audit was performed during a 5 1/2 months period (May 9, 1989 to October 20, 1989). While the field auditors visited a number of countries and institutions, they never visited Florida International University, except for a cursory visit on May 31, 1989 during which no technical issues were discussed.

The audit team never reviewed any of the documents in the possession of FIU nor did they ever visit the Center for the Administration of Justice at FIU. Thereafter, the University

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protested the audit findings on the basis of its inaccuracy and the unfairness of a process in which the target of the audit was never interviewed. FIU made their staff available for interviews by the auditors prior to the submission of the draft audit. Regional Inspector General staff, though on campus for a fiscal audit, refused to do so.

Two of the auditors were killed in an airplane crash and another was seriously injured prior to the completion of the audit. The author of this audit was not on the audit team and worked from the notes of the deceased auditors. While the University regrets the tragedy which brought about the deaths of the auditors, it strenuously objects to the rush to complete an audit which was unfinished and is largely inaccurate.

While the audit methodology is basically flawed by the lack of interviews with FIU personnel, it is also lacking in that it seeks to determine the progress of ILANUD toward technical excellence by comparing it to Harvard University and Florida International University (page 5 of audit report). Using two major U.S. universities as the standards against which ILANUD's progress toward excellence is to be measured is unfair to ILANUD and methodologically unsound.

The audit consists of five findings. First, management responsibilities under the Project were not clearly defined. Second, Project strategy is not being fully executed. Third, Project purpose is not being satisfactorily achieved. Fourth, the Project lacks a system to measure Project progress and impact. And, fifth, financial and administrative controls over the Project need improvement.

The first, fourth and fifth findings do not deal directly with FIU's performance while the other two appear to focus primarily on FIU.

The second finding, concludes that the Project "strategy was not being fully executed" because of four factors:

1. FIU "did not complete the sector assessments in the first year of the Project as required".

There is no such requirement in the FIU cooperative agreement; any perceived delays were justified and thoroughly explained to A.I.D.; and, finally A.I.D. was fully appraised and agreed with the proposed timetables.

2. The FIU project director and the AID project officer changed the methodology and the scheduled completion date of the sector assessments.

FIU took extraordinary steps to insure that the methodology, in an area in which no assessments had ever been performed by A.I.D., complied with stringent research standards; contracted experts to review same; and, advised A.I.D., both at the Washington and Mission levels, of its intent. Finally, there was no methodological change since the cooperative agreement charged FIU with developing a methodology, which it did and stands by.

3. The FIU project director and the A.I.D. project officer "decided that the sector assessments should be more detailed than those normally performed under A.I.D. procedures and should be performed one country at a time".

There is no standard or approved methodology for A.I.D. sector assessments, other than normal research criteria demanding seriousness and reliability, especially in an area in which such work had never been carried out before. Additionally, each assessment methodology and scope was thoroughly discussed with the Missions and the appropriate national officials and

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their approval was obtained. As characterized by the only evaluation of this project, the sector assessments were the major achievement of this Project.

4. The Guatemala assessment was never completed.

We have attached a copy of the assessment, covering more than four hundred pages. Had the auditors ever checked with FIU they would have been able to review the applicable documents.

The third finding points out that the "main" Project purpose was to strengthen ILANUD's "ability to provide services and developing its capacity to provide regional leadership after the end of the Project". This purpose, the auditors claim, is not being satisfactorily achieved "as Grantee's abilities to date have not been enhanced to the level planned". The report charges that ILANUD's development was "hindered by the cooperative agreement contractor (FIU) as the contractor did not provide adequate management and technical advice to the Grantee as required under the cooperative agreement". This is based on five factors:

1. The Project Paper requires that ILANUD's documentation center improve its capacity to provide services.

While ignoring that the Project Paper does not mention this purpose, the auditors fail to note the funds which were expended to strengthen ILANUD's library and its ineffectiveness, resulting in reprogramming of those funds to assist more cost effective Project activities. Likewise, they complain that the bibliographic services to be provided by the library were hampered by the delays in furnishing them the raw data from the sector assessments. The only raw data which could have been furnished were survey results and SPSS (Statistical Package for the Social Sciences) tables, none of which would have been useful to a library. We fail to understand how the provision of reams of numeric sets could have made the search for a book or article any easier for this library.

2. ILANUD did not gain any experience in carrying out sector assessments since they did not actively participate in them.

The auditors assume that assessment of justice systems is a skill, in and of itself, or a discipline which can be learned in a short period of time regardless of the educational or research background of the trainee. These were multidisciplinary research studies carried out by teams of people from a diversity of disciplines. Additionally, the Project Paper and subsequent implementing agreements, recognized that ILANUD was going to be so overwhelmed by the scope of implementing responsibilities that they could not also be charged with the responsibility of the assessments. That is the reason for the cooperative agreement with FIU. Finally, the assessments were conceived as one-shot reviews which would not be repeated. Thus, development of an institutional capacity to carry out sector assessments was not viewed as critical to ILANUD's emergence as a "center of excellence" in Latin America.

3. The audit report begins this criticism of ILANUD's lack of expertise by stating that "besides having a knowledge of each country's justice system, expertise in the legal process is desirable for analysis and research which could stimulate legal process reforms."

Although FIU, and its personnel, are generally considered experts in this field, we must confess that we have never heard this terminology before and do not understand the criticism.

The report then goes on to demean the assignments accorded to ILANUD in the Project Paper, as if research was a more laudable skill than implementation, and states that "however,

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the types of projects provided for in the project agreement were generally of an administrative type and thus, were not effective in developing the Grantee's (ILANUD's) legal process expertise. For example, the statistics project required the expertise of a statistician more than a legal expert".

This point is one of the weakest in the report since it attempts to mix terminology and concepts which tend to intimate that "pure" research will make an institution a more important leader in the field of criminal justice than applied research. That is not accepted by any serious practitioner in this field.

4. The audit also complains that the Project did not provide assistance to ILANUD's research office. The auditors complain that "in order to become a leader in criminology after this Project ends, the Grantee needs to administer projects and perform research which will accomplish this purpose".

Even though this does not involve FIU directly, we feel some professional responsibility to clarify technical terminology. The Project never intended that ILANUD become a leader in criminology, a science growing out of sociology and largely concerned with the causes of crime, but rather a leader in criminal justice which tends to emphasize measures directed toward public sector improvement rather than focusing on the offender. It should also be pointed out that a research unit is not created just with money but requires a group of committed and trained individuals with unique skills, education and a devotion to academic pursuits. This is one of the primary reasons for being of academic institutions something ILANUD is not.

5. This finding consists of an allegation that FIU did not provide adequate management and technical advice to the Grantee (ILANUD) to assist in substantially strengthening its capacity to provide regional leadership as required under the cooperative agreement". It then goes on to complain that only one of the advisors could dedicate full-time attention to ILANUD's needs due to the pressing demands of the assessments.

This is a point which FIU has always agreed to and, indeed, motivated it to seek amendments to its agreement to include institutional and organizational advisors for ILANUD. However, the report states that FIU only provided the Grantee "some technical advice (mostly prior to the commencement of the sector assessments in mid-1985)". Indeed, the advice and short-term technical assistance given to ILANUD was substantial, after the commencement of the cooperative agreement. It should be pointed out that FIU provided no such advise to ILANUD prior to this agreement, in mid-1985, as claimed by the audit report.

The assistance, referred to in this finding, was to be provided through the employment of three senior advisors who would assist ILANUD in technical and management areas: a technical advisor to assist the ILANUD Project Director in program planning and project management; a training specialist to assist in the design and delivery of courses; and, a justice administration specialist who could assist in the development and provision of technical assistance by the ILANUD staff. All of these experts were employed. Additionally, short-term numerous consultancies have been provided to ILANUD in this area.

The Project Paper seriously underestimated the requirements which the sector assessment responsibilities were going to place on two of the advisors. FIU recognized this immediately and sought modifications which eventually led to the employment of an institutional development advisor and an organizational advisor.

Despite the demands of the sector assessments, FIU personnel devoted a great deal of time assisting ILANUD. Indeed, at some points they even became part of the ILANUD staff and assumed a leadership rather than advisory role, something for which FIU has been criticized in

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previous evaluations.

This entire section is a serious criticism of FIU's efforts. It is based on poor knowledge of the facts, possibly related to the auditors' lack of contact with FIU staff. We stand ready to provide any documentation which may be desired on short-term technical assistance provided to ILANUD. It is impossible for us to determine how these judgments could have been reached in the absence of interviews or reviews of reports and contracts, in the possession of FIU.

6. Possibly the most damaging charge leveled by this audit, and one which is especially unfair, due to the refusal of the auditors to interview FIU staff, is that "based on the sector assessments, performed under (the) cooperative agreement to this Project, FIU has published research documents and a book on one country's justice system. FIU currently has plans to publish additional books on other countries' systems assessed by them under this Project. In addition, with its expertise in Latin America, FIU has been able to obtain a contract under another A.I.D. grant to improve the media in Central America and will undoubtedly seek a planned contract to improve the legislatures in Central America. Because a primary objective of the cooperative agreement was to develop FIU as a legal center specializing in Latin America it was probably not in FIU's interest to assist the Grantee in accomplishing this same purpose for the Grantee (ILANUD) under the Project agreement."

This statement charges FIU with engaging in a contract wrought by conflicts of interest. The only proof given to support such a claim is that FIU sought to benefit from the agreement by engaging in its primary mission, research and academic pursuits. It then links a series of unrelated facts, such as the award of an A.I.D. grant to a totally distinct academic unit within the University, to its performance in the administration of justice project.

We can only assume that these statements are the product of confusion due to the absence of contact with FIU personnel and their failure to conduct, even a brief visit to the Center for the Administration of Justice at FIU, by the authors of this report prior to its preparation.

Florida International University is a member institution of the State University System of Florida with an enrollment of over 20,000 students. It was recognized as a leader in Latin American studies prior to this cooperative agreement and will continue to be so judged regardless of its affiliation with A.I. D. It is exactly because of their expertise that they were employed by A.I.D., as requested by the Grantee, to provide this assistance. Since neither ILANUD nor A.I.D. found the relationship troublesome, it is surprising that auditors would find it to be so, almost as an afterthought.

7. "As a consequence of FIU's inadequate advice, AID has required the Grantee to produce an institutional development plan".

Institutional development plans are a prerequisite to the planned growth of any institution. Thus, an institutional development plan is not a result of FIU's poor management advice, but rather the product of sound counsel. As is customary throughout the document, the auditors first reach a conclusion and then describe consequences without describing the basis for the conclusion nor its relationship to the consequences.

An especially worrisome concern is that the first draft of the audit findings (RAFs) were forwarded to ILANUD, the Grantee, by the auditors. These were then sent by ILANUD to the United Nations and a protest was filed by the U.N. with the United States delegate regarding US interventionism in a United Nations institution. This careless disregard for discretion has resulted in the development of a negative relationship between ILANUD and FIU while also, and more importantly, damaging U.S. foreign policy objectives.

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The entire audit document is full of inaccuracies, misstatements of fact, poor analysis and demonstrates a lack of knowledge of the field of criminal justice and Florida International University. FIU has had a number of A.I.D. contracts over the years. Fortunately, for the federal government, it has treated them a lot more seriously than it has been dealt with by this audit.

1. **Audit Background**

The Regional Inspector General for Audit/Tegucigalpa conducted an audit of the A.I.D. Regional Administration of Justice Project from May 9, 1989 to October 20, 1989. "The audit objectives were to determine if (1) Project strategy was fully executed, (2) Project purpose was being achieved, and (3) the Project had adequate administrative and financial systems and controls" (Audit Draft, p. 4).

The field audit was performed during a 5 1/2 months period (May 9, 1989 to October 20, 1989). The team visited five countries and interviewed numerous personnel. In their audit scope of work, the document refers to the fact that they visited Miami, Florida and interviewed "officials of Florida International University".

FIU received a visit from Misters Hebb and Barahona, members of the original audit team, on May 31, 1989. They arrived on an afternoon flight from San Jose, Costa Rica and spoke with Mr. Jim Ketzle (FIU Controller) and Ms. Cathy Kennedy Thurman (Deputy Director of the Division of Sponsored Research) for no more than an hour. The next day, June 1, 1989, they met with Professor Luis Salas, FIU Project Director, for less than an hour. During that time they explained the purposes of the audit and stated that they would return for more detailed discussions at a later time. Professor Salas informed Mr. Hebb that all reports and working papers for the Project were at the Center for the Administration of Justice's Office in North Miami and he would be glad to give him copies of whatever he wanted. Mr. Hebb informed Salas that they were leaving that afternoon and would review the papers on a subsequent visit.

Since that time we have had no further discussions with AID auditors regarding any of the items contained in this audit report nor have we furnished them any papers. Additionally, no member of the audit team has ever visited the Center for the Administration of Justice at Florida International University, one of the primary subjects of this audit. Thus, their assertion that they met with FIU officials, as stated in their report, is at least, an exaggeration. It is also surprising that they make reference to documents which were never provided by us nor were we ever consulted as to the accuracy of the documents reviewed by the audit team.

During November, 1989 a preliminary set of findings was released by the Inspector General. FIU never officially received such documents. We were shown a copy of those items, relating to our performance, by USAID/Costa Rica. We objected to the fact that we had not been interviewed or consulted during the audit. Thereafter, a copy of the complete audit was furnished to ILANUD, presumably by the auditors. A copy was also forwarded to the United Nation's Crime Branch in Vienna. The UN became especially concerned with the tone of the audit findings and the fact that it implied AID interventionism in ILANUD affairs. The Director of that Branch contacted the U.S. U.N. representative for the U.N. Crime Prevention Branch to complain. The U.S. representative, thereafter, notified A.I.D. of the complaint. This premature release of the preliminary audit findings has negatively affected the relationship between FIU and ILANUD, making FIU's advisory role even more difficult than it already is.

During the course of the audit, two of the members of the audit team were killed in an airplane accident in Honduras. A number of papers relevant to this audit were lost in that mishap. The author of the current report had not been part of the field audit team and based his findings on available raw data and whatever documents survived the airplane accident.

On February 12, 1990, Mr. Lou Monday arrived with Mr. Jim Teebo and Mr. Tom Kuan, from the AID Inspector General for Audit/Tegucigalpa, and met with the Deputy Director of FIU's Division of Sponsored Research and the University Controller regarding their intention to conduct a fiscal audit of FIU. Mr. Monday left the next day and all further meetings were held

with Mr. Teebo and Mr. Kuan, who stayed on reviewing fiscal matters until March 1, 1990. Professor Salas only spoke briefly with them over the telephone once and they neither requested nor reviewed any technical documents even though they were available.

Since one of the auditors had made some critical comments regarding FIU's technical accomplishments in this Project, in his meetings with FIU personnel, the Deputy Director of the Division of Sponsored Research asked him whether he would like to speak to the Project Director to clarify any doubts which he may have had. The auditor informed her that this was not necessary.

On the day of their exit conference, February 28, 1990, Ms. Kennedy met with Mr. Teebo and Mr. Kuan and complained of the methodology used in reaching the prior audit findings (RAFs) and the manner in which they were released to ILANUD, especially the impact which it had on the relationship between FIU and ILANUD, as well as the potential negative impact which this could have for U.S. foreign affairs should this document circulate in the United Nations. One of the auditors, while not denying that the RIG had released it, affirmed that this was an "ILANUD audit" and therefore, FIU was not interviewed since they were not the target of the audit. Additionally, the auditor stated that it was perfectly proper to release the document to ILANUD. The University's Controller, Mr. Ketzle, at the auditors' exit meeting, reiterated the University's objection to the methodology and fairness of the audit and furnished a letter to them protesting it on February 28, 1990 (Attachment 1).

1.1. General Comments on Findings

The majority of the findings in the report are characterized by erroneous assertions, misstatements of fact and a lack of knowledge of the political and technical factors so critical to this project.

Additionally, the audit selectively ignores the prior evaluations of this Project, leaving the auditors at odds with technical experts in the field who had reached positive conclusions regarding the very same Project achievements found lacking by the auditors. Among the most salient contradictions between the audit and the evaluation are the following major conclusions reached by Checci & Co. in their mid-term Project and final evaluation of FIU[1]:

1. The Regional Project design "is a useful beginning to a long term effort by A.I.D. to assist in improving the operation of the justice sectors in the countries of the region". However, it underestimated difficulties in achieving the institutional and programmatic changes required of ILANUD, did not make adequate provision for the preparation of sector strategies and programs based on the sector assessments and did not create a clear distribution of responsibilities or a coordination system among the A.I.D. entities participating in the Project.

2. "ILANUD has made very significant progress in responding to the responsibilities it was given by the Project". However, it still faces important institutional problems.

3. "RAJO has had an effective project manager in the face of many difficulties. However,

1. Checchi and Company Consulting, Inc., "Final Report: Interim Evaluation of the Regional Administration of Justice Project", Prepared for USAID/Costa Rica (PDC-0085-I-00-6097-00), June, 1988, pp. 98-101.

We are referring to this document as the final evaluation of FIU since FIU concluded its original cooperative agreement on June, 1988 even though the Regional Project continued beyond that date.

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he has been asked to assume too many responsibilities".

4. "FIU has provided long term advisors of very high quality, and has a significant and positive impact on ILANUD's training program and on the production of the Sector Assessments." However, FIU has not been able to "pay as much attention as is necessary to the strengthening of ILANUD as an institution. FIU and ILANUD have a positive relationship which should be extended in some form."

5. "The completion of the six sector assessments has been a major achievement of the Project. They have had influence on the thinking of some of the Missions in the core countries, and have the potential to be the basis for additional programming." However, the way in which they were carried out did not provide ILANUD, as an institution, with the training necessary to carry on such analytical work on its own and no provision has been taken to keep such information current. Furthermore, the assessments have not been distributed widely enough.

Unlike the audit report, we have included the criticisms as well as the praise included in this evaluation. The modifications of the FIU cooperative agreement included changes addressing these concerns. For example, an institutional and an organizational advisor were hired by FIU to assist ILANUD's institution building; FIU has contracted, after public bidding, a major US consulting firm to evaluate the operational and organizational deficiencies of ILANUD and make recommendations for change; ILANUD is leading a sector assessment in Bolivia and cooperating with FIU on another one in Ecuador; sector assessment update activities are taking place in all of the participating countries; and, the assessments are being published in the form of books and distributed free, among key national justice officials.

2. Project Background

Assistance to the administration of justice is not a new venture for the United States. American legal assistance to developing countries began immediately after World War Two and reached its zenith during the 1960's. All of these efforts were centered on notions of the superiority of the American legal model as the true means of reaching a democratic solution to development in the emerging nations[2]. The approach became operational in Latin America in the mid-1960's with the introduction of legal education reform projects in Costa Rica, Brazil, Chile, Colombia and Peru[3].

In Latin America, the law and development movement encountered an entrenched legal culture, peopled by a large and powerful legal profession, trained in formalism and bound to European and national institutions. Institutions were based on European principles of rationality, philosophy and separation of powers. The final obstacle to the American model was the type of legal education being offered in Latin American universities. Latin American legal education dates back to 1553, centuries before American law schools appeared on the scene. These law schools introduce law through a lecture system, during a five year period, immediately upon

2. James A. Gardner, ***Legal Imperialism: American Lawyers and Foreign Aid in Latin America***, Madison, Wisconsin, University of Wisconsin Press, 1980.

3. Numerous institutions gave financial and technical support to these programs. Among the most prominent institutions were AID, the American Bar Association, the American Society of International Law, the Ford Foundation, the International Legal Center, the Peace Corps and numerous leading American law schools including Harvard, Yale, Stanford, Wisconsin, Columbia and New York University. Approximately $5 million dollars were spent in Latin America during the course of this effort,

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graduation from secondary studies. Their approach to law is comprehensive, placing emphasis on philosophy and history rather than the practical aspects of the profession, in sharp contrast to American legal education. American scholars attempted to shift the emphasis from this lecture method to Socratic principles, so prevalent in American law schools, with very little success. By the end of the 1960's, American scholars were writing of the failure to these reform efforts and by the 1970's A.I.D. ceased to support legal assistance projects[4]. Administration officials were no less critical, Abelardo Valdez, general counsel of the Interamerican Foundation spoke of their experience when he stated:

> The unhappy experience of past US assistance to legal education in Latin America should serve as an important lesson for future assistance efforts. The facts of the situation must be studied closely before prescribing models for reform., in legal education as well as other law reform activities. Our models should be examined critically before we export them to developing countries. They may not be as suitable as we think for reform of development efforts in countries whose legal system and culture are different from our own. And, in the final analysis, they may do more harm than good[5].

The resurgence of interest in assistance to the administration of justice was motivated by Congressional frustration over the inability of the El Salvador judiciary to bring the murderers of U.S. nuns, AFL-CIO advisors and Archbishop Romero to justice. All of these crimes were attributed to right wing death squads or to members of the armed forces. As a result, the Congress appropriated funds for a bilateral project to improve the administration of justice in that country.

Thereafter, the Kissinger Commission recognized the importance of such improvement as cornerstones of democratic development in all of Central America and recommended the development of new assistance initiatives in this field.

Since AID had little experience in this field, it commissioned a series of studies conducted by FIU and ILANUD to develop some background on the major issues[6]. In 1984, FIU was awarded a contract to design the Regional Administration of Justice Project Paper.

2.1. Obstacles to Project Success

The audit report assumes that this assistance effort is similar to any other AID project and fails to take into account the prior history of such efforts and the obstacles and dangers inherent in such assistance.

The Project Paper design team was very conscious of the obstacles and limitations and specifically addressed these concerns when it warned that: "The complexity of the problems facing these justice systems cannot be underestimated in the search for early solutions. Immediate basic changes will not be forthcoming in the five year life of this Project. Any

4. Lawrence M. Friedman, "On Legal Development", ***Rutgers Law Review***, vol. 24, p. 11, 1969.

5. Abelardo López Valdez, "Developing the Role of Law in Social Change: Past Endeavors and Future Opportunities in Latin America and the Caribbean", ***Lawyer of the Americas***, vol. 5, p. 240, 1973.

6. It should be noted that these were limited notes on the countries. The primary goal of this prepatory work was to explain the Project to the USAIDs and local leaders and to gauge their reactions.

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changes produced will be incremental"[7].

The document went on to warn that the "Project will encounter the serious historical and political obstacles to change present in the sociopolitical landscape of the targeted countries. These are small nations where most important social, economic and political activity is concentrated in one key city. In general, a small minority of families with links to the colonial past control economic and political life, and have traditionally used government, including the courts, as an instrument to help them maintain their privileges.

The current regional resurgence of democratic tendencies has both highlighted these defects and fostered some significant reform activities in these countries, a number of which are well beyond incipiency. The time is opportune for a strong AID assistance effort to support and expand the considerable regional and national law reform movement already underway. By adopting limited objectives, being conscious of limitations, and placing primary implementation responsibility on regional and local institutions this Project enhances the possibilities for steady incremental gains. Nevertheless, the present effort must be viewed as a preliminary effort in a long-term assistance commitment which could lead to more fundamental reforms"[8]

In addition to historical, economic, political, and cultural obstacles to justice reform, the institutional capacity of ILANUD to lead this reform effort was questioned by Project planners.

It appears that these cautions and limitations were ignored by the auditors in evaluating the successes and failures of this Project.

2.2. The Grantees

2.2.1 ILANUD

ILANUD was accorded primary responsibility for the implementation of the Regional Administration of Justice Project and entered into a five-year Project Agreement on March 22, 1985 for $9.5 million.

ILANUD was established as a UN institute in 1975, in support of government activities in the field of crime prevention and penology. Even though the United Nations had agreed to provide financial assistance to the Institute, it has never contributed to its operating budget. This caused ILANUD to retard its growth and to become a regional institution in name only, prior to this Project, since the Government of Costa Rica supplied the bulk of its annual budget, approximately $150,000, resulting in a disproportionate concentration of services to Costa Rican institutions. The Costa Rican contribution was in the form of salaries furnished by the Ministry of Justice to ILANUD personnel, making them all Ministry employees at the commencement of this Project. Additionally, the Supreme Court loaned it the use of facilities in its building.

The main area of concern to AID, and the State Department, in the design of this Project was the fear that it could result in political embarrassment, to the United States, due to negative reactions from the participating countries. This became an overriding concern and affected the decision to select a Latin American institution for Project implementation. Thus, many of the technical deficiencies of ILANUD were overlooked by AID due to the convenient political

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7. United States Agency for International Development, "Project Paper: Regional Administration of Justice", Project Number:596-0133, 1985, p. 2.

8. United States Agency for International Development, *op. cit.*, p. 2.

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buffer which such an institution would provide to insulate the US from accusations of imperialist meddling.

Its 1985 structure, while suitable for its United Nations mission, was inadequate to manage a Project of this magnitude. Technically, ILANUD had focused its efforts on provision of traditional legal training and had limited experience in technical assistance. Its primary research emphasis had been criminological and focused on corrections. Finally, it had no court administration expertise even though this was the focus of Project assistance to the countries.

Recognizing ILANUD's limitations, and the dislocating effect which a Project of this magnitude could have on ILANUD's structure, Project planners took the following precautionary steps: 1) conditioning disbursement of Project funds on ILANUD's entering into a long-term contract for technical assistance in design of its accounting system; 2) long-term advisors provided to ILANUD to assist the Project Director, the director of the training division and the director of the advisory services division; 3) development of future funding to insure continued operations beyond the term of the Project; 4) assistance in the procurement, assembly, testing, delivery of high technology items as well as training of personnel in its use.

2.2.2. Florida International University

Florida International University is one of the fastest growing universities in the United States, with student enrollments moving from 6,000 in 1972, when it opened, to about 20,000 today, making it the largest public university in South Florida. Its charter mandates an international orientation and its location in Miami makes this a practical necessity. In general, much of that orientation has and continues to focus on Latin America and the Caribbean.

The comments of the auditors make it appear that FIU has benefited exclusively from this grant since they had little experience in Latin American affairs prior to the award of this cooperative agreement. The auditors' lack of knowledge of the University led them to ignore the prior academic qualifications of FIU as a center of excellence in Latin American studies.

FIU's commitment to Latin American studies dates back to 1972, with the establishment of its Latin American and Caribbean Center (LACC). Since then, FIU has continually been recognized as one of the leading U.S. universities in the field of Latin American studies. Through Title VI of the National Defense Education Act, FIU has been named a national resource center for study of the region. It has also been recognized by the Social Science Research Council (SSRC) and the Latin American Studies Association (LASA). Thus, in less than two decades, FIU has gained national and international prominence.

Some 80 faculty members from 14 academic departments and 20 scholarly disciplines are on FIU's Latin American faculty. At present rates of faculty growth, the University expects to hire about 60 additional experts on the region in the next seven years.

The new University efforts illustrate the institution's deep commitment to Latin American and Caribbean studies. ***Hemisphere*** is a new public affairs magazine published by the University three time a year. The ***Other Americas*** is a thirteen part telecourse to be aired on prime time television in 1992. FIU is a cosponsor of the $7 million dollar project along with WGBH educational television, Columbia and Tufts universities.

The Center for the Administration of Justice was approved as a University Center in 1985 by the Board of Regents of the State of Florida. It is a direct outgrowth of individual and institutional efforts in the field of justice assistance in developing countries with particular emphasis on Latin America.

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The mission of the Center is to "coordinate University efforts in the provision of services to developing countries in reforms of their justice systems. This effort recognizes that interdisciplinary skills are necessary to effectuate any valid reforms and that transfer of US legal experiences may not be applicable of beneficial in many instances".

The two primary advisors assigned by FIU to lead their advisory team to ILANUD were Luis Salas and Jose Rico.

Professor Salas, a tenured Full Professor at the University, is the Director of the Center and was formerly the Director of the Criminal Justice Department at FIU. He is a U.S. law school graduate, and former editor of his law review, who has had extensive experience in justice programs in Latin America. He was a consultant to and coordinator of a United Nations Development Program grant to ILANUD from 1979 through 1982. Additionally, Professor Salas has performed consulting services for AID, the United Nations and national governments. He is the author of a number of books and articles on the subject.

Professor Jose Rico holds a doctorate in law from a Spanish University and is a tenured Full Professor at the University of Montreal. He has also acted as a consultant to international agencies and national governments and is the author of some of the major works in the field.

Both Salas and Rico are, and have been, recognized as two of the foremost experts in the field of Latin American criminal justice. Their vitae are attached hereto as Attachment 2.

3. Audit Conclusions

The audit report contains five findings. First, management responsibilities under the Project were not clearly defined. Second, Project strategy is not being fully executed. Third, Project purpose is not being satisfactorily achieved. Fourth, the Project lacks a system to measure Project progress and impact. And, last, financial and administrative controls over the Project need improvement.

The first, fourth and fifth findings do not deal directly with FIU and will not be covered herein. The second and third findings will be the subject of FIU's response since they specifically relate to FIU's performance of the cooperative agreement.

3.1 Second Finding: Project Strategy is not being fully executed

The auditors claim that the Project agreement contains a strategy based on four elements to improve the criminal justice systems in the participating countries. "The four elements of the strategy were sector assessments, country operating plans, Grantee services, and bilateral services". After concluding that these elements were not successfully completed, they find that the strategy was not achieved due to "inappropriate management of the Project by A.I.D. which allowed nonconformance with the Project Agreement". As will be seen later, in the review of the specific items, this finding shows a disregard for facts and a lack of knowledge of the purposes of the Project and its component units. Finally, to ascribe all delays and modifications on inappropriate management, without taking into account other explanatory factors, ignores the inherent difficulties of a Project of this type.

We have reviewed the Project Paper and its "Justification and Strategy" section does not clearly define the "strategy" on which the audit report so strongly relies. It states that the Project will attack four broad problem areas: attitudinal patterns which inhibit change; weak justice institutions; inadequate justice strategies; inadequate methods of technology transfer.

The strategy piece explained the rationale for concentrating on the criminal justice sector

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while admitting that the inability to deal with the corrections and police subsectors would inhibit project success.

The Project Paper then, as it is stated many times throughout the document, warned that:

> "This Project is a highly innovative development initiative. The problems encountered by the legal system have existed for more than a hundred years and are closely linked to other social, economic, and political national issues. It is not realistic to expect immediate changes in the legal culture as a result of this preliminary initiative[9]"

The Project then proposed a four-pronged strategy: "A training component shall address training of justice personnel in two areas: legal education and administrative training. New training modalities are being introduced to insure that the training shall address the real needs of the system. An advisory services component is also being proposed to buttress the institutional capacity of these organizations to effect reforms. A support service component is also being provided to strengthen regional and national institutions, and to prepare them for the delivery of necessary services. An extension facility component is also being provided to meet country-specific needs. All of these components are closely linked and all seek to buttress justice institutions"[10].

The auditors, on page 15 of their report, however, focused on "sector assessments, country operation plans, Grantee services (meaning unknown), and bilateral projects". While these are important, they are but one of many components of each of the major elements developed in the Project Paper.

An area which specifically affects an evaluation of FIU's assistance effort is the carrying out of sector assessments which are pointed out by the auditors as being central to the "strategy".

According to the auditors the sector assessments were to "provide a description of each participating country's justice system and were to be completed within the first year" (page 19).

In the discussion component of the audit, the writers stated that "According to the Project agreement, these assessments were to be completed within the first year of the Project (by March 1986). However, the project officer and the FIU project director changed the methodology and the scheduled completion date of the sector assessments. They decided that the sector assessments should be more detailed than those normally performed under A.I.D. procedures and should be performed one country at a time" (page 16).

3.1.1. Background on Assessments

The main purpose of the sector assessments was to "build baseline data on the justice sector to assist in program design, planning operations and evaluation. Such information will also be helpful in the design of country-specific projects which the respective USAIDs may wish to support."

In practice, this was the most difficult area of this Agreement since a sector assessment in this field had never been carried out by AID or any other funding agency. Since the results of

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9. Agency for International development, ***op. cit.***, p. 20.

10. ***Ibid***, p. 21.

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these assessments would seriously impact on Project planning, AID country-specific decision making, and national planning, this task has been undertaken cautiously.

Dr. Joseph Thome of the School of Law of the University of Wisconsin, a Costa Rican American with significant knowledge of Latin American legal systems, was first contracted, as the result of a public bid, to draft a concept paper on the major issues to be confronted in designing such an endeavor. It was carried out under the design contract which FIU had for the preparation of the Project Paper. His final report is included herein as Attachment 3.

Professor Thome prepared a draft methodology for review by AID personnel and presented it before a meeting of key A.I.D. staff in Washington during the summer of 1985. The persons attending, including high-level staff from the LAC Bureau, reviewed the proposal and made comments.

During July, 1985 a meeting was held between several key FIU and ILANUD staff, as well as a small number of consultants, to discuss the first draft of the Thome report. This preliminary meeting was followed by another which took place during August 6 and 7, 1985, in San Jose, Costa Rica, with the participation of representatives from each of the targeted countries as well as well known professionals in this field. A list of participants is attached hereto as Attachment 4).

As a result of the recommendations of the participants, a pilot country was selected to evaluate the problems encountered and allow the researchers to make modifications of the original methodology; the type of research staff necessary for such a project was decided on; and, a proposed methodology was adopted. The participants unanimously agreed that restrictive time limitations could not be set in such an exploratory venture. **The group unanimously recommended two years as a minimum period to realize all of the sector assessments and six months for a pilot project.**

Thereafter, in discussions with ILANUD and RAJO, Panama was selected as the pilot site. As discussed later, a number of factors made this one of the most difficult countries in which FIU worked.

A primary concern evaluated prior to initiation was the possibility that these studies would be viewed as US interference in national legal systems. In order to overcome this obstacle we have taken several steps: 1) minimized the visibility of FIU or AID and emphasized the role of ILANUD; 2) employed only local personnel with little usage of outside consultants; 3) reached only general recommendations in the draft document and developed a post-study strategy through which local leaders would propose solutions to problems; 4) entered into extensive discussions with local officials and AID and Embassy personnel throughout the study.

Many of the measures taken to reduce potential political liability for the United States resulted in greater expenditures of time and resources than originally anticipated. For example, one of the primary criteria followed in these studies is that they be directed and staffed by persons native to the study country. Although politically positive and important to study credibility, this policy produced a number of negative results. Lawyers, especially from Latin American countries, are not trained in social science research and are not adept at writing technical reports. FIU had to spend excessive amounts of time in editing and rewriting reports and redirecting efforts to assure methodological soundness. Reliance on national personnel with little social science experience and no background in these types of studies has also required a great deal more supervision than was originally contemplated. Finally, mounting a full staff in each country, with some forty law students and fifteen professionals, has proven to be a time-consuming, cumbersome and expensive undertaking.

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All of the foregoing measures were thoroughly discussed with the parties to the Project and are reflected in FIU's quarterly reports. ILANUD, national officials, USAIDs and RAJO agreed with FIU that despite the disadvantages, it was the most beneficial method, in the long-term, from the political and development standpoints.

3.1.2. Auditors' Findings

The auditors make no comment as to the quality or the impact of the assessments. Their comments are directed to a narrow reading of language in the Project Paper and a misconstrued notion of methodological issues of justice sector analysis. The impediments to such research, in a field which has never been studied in the region and relying solely on local personnel, are ignored by the auditors. Likewise, political and other factors, which affected potential timetables, are also notably absent from this report.

They overlook the fact that the only technical evaluation of this Project found that the assessments were the most important byproduct of the RAJP to that date. Indeed, the Checchi evaluation has the following to say about the assessments:

> "achieving agreement on the scope of each assessment among the local institutions, the Missions and FIU was not always smooth since there were issues of sensitivity to be resolved -- e.g. the extent to which police forces should be analyzed -- and since the degree to which Missions wanted to be involved in the planning varied. **The process for accomplishing the assessments took longer than anticipated in the original design of the Project, but that design was unrealistic. Still the end result is that within three years of undertaking the Project, FIU will have organized and completed five comprehensive sector assessments and the study in El Salvador. This is a very major accomplishment which represents an immense amount of work on the part of FIU. Indeed, to date it is one of the major accomplishments of the Project (Emphasis Added)**[11]."

The auditors conclusions rest on four findings:

A) Delays in completion of assessments scheduled to be finished by March, 1986.

First, there is nothing in the FIU Cooperative Agreement which calls for a completion date one year from the date of signing.

Second, Guatemala was added to the original list of countries and was completed prior to the Dominican Republic, which had been included in the first cooperative agreement list.

Third, modifications had to be made in the methodology to adapt it to the political and social reality of the country under study.

Fourth, probably due to the fact that the auditors never spoke with any FIU personnel, they did not take into account the difficulties which were encountered in completing these assessments.

As outlined above, a serious effort, approved under the Project Paper design, was undertaken to devise a sector assessment strategy. The meeting of experts recommended, in

11. Checchi and Company Consulting, Inc., *op. cit.*, p. 43.

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1985, that a two-year time limit be set as a minimum time for the completion of the assessments and that at least six months be set aside for the completion of a pilot study. FIU took three years to complete the assessments, even after adding one additional country (Guatemala) and encountering numerous difficulties.

Given all of the political and technical constraints which were resolved by the FIU team, they more than met the expectations of the initial design. The Panama assessment was completed in approximately nine months; the Costa Rican assessment began in January, 1986 and lasted approximately seven months; the Honduran assessment began in July of 1986 and lasted approximately the same. A limited Salvadoran assessment, not contemplated in the Project Paper and whose costs were divided with the USAID/Salvador Justice Improvement Project, also lasted six months. The Guatemalan assessment began on August 1, 1987 and ended in April, 1988. The Dominican Republic assessment began in December, 1987 and ended in June, 1988.

Any delays in completion of the sector assessments were due to an overestimation of the difficulties in carrying them out (for example, the absence of reliable data); the need to adapt the methodology to the particular circumstances of each country; the timeliness of such a study, taking into account the political situation in the country and the receptivity of the USAID Mission; and, the political conditions in the countries. Examples are Panama, in which deteriorating relations between the US and Panama seriously hampered progress; and the Dominican Republic in which the USAID Mission delayed the assessment considerably.

i) Conclusion

The FIU Cooperative Agreement contained no one-year time limit for the completion of the assessments. Secondly, the FIU team took every conceivable step to plan for the assessments and the experts contracted, and approved by AID, agreed that the assessments should take at least two years with a six month period added for the pilot study. Given the fact that Guatemala was added to the original list of countries, the technical difficulties inherent in this effort and the political impediments which had to be overcome, the assessments were completed in a short time span.

B) "The project officer and the FIU project director changed the methodology and the scheduled completion date of the sector assessments.

We have already dealt with the time limits for completion of the sector assessment. The auditors, however, go on to argue that the FIU Project Director and the project officer changed the methodology. The phrasing of this claim implies that unilateral decisions were made by these parties and ignores any possible explanations for modifications. For example, the auditors fail to note the political barriers found in Panama by the assessment team, including the expulsion of A.I.D. from that country.

There is very little dealing with the sector assessment methodology in the Project Paper. We have included, as Attachment 5, the section of the Project Paper which deals with the sector assessments. As it shall become obvious from, an even cursory glance, there is very little that can be called a methodology other than some general terms outlined in the document.

The most applicable language, especially contractually, is that found in the FIU Cooperative Agreement which states, in its totality, the following:

> "The main purpose of the sector assessments is to provide baseline data on the justice sector to assist in program design, planning, operations and evaluation.
>
> Such information will also be helpful in the design of country-specific projects

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which the respective USAIDs may wish to support. While the main focus of justice sector assessments is the judiciary system, it cannot be isolated from other components of the system (such as the conduct of investigations and the state of the prison system) and these shall be considered in the study insofar as they affect delivery of expeditious results by criminal courts.

This activity shall be carried out, as short-term assessments, in four stages, as follows: 1) design of the assessments; 2) gathering of sufficient data and information to permit description of the section; 3) analysis of the data and model building; 4) conclusions and discussions with ILANUD, USAIDs and national representatives; and, 5) preparation and distribution of each sector assessment in final. AID will approve the design and plan of action for each assessment as well as the final assessment. Due to the economic and time constraints, the Project staff will avoid field generation of data whenever possible, but shall make judgments as to the reliability of existing data, and gather data to the extent necessary and appropriate" (FIU Cooperative Agreement, Attachment 2, Page 6).

The procedure followed was to propose a general methodology to the USAID Mission and then to national officials. Thereafter, a staff was employed and the general methodology was adapted to the particular circumstances of the country.

The contacts with Mission personnel were usually at the level of the Mission Director or his/her Deputy in order to insure that they were in agreement with the methodology and the scope. The objections varied from country to country. Thus, in Honduras and Guatemala, for example, the Mission strongly objected to the inclusion of any land issues within the study due to the political sensitivity of the subject matter. Likewise, in most of the countries there was concern over the study of police, especially in those countries in which the police were under the control of the armed forces.

i) Conclusion

We have outlined the extensive discussions which were had prior to initiation of an assessment to dispel the notion that this was done at the whim of the FIU project Director and with the uncritical approval of the A.I.D. project officer. All of these items are found in greater detail in the quarterly reports.

Additionally, FIU, as a serious academic institution, does not consider a two paragraph statement, as found in the Project Paper, to be a methodology. Nor is a methodology a fixed scheme, not subject to adjustment depending on local circumstances. The failure of the auditors to consider the factors leading to modifications and adaptation of research methodologies probably arises from their lack of contact with FIU during the course of the audit.

C) "They (speaking of the project officer and the FIU project director) decided that the sector assessments should be more detailed than those normally performed under A.I.D. procedures and should be performed in one country at a time".

The latter part of the finding shall be dealt with first.

There was no contractual responsibility to conduct sector assessments concurrently.

It has already been pointed out that there was consensus that a pilot study should be conducted to test the methodology prior to application elsewhere. Nevertheless, in order to expedite matters, the Costa Rican assessment began during the course of the Panama assessment. The remainder proceeded in the same manner.

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The other point made by the auditors is that the project director and the project officer decided, apparently unilaterally from the implication of the wording, that the assessments should be lengthier than those "normally" prepared for A.I.D. They also make reference to an A.I.D. approved methodology for sector assessments. We have been unable to find such a methodology[12].

It should be pointed out that it is difficult to conceive how the FIU team could have relied on an A.I.D. methodology for sector assessments when no such assessments of legal systems have ever been conducted in an A.I.D. project. Even the law and development program was deficient in this area (LAC/DP, John Oleson, July 12, 1984).

i) Conclusion

There is no accepted methodology for carrying out sector assessments. Indeed, A.I.D. has performed very few of these studies in recent years. The fact that no previous comprehensive assessment of this sector has ever been funded by A.I.D. or any other donor makes the argument of a standardized methodology, in the least, questionable.

Whether studies are carried out concurrently or consecutively is a decision to be made by the field research staff in light of the particular circumstances encountered. In this instance, both the scope of the studies and the sensitivity of the subject matter made consecutive impossible. If at the time of the Panama crisis, for example, the study team had been occupied in other countries, the potential for damage control would have been substantially reduced. Then, arguably, auditors could have accused the study team of not paying sufficient attention to the country at hand. Finally, to argue, on the one hand, that the sector assessments took FIU staff time away from assistance to ILANUD, while on the other hand, to state that several

12. AID some years ago determined that sector analysis was a useful tool in designing development programs. Generally, there are two major reasons for conducting such assessments. "First there is an awareness among planners that both nationwide economic planning and discrete project planning leave substantial gaps in the planning process" (AIDTO A 1332). Sectors within the economy have been viewed as a vital link to adequate planning. "It is within the sector or subsector that the complex interplay of resources, technology, policy and social structure determines the real outcome of development efforts" (AIDTO A 1332).

Secondly, the recognition that development strategies often contain multiple goals have provided stimulus to careful analysis of the impact which programs have on these goals. Programs which rely on evaluations and impact analysis cannot properly function without such information.

A sector is defined within this concept as "any section of the economy which has an analytical identity and which is broad enough to contain significant inputs and policy issues" (AIDTO A 1332). The analysis becomes a study of the principal factors governing development of the sector for the purpose of identifying manageable integrated projects and policies with high payoff.

Sector studies may be carried out as short-run projects or as longitudinal studies. AID has defined short-run studies to be of most benefit due to the costs of long-term projects and the lack of national commitment to consume resources in planning activities. However, this is not to mean that short-term implies a "quick and dirty" overview of a sector as unknown as the justice sector. Rather, the differentiation is made between short-term and longitudinal studies which imply several years of study and follow-up. In this case, the assessments, lasting an average of six to seven months were classical "short-term" studies".

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assessments should have been performed simultaneously leaves the staff in the untenable situation of damned if our do and damned if you don't.

D) "The final report of the Guatemala 1987-1988 assessment was not printed and distributed as of September, 1989".

This is another instance which could have been clarified had the auditors interviewed FIU personnel or reviewed their documents during the course of their audit. We have attached copies of the final report of Guatemala and even a book which was published on the study's findings. Since there appears to be some confusion among the auditors, we will detail the activities leading to the conclusion of the Guatemalan assessment.

The Guatemala assessment was one of the best planned and most thoroughly discussed studies in the Project. On a trip from June 2 to June 5, 1987, Salas and Cira met with Guatemalan and USAID/Guatemala officials to discuss the nature of the assessment. The design as well as the terms of reference, and even the names, of all consultants were discussed with the Supreme Court. Local contractors were employed and approved by A.I.D. with the study beginning in August, 1987. The National Commission for the Improvement of the Administration of Justice in Guatemala was formally constituted in October 28, 1987. The first draft of the final report was turned in to FIU on November 12, 1987. On December 17, 1987, a revised version was turned in to USAID/Guatemala for their comments. On December 16, 1987 a meeting was held at the US Embassy in Guatemala and USG employees, including the Ambassador and the AID Mission Director, were briefed as to the study's conclusions. An executive summary was presented at this meeting. A copy of the Final Report was mailed to the local study team on February 23, 1988. On March 10-13, 1988 Salas, and others attended meetings of the National Commission to give them a copy of the final report of the study and to discuss with them the nature of a workshop to discuss the findings. We stated that we would incorporate their comments into the final report whenever possible. Fifty copies of the final report were distributed to potential participants. A meeting was held on April 8-9, 1988 to discuss the findings reflected in the final report. This meeting was held in Antigua and had the participation of 34 GOG officials. All of these persons received a copy of the final report with a letter, cosigned by the Director of ILANUD and the President of the Guatemalan Supreme Court, which referred to the report as a final report.

i) Conclusion

This is one of the most unfounded of the allegations found in the audit report. We must assume that persons in Guatemala disagreed with the findings of the report, claiming that all of their comments have not been included, and therefore are treating this as an incomplete version. However, FIU fulfilled its contractual responsibilities on the date indicated on the cover of the report, March 1988. Other than this audit draft, there has never been any correspondence from local authorities or from the Mission in Guatemala questioning the finality of this report. We stand by our findings and will not revise them on the basis of objections which have never come to our attention.

E) One reason the Project agreement specified that sector assessments be completed within the first year was so that they could be used by the participating countries in preparing their country operation plans. The delay in completing the sector assessments was a factor in the problems found with the operation plans."

The Project adopted as one of its primary strategies the use of National Commissions, acting as permanent bodies composed of governmental and private justice sector institutions. They were to provide guidance to ILANUD and AID in the conduct of the project in their respective countries and to be the channel through which national plans and requests for

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assistance were made to ILANUD and AID.

The Commissions have not lived up to expectations, at least in the short-term. The Commission in Panama was never ratified by the government and was eventually disbanded as the dispute with the United States grew heated. In the Dominican Republic, the commission existed only in a formal sense. In Costa Rica, FIU worked with the National Commission which cosponsored the sector assessment evaluation meeting. In Honduras, the Commission took great care in reviewing the study's findings and also cosponsored the review meeting after the study's conclusion. Finally, in Guatemala, the Commission was consulted throughout the study and they also cosponsored their national review meeting.

While some anecdotal comments from national commission representatives are given to support the conclusion that ILANUD did not provide sufficient attention to the Commissions and therefore, operational plans were not produced, there are no comparable examples to support the conclusion that the timing of the assessments hampered the production of such plans. Finally, the audit report complains that country plans were not produced in a timely manner, largely due to FIU's delay in completion of the sector assessments.

The country plans were originally devised as bridging tools which could be produced by the Commissions prior to the time of the completion of the assessments, not as their consequence. The expected output of the assessments was to be bilateral projects and not country operating plans.

i) Conclusion

The auditors appear to be confused about the nature of the operating plans which they complain about. These were seen as interim plans prior to the adoption of full bilateral projects. The primary use of the assessments was not to serve as the basis for such plans but rather to serve as the primary informational tools for the design of bilateral projects.

3.2. Third Finding

Project Purpose is not being Satisfactorily Achieved

The auditors argue that the "Project's main purpose" was to strengthen ILANUD's ability to provide services and developing its capacity to provide regional leadership after the end of the Project.

The auditors then argue that ILANUD's delivery of technical services to the countries was generally behind schedule. Additionally, ILANUD's development capacity was deficient in at least three areas "-- legal information, assessment of each country's justice system, and expertise in the legal process". Then, as if as an afterthought, they add that ILANUD's "development was hindered by the cooperative agreement contractor did not provide adequate management and technical advice to the Grantee as required under the cooperative agreement."

There are seven specific areas of criticism in this finding:

A) Legal Information Systems

The auditors first state that the Project agreement requires that ILANUD's documentation center increase its capacity to provide services. Neither FIU's agreement nor the Project paper indicate such a requirement. The report then describes the documentation center's responsibilities of abstracting, bibliographic searches and establishment of a central bibliographic data base. From this, they reach the conclusion that ILANUD "could not

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effectively provide these services because it lacked the raw information to do so, such as the data from the sector assessments". This, presumably, ascribes some blame to FIU for ILANUD's inability to develop a sound documentation center.

First, the report criticizes the reduction in Project assistance to ILANUD's library without taking into account the factors which motivated such reductions.

Secondly, no library would ever be hampered, in the delivery of basic library services, by absence of raw statistical or survey data from research projects.

Third, the auditors, after stating that the documentation center was hindered in delivery of services due to the absence of raw data from the assessments, then go on to emphasize that the assessments were delayed. How such a delay could impact on the documentation center's ability to find a book or an article for a user is unclear.

Finally, FIU provided copies of all of its reports to ILANUD's documentation center. No request for any additional information was ever received from them and when asked about this audit allegation, the documentation center's librarian could not explain what it meant and denied making this allegation.

i) Conclusion

There is no clear explanation for the argument blaming a lack of raw data, emanating from the sector assessments, as the causal element retarding the growth of the ILANUD library. Finally, existence of a documentation center, just like a library, is a tool which assists a researcher, it does not lead to "the capability to assess each country's justice system". Only a solid academic formation and research background achieves this result.

B) Assessment of Justice Systems

The auditors complain that "the performance of a sector assessment of each country's justice system was an excellent opportunity to expand Grantee (ILANUD) capacity for regional leadership. However, this opportunity was lost as the sector assessments were performed by the cooperative agreement contractor, with no participation by the Grantee".

Their finding exaggerates the facts and ignores the efforts made by FIU to involve ILANUD and the factors which restricted them from fuller participation. ILANUD participated in all of the planning meetings for the assessments while also sponsoring the final discussion workshop to discuss the findings of the study. ILANUD did not actively participate in the studies since they were carried out by local contractors and ILANUD's staff included few persons qualified or available to participate. For example, as a result of ILANUD's desire to have more active participation, and with the concurrence of FIU, Ms. Sonia Navarro, an ILANUD staff member, was included as the Deputy of the El Salvador assessment but she was unable to actively participate due to more pressing demands on her time resulting from her Project implementation commitments. The directors of the Costa Rica and Panama assessments had been consultants to ILANUD.

While FIU took these steps to involve ILANUD in the sector assessments, it should also be pointed out that neither the Project Paper nor the FIU cooperative agreement calls for the strengthening of ILANUD's capacity to conduct sector assessments as a Project purpose.

This is again another opportunity lost by the auditors to review the factors which caused a certain outcome. While it is true that ILANUD personnel did not participate actively in the assessments, they were afforded every opportunity to do so, and did so at the planning and

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review stages, arguably the most important for project design and implementation.

i) Conclusion

The auditors assume that assessment of justice systems is a skill, in and of itself, or a discipline. These were multidisciplinary research studies carried out by teams of people from a diversity of disciplines. Additionally, the Project Paper and subsequent implementing agreements recognized that ILANUD was going to be so overwhelmed by the scope of implementing responsibilities that they would be unable to carry out the assessments. That is one of the major reasons for the cooperative agreement with FIU. Finally, the assessments were conceived as one-shot reviews which would not be repeated. Thus, development of an institutional capacity to carry out sector assessments was not viewed as critical to ILANUD's emergence as a "center of excellence" in Latin America.

C) Legal Process Expertise

The audit report begins this criticism of ILANUD's lack of expertise by stating that "besides having a knowledge of each country's justice system, expertise in the legal process is desirable for analysis and research which could stimulate legal process reforms." Although FIU, and its personnel, are generally considered experts in this field, we must confess that we have never heard this terminology before and do not understand the criticism.

The report then goes on to demean the assignments accorded to ILANUD in the Project Paper, as if research was a more laudable skill than implementation, and states that "however, the types of projects provided for in the project agreement were generally of an administrative type and thus, were not effective in developing the Grantee's (ILANUD's) legal process expertise. For example, the statistics project required the expertise of a statistician more than a legal expert".

The above statements demonstrate a lack of knowledge of basic legal and research concepts. Development of a judicial statistics project, as cited by the auditors, especially as a demonstration project, could not be classified as an "administrative" task, whatever that term means. The fact that a statistician was involved was not surprising, even though, apparently unbeknownst to the auditors, the director of that project was an anthropologist and not a statistician. We should note, that the director of ILANUD's statistics project was one of the most crucial members of FIU's research team. Seldom do Latin American lawyers, whose training emphasizes memorization rather than analytical skills, make good social science researchers.

This pattern of criticism continues in the statement that "by administering projects of this type (whatever that may be) the Grantee was not acquiring the legal process expertise necessary to allow it to develop as a regional leader in criminal justice". It is very difficult to address this point since it is based upon the use of unknown terminology and concepts. However, the assertion that expertise in criminal justice statistics does not make one a leader in the criminal justice field is contradicted by the majority of criminal justice expertise in the United States, in a field whose primary exponents are sociologists and public administrators and not lawyers.

i) Conclusion

This point is one of the weakest in the report since it attempts to mix terminology and concepts which tend to intimate that "pure" research will make an institution a more important leader in the field of criminal justice than applied research. That is not accepted by any serious practitioner in this field.

This is another instance in which the auditors' misunderstandings could have been

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clarified had they talked with FIU personnel, both as to the technical soundness of their conclusions and for clarification of the rationale for the actions criticized.

D) ILANUD's Research Office

The audit also complains that the Project did not provide assistance to ILANUD's research office. The research office at ILANUD is under the direction of the Deputy Director of ILANUD, a philosopher by training. The Office has traditionally centered its research on criminology, whose focus is the study of the causes of crime and not on criminal justice.

The auditors complain that "in order to become a leader in criminology after this Project terminates the Grantee needs to administer projects and perform research which will accomplish this purpose".

i) Conclusion

This misses the point that the Project never intended that ILANUD become a leader in criminology, a science growing out of sociology and largely concerned with the causes of crime, but rather with criminal justice which tends to emphasize measures directed toward public sector improvement rather than focusing on the offender.

It was intended, from the beginning of the Project, that this office operate independently from the Project. This would allow ILANUD the ability to increase its non-AID funding by leaving an independent office which could seek grants from other sources. This was a decision taken by ILANUD and not by A.I.D. The fact that they have been unable to obtain other funding for their research projects speaks to their qualifications, availability of funds and donor interest in their areas of expertise.

E) Management and Technical Advice under the Cooperative Agreement

This finding consists of an allegation that FIU did not provide adequate management and technical advice to the Grantee (ILANUD) to assist in substantially strengthening Grantee capacity to provide regional leadership as required under the cooperative agreement". In another section of their report, page 5, the auditors explain that their standard for determining ILANUD's progress toward regional excellence is to compare ILANUD to Harvard University and FIU. Such a comparison, given the nature and resources of these two U.S. universities, is neither fair to ILANUD nor methodologically sound.

The finding then goes on to complain that only one of the advisors could dedicate full-time attention to ILANUD's needs due to the pressing demands of the assessments. This is a point which FIU has always agreed to and, indeed, motivated it to seek amendments in its agreement to include an institutional and an organizational advisor for ILANUD. However, the report states that FIU only provided the Grantee "some technical advice (mostly prior to the commencement of the sector assessments in mid-1985)". As the following section will show, the advice given to ILANUD was substantial. FIU would also like to correct another error in the finding. It did not provide any technical assistance to ILANUD prior to the commencement of the agreement, in mid-1985. Again, speaking with FIU personnel could have avoided this error.

The audit finding misconstrues the assistance which FIU was, contractually, required to provide to ILANUD. FIU's assistance was to be furnished through the employment of three senior advisors who would assist ILANUD in technical and management areas: a technical advisor to assist the ILANUD Project Director in program planning and project management; a training specialist to assist in the design and delivery of courses; and, a justice administration specialist who could assist in the development and provision of technical assistance by the

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ILANUD staff. Additionally, short term consultancies have been provided to ILANUD in this area.

The Technical Assistance Advisor was to assist the Project Director in program planning and Project management. Luis Salas was employed in this position. His capacity to be the FIU Project Director and ILANUD advisor was overestimated. Project supervision and sector assessments consumed a considerable portion of his time. Additionally, no-one projected the level of effort that would be required in bringing ILANUD on-line to be able to implement the Project.

The ILANUD Technical Assistance effort is one area in which a number of problems were encountered. The most serious of these was the diversity of technical assistance projects that were contemplated in the Project Paper and the lack of focus for the work of this component. In practice, Professor Salas and Mr. Cira, the Regional Administration of Justice Advisor, divided the role of technical assistance advisor, since so much more attention, than anticipated in the Project Paper, needed to be devoted to the organizing and conceptualizing of the technical assistance sub-projects. FIU's involvement was so great in this area, that Salas was named by ILANUD as acting head of this unit, in 1986, while a search for a permanent director was completed.

The diversity of these programs has caused ILANUD great difficulty in locating a Director for this component. Since no one advisor is knowledgeable in all of these areas, the advisory services to ILANUD were shared among the three advisors with the support of personnel brought in for short-term specific consultancies.

The Training Advisor was to assist in the design and delivery of courses. Dr. John Helwig was employed to fill this position and was very active in the establishment of ILANUD's training program, becoming a key member of this unit. Indeed, the programmatic demands and frequent turnover of ILANUD personnel often compelled the Advisor to act as a member of the training team to the detriment of his advisory role.

The Justice Administration Specialist advisor was to assist in the development and provision of technical assistance by the ILANUD staff and to supervise the sector assessments. Dr. Jose Rico, from the University of Montreal, was employed in this position. Because of the volume of technical work in the sector assessments, and ILANUD's slowness in developing its new technical assistance activities, Dr. Rico was employed principally in the technical legal aspects of the sector assessments.

Due to the factors outlined above, FIU, with the agreement of ILANUD and AID, relied on short-term consultants to supplement its advisory activities.

The majority of short-term consultancies in this activity were in support of Project management. For example, the following were provided: the services of Peat, Marwick and Mitchell to develop financial, personnel and procurement manuals for ILANUD; search for an ILANUD Controller; the evaluation by Peat, Marwick and Mitchell of the ILANUD personnel manual and their salary scale; support services for ILANUD, by Peat, Marwick and Mitchell in preparing vouchers at Project commencement; assistance in the preparation of the Project Implementation Plan.

Short-term consultancies have also been provided to buttress the work of the Advisory Services Department. Of these, several are notable: a consultant in court administration, Robert Page, was employed to assist in the development of the ILANUD court administration component in 1986; three consultancies to evaluate ILANUD's technical capacity and management measures were provided in 1987; two consultancies were provided in 1987 and

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1989 to assist ILANUD in developing their institutional development plans; Another consultancy was supplied in 1986 to assist ILANUD in developing its own computer system; two more consultancies were supplied to orient ILANUD in the development of their library database; two consultancies were provided to ILANUD to review the human rights components of their project. Finally, a major contract has been awarded to the Educational Development Center by FIU, in 1990, for a comprehensive management audit of ILANUD.

The audit also fails to note that FIU sought modifications in their cooperative agreement to redirect their advisory role toward institutional development assistance. After receiving A.I.D.'s approval and corresponding amendment, FIU employed an institutional development advisor in November, 1988 and an institutional development advisor in early 1989. The latter is still assisting ILANUD.

The foregoing is indicative of the level of involvement which FIU had in ILANUD's internal affairs. If anything, it was overly involved.

i) Conclusion

The Project Paper seriously underestimated the requirements which the sector assessment responsibilities were going to place on two of the advisors. FIU recognized this immediately and sought modifications which eventually led to the employment of an institutional development advisor and an organizational advisor.

Despite the demands of the sector assessments, FIU personnel devoted a great deal of time to assisting ILANUD. Indeed, at some points, FIU personnel became part of their staff and assumed a leadership, rather than advisory role, something for which they have been criticized in previous evaluations.

This entire section is a serious criticism of FIU's efforts. It is based, however, on a lack of knowledge of the facts, possibly related to the auditors' lack of contact with FIU staff. It is impossible for FIU to determine how these judgments could have been reached in the absence of interviews or reviews of reports of contracts, in the possession of FIU.

F) Benefits Accrued to FIU

This section, contained as a part of the "management and technical advice" section is treated separately due to the seriousness of the criticisms made by the auditors.

In essence, it alleges that "based on the sector assessments, performed under (the) cooperative agreement to this Project, FIU has published research documents and a book on one country's justice system. FIU currently has plans to publish additional books on other countries' systems assessed by them under this Project. In addition, with its expertise in Latin America, FIU has been able to obtain a contract under another A.I.D. grant to improve the media in Central America and will undoubtedly seek a planned contract to improve the legislatures in Central America. **Because a primary objective of the cooperative agreement was to develop FIU as a legal center specializing in Latin America it was probably not in FIU's interest to assist the Grantee in accomplishing this same purpose for the Grantee (ILANUD) under the Project agreement."** (Emphasis added).

This statement charges FIU with engaging in a contract wrought by conflicts of interest. The only proof given to support such a claim is that FIU sought to benefit from the agreement by engaging in its primary mission, research and academic pursuits. It then links a series of unrelated facts, such as the award of an A.I.D. grant in journalism, to a totally distinct academic unit within the University, to its performance in the administration of justice project.

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We can only assume that these statements are the product of confusion due to the absence of contact with FIU personnel and even a cursory visit to the University by the author of this report prior to its preparation.

There is a previous section in this memorandum which details some of the academic achievements of FIU in the field of Latin American studies, substantially predating the cooperative agreement alluded to herein. Suffice it to say that FIU is generally considered one of the foremost academic institutions on Latin American studies in the United States, independent of this cooperative agreement. It is because of these skills that FIU was selected by A.I.D., at the request of the Grantee, to provide this assistance. Since neither they nor A.I.D. found the relationship to be conflicting, it is surprising that auditors would find it to be so almost as an afterthought.

i) Conclusion

This finding is based on conjecture and unfounded assumptions, probably arising from the poor preparation which characterizes the contents of the audit document. It casts aspersions on the academic reputation of an institution and its personnel without any supporting facts and without ever having provided the institution the opportunity to present its version of events and supporting data. It assumes that FIU is an institution the size of ILANUD and with the same type of resources and ascribes to traditional academic motives, such as publications and research, the basest of motives.

Additionally, the interests of FIU's are academic and totally distinct from ILANUD which seeks to implement projects while FIU restricts its field of action to research.

G) "As a consequence of FIU's inadequate advice, AID has required the Grantee to produce an institutional development plan".

As is customary throughout the document, the auditors first reach a conclusion and then describe consequences without describing the basis for the conclusion nor its relationship to the consequences. The document concludes that due to the inadequacy of FIU's advisory services to ILANUD, A.I.D. required them to draft an institutional development plan.

Institutional development plans are a prerequisite to the planned growth of any institution. An institutional development plan is not therefore, a result of FIU's poor management advice, but rather a result of sound counsel.

We should also note that the current FIU organizational development advisor has been working closely with the ILANUD Executive Director in the development of the plan and that FIU personnel and consultants assisted in the preparation of an earlier document in 1987.

ATTACHMENT 1

LETTER FROM KETZLE TO AUDITORS

Florida International University
The State University of Florida at Miami
Controller's Office

MEMORANDUM

TO: Bill Teebo, Auditor
Tom Kuan
USAID

FROM: James C. Ketzle

SUBJECT: Audit Findings

DATE: February 28, 1990

I would Like to request that a copy of the recent fiscal and technical audit finds be provided to Florida International University for review and comment.

It is my understanding that the findings in the report were critical of the University and its conduct of the cooperative agreement. Since our visit with the authors of this report consisted of a short meeting of less than an hour and included no written documentation we are concerned about the nature of the findings.

Our concern is based on the release of information to AID-Costa Rica without our having an opportunity to comment and, if necessary, rebut the findings. It is also our understanding that ILANUD has had the benefit of a draft copy of the report while we were not even aware of its existence.

I would also like to request a written copy of any findings that you may have on the audit you are currently conducting prior to its release. We would also like to have the opportunity to comment on any findings if the need should arrive.

Thank you for your assistance in this matter and your help in obtaining the requested documents.

cc: Cathy Thurman
Rosie Montequin

Division of Business and Finance
University Park, Miami, Florida 33199
(305) 554-2131

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ATTACHMENT 2

VITAE OF SALAS AND RICO

VITA

LUIS P. SALAS

HOME ADDRESS ***PERSONAL INFORMATION***

EDUCATION

1971 Juris Doctor- Wake Forest University, Winston Salem, North Carolina.
Class Standing: top ten percent of the class.

Honors: Editor-in-Chief, ***Wake Forest Law Review*** (1970-1971).

1968 Bachelor of Science- North Carolina State University, Raleigh, North Carolina.

SUMMARY WORK EXPERIENCE

August 1985- Director of the Center for the Present Administration of Justice, Florida International University.

September 1975- Aug. 1984 Professor of Criminal Justice, School of Public Affairs and Services, Florida International University.

August 1984- Present Director of the Criminal Justice Department, Florida International University.

November 1984- Present Project Director, AID Grant to Coordinate Development of a Regional Assistance Project to Improve the Administration of Justice in Central America.

May 1980- Sep. 1981 Coordinator, United Nations Development Program. United Nations Latin American Institute for the Prevention of Crime and Treatment of Offenders.

May 1977- Sep. 1977 Intern, Florida Board of Regents Internship Program for criminal justice educators, Miami-Dade Criminal Justice Planning Council.

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1971-1974 Attorney in private practice, Miami, Florida.

1970-1971 Research Assistant, Behavioral Science Center, Bowman Gray School of Medicine, Wake Forest University.

RESEARCH IN PROGRESS

I am currently engaged in a major research project in Latin America. Under the AID grant which I direct we have carried out in-depth studies of the justice sector in Panama, Costa Rica, Honduras, Dominican Republic and Guatemala. This effort involves the development of methodologies for each of the countries and the supervision of research staffs numbering approximately 15 professionals and 35 law students in each of the countries.

The studies are interdisciplinary, involving professionals in the fields of law, public administration, sociology, political science and economics. In addition to studies of specific components of the justice sector, we are also carrying out surveys of the population of each country as well as judges, lawyers, public defenders and prosecutors. When we complete all of the studies, we will have interviewed some 6,000 persons, making this one of the most comprehensive studies undertaken in Latin America.

A number of publications will arise from this effort. For example, the Costa Rican study includes: a final report of approximately 300 pages and equally lengthy reports of specific areas (methodology, bibliography, economic report, and a report on the Costa Rican police). At least three of these will be published in Spanish and in English. The total amount of books arising from this effort should be between four and five.

One of the most important aspects of this research is the database which we have developed from the statistics gathered and the opinion surveys. Their location at FIU will provide to researchers analytical data for many years to come.

PUBLICATIONS
BOOKS

Salas Luis (1979) ***Social Control and Deviance in Cuba***, NY:Praeger.

Rico José and Salas Luis (1988) ***Delito, Inseguridad Ciudadana y Policía: Nuevas Perspectivas*** (Crime, Public Security and Police: New Perspectives Madrid), Madrid: Tecnos.

Rico José, Salas Luis, Gutierrez Enrique, Cruz Carlos (1988) ***La***

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justicia penal en Costa Rica (Criminal justice in Costa Rica), San Jose, Costa Rica: EDUCA.

Salas Luis and Rico José (1989) ***La justicia penal en Guatemala*** (Criminal justice in Guatemala), San Jose, Costa Rica: EDUCA.

Salas Luis and Rico José (1990) ***La justicia penal en Honduras*** (Criminal justice in Honduras), San Jose, Costa Rica: EDUCA.

PUBLICATIONS

ARTICLES

Rico, José and Luis Salas (1987) "L'administration de justice en Amérique Centrale et dan les Caraibes," ***Revue Internationale de Criminologie et de Police Technique***

Salas, Luis (1986) "Crime in Postrevolutionary Cuba", ***International Annals of Criminology*** 24: 83-109.

Salas, Luis (1985) "The Judicial System of Cuba," (ed) Adam Podgorecki, Christopher Whelan and Dinesh Khosla, ***Legal Systems and Social Systems***, pp. 229-255, London: Croom Helm.

Salas, Luis and Raymond Surette (1984). "The Historical Development of Criminological Statistics," ***Journal of Criminal Justice*** 12: 457-465.

Salas, Luis and Raymond Surette (1984) "Problems in Comparative Crime Statistics for Latin America and the English-speaking Caribbean," ***Statistical Abstracts for Latin America*** 23:783-795.

Salas, Luis (1984) "Legal Issues in the Relationship Between the Media and the Criminal Justice System," (ed) Raymond Surette, ***Justice and the Media: Issues and Research***, pp. 91-109, Ill: Charles C. Thomas.

Salas, Luis (1983) "The Emergence and decline of the Cuban Popular Courts," ***Law and Society Review*** 17: 587-612.

Salas, Luis (1983) "The Judicial System of Postrevolutionary Cuba," ***Nova Law Review*** 8: 43-70.

Salas, Luis (1983) "Juvenile Delinquency in Postrevolutionary Cuba: Characteristics and Cuban Explanations," (ed) Irving L. Horowitz, ***Cuban Communism***: 244-268 , 5th ed.. NY: Transaction.

Salas, Luis (1981) "The Justification for Studies of Victimization in Latin America," ***Ilanud al Dia*** 10: 37-44.

Salas, Luis and Sonia Navarro Solano and Ana Garita (1980). Study of White Collar Crime in Latin America with Special Emphasis on Costa Rica," ***Revue Internationale de Droit Penal*** 53: 505-521.

Salas, Luis (1980) "The Study of Crime in Marxist Countries: Notes on Methods for Outsiders," (ed) Graeme Newman, ***Crime and Deviance in Comparative Perspective***: 68-110 Beverly Hills, Cal.: Sage.

Salas, Luis and William Wilbanks (1980) "Homicide in Cuba and the United States: A Comparative Perspective," ***Annales Internationale de Criminologie*** 1979-1980: 29-45.

Salas, Luis and Ralph Lewis (1979) "The Law Enforcement Assistance Administration and Minorities," ***Journal of Police Science and Administration*** 7: 379-398.

Salas, Luis and Ronald Schneider (1979) "Evaluating the Dade County Citizen Dispute Settlement Center," ***Judicature*** 63: 174-176.

Haney, Alan C. and Luis Salas (1970) "Problems in Anatomical Gifts," ***Journal of Forensic Medicine***.

Salas, Luis (1969) "Abstention, the Search for a Unified Confusing Rule," ***Wake Forest Law Review*** 6: 285-299.

Salas, Luis (1969) Note, "The Anatomical Gifts Act of North Carolina," ***Wake Forest Law Review*** 6: 155-177.

PAPERS

Salas, Luis (1984) "El Miedo al Crimen y la Política Criminal" (Fear of Crime and Criminal Policy), Colloquia at the Faculties of Law, Universities of Seville and Granada, May.

Salas, Luis (1984) "The Police Function of Repressing Crime: Lessons from the American Experience," 3rd International Conference on the Police, Barcelona, Spain, September.

Salas, Luis and William Wilbanks (1981) "A Study of Official and WHO Data on Homicide," annual meeting of the American Society of Criminology (ASC), January.

Salas, Luis (1980) "The Cuban Popular Courts," annual ASC meeting, January.

Salas, Luis, Ana Isabel Garita and Sonia Navarro (1980) "White Collar Crime in a Latin American Context," presented at the annual ASC meeting and the International Seminar of Higher Studies in Criminal Sciences, Syracuse, Italy, June.

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Salas, Luis and William Wilbanks (1980) "Homicide in Cuba and the the Caribbean Studies Association, Curacao, May.

Salas, Luis (1980) "Victimization Studies: Methodological and Practical Problems," colloquium of the law faculty, University of Panama, June.

Salas, Luis (1979) "Research into Crime and Deviance in Socialist Countries," annual meeting of ASC, January.

Salas, Luis (1978) "Crime in Cuba: Looking at Deviance from Afar," annual ASC meeting, January.

Salas, Luis (1978) "The Cuban Criminal Justice System," colloquium of the School of Law, NYU.

Salas, Luis (1977) "Juvenile Delinquency in the Revolution: Cuba's Response," World Congress of Sociology, Uppssala, Sweden.

REPORTS AND MONOGRAPHS

Guerra, Aura, Luis Salas, José Rico, et al (1986) "La Administración de justicia en Panamá (Informe Final," Panamá, September.

Castillo, Enrique, José Rico, Luis Salas, Tirza Rivera (1986) "Estudio Sectorial sobre la Administración de Justicia en Costa Rica," San José, Costa Rica, October.

Salas, Luis (1986) "La Policía de Costa Rica," San José, Costa Rica, October.

Rico, José and Salas, Luis, et. al. (1987) "Estudio Sectorial Sobre la Administración de Justicia en Honduras", Tegucigalpa, Honduras, June.

Rico, José and Salas, Luis, et. al. (1988) "Estudio Sectorial la Administración de Justicia en Guatemala", Guatemala, March.

Rico, José and Salas, Luis, et. al. (1988) "Estudio Sectorial la Administración de Justicia en Republica Dominicana", Rep. Dom, June.

Salas, Luis (1981) "Evaluation of the Activities of ILANUD during the Preceding Year," UNDP.

Salas, Luis (1980) "Evaluation of the performance of ILANUD with special reference to UNDP grant, UNDP.

Salas, Luis and Raymond Surette (1980) "A report on the nature and

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causes of traffic accidents in Dade County, Florida: a critique of available data bases," City of Miami.

Salas, Luis and Ralph Lewis (1979) "Final Report on the impact of short-term sentencing on drunk drivers," State of Florida.

Salas, Luis and William Moriarity (1977) "Citizen dispute settlement in Miami: a comprehensive evaluation," Criminal Justice Planning Council, Dade County, Florida.

CONSULTING AND OTHER PROFESSIONAL EXPERIENCE

December 1988	Consultant to USAID/Bolivia in designing a scope of work for a sector assessment in Bolivia.
June 1988	Consultant to Checchi & Co. under an AID contract to assist in the preparation of a Project Paper in Guatemala.
Sep. 1984 & April 1985	Consultant to Agency for International Development. Evaluation of Peruvian court to recommend reforms resulting in a decrease of prisoners incarcerated while awaiting trial
Sep. 1983-Present	Consultant to Dade County Public Defender's Office relative to modernizing their paper flow and implementing a computer system.
Jan. 1980-Sep. 1980	Principal Investigator, City of Miami Police Department, Accident Prevention and Analysis Grant.
Mar. 1979-Oct. 1982	Consultant, United Nations Grant to ILANUD, the regional arm of the Crime Prevention Branch of the United Nations.
Aug. 1980	ILANUD representative at United Nations Congress on Crime, Caracas, Venezuela.
Sep. 1979-June 1980	Project Director, State of Florida Grant, "A Study of the Deterrent Effect of Short-Term Jail Sentences on Drinking Drivers."
Feb 1977-June 1979	Consultant, Criminal Justice Minority Education Grant, State University of NY at Albany, LEAA.
1972-1973	Consultant, Cuban National Planning Council, "The Cuban Minority in the US," Dept of HEW.

PROFESSIONAL EXPERIENCE

August 1985- Present — Director of the Center for the Administration of Justice. Following from my research on justice problems in the Americas, I conceived, initiated and implemented a major research and training program in Central America. with a grant from the Agency for International Development totaling approximately $3 million dollars. The project will have a major scholarly impact on the field of judicial administration and more importantly play a significant role in improving human rights mechanisms throughout Central America. To be completed by 1987, the Project involves legal professionals, and students and senior policymakers in Panama, Costa Rica, Guatemala, Honduras and the Dominican Republic. Additionally, the Center provides technical assistance to the Instituto Latinoamericano para la Prevención del Delito y el Tratamiento del Delincuente (ILANUD) in San José, Costa Rica.

August 1984- July 1985 — Director of the Criminal Justice Department, Florida International University. This department has eight full-time faculty members and includes an undergraduate program as well as a master's program in criminal justice.

November 1984- July 1985 — Project Director, AID Grant to Coordinate Development of a Regional Assistance Project to Improve the Administration of Justice in Central America. This project seeks to provide bilateral and regional assistance to five targeted countries in the region to improve the administration of justice in that area. Our task is to implement a planning stage which will assist the funding agency in determining the course to be followed in this program.

Sep. 1975- present — Associate Professor of Criminal Justice, School of Public Affairs and Services, Florida International University

Courses Taught:
Graduate: Seminar in Criminal Justice, Criminal Law, Criminal Procedure, Comparative Law, Legal Aspects of Corrections.
Undergraduate: Criminal Law, Criminal Procedure, Constitutional Law, Criminal Justice and the Constitution, Comparative

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Criminal Justice Systems, Administration of Justice, Juvenile Delinquency, Socialist Legal Systems.

Other Activities at FIU: Contributing Editor, ***Caribbean Review*** (1979-present); Graduate Studies Committee; Research Committee, Latin American and Caribbean Center, International Studies Council.

Sep. 1984 & April 1985	Consultant to Agency for International Development. Evaluation of Peruvian court to recommend reforms resulting in a decrease of prisoners incarcerated while awaiting trial
Sep. 1983-Present	Consultant to Dade County Public Defender's Office relative to modernizing their paper flow and implementing a computer system.
January 1984-Sep.	Consultant on Child Welfare grant aimed at modifying juvenile court procedures as they deal with dependent children. Training grant.
May 1980-Sep. 1981	Coordinator, United Nations Development Program, United Nations Latin American Institute for the Prevention of Crime and Treatment of Offenders. ILANUD is one of four institutes established by the UN for coordination of efforts in the field of crime prevention and corrections. Its responsibility expands throughout the Latin American region. As coordinator, my function primarily consisted of evaluation of activities carried out by the Institute pursuant to their UN grant. Additionally I was asked to participate in a number of workshops on crime.
Jan. 1980-Sep. 1980	Principal investigator in a study funded by the City of Miami Police Department to analyze and evaluate the data base, of traffic accidents, used by the City in its planning efforts.
Sep. 1979-June 1980	Project Director of a State of Florida grant to study the impact of mandatory short-term prison sentences on drunk drivers. As part of the research, a study was made of existing deterrence models and recommendations for the future.

Feb. 1977- June 1979	Consultant, Criminal Justice Minority Education Project, State Univ. of NY at Albany. The purposes of this grant were to establish a research center on criminal justice and minorities, aid minority candidates undertaking graduate studies in criminal justice and development of undergraduate curriculum materials with a minority perspective. As a consultant to this grant my main function was the development of the law materials in the model curriculum recommended.
May 1977- Sep. 1977	Intern, Florida Board of Regents Internship Program for Criminal Justice educators, Miami-Dade Criminal Justice Planning Council. The purpose of these awards was to acquaint the educator with new developments in the field and to lend academic expertise to criminal justice agencies. I was primarily involved in devising evaluation designs for this funding agency.
1971-1975	Practice of law with both large and small firms as well as private practice of law. This period was primarily devoted to the general practice of law with emphasis on trial aspects.

CURRICULUM VITAE

I. PERSONAL INFORMATION

1. Name	RICO José Ma.
4. Nationality	Canadian
5. Marital Status	Married, 3 children
8. Work Address	Department of Criminology University of Montreal C.P. 6128 Montreal H3C 3J7, CANADA Tel. (514) 343-6641

II. EDUCATION

1963 LLB in Law, University of Paris (FRANCE)

1965 Doctorate in Law, University of Granada (SPAIN)

1965 Diplomate in Criminology, University of Paris (FRANCE)

III. PROFESSIONAL EXPERIENCE

1965-Present Full Professor, Department of Criminology, University of Montreal, CANADA

1967-1970 Subdirector of Research for the Commission of Enquiry into the Administration of Justice on Criminal and Penal Matters, Government of Quebec, CANADA

1969-Present Consultant, International Center for Comparative Criminology, Montreal, CANADA

1969-Present Visiting Professor in numerous Spanish and American Universities and Governmental Agencies

1970-Present	President, General Secretary, etc. at numerous Congressess, Seminars and Conferences on Criminology and Criminal Law
1980-1982	Consultant to the Montreal Police Department on Technical and Criminological Matters
1980-1982	Consultant on Criminal Justice to the Central, Provincial and Municipal Governments of Spain
1980-Present	United Nations Expert for Latin America
1985-Present	Scientific Director of Research on Criminal Justice Systems in Central America and Caribbean, ILANUD and Florida International University, USA
1985-Present	Research Scholar Scientist, Florida International University, USA

IV. PUBLICATIONS, PUBLICACIONES

A. Livres, books, libros

1. RICO José M. et TARDIF Guy (1989), Enquete d'opinion sur la police au Québec, annexe 2, La société face au crime, Commission d'enquete sur l'administration de la justice en matière criminelle et pénale au Québec, Gouvernement du Québec, Editeur officiel du Québec, 244 p.

2. RICO José M. et TARDIF Guy (1969), Enquete d'opinion auprès de cinq services de police du Québec, annexe 3, La société face au crime, Commission d'enquete sur l'administration de la justice en matière criminelle et pénale au Québec, Gouvernement du Québec, Editeur officiel du Québec, 268 p.

3. FATTAH Ezzat A. et RICO José M., Le role de l'enseignement et de la recherche criminologique dans l'administration de la justice, annexe 7, La société face au crime, Commission d'enquete sur l'administration de la justice en matière criminelle et pénale au Québec, Gouvernement du Québec, Editeur officiel du Québec, 177 p.

4. RICO José M. (1985), Crimen y justicia en América Latina, 3a edición corregida y aumentada, México, Siglo XXI, 318 p. (1a edición: 1977)

5. RICO José M. (1978), Crime et justice pénale en Amérique latine, Paris (Vrin) et Montréal (Les Presses de l'Université de Montréal), 392 p.

6. RICO José M. (1987), Las sanciones penales y la política

criminológica contemporánea, 4a edición, México, Siglo XXI, 153 p. (1a edición: 1979)

7. RICO José M. (1978), Sançoes penais, Rio de Janeiro, Liber Iuris, 196 p.

8. RICO José M. (1983), Policía y sociedad democrática, Madrid, Alianza Universidad, 297 p.

9. RICO José Ma. y al., La justicia penal en Costa Rica, San José, Educa, 1988, 220 p.

10. RICO José Ma. y SALAS Luis, Inseguridad ciudadana y policía, Madrid, Tecnos, 1988, 268 p.

11. SALAS Luís y RICO José M., La justicia penal en Guatemala, San José, EDUCA, 1989, 199 p.

12. SALAS Luís y RICO José Ma., La justicia penal en Honduras, San José, EDUCA, 1990, 192 p.

B. Articles, artículos

1. RICO José M., "L'intention criminelle en droit comparé: étude des législations hispano-américaines" et "Discussion des rapports", in Travaux du IV Colloque International de Droit Comparé, Ottawa, Editions de l'Université d'Ottawa, 1967, p. 164-183 et 132-139.

2. RICO José M., "L'intention criminelle ou la mens rea devant le IV Colloque International de Droit Comparé", Revue de Science Criminelle et de Droit Pénal Comparé (France), 1968, n. 3, p. 715-719.

3. RICO José M., "L'indemnisation des victimes d'actes criminels: étude comparative", Acta Criminologica (Canada), 1968, v. 1, p. 261-317 (version portugaise: "A indenizaçao às vítimas de atos criminais", Revista do Instituto dos Advogados Brasileiros, 1974, n. 47, p. 119-171).

4. RICO José M., "Chronique générale/General Report", in SZABO Denis (ed.), Criminologie en action. Bilan de la criminologie contemporaine dans ses grands domaines d'application, Montréal, Les Presses de l'Université de Montréal, 1968, p. 13-23.

5. RICO José M., "Manifestations criminologiques: le 17e Cours International de Criminologie", Annales Internationales de Criminologie (France), 1968, v. 7, n. 1, p. 313-319.

6. RICO José M., "Medidas sustitutivas de la pena de prisión", Anuario del Instituto de Ciencias Penales y Criminológicas (Venezuela), 1968, n. 2, p. 129-154 y Cuadernos Panameños de Criminología (Panamá), 1974-1975, ns. 3-4, p. 73-99.

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7. SZABO Denis y RICO José M., "Criminalidad y criminología canadienses", Anuario del Instituto de Ciencias Penales y Criminológicas (Venezuela), 1968, n. 2, p. 387-404.

8. SZABO Denis et RICO José M., "La criminalité au Canada, son controle et sa prévention", Revue Pratique de Psychologie de la Vie Sociale et d'Hygiène Mentale (France), 1970, n. 2 (no. spécial), p. 71-103.

9. RICO José M., "Le cout de l'administration de la justice et de la criminalité", Revue Internationale de Droit Pénal (France), 1970, ns. 3-4, p. 707-730.

10. RICO José M., "L'étude des réformes des législations criminelles et pénales dans l'optique des couts de certains délits et services", in The Cost of Crime and Crime Control/ Le cout de l'administration de la justice et de la criminalité, Ottawa, Information Canada, 1971, p. 69-78.

11. RICO José M., "Commissions d'enquete sur la justice pénale au Canada", Acta Criminologica (Canada), 1971, v. 4, p. 209-219.

12. RICO José M., "Les droits de l'homme et la justice pénale au Canada", Critère (Canada), juin 1971, n. 4, p. 130-155.

13. RICO José M., "Les procès aux cadavres dans l'ancien droit français", Critère (Canada), juin 1971, n. 4, p. 231-254.

14. RICO José M., "L'administration de la justice en Italie", Revue Canadienne de Criminologie (Canada), avril 1972, v. 14, n. 2, p. 195-201.

15. RICO José M. et VERSELE Séverin C., "La criminalité classique et la crise de la justice pénale", in SZABO Denis (ed.), La criminalité urbaine et la crise de l'administration de la justice, Montréal, Les Presses de l'Université de Montréal, 1973, p. 15-44 (version portugaise: "A criminalidade clássica", Revista do Instituto dos Advogados Brasileiros, 1973, n. 29, p. 55-87).

16. HULSMAN L.H.C., RICO José M. et RIZKALLA Samir, "Fonctions et taches de la police", in SZABO Denis (ed.), Police, culture et société, Montréal, Les Presses de l'Université de Montréal, 1974, p. 11-63.

17. BRILLON Yves, RICO José M. et RIZKALLA Samir, "La criminalité et la justice pénale dans les pays en transformation rapide", Revue de Science Criminelle et de Droit Pénal Comparé (France), 1974, n. 3, p. 690-700.

18. RICO José M., "Le respect de la loi et le jury", in TARRAB Gilbert (ed.), La polémique québécoise autour de la question de l'avortement et l'affaire Morgentaler, Montréal, Editions Aquila, 1975, p. 101-104.

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19. RICO José M., "La prison dans la Chine de Mao", Criminologie (Canada), 1976, v. IX, ns. 1-2, p. 219-231.

20. SZABO Denis and RICO José M., "Canada", in CHANG Dae H. (ed.), Criminology. A Cross Cultural Perspective, 2 vol., Bombay, Vikas Publishing House, 1976, v. 1, chap. 4, p. 293-387.

21. RICO José M., "Le Livre Blanc sur la justice au Québec et les principes de base pour une réforme de l'administration de la justice", Revue Canadienne de Criminologie (Canada), juillet 1976, v. 18, n. 3, p. 258-266.

22. RICO José M., "La criminalité et les prisons en Amérique latine", Crime et/and Justice (Canada), aout-novembre 1976, v. 4, ns. 2-3, p. 191-193; février 1977, v. 4, n. 4, p. 307-308; mai 1977, v. 5, n. 1, p. 70-72; aout 1977, v. 5, n. 2, p. 158-159; novembre 1977, v. 5, n. 3, p. 239-240; et février 1978, v. 5, n. 4, p. 354-355.

23. NORMANDEAU André et RICO José M., "Justice et injustice au Québec", Revue de Science Criminelle et de Droit Pénal Comparé (France), 1976, n. 3, p. 837-840 et Crime et/and Justice (Canada), aout-novembre 1976, v. 4, ns. 2-3, p. 196-198.

24. RICO José M., "Investigaciones recientes sobre marihuana en Canadá y Estados Unidos", Capítulo Criminológico (Venezuela), 1976, n. 4, p. 111-131.

25. RICO José M., "La descriminalización: el ejemplo canadiense", Cuadernos Panameños de Criminología (Panamá), noviembre 1976, v. 5, p. 59-74 y Capítulo Criminológico (Venezuela), 1977, n. 5, p. 93-107.

26. RICO José M., "Los fines de la pena en la política criminal contemporánea: estudio criminológico", Archivos de Criminología, Neuro-Psiquiatría y Disciplinas Conexas (Ecuador), enero-diciembre 1976-1977, v. XXII, ns. 21-22, p. 130-166.

27. RICO José M., "Notes introductives à l'étude de la criminalité d'affaires", Criminologie (Canada), 1977, v. X, n. 1, p. 8-28; in DANDURAND Yvon et RIBORDY François-X., Crime et société, Ottawa, Les Editions de l'Université d'Ottawa, 1980, p. 200-218 (versión española: "Notas introductorias al estudio de la criminalidad de negocios", Cuadernos Panameños de Criminología, Panamá, 1978, n. 7, p. 31-55).

28. RICO José M., "La peine de mort, l'ordre et la sécurité publics: étude critique du projet de loi C-84", Revue Canadienne de Criminologie (Canada), avril 1977, v. 19, n. 2, p. 230-242.

29. RICO José M., "La Société de criminologie du Québec: historique, activités et perspectives d'avenir", Criminologie (Canada), 1977, v. X, n. 2, p. 55-61.

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30. RICO José M., "La violence en Amérique latine", Annales Internationales de Criminologie (France), 1977, v. 16, ns. 1-2, p. 143-178.

31. NORMANDEAU André et RICO José M., "La criminalité au Québec", Annuaire du Québec (Canada), 1977-1978, p. 483-489.

32. RICO José M., "Crimen, reacción social y criminología en el Caribe", ILANUD al día (Costa Rica), diciembre 1978, n. 3, p. 16-29.

33. NORMANDEAU André et RICO José M., "Criminologies, recherches et pratiques au Québec: où en sommes-nous?", Revue de Science Criminelle et de Droit Pénal Comparé (France), 1978, n. 2, p. 476-483 et Crime et/and Justice (Canada), mai 1978, v. 6, n. 1, p. 63-66.

34. RICO José M., "La criminalidad de las multinacionales en América Latina", Archivos de Criminología, Neuro-Psiquiatría y Disciplinas Conexas (Ecuador), 1978-1979, v. XXIII, ns. 23-24, p. 153-170.

35. RICO José M., "Les événements d'octobre 1970 et l'administration de la justice pénale au Québec", Criminologie (Canada), 1980, v. XIII, n. 2, p. 7-45.

36. RICO José M., "Crime et justice pénale dans les Caraibes", Revue Internationale de Criminologie et de Police Technique (Suisse), octobre-décembre 1979, v. XXXII, n. 4, p. 345-356 et octobre-décembre 1980, v. XXXIII, n. 4, p. 371-378.

37. RICO José M., "Les législations hispano-américaines de dangerosité sociale: évolution et signification", Revista Mexicana de Ciencias Penales (México), julio 1979 - junio 1980, n. 3, p. 291-318; in DEBUYST Christian (ed.), Dangerosité et justice pénale, Genève, Masson, 1981, p. 231-258.

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ATTACHMENT 3

THOME REPORT

PLAN DE ACCION PARA EL ANALISIS DE LA ADMINISTRACION DE JUSTICIA EN VARIOS PAISES DE CENTRO AMERICA Y EL CARIBE: UN DOCUMENTO DE TRABAJO

Joseph R. Thome
San José, Costa Rica
agosto de 1985

Preparado para el proyecto ILANUD-Florida International University sobre la administración de justicia en Centro América y el Caribe

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Introducción

Este documento se prepara para presentarlo en una reunión de trabajo, a ser realizada en San José, Costa Rica durante agosto de 1985, y que contará con la participación de varios expertos latinoamericanos y norteamericanos. El propósito de este ejercicio es el de desarrollar y redactar un plan de acción o trabajo, incluyendo algunos aspectos metodológicos, que serviría como punto de partida para la subsiguiente elaboración de metodologías específicas, que se efectuarían en cada país, con fines de analizar los sistemas de Administración de Justicia* (análisis del sector "administración de justicia") en Panamá, Costa Rica, Honduras, y la República Dominicana. Para cumplir estas metas, las críticas y recomendaciones del Instituto Latinoamericano de Naciones Unidas para la Prevención del Delito y Tratamiento del Delincuente (ILANUD), así como de los participantes en la reunión de Costa Rica, jugarían un papel importantísimo para la redacción del informe final.

El presente documento consta de dos partes. Esta primera parte delínea los objetivos, medios, y componentes principales para llevar a cabo el análisis ya mencionado. La segunda parte consta de varios apéndices con formulaciones más elaboradas de aspectos metodológicos.

A. Los Parámetros de este Documento y su Relación con los Objetivos del Proyecto sobre Administración de la Justicia.

Es esencial que el plan de acción propuesto sea consistente con los objetivos del Proyecto de Administración de Justicia elaborado por USAID e ILANUD. Diferentes fuentes indican que el objetivo principal del Proyecto es establecer las bases para programas, ya sean nacionales, multinacionales o bilaterales que fomentarían una administración de justicia más justa, independiente, accesible y eficiente, con énfasis en el sistema de la justicia penal. No existe definición universal sobre estos conceptos generales. Sin embargo, por lo menos se puede plantear que los sistemas de administración de justicia deben observar los requisitos exigidos por la Convención Americana de Derechos Humanos. (Ver la enumeración de estos requisitos en Zaffaroni, 1984:27-29)**. Otro objetivo del proyecto sería el de fomentar estudios sobre la administración de la justicia, por parte de las universidades, gobiernos y académicos en los países del área, así como por instituciones internacionales (ILANUD, BID, Banco Mundial, etc.).

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* Por administración de justicia, queremos decir las instituciones y procesos, ya sean oficiales o informales, que se utilizan para resolver conflictos individuales o sociales.

** Zaffaroni, Eugenio Raúl (1984). Sistemas Penales y Derechos Humanos en América Latina. Buenos Aires: De Palma.

Una etapa inicial y esencial en ese proyecto consiste en la realización de análisis de los sistemas de administración de justicia, que además identificarían los factores (o los puntos de intervención) que restringen la realización de las metas indicadas. Estos procesos de análisis tendrían también importantes efectos educacionales a través de la capacitación y participación de abogados y científicos sociales de cada país participante.

Por lo tanto, el propósito específico de este documento es establecer el marco para estos análisis, estableciendo un modelo guía, identificando los problemas a ser estudiados y el tipo de datos que se requieren, señalando en forma general las vías para adquirir estos datos y, finalmente, formulando algunas sugerencias sobre la composición de los equipos que realizarán el trabajo y su programa.

Está demás repetir que la significativa participación de académicos y profesionales centroamericanos y de otros países latinoamericanos (abogados, científicos sociales, jueces, etc.) es esencial para el éxito de estas evaluaciones o del programa total.

Esta participación debe ser activa durante todas las etapas del proceso. Desde la definición de los problemas a estudiarse hasta el análisis final y las recomendaciones para programas bilaterales. De otro modo, el proyecto adolecerá de etnocentrismo norteamericano, fenómeno tan prevalente en las experiencias de los Programas en Derecho y Desarrollo de la década de los sesenta, arriesgando, por lo tanto, padecer de la irrelevancia, una aceptación indiferente, o un total rechazo. Ya ha tenido lugar una participación importante a través de ILANUD y de otras instituciones; la reunión de trabajo en Costa Rica, celebrada el 6 y 7 de agosto de 1985, contó con el valioso aporte de expertos nacionales e internacionales y proporcionó un aporte crucial en el plan de acción, y se debe establecer otro tipo de participación para las etapas subsecuentes. Es por lo tanto importante enfatizar que este documento está sujeto a discusiones y modificaciones, especialmente con base en la percepción y evaluación de los participantes latinoamericanos.

B. Los Elementos Esenciales para Realizar los Análisis de los Sistemas de Administración de Justicia

Esta parte, así como los Apéndices A y B, constituyen la médula de este documento. Consta de 4 secciones:* La

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*Por razones analíticas, el proceso de investigación se presenta en 4 secciones distintas. En la investigación operativa, probablemente se utilizaría más la forma indicada en el Apéndice A.

sección No.1 representa un marco de referencia para guiar el análisis del sistema de la administración de justicia. Está básicamente compuesto por un modelo y una breve elaboración de la problemática que se debe analizar. Las secciones 2 a 4 representan aspectos metodológicos, en el sentido de operacionalizar la información o el tipo de datos que se precisan para analizar los problemas sugeridos por la sección No.1, así como sugerir algunos métodos generales para producir esta información. Cada una de las secciones 2 a 4 generarían datos esenciales para los fines de este proyecto, pero varían en dificultad y utilidad. La sección 2 sería la más fácil de realizar, pero su información no sería suficiente para un análisis a fondo del sistema. La sección 4, por su parte, es la más compleja en realizar, pero proveería también la información más útil.

A continuación se presenta un esquema indicando el flujo y función de estas secciones:

Sección 2	Sección 3	Sección 4
Modelo formal de la administración de justicia (ADJ)	Modelo real de la ADJ	Análisis o estudio profundo de problemas seleccionados sobre la ADJ

Debido a la escala creciente de dificultad, y a la restricción de tiempo y recursos, la sección 4 se limitaría a los problemas e instituciones considerados por todos los asesores como los más importantes, tal como se discute en la sección 4.1.2.

Sin embargo, varios de los participantes en la reunión de trabajo ya mencionada, sugirieron que la selección de problemas a estudiarse (prioridades) debería hacerse antes de la iniciación de la primera etapa del estudio (sección 2), para así limitar el alcance del mismo y hacerlo más factible. Otros encontraron que este plan de trabajo debe permanecer amplio; y las prioridades o limitaciones se establecerían en cada país por el equipo de trabajo respectivo (ver sección 4.1.2).

1. Marco de Referencia: Modelo del sistema de administración de justicia; identificación de los problemas básicos que se deben analizar.

1.1 El modelo y sus componentes

Antes que nada, es importante tener claro cuál es el modelo y los conceptos con que se va a trabajar.

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Concebimos a la "administración de justicia" como un sistema legal inserto en un contexto social. Como tal, este sistema refleja las condiciones sociales, responde de alguna forma a las demandas que le llegan, y estas respuestas a su vez afectan la condición social.

El sistema de administración de justicia, entonces, comprende no sólo las normas legales (leyes, decretos, etc.), sino también las instituciones y actores que promulgan, interpretan y aplican estas normas, la forma en que estas normas e instituciones actualmente funcionan, así como procesos informales o extra-legales que pueden ser utilizados en resolver conflictos o problemas. Todo este proceso lo denominamos el "Derecho en Acción", para distinguirlo del "Derecho en los libros", o normativo. Es decir, la premisa central es que la administración de justicia está inserta en una determinada estructura social, y relacionada en forma dinámica con su contexto histórico, económico, político, cultural, etc.

Tal como se vislumbra en el modelo No.1, adjunto, un sistema de administración de justicia (así como el sistema legal en general) está compuesto por una estructura y proceso formal y por una estructura y proceso informal.

La parte formal consiste en aquellos elementos oficiales, que incluyen a las normas legales, instituciones oficiales (congreso, administración pública, tribunales, etc.), los actores oficiales, la cultura o "ideología" legal oficial, etc.; es decir, estos son los elementos que oficialmente deben regir el proceso de administración de justicia, y que en todo caso y en alguna forma "filtran" y procesan las demandas, quejas, denuncias o querellas que entran en este sistema formal.

Por su parte, existen instituciones y procesos "informales" o "extra legales" que actualmente operan dentro de algunos grupos, o comunidades, o instituciones, ya sea al margen de la ley, o con el tácito beneplácito de la autoridad formal. Estas normas, instituciones y procesos "informales" pueden surgir por varias razones: el sistema formal es ineficiente, en el sentido de que no existe la capacidad o voluntad de aplicarlo; no refleja las necesidades o problemas del grupo o individuo de que se trata; o, por último, juega básicamente un

rol simbólico, para legitimar la estructura social y política, mientras que las decisiones importantes se resuelven a través de otros medios y prácticas.

A veces, estos procesos informales existen dentro del mismo sistema formal de administración de justicia, ya sea en la administración pública, la policía o los tribunales, y llegan a convertirse en procesos paralelos y más utilizados que los que aparecen en la estructura formal de la administración de justicia, resultando en cierta deformación institucional.

Como indica el modelo, las querellas o problemas "legales" a veces se resuelven según el proceso oficial, a veces por el proceso "informal", y a veces a través de una combinación de los dos, en el sentido de que se utilizan normas e instituciones oficiales, pero su interpretación e implementación específica estaría determinada por factores extra-legales (influencia, corrupción, etc).

1.2 Componentes Esenciales para Analizar el Sistema de Administración de Justicia

Teniendo en cuenta el Modelo No. 1, hay tres componentes, o categorías de problemas, que se deben analizar para poder comprender cómo y por qué funciona el sistema de la administración de justicia: el acceso al sistema formal, operación del sistema formal una vez que se penetra, y las respuestas alternativas a ese sistema.

1.2.1. Acceso al sistema formal

Se ha indicado por algunos que el concepto de "acceso" no es muy apto para el subsistema de justicia penal, ya que implica un proceso pasivo, que sólo responde según presiones o demandas que recibe, mientras que la justicia penal puede actuar de oficio. Por lo tanto, se debe enfocar al sistema penal desde la perspectiva del alcance o resultado del sistema: es decir, documentar quienes se "procesan", y de ahí analizar los factores o causas que llevan al sistema a procesar ciertas causas e individuos más que otros, etc.

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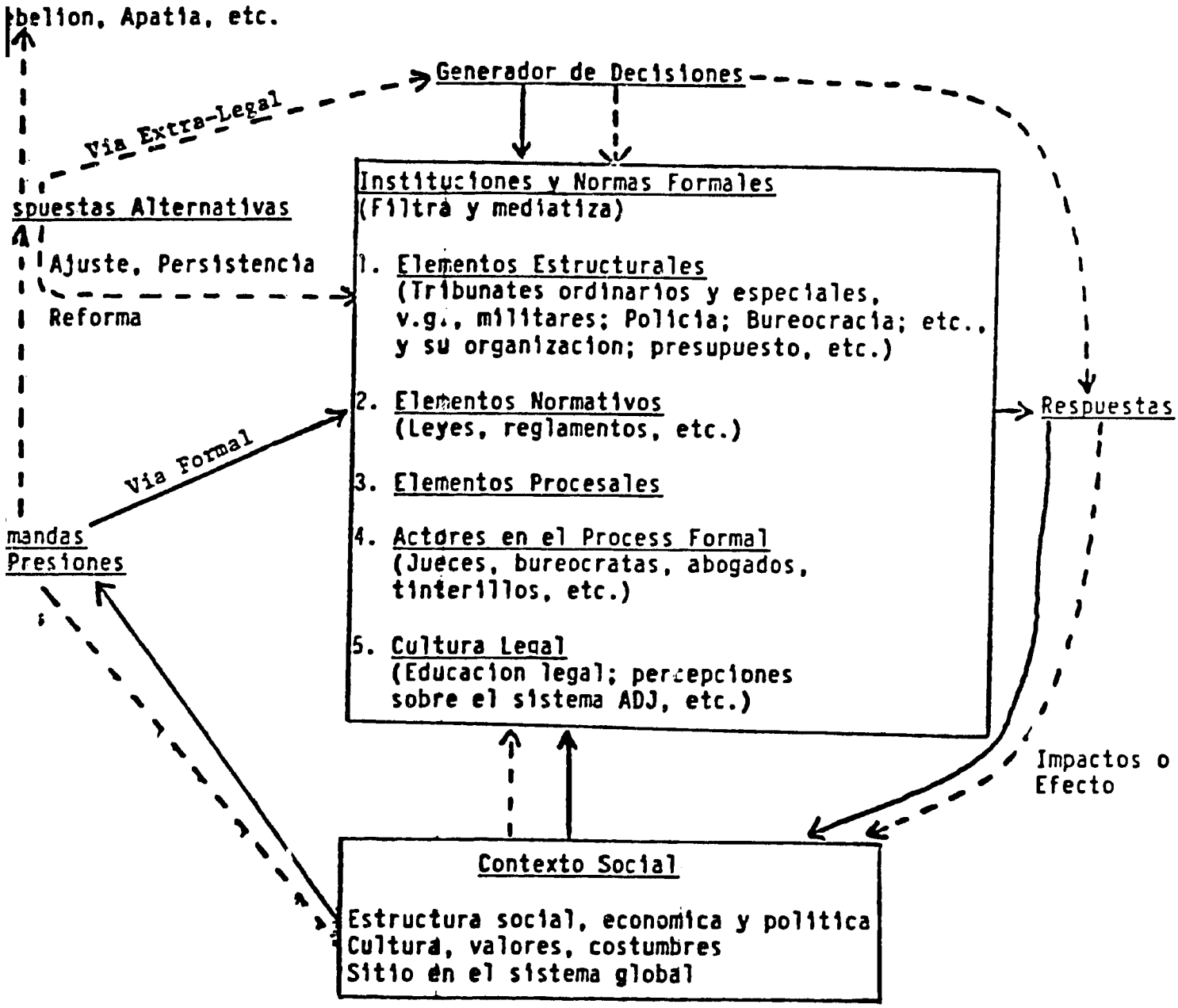
MODELO No. 1
El Sistema de Administracion de Justicia



- - - - → Respuestas Alternativas
——→ Via Formal

uente: Modificado por el autor de otro modelo en L. Friedman, "Legal Culture and :ial Development," Law and Society Review No. 1, Aug. 1969, p.29)

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instituciones oficiales, así como utilizarlas para preservar o mejorar su posición social o económica. Por esto mismo, el análisis del sistema de administración de justicia no se puede limitar a señalar problemas técnicos en la organización o en los procesos que hacen que esas instituciones marchen de forma lenta y engorrosa, ya que, en este contexto, mejorar el proceso y sistema formal de manera técnica y aislada resultaría simplemente en instrumentos aún más eficaces para los intereses de las élites.

1.2.3 Respuestas alternativas al sistema formal

La enumeración de las distintas respuestas alternativas y las razones de su uso, constituyen una fuente importante para documentar o medir la importancia y la percepción del sistema formal de justicia para la población de los países a ser estudiados. Entre las posibles respuestas alternativas se pueden citar las siguientes:

a) Apatía: no hacer nada.

b) Persistencia: insistencia en proseguir con el sistema formal.

c) Ajuste: uso de partes o elementos del sistema formal para resolver las disputas o problemas por medio de prácticas no previstas por la legislación o reglamentos autorizados, pero que no son per se ilegales o poco éticos (ej. policía resuelve disputas familiares).

d) Vía extra-legal o ilegal: uso de prácticas que lindan o cruzan las fronteras de lo ilegal o lo poco ético, tales como influencia política o económica o soborno ("mordidas"), con el fin de influenciar el resultado del proceso formal.

e) Procesos informales: evitar totalmente el sistema formal y usar procesos

alternativos para resolver disputas, tales como la mediación, conciliación, etc., por medio de diferentes agentes o instituciones. A veces estos procesos informales se convierten en vías paralelas al sistema tradicional de administración de justicia, como ha sucedido con el arbitraje, que ya es reconocido legalmente en muchos países. En tal caso, esta vía paralela legal ya formaría parte de la estructura formal.

f) Reforma: intentos para modificar el sistema formal para que opere según sus objetivos enunciados.

g) Rebelión: intentos para derrocar el sistema actual reemplazándolo con uno totalmente nuevo.

La forma o métodos para obtener la información sobre estos factores se detallará más adelante (ver Sección 4.3.3).

2. Estructura y Procesos Formales del Sistema de Administración de Justicia en Cada País*

2.1 Objetivos

Esta es una etapa descriptiva, con los siguientes objetivos:

Enumerar las diversas instituciones oficialmente creadas o reconocidas que desempeñan o deberían desempeñar un rol en el proceso de la administración de justicia.

Proporcionar información básica o datos en cuanto a los procesos y funciones oficiales, y organización de estas instituciones, según lo estipula la legislación o los reglamentos.

Ofrecer una visión clara de esta estructura para entender las premisas e ideologías oficiales sobre su finalidad y operación, y para comparar esta estructura y operación formal con la estructura y operación real (modelo ideal vs. modelo real).

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*Las enunciaciones y ejemplos en este documento no son exclusivos, sino ilustrativos.

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Los modelos en cada país estudiado también podrían compararse unos con otros. Esta información también permitiría, en estudios futuros, la comparación con otros "modelos" de administración de justicia, si ellos existiesen (v.g., ONU; otros países).

Establecer la informacion necesaria para permitir un examen o evaluación de la propia estructura formal de la administración de justicia ("modelo ideal"), con el propósito de:

a) Entender las raíces históricas y bases ideológicas del modelo;

b) Constar si existen contradicciones internas dentro del mismo modelo;

c) Evaluar el modelo desde el punto de vista de los conceptos de derechos humanos;

d) Evaluar éste modelo conforme a los conceptos o modelos más recientes (v.g., las reglas de mínima intervención).

2.2 Enumeración de los procesos e instituciones de acuerdo con sus funciones

2.2.1 Procesos legislativos y sus funciones. Instituciones que legislan sobre la administración de la justicia (organización, jurisdicción, presupuesto, etc.). Aquí se incluye la rama "ejecutiva" debido a sus poderes para legislar por decreto y para promulgar reglamentos.

2.2.2 Procesos ejecutivos y sus funciones. Instituciones que ponen en práctica o hacen cumplir las normas esenciales sobre la administración de justicia, incluyendo los fallos judiciales. Entre los que se incluye:

a) Instituciones de investigación, prevención y represión (v.g., policía; pueden existir varias ramas)

b) Ejecución penal (en estos dos procesos pueden participar instituciones militares y civiles)

c) Otras agencias administrativas pueden haber recibido legalmente poderes de investigación, de distribución, de reglamentación o de sanción sobre asuntos o disputas de importancia social, como es en el caso de las agencias de reforma agraria, agencias laborales, agencias para el bienestar social, etc.

(Hay que recordar que para el grueso de la población, estos asuntos no penales pueden ser mucho más importantes que los asuntos de justicia criminal en general).

2.2.3 Procesos judiciales y sus partícipes. Entre las instituciones que tienen un rol en la adjudicación de derechos y responsabilidades se incluye:

a) Tribunales: incluye penal y civil; tribunales especiales, ej. agrario; tribunales de trabajo, administrativo, electorales y militares; Corte Interamericana de Derechos Humanos, instituciones cuasijudiciales, tales como paneles de arbitraje y otras de ese tipo.

b) Fiscales del gobierno y representantes legales (Procuradores, Ministro de Justicia, Ministerio Público).

c) Defensor del pueblo (Ombudsman), defensores públicos, o sus equivalentes cuando corresponde.

d) Servicios de asistencia legal, ya sea pública o privada, para indigentes.

e) La abogacía privada.

2.2.4 Otras instituciones pertinentes que pueden desempeñar un papel en la administración de la justicia.

a) Educación, capacitación e investigación jurídica.

b) Colegios de abogados y otras asociaciones profesionales.

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c) Los "tinterillos".

d) Las oficinas notariales.

2.3 Fuente de datos para lo anterior

En esta sección la única fuente de datos requerida es aquella que trata de las funciones básicas y de la organización de estas instituciones de acuerdo con lo definido por ley y por otras fuentes oficiales. Por consiguiente, datos existentes de leyes, estatutos, informes y manuales oficiales de gobierno, y otras fuentes (O.N.U., O.E.A., y otras agencias internacionales; publicaciones académicas, etc.).

3. Estructuras y Procesos Reales

3.1 Objetivos

Esta es una etapa de transición, en parte descriptiva y en parte evaluativa. Uno de sus objetivos es obtener los datos que sean necesarios para conseguir un cuadro de la organización y funciones reales de las instituciones enumeradas en la sección 2. Esta etapa es indispensable para analizar los factores estructurales que afectan esta organización y su función real. En otras palabras, los datos de esta sección documentarán la brecha entre la "ley de los libros" y la "ley en acción", es decir, el contraste entre los "modelos ideales" y la realidad para todo el sistema.

Aparte de documentar esta brecha, los datos de esta sección también ofrecerían algunas razones de su existencia. De esta manera, los datos que se tienen del actual presupuesto, organización, selección de personal, ubicación dentro de la jerarquía gubernamental, etc., iniciaron la identificación de factores que dificultan la administración de justicia.

Quizás aún más importante que la identificación y explicación de esta brecha, el estudio de las estructuras y procesos reales (los que realmente operan) permitiría detectar procesos informales o paralelos a la estructura formal. Así en el subsistema penal, por ejemplo, en algunos países se han delegado funciones penales que formalmente

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pertenecen al poder judicial o a las autoridades administrativas, como es el caso de las contravenciones.

3.2 Descripción de las Instituciones del Sistema de Administración de Justicia, de Acuerdo con sus Funciones.

En esta sección se utiliza la clasificación tradicional o liberal de las tres ramas del poder estatal: legislativo, ejecutivo (administrativo) y judicial. Se sigue este esquema porque refleja la organización formal de los países a ser estudiados. Sin embargo, esto no implica que el modelo liberal de la separación de poderes es necesariamente el mejor para los países a ser estudiados. Queda claro que el contexto histórico y socio-político de cada país y sociedad es el que determinaría las estructuras jurídico-políticas respectivas.

3.2.1 Proceso legislativo

Se pretende una información básica de las instituciones que legislan sobre la estructura, jurisdicción y presupuestos de los tribunales y otras instituciones de administración de la justicia, como se indica a continuación:

(a) Congreso

1) Existencia de comités especializados sobre la administración de justicia. Datos de su composición (incluyendo, si es posible, afiliación política y extracción social), sueldos, presupuestos y funciones (investigación, redacción de proyectos, audiencias, etc.);

2) Grupos de presión o consulta que participan en el proceso;

3) Otras instituciones o individuos dentro del Poder legislativo especializados en el tema;

4) Otros servicios dentro del Congreso tales como bibliotecas, servicios de referencia y redacción de proyectos, etc. Para esto también se necesitan datos sobre la organización, cantidad

y tipo de personal, presupuesto, sueldos, etc.

(b) Ejecutivo (función legislativa)

1) Organización de departamentos dentro de los ministerios u oficinas presidenciales que proponen proyectos de ley o preparan decretos o reglamentos relacionados con la administración de la justicia. Datos sobre su composición, cantidad y tipo de personal, presupuesto, sueldos, etc.

2) Otras instituciones con una participación en el proceso (ej. la Contraloría General de Chile, que examina la legitimidad de decretos y reglamentos ejecutivos).

3.2.2 Procesos Ejecutivos (investigación, ejecución, cumplimiento, etc.)

(a) Policía (todas las ramas). Se precisan datos sobre su:

(1) Organización y administración;
(2) Personal (características, número, selección, formación, condiciones de trabajo, etc.;
(3) Equipo;
(4) Presupuesto;
(5) Funciones, poderes y control;
(6) Relaciones con la comunidad;
(7) Respeto de los derechos humanos;
(8) Otros aspectos relevantes.

(b) Procesos de Ejecución Penal. Se precisa de los mismos datos señalados en el acápite (a). También se precisa información sobre el número de prisioneros, su distribución y clasificación.

(c) Otros Organismos Administrativos Relevantes. Se precisa de los mismos datos señalados en el acápite (a).

3.2.3 Procesos y Funciones Judiciales (sentencia, procesamiento, defensa, otra representación legal)

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(a) El Poder Judicial. Se precisa de los mismos datos señalados para la policía [3.2.2(a)], para todos los tipos de tribunales y otras instituciones señaladas en el 2.2.3 (Fiscales, Ministerio Público, Defensa Pública, etc.). Cierto énfasis se debe prestar en esta etapa a la administración del poder judicial y su relación con otros poderes.

En esta etapa es también esencial documentar y analizar los siguientes puntos: la independencia del Poder judicial; los tipos de controles que existen sobre los tribunales y el tipo de capacitación que se le imparte al personal judicial.

3.2.4 Otras instituciones o individuos pertinentes que desempeñan un papel en la administración de justicia (indicadas en la sección 2.2.4). Se precisa del mismo tipo de datos señalados anteriormente. Se necesitan, también, datos referentes a los grupos de presión o consulta y a la institución del "tinterillo". En cuanto a la educación legal, también se requieren datos sobre los programas de estudios en las Facultades de Derecho, incluyendo la existencia o no de seminarios, servicios de asistencia jurídica para los pobres u otros programas clínicos, y de todas las materias que tienen relación con la función real del sistema legal. Finalmente, también se requieren datos sobre la existencia de programas de post-grado y de cursos especiales para legos, policías, etc.

3.3 Fuente de Datos para lo Anterior

3.3.1 Fuentes Existentes.
Igual que en la sección 2.3, deberían utilizarse las fuentes de información existentes. (Informes o documentos oficiales de gobierno, agencias de la O.N.U., [v.g., CEPAL], B.I.D., O.E.A. o estudios publicados, etc.). Sin embargo, no hay un fácil acceso a algunas de estas informaciones, y otra información deberá ser generada por el equipo de estudio del sector, especialmente en el caso de instituciones de la policía y

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el sistema penitenciario, y otras instituciones indicadas en la sección 3.2

3.3.2 Historia del desarrollo socio-jurídico. Para un sólido entendimiento y análisis del sector bajo estudio se requiere que todos los datos y la información sean ubicados en el contexto histórico, socio-económico y político dentro del cual opera la administración de la justicia. Es por lo tanto importante llevar a cabo breves historias del desarrollo socio-jurídico en cada país y recopilar datos nacionales disponibles de los índices básicos sociales, económicos y políticos.

La información estadística a recoger estaría determinada por el estudio profundo de las áreas conflictivas seleccionadas. Por ejemplo la evaluación del acceso a la administración de justicia requeriría información sobre: la distribución del ingreso (personal, por ocupación, por áreas geográficas), la asignación del presupuesto estatal a la administración de justicia (global y por áreas geográficas), etc. Sería importante conducir una encuesta para medir el acceso y relacionarlo con variables como el ingreso y la educación, a fin de estudiar la correlación entre el acceso y el ingreso/educación.

3.3.3 Entrevistas y discreción. La producción de nuevos datos incluiria visitas a las oficinas correspondientes para entrevistar a dirigentes o a personal clave, petición de informes y estadística, otros datos, etc. La discreción es esencial en esta etapa.

4. Analisis Profundo de Problemas Seleccionados sobre la Administración de Justicia.

4.1 Objetivos y Establecimiento de Prioridades

4.1.1 Objetivos

Los datos e información de esta fase se centrarían en los temas más cruciales --Acceso, Operación del Sistema y Respuestas Alternativas--Este análisis debería determinar las limitaciones específicas del sistema de adminstración de justicia en su totalidad (modelo formal y modelo real),

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así como indicar los factores responsables por la brecha entre el "modelo ideal" y el "modelo real" del Sistema de Administración de Justicia. Es indispensable que el análsis profundo del sistema de administración de justicia no se limite a indicar como cerrar la brecha entre el modelo formal y el real, sino que también analice y examine los conceptos, valores, premisas e intereses que originaron y apoyan a toda la estructura y operación del sistema. En todo caso el análisis debe enfocar como los procesos formales e informales responden a conflictos sociales.

A este nivel, el análisis incluiria diagramas, cuadros u otros diagramas esquemáticos cuando sea necesario, para establecer claramente los datos más relevantes, tales como amontonamiento de causas en los tribunales, limitaciones de costos, complejidad procesal, etc.

Este análisis en profundidad se concentraría solamente en unas pocas áreas de prioridad, debido a las limitaciones de tiempo y recursos, pero, es probable que la mayoría de los factores y explicaciones encontrados para éstas sean válidos para el sistema en su totalidad. La forma para determinar estas prioridades se sugiere a continuación.

4.1.2 Establecimiento de prioridades

La justicia penal ya ha sido seleccionada como un problema prioritario; aquí se incluirá la policía, el Ministerio Público y otras instituciones de representación legal, los Tribunales, Instituciones Correccionales y otras instituciones pertinentes. (Ver Apéndice A). Pero si existen los recursos necesarios, ¿qué otros problemas o instituciones deberán seleccionarse?

En primer lugar, el contexto político-social en cada país puede limitar el campo de acción. Esto debe determinarse por el equipo de cada país en consulta con la dirección regional de este proyecto. Una vez resuelto esto, se pueden utilizar criterios e indicadores sociales como punto de partida para las discusiones--ej., el enfoque sería en

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aquellas áreas problemáticas o conflictos que tienen o pueden tener serias implicaciones sociales o políticas o que suelen conducir a procesos penales o a otras actividades represivas por parte del Estado.

Ejemplos pueden ser los siguientes: la ocupación o invasión de terrenos rurales o urbanos; huelgas u otros conflictos laborales y movimientos de protesta sobre: abusos de derechos humanos, actividades políticas, aumento de precios, etc.

Otras áreas de problema que se han sugerido como posibles sujetos de este análisis diagnóstico son los conflictos comerciales y el derecho administrativo, con especial referencia al derecho de administración social; es decir, el sub-sistema jurídico-institucional que reglamenta o administra programas que distribuyen recursos o servicios o que en alguna forma afecta a gran parte de la sociedad, como son la reforma agraria o colonización, la seguridad social y salud, la educación, planificación económica, urbana, etc., así como la reglamentación bancaria, comercial, industrial, etc.

En todo caso, sugerimos las siguientes etapas para el proceso de selección de prioridades:

1) Revisión de literatura;
2) Discusión con expertos nacionales e internacionales;
3) Discusión con dirigentes y personalidades relevantes en la administración de justicia, que tengan influencia sobre ella, o puedan ser afectados por ella, por ejemplo: jueces; policías; abogados; académicos; representantes de sindicatos y campesinos; grupos interesados en los derechos humanos, etc.
4) La decisión final se formulará por el equipo de investigación en cada país, en consulta con la dirección regional del proyecto.

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4.2 Análisis profundo de los problemas (prioridades) seleccionados: componentes del análisis y aspectos metodológicos.

Una vez que se han seleccionado los problemas para el análisis más profundo, éste se centraría en los componentes de acceso, operación y respuestas alternativas, ya mencionadas. Los indicadores que se señalan seguidamente tienen como propósito analizar y evaluar el sistema global de administración de justicia, incluyendo, como se ha dicho, los elemntos y conceptos fundamentales que lo componen, así como los factores que facilitan u obstaculizan la puesta en marcha del sistema. También se indican los datos pertinentes para este examen y sus fuentes.

4.2.1 Acceso o Alcance del Sistema de Administración de Justicia (vea sección 1.2.1 para una perspectiva alternativa).

a) Factores informativos.
Conocimiento o información de cómo integrarse al sistema (incluye conocimiento de derechos esenciales y pasos procesales -- dónde y cómo se presenta una denuncia ante la policía u otra agencia pública, iniciación de procedimientos judiciales, etc.).

Entre los datos pertinentes para elucidar esta cuestión, se pueden citar los siguientes: alcance (y calidad) de programas privados y de gobierno que difunden dicha información (medios publicitarios públicos, publicaciones internas, reuniones públicas, etc.); instituciones que comunican dicha información como subproducto de las funciones principales: policía, agencias de ayuda legal, Iglesia, asociaciones de vecinos y otras, trabajadores sociales, etc.; otras fuentes de información y, por último, el grado en que dicha información alcanza a usuarios potenciales y la aplicabilidad de la misma.

b) Factores físicos/geográficos.
La manera en que la ubicación, distribución y organización de las

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instituciones oficiales afecta el acceso del público a ellas. Para determinar este punto se requiere información sobre la cantidad de agencias públicas (tribunales, comisarías, etc.) y su distribución dentro de cada país, así como sus horas de servicio, cantidad de personal, tipo de servicios medios, etc.

c) Factores Económicos.
Para determinar la manera en que los costos afectan el acceso, se requieren datos sobre costos para integrarse al sistema, incluyendo tiempo dedicado, asesoría legal inicial y costos legales iniciales u honorarios "informales". Costos económicos sin conexión directa con el sistema de justicia pueden, también, influir en la decisión para hacer valer derechos legales (ej., entablar una queja criminal un trabajador rural contra un terrateniente de quien depende económicamente).

d) Factores políticos.
Para determinar cómo estos factores afectan el acceso, se requieren datos sobre cómo el poder político, su influencia o conexiones pueden actuar para dificultar o facilitar el acceso al sistema de justicia [similar al tema económico "indirecto" citado en la sección c) más arriba].

e) Factores normativos.
Las leyes, reglamentos o practicas establecidas y reconocidas pueden afectar el acceso a la administración de justicia. Por lo tanto, se requieren datos sobre las normas y reglamentos en cuanto a quien puede usar el sistema; ej., prueba de ciudadanía, necesidad de tarjeta oficial de identificación, necesidad de tutores para menores o incapacitados, etc.; proceso real para controlar el ingreso, etc.

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f) Factores jurídico-culturales y socio-psicológicos

Entre estos factores, que pueden afectar el acceso, se pueden citar los siguientes:

1) Relaciones de jueces, abogados del gobierno y privados, y funcionarios públicos con los posibles usuarios del sistema de administración de justicia (la manera en que se trata a personas de diferentes estratos sociales y económicos, etc.)

2) Percepciones y actitudes hacia el sistema de administración de justicia y hacia la profesión legal de parte de los posibles usuarios, clientes o consejeros, tales como la policía y otros funcionarios públicos, jueces, abogados, personal auxiliar legal y otros asesores (por ej., trabajadores sociales, sacerdotes, etc.); posibles clientes del sistema como por ejemplo, víctimas de crímenes o agravios o aquellos implicados en disputas que se pueden catalogar dentro del sector legal; el pueblo en su totalidad, incluyendo a todos los sectores de la población, con especial énfasis en los sectores menos privilegiados (bloque mayor, etc.).

3) Percepciones y actitudes hacia el sistema jurídico implantado por las facultades de derecho (visión que no examina las premisas fundamentales o el funcionamiento real del sistema jurídico, vs. una visión socio-jurídica donde se pone atención al "derecho en acción").

g) Factores que facilitan el acceso

Estos se refieren a los servicios, instituciones y prácticas que hacen más fácil el ingreso al sistema de administración de justicia y su uso. Para este punto, se requieren datos sobre la disponibilidad de servicios legales

gratuitos o subvencionados; agencias o instituciones, públicas o privadas, de asesoramiento o apoyo; procesos especiales para cierto tipo de disputas o crímenes, etc.

4.2.2 Operación de la Administracion de Justicia.

Como ya se ha mencionado, este elemento de análisis se refiere a la forma en que opera el sistema de administración de justicia una vez que un individuo, grupo u otra parte interesada logra ingresar al mismo. Los factores que afectan su operación son los mismos que afectan el "acceso al sistema", pero la perspectiva es distinta. Ahora se examina el sistema desde adentro; antes, se miraba desde afuera. (Las dos perspectivas están integradas en el Apéndice A, sobre el sub-sistema de Justicia Penal).

a) Factores informativos: el grado de conocimiento o ignorancia del derecho procesal o substantivo y de cómo realmente funciona el sistema de justicia; esto afecta las relaciones con los abogados, jueces y policía, así como también la toma de decisiones dentro del proceso.

b) Factores físico/geográficos

Para este punto, se requieren datos sobre la organización y administración de las instituciones pertinentes, incluyendo factores tales como criterios de selección, capacitación, nivel de sueldos, seguridad en el trabajo, promociones y número total de clasificaciones del personal pertinente (jueces, policía, etc.); disponibilidad de otros recursos (vehículos, bibliotecas, sistemas de archivo, etc.).

c) Factores económicos

Los datos que se requieren aquí son similares a los de la sección 4.2.1(c) pero aquí serán aún más importantes por cuanto es muy probable que los costos

directos e indirectos serán más altos en el proceso o en la defensa de una queja por medio del sistema que si se trata de obtener acceso al sistema.

d) Factores políticos

Nuevamente, los datos requeridos serán esencialmente los mismos usados en la categoría "acceso" [4.2.1(d)], siendo aún más cruciales en esta etapa, ya que los factores políticos pueden influenciar no sólo a las partes interesadas sino también a todos los otros actores en el proceso (policía, fiscal, juez, abogado, etc.). La distribución política del poder entre los diferentes sectores del gobierno también puede desempeñar un rol crucial (ejecutivo, militar, judicial, etc.).

Es importante recordar que el activismo judicial, como lo manifiesta la revisión de acción administrativa, la revisión de constitucionalidad de leyes y la "legislación" judicial, es por lo general muy limitado en los países latinoamericanos. Por un lado esto refleja las doctrinas y conceptos de separación de poderes y de un enfoque de "ciencia legal" indiferente hacia el contexto social, ambos recibidos como parte de la herencia jurídica europea. Estos conceptos se han convertido en un elemento esencial de la cultura legal latinoamericana y se han establecido de manera firme en la educación legal. Por otro lado, esta pasividad también refleja las realidades políticas del sector, donde los jueces están la mayoría de las veces subordinados al ejecutivo o a otros actores o fuerzas políticas.

e) Factores normativos (procesal, substantivo y prácticas establecidas).

Aquí nos referimos a la legislación, otras normas oficiales, o aún prácticas establecidas, que pueden limitar el rol de los tribunales en conflictos específicos y otorgar jurisdicción para adjudicar

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cuestiones sociales a los tribunales o agencias administrativas o a otras instituciones. De esta manera, el rol institucional de los tribunales ordinarios en Latinoamérica puede ser mucho más restringido que el de sus contrapartes en los Estados Unidos. Las normas y práticas procesales pueden también restringir o dificultar la adjudicación de algunos o de la mayoría de las disputas o conflictos. Algunos ejemplos incluyen:

-Facultades o reglamentos legales, constitucionales y de otro tipo (ej., suspensión de derechos constitucionales durante estado de sitio; detención preventiva, etc.).
-Complicados procesos de procedimientos y apelaciones.
-Limitaciones de jurisdicción (ej., tribunales especializados tales como tribunales militares).
-Otras prácticas establecidas.

También es importante determinar si la propia legislación sustantiva (modelo formal) es responsable por una deficiente o arbitraria resolución de conflictos sociales importantes. Así, por ejemplo, una legislación que favorece a los derechos de propiedad privada puede hacer muy difícil la resolución de los conflictos sobre ocupación de terrenos u otros problemas relacionados con el desarrollo urbano. Igualmente, la adopción de códigos "por correspondencia" en el siglo pasado puede resultar en un derecho positivo poco o mal relacionado con las necesidades y realidad del país afectado.

f) Factores jurídico-culturales y sócio-psicológicos.
Igual a los mencionados en 4.2.1(f)

g) Factores que facilitan el proceso del sistema.
Igual a los mencionados en 4.2.1(g)

4.2.3 Respuestas Alternativas al Sistema Formal

Como ya se ha observado en la sección 1.2.3, documentar la existencia y el alcance de formas o prácticas alternativas para resolver conflictos, ya sean legalmente reconocidas como es el caso de la mayoría de los arbitrajes públicos, o evidentemente ilegales, como es el caso del soborno ("mordidas"), es un excelente medio para determinar si el sistema oficial de administración de justicia ofrece un método percibido como eficiente, accesible y justo para la resolución pacífica y disciplinada de las disputas.

En la sección 1.2.3 se ha descrito el tipo de prácticas para las cuales se necesitan datos (Apatía, persistencia, ajuste, vía extra-legal, proceso informal, reforma y rebelión).

4.3 Fuente de Datos para los Elementos del 4.2

4.3.1 Alternativas al Sistema Formal.
Así como se ha mencionado en los puntos 2.3. y 3.3, en primera instancia se deberían agotar todas las fuentes de datos y estadísticas oficiales o de otras fuentes semi-oficiales (CEPAL, BID, etc.), así como de trabajos e informes académicos, etc.

4.3.2 Otras fuentes de datos.
Con respecto a los factores indicados en las secciones 4.2.1 y 4.2.2, las otras fuentes de datos serían:

a) Factores informativos

Se debe analizar la disponibilidad de información jurídica en periódicos, revistas, T.V. y otros medios publicitarios durante un período significativo (últimos 3-5 años). También, se puede recurrir a encuestas o entrevistas con víctimas o demandantes, acusados, organizaciones de campesinos y asociaciones de vecinos, oficinas de asistencia legal, funcionarios públicos, etc. Por último, se pueden hacer estudios de caso de conflictos particulares. (Ver Apéndice B).

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b) Factores físico/demográficos

Las fuentes oficiales indicadas en las secciones 2.3 y 3.3 deberían ser suficientes para estos factores.

c) Factores económicos

Las fuentes oficiales (2.3. y 3.1) deberían proveer los datos sobre costos y honorarios oficiales o legales, etc. Pero probablemente, se necesitarán más datos en esta parte, especialmente en lo que se refiere a honorarios "informales" y costos indirectos.

Entrevistas con abogados en ejercicio, "tinterillos", otro personal a cargo de asistencia legal y defensa pública y otros analistas del proceso legal, etc., representan una fuente muy lógica. Las entrevistas con víctimas o demandantes que tratan de usar el sistema son también esenciales. Se pueden seleccionar de los archivos de causas. Finalmente, se puede recurrir a entrevistas con individuos (víctimas u otros usuarios potenciales) que no usan o no se han "integrado" al sistema.

d) Factores políticos

Además de las fuentes citadas en el acápite (c), se debe recurrir a entrevistas con politólogos y otros individuos que conocen bien la vida política en cada país.

e) Factores normativos

Legislación oficial, reglamentos, procedimientos y datos de casos, según se hayan recopilado bajo las secciones 2.3 y 3.3. Sin embargo, es muy probable que normas o procesos internos constituyan datos nuevos, obtenibles de reglamentos y prácticas internas en cada institución, de la observación participante y de entrevistas.

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Probablemente será necesario recopilar otros datos nuevos. Las fuentes incluirán: Entrevistas con jueces y personal judicial; entrevistas con abogados y otros individuos o grupos interesados (se pueden escoger algunos casos representativos); entrevistas con otros residentes del lugar respecto al Poder judicial del área.

Otra fuente especialmente rica en información podría ser un número limitado de estudios de casos sobre temas cruciales. (Ver Apéndice B, para una descripción más detallada sobre el planteamiento de un estudio de caso).

f) Factores jurídico-culturales y socio-psicológicos

Para estos factores, prácticamente todos los datos serán nuevos, de las siguientes fuentes: Observación participante en las diferentes instituciones de administración de justicia; entrevistas con abogados y jueces; entrevistas con individuos que han usado el sistema y aquellos que no lo han usado a pesar de su elegibilidad. Fuente para lo último: asociaciones de campesinos y vecinos, oficinas de asistencia legal, etc. También serían necesarios estudios y encuestas sobre las percepciones y actitudes hacia la administración de justicia entre los diferentes sectores de la sociedad. Entrevistas con estudiantes egresados y profesores de las facultades de derecho, así como análisis de los programas de estudio y observación participante en algunos casos, también serían útiles.

g) Factores que facilitan el acceso y la operación del sistema.

Las fuentes de datos para estos factores incluirian: Información oficial tal como la recopilada en las secciones 2.3 y 3.3; entrevistas con usuarios, abogados, personal legal y otros que proveen servicios; entrevistas con observadores o analistas de estos servicios.

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4.3.3 ¿Dónde y cómo obtener estos datos?
Con respecto al elemento de respuestas alternativas al sistema formal, el problema crucial es dónde y cómo obtener estos datos. Es obvio que la mayoría de ellos serán nuevos e inasequibles de informaciones oficiales. Las fuentes más probables para esta información son:

a) Literatura o informes existentes sobre el tema, si los hay.

b) Entrevistas con individuos o grupos expertos o familiarizados con estas prácticas, como por ejemplo: Académicos (ciencias legales y sociales, especialmente antropología); Abogados en ejercicio, incluyendo servicios legales para pobres, aquellos que representan clientes privados y funcionarios de las asociaciones de abogados; Jueces y sus ayudantes y funcionarios administrativos; Grupos o individuos que probablemente participan en tales vías alternativas (sindicatos laborales, federaciones de campesinos, ocupantes de terrenos urbanos, grupos de comerciantes, policía, etc.). Otros grupos o individuos pertinentes tales como feligreses, políticos, trabajadores sociales, etc.

c) Estudios de casos de conflictos sociales particulares (Ver Apéndice B.)

d) Observación participante (es esencial aquí la asistencia de un "antropólogo-legal").

e) Encuestas a grupos particulares en cuanto al alcance de estas prácticas (campesinos, ocupantes de terrenos urbanos o residentes de barrios pobres, individuos encarcelados, etc.).

Evidentemente, puede ser difícil conseguir parte de esta información, y probablemente no sea posible obtener datos científicamente válidos o generalizados. Sin embargo, será necesario disponer de datos suficientes para elaborar evaluaciones razonables de estos fenómenos.

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5. Organización y Ejecución del Estudio

5.1 Selección de "País Piloto" y su Importancia

Se ha planteado la necesidad de escoger un "país piloto" para iniciar el proceso de los análisis de la administración de justicia. No se debería iniciar ningún análisis en un segundo país sin antes haber resuelto satisfactoriamente los problemas del pre-estudio, organización y metodología, en este país piloto.
Aunque es probable que surjan problemas diferentes en cada país, es también probable que la mayoría de los problemas serán de naturaleza similar y no sería extraño que su resolución en el primer país seleccionado sea pertinente para los casos subsiguientes.

Los criterios para seleccionar este país piloto podrían incluir la factibilidad (disponibilidad de datos, de equipos de estudio y otros recursos necesarios); nivel de interés y compromiso hacia los análisis del sistema de administración de justicia, etc.

Dentro del país piloto se llevaría a cabo un pre-estudio, con una duración que no excedería un período razonable. La importancia de un pre-estudio relativamente rápido en un país piloto, preliminar a los análisis de fondo, no se puede minimizar. Estos "pre-estudios" cumplen las siguientes funciones:

a) Documentan la dificultad o facilidad de obtener los datos deseados;

b) Documentan la viabilidad de los métodos/metodología que se pensaría utilizar;

c) Dan una idea sobre el tiempo y costo de los análisis (diagnósticos) finales;

d) Pueden determinar que los problemas identificados en el proyecto de estudio son irrelevantes, y a la vez identificar problemas no previstos;

e) Proveen una oportunidad para evaluar los equipos de investigación, así como para entrenamiento de los equipos, etc.

En resumen, estos "pre-estudios" representan una etapa esencial en todo proyecto de investigación, y es la única forma de minimizar los problemas que surgen en el trabajo de terreno. Del primero de estos también puede surgir un modelo de proyecto relevante para todos los países. Es recomendable que cada país también utilice el "pre-estudio", en su turno.

5.2 Organización de los equipos y procesos de investigación

5.2.1 Formación de los equipos

Al principio debe seleccionarse un equipo reducido para elaborar la metodología específica inicial, establecer las prioridades del estudio y comenzar el pre-estudio.

La composición del equipo en cada país debería seguir los siguientes criterios:

La mayoría deberá ser del país en que se realiza el estudio.

El responsable de cada equipo deberá ser un abogado con experiencia en la investigación social (un propósito particular aquí es la participación y capacitación de los abogados en investigaciones de derecho y sociedad, si bien es cierto que la experiencia en otros países indica la falta de compromiso de estudiantes de derecho hacia las investigaciones socio-jurídicas).

Otros miembros probablemente pueden ser antropólogos legales y sociólogos con conocimientos sobre metodología.

El responsable para el estudio en cada país deberá poseer cierta capacidad teórica y experiencia en la investigación socio-jurídica, ya que parte de su responsabilidad sería la de ayudar a capacitar a su equipo, así como la de generalizar sobre la información producida. Este responsable seleccionará su equipo en consulta con el coordinador regional del proyecto e ILANUD.

Una vez seleccionado este equipo, determinar , junto con el coordinador regional, los asistentes de investigación que se requieran.

Es importante que el primer equipo de investigación incluya a uno o más representantes de los otros países que van a ser estudiados, ya sea como parte integral del equipo o como observadores. Esta participación serviría como entrenamiento para los equipos de los otros países y también ayudaría a establecer normas y modelos uniformes para todas las investigaciones, haciendo más viable y confiable la uniformidad de los datos, así como la comparación entre los países.

5.2.2 Período de capacitación y elaboración de los instrumentos de investigación

a) Se deberá efectuar un programa de capacitación breve sobre técnicas básicas de la metodología de investigación, conjuntamente con la elaboración de cuestionarios y otros instrumentos de investigación y los pre-estudios del mismo, para que de esta manera se conecte la capacitación "formal" con el proceso de investigación. La capacitación también debería socializar a los partícipes sobre los conceptos básicos de la investigación socio-jurídica, y de la importancia de adoptar una visión crítica y amplia, pero no prejuiciada, sobre el derecho y sociedad.

b) Una vez completa la capacitación, elaboración y prueba preliminar, deberán elaborarse los instrumentos finales y establecerse un plan específico para el análisis del sistema. Parte de este proceso podría darse en contrato a instituciones o servicios de investigación.

5.2.3 Programa de Trabajo- Se seguirán las siguientes etapas:

a) Determinación de país piloto,

b) Selección del responsable para ese país,

c) Discusiones con autoridades pertinentes,

d) Selección del equipo,

e) Capacitación y organización del mismo,

f) Determinación de prioridades,

g) Proceso de investigación y capacitación:

1) Recolección de información disponible.
2) Elaboración de metodología para el pre-estudio.
3) Capacitación.
4) Ejecución del pre-estudio.
5) Informe fundamentado sobre pre-estudio.

h) Evaluación del proceso,

i) Fórmulación de metodología final.

5.3 Supervisión y Retroalimentación (Feedback) del Estudio en cada País

5.3.1 Supervisión

El coordinador regional y el responsable del equipo local supervisarán el proceso de análisis, entre otras, por las siguientes vías:

a) Revisión de cuestionarios y de otros instrumentos de investigación e interrogaciones a los investigadores específicos cuando surja alguna duda.

b) Comprobación esporádica de la información y del proceso de recopilación de datos.

c) Acompañar ocasionalmente a los equipos de investigación.

5.3.2 Retroalimentación (Feedback)

A medida que aparecen los resultados deberán discutirse con asesores o expertos sin participación directa en el análisis del

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sistema. Estos asesores deben provenir de varios países incluyendo Europa, para garantizar el pluralismo ideológico.

Los informes preliminares de los estudios también deberán discutirse con dichos expertos, y adoptarse las modificaciones que sean necesarias.

5.4 Prevención de problemas potenciales.

Todas las preguntas delicadas se explicarán claramente a todos los individuos e instituciones pertinentes. El coordinador regional, junto con el responsable local, determinará la mejor forma de evitar posibles problemas políticos.

Puede ser necesaria la aprobación de parte de altos funcionarios de gobierno.

Todas las preguntas delicadas deberán hacerse por los equipos locales y discutirse con profesionales locales y otros expertos informados en la escena política, etc.

Los análisis se conducirán en forma objetiva, científica e impersonal. En todo caso se observaría la prudencia y se evitaría tomar partido, para así evitar las estigmatizaciones y los etiquetamientos rápidos. Una vez terminados los informes, se enviarán a los organismos y personas que han participado en el estudio. En cada caso se discutirá con cada institución el alcance de futuras publicaciones basadas en la investigación.

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Apéndice A

EL SUBSISTEMA DE JUSTICIA PENAL: ACCESO, FUNCIONAMIENTO Y EFICACIA

Preparado por:

José Ma. RICO
Profesor titular
Departamento de Criminología
Universidad de Montreal (Canadá)

Como complemento al documento elaborado por el profesor Joseph R. THOME, de la Escuela de Derecho de la Universidad de Wisconsin (USA)

Montreal, 24 mayo 1985

EL SUBSISTEMA DE JUSTICIA PENAL: ACCESO, FUNCIONAMIENTO Y EFICACIA

Antecedentes:

Lo que a continuación se expone:

1) corresponde al párrafo 4.2 (y, en forma más específica, al punto 4.2.2), titulado "Operacion Sistema Administración de Justicia" del documento de trabajo preparado por el profesor Joseph R. Thome, de la Escuela de Derecho de la Universidad de Wisconsin (USA),

2) tiene en cuenta que el principal objetivo de dicho Plan de acción es consolidar las instituciones democráticas de los países centroamericanos y caribeños para conseguir que los conflictos graves que en ellos pudieran surgir sean resueltos en forma pacífica y con arreglo a la ley, mediante el recurso a un sistema de justicia imparcial, independiente, accesible y eficaz;

3) se refiere fundamentalmente al sub-sector de la justicia penal considerado como prioritario en el citado documento de trabajo (4.12); y

4) respeta los tres principales temas que en el mismo se indican, a saber el acceso a la administración de la justicia, la operación de ésta, y las posibles respuestas que puedan darse a los problemas suscitados por dichos acceso, y operacion. (1.2.1, 1.2.2. y 1.2.3)

El subsistema de justicia penal:

La intervención penal del Estado comprende cuatro momentos importantes. En el primero, se intenta prevenir la comisión de delitos mediante métodos diversos (patrullas policiales; medidas destinadas a la reducción de los riesgos de victimización o a una mejor protección de los objetivos perseguidos por los delincuentes potenciales; reformas de las estructuras sociales, consideradas a menudo como las principales causas de la delincuencia; etc.). En el segundo, se amenaza con la imposición de una sanción a quienes incurran en determinadas conductas, una y otras establecidas en

un código penal o en leyes especiales. En un tercer momento, cuando las medidas preventivas y la coacción penal no han surtido efecto (es decir cuando se ha cometido un delito), se plantea la necesidad de buscar al infractor y eventualmente de determinar su responsabilidad en el hecho cometido, todo ello conforme a ciertas reglas y procedimientos. Finalmente, cuando se ha probado tanto la responsabilidad penal del acusado como la oportunidad de aplicarle una sanción, interviene la fase de la ejecución penal, con la que se agota la acción oficial del Estado.

Los dos últimos momentos -y en particular el tercero- son de especial relevancia para analizar el subsistema de justicia penal. En efecto, el proceso penal constituye el medio más importante y difundido para resolver el conflicto creado entre la sociedad y aquellos individuos que, al cometer un delito, han quebrantado las reglas establecidas por ella con vistas a proteger ciertos bienes jurídicos de especial trascendencia (la vida y la integridad física, la propiedad, la salud individual o colectiva, la seguridad del Estado, etc.).

Conviene indicar, sin embargo, que para una correcta evaluación del funcionamiento de dicho proceso penal es necesario referirse constantemente a otros aspectos mencionados en el documento de trabajo: organización administrativa de los principales componentes del subsistema de justicia (número, distribución territorial y funcional, características, condiciones de trabajo, etc. del personal destinado a estas tareas, es decir policías, fiscales, abogados, jueces, etc.), recursos materiales y financieros disponibles, normas legales y reglamentarias que rigen su funcionamiento, opinión pública, ciertos indicadores sociales (criminalidad, distribución de la población, nivel educativo y sanitario de la misma, producto nacional bruto, ingreso per cápita, etc.).

También es preciso subrayar que numerosos conflictos de naturaleza penal no son resueltos mediante la utilización de los procedimientos oficiales sino o bien de manera informal (por ejemplo, gracias a la despenalización efectuada en determinados casos por policías, fiscales e incluso jueces en el ejercicio del poder discrecional que las disposiciones legales

suelen otorgarles), o bien -y tal es el [illegible] latinoamericanos con un importante porcentaje de población indígena- mediante el recurso a otras instituciones más o menos toleradas (por ejemplo, los tribunales tradicionales indígenas o la comunidad).

El procedimiento penal:

Introducción:

En los países democráticos, el procedimiento penal no debe en ningún momento sacrificar el interés del individuo al de la sociedad. Si la justicia exije que, para su protección, la sociedad establezca medios y mecanismos que hagan posible el descubrimiento rápido y la sanción efectiva de los infractores de la ley penal, también impone imperativamente que la persona perseguida e inculpada tenga la posibilidad de defenderse y no pueda ser condenada y sobre todo privada de su libertad sino cuando se haya establecido totalmente su culpabilidad y responsabilidad ante un tribunal competente durante un proceso justo e imparcial.

Así pués, el procedimiento penal tiene por objeto determinar la organización y la competencia de las diversas jurisdicciones existentes a este efecto en el país, fijar las reglas que han de seguirse y las formas que han de respetarse para la búsqueda, captura y perseguimiento de los infractores, el establecimiento de las pruebas y el juicio de los acusados, y establecer el tipo de sentencia aplicable al caso así como las vías de recurso susceptibles de intentarse contra ella.

Sus principales fases:

Por pertenecer a la familia de derecho "romanista", las reglas del procedimiento penal de la mayoría de los países latinoamericanos son bastante similares. A continuación exponemos en forma resumida las principales etapas del mismo.

1. Denuncia o querella:

Una vez cometido el delito o, al menos, un hecho con apariencia criminal, la autoridad competente (según los países, el ministerio público, la policía judicial o los oficiales de policía que la ejercen, el juez u

otros funcionarios de instrucción, etc.) debe recibir la noticia de tal acontecimiento a través de una denuncia o de una querella. La denuncia es la simple exposición que un particular o un funcionario efectúa de los hechos observados susceptibles de constituir un delito perseguible de oficio. La querella es una denuncia realizada por la persona agraviada o por su representante, acompañada de la voluntad de que se persiga y sancione al autor de determinados delitos (sobre todo, los de carácter sexual o las infracciones contra el honor).

2. Averiguación previa:

Una vez presentada la denuncia o la querella, la autoridad competente (suele ser el ministerio público o los agentes de la policía judicial) establece la existencia del hecho, su eventual carácter delictivo y la posibilidad de atribuirlo en concreto a una o varias personas determinadas. Esta tarea de investigación previa culmina o bien con el ejercicio de la acción penal ante el tribunal competente (con la posibilidad de la detención provisional del supuesto inculpado), o bien con el archivo de la causa (en los casos de prescripción de la acción penal, fallecimiento del supuesto autor del hecho delictivo, elementos de prueba insuficientes, etc.).

3. Sumario o instrucción:

El proceso propiamente dicho se inicia con el sumario o instrucción, cuyo objeto es comprobar la existencia de un hecho punible, averiguar todas las circunstancias que sirvan para calificarlo penalmente, descubrir a sus autores y partícipes y reunir todos los datos personales y sociales sobre ellos que puedan contribuir a establecer su responsabilidad.

Esta etapa del proceso corresponde, según los países, al ministerio público, al juez y demás funcionarios de instrucción y a los agentes de la policía judicial.

Durante esta fase, se llevan a cabo diversos actos de prueba destinados a recabar datos conducentes tanto al esclarecimiento de la verdad en torno a los hechos que se alegan como a la determinación de la responsabilidad y personalidad de su autor. A este respecto, las pruebas más importantes y frecuentemente utilizadas son la confesión, el testimonio, la peri-

cia, la inspección (del lugar de comisión del delito, del domicilio del supuesto autor, etc.), los documentos y los indicios.

También se pueden ordenar en el transcurso de este período la detención preventiva del inculpado o su puesta en libertad bajo fianza (personal o real). Contra cualquier orden injustificada de detención existe la posibilidad de invocar el recurso especial de habeas corpus. Por otra parte, la libertad provisional puede ser cancelada en determinadas circunstancias.

En ciertos casos, principalmente en lo que respecta a las llamadas contravenciones de simple policía o a los delitos flagrantes, el procedimiento puede desarrollarse por un camino abreviado o vía sumaria.

El sumario o instrucción se termina con una resolución de sobreseimiento y libertad del inculpado (cuando no se ha podido comprobar el cuerpo del delito o acreditar la responsabilidad del inculpado), con una decisión de aplazamiento o archivo de la causa (en caso de insuficiencia de la prueba, prescripción de la acción penal, rebeldía del inculpado, etc.) o con un auto formal de enjuiciamiento, acompañado eventualmente por la detención del acusado (cuando se estima que están reunidos los elementos fundamentales para el juicio).

4. Plenario o juicio:

Esta fase del proceso penal suele tener lugar, en audiencia pública, ante uno o varios jueces o ante jurado.

Se inicia con la lectura del auto de enjuiciamiento y la declaración del acusado y continúa con el interrogatorio de los testigos presentados por la acusación y la defensa, así como con el examen de la prueba pericial y documental presentada. Tiene lugar seguidamente la exposición de las conclusiones, es decir del análisis, hecho separadamente por ambas partes, de los elementos reunidos en el curso de la instrucción y de las posiciones de la acusación y de la defensa con vistas a la resolución judicial. Con base en tales conclusiones, el juez o el jurado emiten el veredicto y la sentencia que consideren pertinentes.

5. Recursos:

Contra las decisiones judiciales existen diversas clases de recursos, siendo los principales la apelación (ante una jurisdicción superior), la casación y la revisión (ante la Corte Suprema, por razones de derecho y de hecho).

Juicios y procedimientos especiales:

La descripción precedente, así como la que seguirá, se refiere principalmente al procedimiento penal ordinario aplicable a las personas adultas en los países centroamericanos y caribeños aludidos en el Plan de acción.

Las legislaciones de dichos países prevén, sin embargo, procedimientos y juicios especiales en diversos casos y con respecto a determinadas personas. Puede citarse como ejemplo la jurisdicción militar y los procedimientos contra funcionarios públicos y miembros de la Asamblea legislativa, así como los aplicables en materia de extradición, contumacia, habeas corpus, etc. Para la adecuada evaluación de este tipo de juicios, los esquemas aquí propuestos deberán ser objeto de las adaptaciones necesarias.

Tampoco se ha considerado oportuno en el presente documento de trabajo abordar el tema del sistema penal para menores, cuyas problemática y perspectivas de solución son bastante diferentes a las que se pueden adoptar en el campo de los adultos. Empero, si su estudio se considerara necesario, habría asimismo que proceder a la elaboración de un modelo especial para su evaluación.

Los principales problemas:

Para la determinación de los factores o circunstancias que hasta ahora han impedido u obstaculizado la realización del objetivo fundamental asignado al subsistema de justicia penal (es decir, la resolución pacífica y con arreglo a la ley de ciertos conflictos graves entre los individuos y la sociedad mediante el recurso a un sistema de justicia imparcial, independiente, accesible y eficaz), es preciso proceder previamente a una descripción detallada de la organización y del funcionamiento del mismo.

Como los problemas de carácter organizativo son tratados adecuadamente en diversas secciones del documento preparado por el profesor Thome, nos limitaremos aquí a exponer los relativos al acceso y funcionamiento de dicho subsistema.

Con este fin, hemos elaborado el siguiente modelo de circulación de casos a través del subsistema de justicia penal, que a continuación se describe brevemente:

a) dicho modelo incluye los principales componentes del subsistema indicados en el documento de trabajo (2.2 y 3.2 a 3.5), es decir la policía, el ministerio público, los funcionarios de instrucción, los tribunales, la abogacía y los servicios penitenciarios, los límites de cuya actuación se indican en la parte inferior del esquema;

b) en él se incorporan asimismo las diferentes etapas, ya descritas, del procedimiento penal;

c) igualmente se indican el sentido de la circulación de los casos, las fases del proceso penal en que, por diversas razones, tanto los casos como las personas implicadas en los mismos salen del subsistema y las etapas en que se adoptan las principales decisiones;

d) por consideraciones metodológicas, se distinguen los casos de las personas (una causa puede implicar a varios individuos, una persona puede ser inculpada por dos o más infracciones), presentándose para ello dos líneas de dirección diferentes.

A partir de este modelo, se pueden determinar en forma operativa los principales problemas que se presentan (o pueden presentarse) en los diversos momentos del funcionamiento del subsistema de justicia penal. Dichos problemas son los siguientes (1):

1. <u>Denuncias y querellas</u>:

- ¿Cuáles son las principales características de las personas o grupos que presentan una denuncia o una querella?

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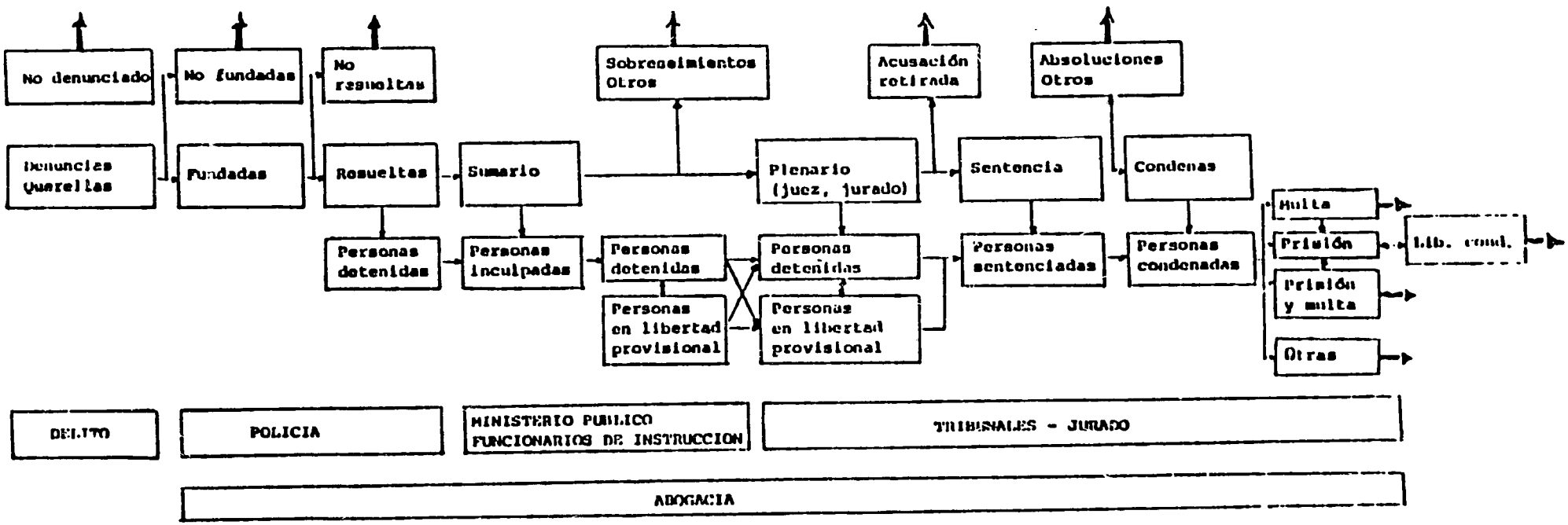
(1) Para la exposición de los mismos, hemos utilizado, adaptándolo, el cuestionario elaborado por Eugenio R. ZAFFARONI en <u>Sistemas penales y derechos humanos en América Latina (primer informe)</u>, Buenos Aires, Depalma, 1984, p. 177-223.

Modelo de circulación de casos a través del subsistema de justicia penal



Leyenda: sentido de la circulación
puntos de decisión
salida del subsistema

José M. RICO
Montreal, mayo 1985

- ¿Cuántas denuncias y querellas se presentan? ¿en qué casos?

- ¿Por qué no se denuncian determinados delitos (poca confianza en la justicia, pérdida de tiempo, temor a represalias, delito menor, etc.)?

- ¿Es fácil el acceso a la acción penal y/o la civil?

- ¿Qué dificultades prácticas hay para acceder a los recursos judiciales (extremado formalismo, exigencia de un depósito o garantía, tasas judiciales excesivas, requerimiento de la firma de un letrado, breves términos para interponerlos, etc.)?

2. Averiguación previa:

- ¿Es pública o secreta? ¿oral o escrita?

- ¿Cuánto tarda (legalmente, en la práctica)?

- ¿Quién interviene en ella (ministerio público, policía judicial, policía ordinaria)?

- ¿Qué valor probatorio tienen las diligencias efectuadas por tales instituciones?

- ¿Están controladas por alguna autoridad (juez de instrucción, ministerio público) las actividades realizadas por la policía durante esta etapa?

- ¿Debe o puede estar presente en ellas el defensor del imputado?

- ¿En qué local suele prestarse la declaración indagatoria? ¿suele haber personal policial presente?

- ¿Qué valor probatorio o de otra naturaleza asigna la jurisprudencia a la declaración del imputado en sede policial sin la asistencia letrada?

- ¿Puede la policía efectuar detenciones, pesquisas, allanamientos, decomisos, clausura de locales, etc. sin orden judicial? ¿en qué casos? ¿con qué limitaciones?

- ¿Puede la policía detener con meros fines de identificación?

- ¿Practica la policía redadas o detenciones masivas? ¿por qué causas? ¿en qué zonas? ¿ de qué grupos o personas?

- ¿Permite la información policial la publicación de los datos y fotografías de detenidos imputados de delitos?

- ¿En qué forma y tono hace la prensa esta publicación?

- ¿Posee la policía jurisdicción en materia de contravenciones? ¿cuál es su alcance (investigación, sentencia)?

- ¿Prolonga la policía los plazos legales de detención? ¿con qué procedimientos?

- ¿Cuántos suicidios tienen lugar en las dependencias policiales?

- ¿Cuántos recursos en habeas corpus se presentan durante esta fase? ¿cuántos son aceptados? ¿cuántos rechazados?

- ¿Cuántos casos se consideran fundados?

- ¿Cuántos casos se consideran no fundados? ¿cuáles son las razones invocadas (hecho inexistente, delito inexistente, etc.)?

- ¿Cuántos casos son resueltos en esta fase?

- ¿Cuántos casos no son resueltos? ¿cuáles son las razones (falta de personal o de medios, exceso de causas, corrupción, etc.)?

- ¿Se practica la despenalización durante esta fase? ¿en qué casos y/o con respecto a qué categorías de personas (delitos menores, alcoholismo, disputas familiares o entre vecinos, etc.)?

- ¿Cuántas personas son detenidas durante esta fase? ¿por qué delitos? ¿cuáles son sus características personales?

- ¿Cuál es el tiempo promedio de su detención?

3. Sumario o instrucción:

- ¿Es público o secreto? ¿oral o escrito?

- ¿Está siempre a cargo de un juez? ¿de otro funcionario? ¿por qué?

- ¿Interviene en él la policía judicial? ¿qué funciones tiene?

- ¿Es obligatoria la presencia de un defensor? ¿debe ser letrado? ¿es nombrado de oficio o por el procesado?

- ¿Qué efectos produce, según la jurisprudencia, la ausencia del defensor en los casos en que su presencia es obligatoria?

- ¿Hay incomunicación entre el procesado y su defensor? ¿en qué casos? ¿cuánto dura en promedio?

- ¿Cuánto dura en promedio un sumario (por zonas, delitos, características personales del procesado, según que éste se encuentre libre o detenido)?

- ¿Se respetan los plazos previstos en la ley para las diversas fases de esta etapa? En caso negativo, ¿por qué?

- ¿Hay limitaciones legales al valor de las pruebas? ¿en qué consisten?

- ¿Se admiten pruebas producidas por medios técnicos modernos (grabaciones, filmaciones, fotografías, etc.)? ¿cuál es su valor?

- ¿Se admite la intercepción de líneas telefónicas como medio probatorio?

- ¿Las pruebas se aportan de oficio o a instancia de parte?

- ¿En qué fase procesal se pueden presentar?

- ¿El ministerio público puede ofrecer pruebas únicamente en el sumario o también en el plenario?

- ¿El juez que practica la prueba es el mismo que la valora?

- ¿Qué facultades tiene el juez respecto de la prueba que se presenta en el sumario?

- ¿Establece la ley o la jurisprudencia la nulidad de las pruebas obtenidas en forma irregular?

- ¿Cuántas personas son procesadas (por zonas, delitos, características personales del inculpado, según que éste se encuentre libre o detenido)?

- ¿Cuántas personas son detenidas preventivamente durante esta etapa del proceso (las mismas variables)?

- ¿Cuánto dura en promedio su detención preventiva (las mismas variables)?

- Dicha detención preventiva ¿es obligatoria o facultativa? ¿en qué casos?

- ¿Cuántas personas son excarceladas (las mismas variables)?

- ¿En qué casos procede la excarcelación?

- ¿Qué sucede cuando el procesado es incapaz de ofrecer fianza?

- ¿En qué casos procede la revocación de la decisión de libertad bajo fianza?

- ¿Cuántos casos son sobreseídos? ¿por qué causas (delito inexistente, pruebas insuficientes, prescripción de la acción penal, etc.)?

- ¿En cuántos casos se procede al archivo de la causa? ¿por qué motivos (fallecimiento del procesado, rebeldía, irresponsabilidad penal, exceso de causas, corrupción, etc.)?

- ¿En cuántos casos se dicta un auto de enjuiciamiento (por zonas, delitos, características personales del procesado, según que éste se encuentre libre o detenido)?.

- ¿En cuántos casos se decreta la detención definitiva del inculpado o su mantenimiento para la fase del plenario (las mismas variables)?

- ¿Cuántos recursos en habeas corpus se presentan durante esta fase del proceso? ¿cuántos son aceptados? ¿cuántos rechazados?

- ¿En cuántos casos se apela de la decisión de la autoridad instructora?

- ¿Con qué frecuencia tiene lugar un procedimiento sumario en los casos de contravenciones de simple policía o de delito flagrante? ¿cuáles son las peculiaridades de su fase sumarial?

4. Plenario o juicio:

- ¿Es público o secreto? ¿oral o escrito?

- ¿Hay audiencia? ¿es ésta contínua?

- ¿Es obligatoria la presencia del acusado? ¿se le puede condenar en ausencia o rebeldía?

- ¿Es obligatoria la presencia de un defensor?

- ¿Qué efectos produce, según la jurisprudencia, la ausencia del defensor en los casos en que su presencia es obligatoria?

- ¿Se pueden aportar pruebas durante esta fase? ¿es posible controvertirlas?

- ¿Hay jurado? ¿su veredicto obliga al juez?

- ¿Cuánto dura en promedio un plenario (por zonas, tribunales, delitos, características personales del acusado, según que éste se encuentre libre o detenido)?

- ¿Se respetan los plazos previstos en la ley para las diversas fases de esta etapa? En caso negativo, ¿por qué?

- ¿Cuántas personas son enjuiciadas (las mismas variables)?

- ¿Cuántas son detenidas durante esta fase? ¿cuántas liberadas (las mismas variables)?

- La detención de dichas personas durante esta fase ¿es obligatoria o facultativa? ¿en qué casos?

- ¿Cuánto dura en promedio dicha detención (las mismas variables)?

- ¿Cuántas personas son sentenciadas (las mismas variables)?

- ¿Debe motivarse la sentencia?

- ¿Existe algún término para pronunciarla, una vez concluida la audiencia?

- ¿Cuántas personas son absueltas (las mismas variables)?

- ¿Cuántas acusaciones son retiradas o archivadas en esta fase? ¿por qué causas (carencia de jurisdicción, declinatoria de competencia, prescripción, cosa juzgada, nulidades, fallecimiento del acusado, etc.)?

- ¿Cuántas personas son condenadas (las mismas variables, duración del proceso)?

- ¿Cuántas personas son condenadas a la prisión (las mismas variables, duración de la condena)?

- ¿Cuántas personas son condenadas a la multa (las mismas variables, promedio de la multa)?

- ¿Cuántas personas son condenadas a la prisión y a la multa (las mismas variables)?

- ¿Cuántas personas son condenadas a otras penas (las mismas variables)?

- ¿Existen penas alternativas en sustitución de la pena privativa de libertad? ¿cuáles?

- ¿Cómo se establece la medida de la pena? ¿qué criterios existen para ello?

- ¿Se toma en cuenta la reincidencia, los antecedentes, la vida anterior y la peligrosidad del sujeto para la determinación de la pena? ¿en qué forma?

- Para fijar la multa, ¿se tiene en cuenta la situación del penado?

- ¿Se convierte la multa en prisión por falta de pago? ¿en cuántos casos?

- ¿Puede evitarse la prisión mediante alguna forma de pago?

- ¿Puede la policía o la administración imponer penas contravencionales? ¿hay recurso judicial contra ellas?

- ¿Cuál es la pena máxima para las contravenciones?

5. Recursos:

- ¿Cuántos recursos de apelación, casación y revisión se han intentado? ¿cuántos han sido aceptados? ¿cuántos rechazados?

- ¿Cuánto duran en promedio dichos recursos?

6. Ejecución penal:

- ¿Hay un código o ley de ejecución penal?

- ¿Hay jueces o tribunales de ejecución penal que supervisen el procedimiento de ejecución penal y canalicen las quejas y peticiones de los reclusos?

- ¿Hay normas que garanticen la defensa adecuada del interno?

- ¿Hay normas que aseguren la comunicación del interno con los jueces? ¿se le puede revisar la correspondencia dirigida a éstos?

- ¿Se imputa la privación de libertad sufrida durante el proceso a la pena privativa de libertad?

- ¿Hay normas que establecen el límite máximo de la población penitenciaria de cada establecimiento penal?

- ¿Se regula la clasificación y separación de los reclusos según la situación penal (procesados, condenados), la peligrosidad y las características personales de los mismos?

- ¿Existe tratamiento penitenciario? ¿en qué consiste?

- ¿Existe trabajo penitenciario? ¿en qué consiste?

- ¿Se prevé el régimen de pre-libertad? ¿qué autoridad lo determina? ¿en qué consiste?

- ¿Se prevé el régimen de libertad condicional? ¿qué autoridad lo determina? ¿en qué consiste-

- ¿Existen asociaciones o grupos de ayuda a los liberados?

- ¿Cuál es la población penitenciaria del país (por instituciones y según la situación legal del interno, sus características personales y la duración de su condena)?

- ¿Cuántos suicidios se han registrado en las prisiones? ¿cuántas lesiones y agresiones? ¿cuántas muertes en motines (internos, personal)?

- ¿Cuántos reclusos han obtenido la pre-libertad y/o la libertad condicional? ¿en cuántos casos se han revocado?

- ¿Cuántos liberados reinciden?

Los datos necesarios:

1. Los datos existentes:

Los datos existentes son fundamentalmente de naturaleza jurídica: constitución, código penal, leyes penales especiales, legislación contravencional, leyes de estado peligroso, código de procedimiento penal, ley de ejecución penal, ley de organización judicial, jurisprudencia, etc.

En cambio, los datos estadísticos suelen ser incompletos, poco fiables y de publicación irregular. Lo mismo ocurre con las informaciones procedentes de las relativamente escasas investigaciones empíricas efectuadas sobre el tema.

2. Nuevos datos:

Por esta razón es preciso obtener nuevos datos que puedan aportar elementos de respuesta a las numerosas interrogantes anteriormente expuestas y, sobre todo, contribuir a la evaluación del funcionamiento del subsistema de justicia penal.

La información cuantitativa puede obtenerse mediante trabajos de campo efectuados en cada país por un equipo de investigadores. Para ello se elaborarán diversos instrumentos (formularios, cuadros, etc.) a partir de las cuestiones antes enumeradas (1). Dichos instrumentos servirán no sola-

(1) Se podrán emplear con gran provecho para esta tarea los formularios y cuadros contenidos en Rodrigo BOLAÑOS S., Manual para el establecimiento de un sistema integrado de estadísticas de la criminalidad (SIEC), ILANUD, San José, Costa Rica, junio 1983.

mente para la compilación de la información necesaria para el actual proyecto, sino también para la que en adelante se haga en forma regular y sistemática con vistas a proporcionar a los administradores de justicia los elementos indispensables para la evaluación tanto del conjunto del subsistema como de cada uno de sus componentes.

Sin embargo, este tipo de datos deberá completarse con información cualitativa, imprescindible para la interpretación adecuada de aquéllos. A este respecto, se efectuarán entrevistas con representantes idóneos de cada uno de los subsectores del subsistema (policías, fiscales, jueces, abogados, oficiales de prisiones, etc.), preparándose previamente para ello un cuestionario basado en las preguntas anteriormente expuestas.

En ambos casos, deberá determinarse previamente la amplitud de los datos que conviene compilar, la cual estará condicionado por consideraciones de tiempo, personal disponible para la investigación y presupuesto. En cualquier circunstancia, dichos datos no han de ser necesariamente numerosos y complicados, sino sencillos, útiles y significativos para el objetivo que se persigue.

Apéndice B

Reseñas para Estudios de Casos

En mi juicio, una de las mejores maneras para realizar análises evaluativos de la administración de justicia es por medio de estudio de casos. En cada categoría relacionada a un área importante con problema socio-legal, se pueden llevar a cabo varios tipos de estudios de casos. Trataré aquí de reseñar de manera breve y resumida un estudio o estudios de casos para cada una de estas áreas: Conflicto de Terreno Rural.

Temas y tipos de conflictos de la tierra que cubrirán los estudios de casos

A) Fuente del Problema

1. Estructura de la tenencia de la tierra en un área particular y otros factores socio-económicos han conducido a situaciones de invasión de terrenos, desalojamientos, conflictos laborales y otros semejantes, algunos de los cuales son resueltos por medio de instituciones públicas (tribunales o agencias administrativas) y otros por medios "extra-legales".

B) Estudio de casos de diferentes tipos de conflictos y tipos de resolución

2. Caso de invasión de la tierra resuelto por medio de tribunales

a) El Proceso del Litigio (por lo general, datos tomados de archivos de casos).

i) Partes comprometidas

ii) Fuente del problema e incidentes que conducen al proceso

iii) Incidente específico que conduce al litigio

iv) Esfuerzos para resolver el conflicto

v) Resumen del proceso, incluyendo fases claves, duración, etc.

vi) La solución judicial

vii) La solución fundamental (lo que realmente sucedió)

b) Análisis del proceso (principalmente resultados de entrevistas con las partes, asesores, etc.)

i) La posición de los invasores de terrenos
-Por qué invadieron? Por qué no hay otras alternativas, etc.

-Su posición legal

-Quién provee asesoría y a qué costo

-Beneficios/costos del proceso, en términos financieros, sociales y políticos

-Actitud hacia el proceso legal.

ii) Posición de (de los) terrateniente(s)

Preguntas similares

iii) Posición de los abogados que participan

Argumentos legales. Otras razones para el litigio (políticas, etc.). Percepciones del proceso legal en general y en este caso particular, etc.

iv) Posición de las autoridades públicas [si es diferente a las de la sección 2)]

v) Posición de terceras partes con compromisos o intereses en el caso

vi) Posición de los jueces y de otro personal judicial comprometido

vii) Posición de observadores en este caso (abogados o científicos sociales con intereses académicos en el caso)

3) Caso de invasión de terreno resuelto por medio de mecanismos extra oficiales (ya sea arreglos realizados fuera de los tribunales después de haber entablado la demanda ante el tribunal, o proceso judicial nunca iniciado). Es muy probable que se carece de fuentes secundarias en este tipo de casos, sin embargo, es importante analizar estos casos en toda su extensión posible, con el fin de llegar a ciertas conclusiones de por qué se escojen mecanismos informales, cómo se utilizan, etc. Aquí será necesario realizar muchas entrevistas, con preguntas similares a las anteriores.

4) Caso de invasión de terrenos resuelto por medio del uso de la autoridad pública (ej., desalojo por la policía). Asuntos, preguntas, etc., similares a los anteriores. Se pueden realizar estudios de casos similares para otros casos de problemas bajo cada categoría.

APENDICE 3

ILANUD/FIU

REUNION DE EXPERTOS PARA EL ESTUDIO DEL DOCUMENTO DE TRABAJO TITULADO "PLAN DE ACCION PARA EL ANALISIS DE LA ADMINISTRACION DE JUSTICIA EN VARIOS PAISES DE CENTRO AMERICA Y EL CARIBE"

LISTA DE PARTICIPANTES

AMARO-GUZMAN, Raymundo Director Oficina Nacional Administracion y Personal (ONAP)	Av. Mexico, Santo Domingo, Republica Dominicana Tel. 682-3298 (oficina) 533-2705 (habitacion)
BOGRAN-IDIAQUEZ, Roberto Coordinador residente Proyecto sobre Mejoramiento de la Administracion de Justicia	Edificio Guillen 203 Bo. La Ronda Tegucigalpa, Honduras Tel. 22-5183/22-5783 (oficina) 32-1555 (habitacion)
BUERGENTHAL, Thomas Presidente Instituto Interamericano de Derechos Humanos	San Jose, Costa Rica Tel. 25-22-22 (oficina)
CASTILLO, Enrique Director Estudios de Posgrado en Derecho, U. de C.R.	Apartado 8-5840, San Jose 1000, Costa Rica Tel. 21-12-55 (oficina)
CIRA, Carl Coordinador Regional de AID para el Proyecto sobre Mejoramiento de la Justicia	Embajada de los Estados Unidos de America San Jose, Costa Rica Tel. 33-11-55 (oficina)
GUERRA (de Villalaz), Aura Director del Centro de Investigacion Juridica de la Facultad de Derecho de la Universidad de Panama	Centro de Investigacion Juridica Facultad de Derecho Estafeta Universitaria Panama, Republica de Panama Tel. 23-92-79 (oficina) 26-14-96 (habitacion)
GUTIERREZ, Carlos Jose Ministro de Relaciones Exteriores y Culto	San Jose, Costa Rica Tel. 23-94-93 (oficina)
LYNCH, Dennis O. Profesor de Derecho y Decano Asociado	Universidad de Miami P.O. Box 24-80-87 Coral Gables, Fla. 33124 Tel. 305 - 284-3976 (oficina) 305 - 666-9532 (habitacion)

ILANUD/FIU
Lista de Participantes
Hoja N° 2

MORA-MORA, Luis Paulino Magistrado Corte Suprema de Justicia	Corte Suprema de Justicia San Jose, Costa Rica Tel. 23-06-66 (oficina) 41-35-80 (habitacion)
ORELLANA, Edmundo Director de Reforma Administrativa	Comayaguela, D.C. Honduras Tel. 22-2261/62 (oficina) 33-8289 (habitacion)
PEREZ-PERDOMO, Rogelio Jefe Depto. Disciplinar de Formacion Basica	Escuela de Derecho Universidad Central de Venezuela (Apdo. 47849) Caracas, Venezuela Tel. 545-5998 545-5923 (mensajes telefonicos) 283-35-52 (habitacion)
ROJAS, Fernando	Universidad de Wisconsin Law School, Madison, WI 53706 Tel. 608 - 262-7418 (oficina) 608 - 231-1584 (habitacion)
SUSSEKIND, Elizabeth Secretaria General Instituto de Ciencias Penales	Paulino Fernandes 32 Rio de Janeiro, Brasil Tel. 286-6197 (oficina) 239-1825 (habitacion)
THOME, Joseph R. Profesor	Universidad of Wisconsin Law School Madison, WI 53705 Tel. 608 - 263-7418 (oficina)
ZAFFARONI, Eugenio Raúl Juez de la Excma. Camara Nacional de Apelaciones en lo Criminal y Correccional de la Capital Federal	Pujol 862, Buenos Aires (1405) Tel. 431-44-21 46-97-39 Tribunal 631-08-10 Habitacion

PARTICIPANTES POR ILANUD*

CARRANZA, Elias
Director a.i.

GONZALEZ, Emilia
Subdirectora

MONTERO, Jorge A.
Director
Proyecto sobre Mejoramiento
de la Administracion de Justicia

ULATE, Ricardo
Servicios de Extension

GARITA, Ana Isabel
Investigadora

LACHNER, Luis
Investigador

PARTICIPANTES POR FIU*

SALAS, Luis P.
Asesor del Proyecto sobre
Mejoramiento de la Administracion de Justicia

RICO, Jose María
Asesor del Proyecto

*Direccion:

Apartado 10071 - 1000
San Jose, Costa Rica

Tel. 21-38-86

ATTACHMENT 4

List of Participants at the August 6 and 7, 1985 meeting to review the proposed sector assessment methodology

Raymundo Amaro Guzmán, Director Oficina Nacional de Administración y Personal, Dominican Republic;

Roberto Bogran-Idiaquez, AID Coordinator, Honduras;

Thomas Buergenthal, Judge on the Inter american Court of Human Rights and Dean of American University School of Law;

Enrique Castillo, Director of Postgraduate Studies, School of Law, University of Costa Rica;

Emilia Gonzáles, Director of Training and Project Deputy Director (ILANUD);

Aura Guerra de Villalaz, Director of the Centro de Investigación Jurídica of the University of Panama;

Carlos José Gutierrez, Minister of Foreign Affairs, Costa Rica;

Dennis O. Lynch, Associate Dean and Professor of Law, School of Law, University of Miami;

Jorge Arturo Mortero, on leave as Director of ILANUD as Costa Rican Alternate Ambassador to the United Nations and ILANUD Project Director;

Luis Paulino Mora-Mora, Supreme Court Justice, Costa Rica;

Edmundo Orellana, Director de Reforma Administrativa, Honduras, and permanently on the staff of CONSUPLAN, Honduras;

Rogelio Pérez Perdomo, Faculty of Law, Universidad Central de Venezuela;

Jose María Rico, Center for the Administration of Justice, Florida International University;

Fernando Rojas, Kellogg Visiting Professor, School of Law, University of Wisconsin, permanently of the Universidad Nacional de Colombia (Bogota);

Elizabeth Sussekind, General Secretary, Penal Sciences Institute, Rio de Janeiro, Brazil;

Eugenio Raúl Zaffaroni, Penal and Correctional Appeals Judge, Federal District, Argentina and Professor of Law, University of Buenos Aires.

ATTACHMENT 5

TERMS FROM THE SECTOR ASSESSMENT WHICH DEAL WITH A SECTOR ASSESSMENT METHODOLOGY

"The need for some in-depth study of the justice sector of each participating country at an early date is clear. One of the main concerns of the design team has been the absence of adequate data, both country by country, and regionally, for planning and evaluation of this Project. The central purpose of these sector assessments is to provide such baseline data on the justice sector. While the main focus of justice sector assessments is the judiciary system, it cannot be isolated from other components of the system (such as the conduct of investigations and the state of the prison system) and these shall be considered in the study insofar as they affect delivery of expeditious results by criminal courts.

Sector studies may be carried out as short-run projects or as long-term studies. A long-term study is not favored by ILANUD, national representatives, or the design team and the assessment shall be conducted as a short-term activity.

This activity shall be carried out in three stages as follows: 1) gathering of sufficient data and information from experienced persons to permit description of the sector; 2) analysis of the data and model building; 3) analysis of the findings by ILANUD, nationals and USAID. Due to the economic and time constraints, the Project staff shall avoid field generation of data whenever possible, but shall make judgments as to the reliability of existing data."

Agency for International Development, "Project Paper: Regional Administration of Justice", 1985, p. 37.

ATTACHMENT 10

FIU PROPOSAL FOR A GRANT TO ASSIST THE ADMINISTRATION OF JUSTICE IN PANAMA, DATED MAY 25, 1990

CENTRO
PARA LA
ADMINISTRACION
DE JUSTICIA

CENTER FOR THE ADMINISTRATION OF JUSTICE
FLORIDA INTERNATIONAL UNIVERSITY

PROPOSAL FOR A GRANT TO ASSIST THE ADMINISTRATION OF JUSTICE IN PANAMA

PRESENTED BY FLORIDA INTERNATIONAL UNIVERSITY TO
USAID/PANAMA

MAY 25, 1990

Florida International University
Apartado 641-1011 • San Jose, Costa Rica • (506) 32-28-52 • FAX (506) 31-49-69

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1. BACKGROUND

Discussions regarding AID assistance to the Panamanian justice system have been going on since 1985. In March of that year, AID approved a Regional Administration of Justice Project (RAJP) to provide assistance in five countries (Costa Rica, Panama, El Salvador, Honduras, Dominican Republic). As one of the first tasks carried out under the RAJP, the Project funded assessments of the justice sector in the participating countries, planned and coordinated by FIU's Center for the Administration of Justice. Panama was selected as a pilot country for the first study which began in August, 1985. The final report was completed nine months later. Although the study was the first of its nature and is quite complete, suspicion by the court of the political motivation for such a study, the deterioration of political relations with the US and the other factors resulted in limited access to judicial information and staff during the latter stages of the research. During this time, about 20 Panamanian justice officials participated in ILANUD managed RAJP activities. Late in 1986, all AID activities in Panama ceased and the participation of Panamanian was eliminated from the RAJP.

With the return of U.S. assistance to Panama, a primary component of AID's mission is the development of a strong and independent civilian justice system.

The immediate priority of U. S. assistance efforts in the administration of justice is the conversion of the Panama Defense Forces into a civilian police force. A mission constituted by AID, Department and ICITAP personnel (Deborah McFarland, Fay Armstrong and David Kriskovich) took place during the week of January 15-19, 1990. This team conducted a preliminary review and identified areas of urgent need for the administration of justice in Panama.

Shortly thereafter, a one-week site visit to Panama took place by the team led by FIU's Center of Administration of Justice, Deborah McFarland, Deputy Director of LAC/DI and Carl Cira, RAJO. Since ICITAP was well along in the area of police assistance, the team focused on potential assistance to the prosecutorial and judicial sectors.

Although a through assessment of the sector had already been carried out in 1986, its findings were somewhat outdated and limited by the closed attitude of the Supreme Court in 1986. Additionally, no consensus was found among justice officials regarding their long-term priorities. Logically, they focused on the emergency needs of the courts. The team concluded that some preparatory design and training work should be carried out prior to the development of any bilateral assistance program.

This proposal draws on the experience of the Center for the Administration of Justice of Florida International University which has carried out justice sector assessments, including training needs identification, in six Central American and Caribbean Countries and is recognized as being in the forefront of justice sector reform in Latin America.

2. PURPOSE, DESCRIPTION AND EXPECTED OUTPUTS:

2.1. Purpose and Description

This proposal focuses on the Panamanian judicial and prosecutorial subsectors. Its purpose is to carry out a series of analytical and training activities leading to provide information and guidance to a Project Paper design team which can then use the information and strategies developed during this preparatory phase for the development of a bilateral project to improve the Panamanian Administration of Justice.

The proposal consists of three components (sets of activities):

- A global analysis of the justice sector with emphasis on the judicial and prosecutorial subsectors. This component, through a dynamic and interactive process, will permit an initial discussion by local authorities of the main problems of the Judiciary and the Attorney General (Procuraduría). One of these main problems already identified by the local authorities is the lack of a permanent training system for judges and prosecutors.

- A training needs assessment for judges and prosecutors. This component will permit the establishment of an innovative training needs identification methodology which will provide the basis for a permanent training system. This methodology will be carried out with a specific target population: trial judges and trial prosecutors (jueces de circuito y fiscales de circuito). It will then be proposed as the methodology recommended for the training needs assessment of other personnel of the Judiciary and the Procuraduría.

- The preparation of a proposal for a permanent training system for Judiciary and the Procuraduría. This proposal will result in the identification of the main steps to be carried out in order to create and start a permanent training system.

2.2. Expected Outputs:

As a result of this proposal, eight products are expected:

- A general review of the main problems of justice sector with emphasis on the judicial and prosecutorial institutions.

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- A methodology for training needs assessment for justice sector officials.

- Basic data on personnel, including number, background, qualifications, etc.

- The occupational and educational profiles of trial prosecutors (fiscales de circuito)

- The occupational and educational profiles of trial criminal judges (jueces de circuito)

- A training needs assessment for trial prosecutors

- A training needs assessment for trial criminal judges

- A proposal for a permanent training system for the Judiciary and the Procuraduría

3. COMPONENTS

3.1. Analysis of the Justice Sector

3.1.1. Purpose

To discuss the current situation of the Justice Sector based on the data gathered by the 1985-86 Justice Sector Assessment and other related studies on the subject.

3.1.2. Elements to be described and analyzed

(i) the relationship and coordination among the different subsectors, specially the Procuraduría and the Judiciary.

(ii) prospective orientation for the Justice Sector.

(iii) identification and priorization of main difficulties and possible solutions in the development of the sector.

(iv) identification of recommendations towards the establishment of a permanent training system for the Judiciary and the Procuraduría.

3.1.3. Methodology

The analysis will be carried out in two workshops organized with the key local authorities of the Justice Sector, based on prior study of documentation.

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Participants in these workshops will represent all the institutions of the Sector, but especially the Procuraduría and the Judiciary.

3.2. Training Needs Assessments and Initial Training

While initial selection of the most qualified applicants for prosecutor and judges positions is fundamental to the capacity of an institution to provide services, an efficient and structured training program, both for incoming and existing personnel, is a fundamental complement of a modern personnel system.

There are two distinct groups of personnel within the Procuraduría and the Judiciary: legal professionals (judges and prosecutors) and support staff. Legal professionals require the most specialized training, due both to their often deficient law school experience and their pivotal positions in administration of justice.

3.2.1. Purpose

To carry out a training needs assessment with specific training population of the Procuraduría (fiscales de circuito) and the Judiciary (jueces de circuito) and provide some initial training activities for prosecutors and criminal judges.

3.2.2. Elements to be Described and Analyzed

(i) Desired and real occupational and educational profiles trial prosecutors and judges(fiscales y jueces de circuito).

(ii) Prioritization of training needs and recommendation for a training plan for the mentioned prosecutors and judges.

(iii) Design of an innovative methodology for training needs assessments.

3.2.3. Methodology

To be directed by an FIU training expert aided by criminal law experts and based on an innovative, simple and accurate methodology, previously proven in other fields.

(i) The identification of the desired occupational and educational profiles will result from a workshop conducted by the FIU training expert, with the assistance of a local and an international expert in criminal law. The workshop will have participants from all the different levels of prosecutors and criminal judges. The importance of this workshop lies in the user-determined products which will provide the basic input for the training needs assessment.

(ii) The identification of the real occupational and educational profiles for trial prosecutors and trial criminal judges will result from a survey based on questionnaires.

(iii) The training needs of prosecutors and judges and their prioritization will result from the comparison between the desired and the real profiles. This and the recommendations will be analyzed as part of a workshop with the participants that gave the information for the occupation and educational profiles.

The methodology used during this process will be an instrument which can be used repeatedly to update and recycle the skills and knowledge of legal professionals as well as administrative staff through in-service training programs.

3.3. Proposal for a permanent training system for the Judiciary and the Procuraduría

3.3.1. Purpose

To identify the main steps for the establishment of a permanent training system for the Judiciary and the Procuraduría.

3.3.2. Elements to be described

(i) Current training situation:

- existing institutional structure and/or programs
- external participating entities
- educational requirements for prosecutors, judges and administrative personnel
- number of personnel per job category

(ii) Justification for a permanent training system.

(iii) Steps for the establishment of a permanent training unit for the Procuraduría and the Judiciary.

3.3.3. Methodology

The proposal will be based on three basic inputs and procedures.

- data gathering and analysis
- group work
- a workshop with participants from the Procuraduría and the Judiciary.

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4. MANAGEMENT OF PROPOSED ACTIVITIES

Rather than employing a full-time team, consultants will be employed for specific tasks. An implementation unit in Panama will be established and a local coordinator employed.

This local coordinator will direct this unit with the support of a small secretarial staff. While his/her primary duty will be supervision of the proposed activities, some of his/her duties would be:

(i) Review pertinent documents, especially the English and Spanish final reports.

(ii) Meet with relevant prosecutors and justice officials to discuss the proposed methodology for the activities and to obtain their input and agreement.

(iii) Furnish FIU and USAID/Panama an on-going evaluation of local resources available to conduct the activities (both within the Procuraduría and the Judiciary and from resources offered by local firms and individuals).

(iv) Review and/or prepare budgets.

(v) During the period following the conclusion of the initial site visit by FIU, he/she will follow up on activities and tasks, including liaison with the individuals appointed by the Procuraduría and the Supreme Court to collaborate with the proposal activities.

5. TIMETABLE (see attached charts)

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5. TIMETABLE

TIMETABLE

General Activities

Activities	Mo. 1	Mo. 2	Mo. 3	Mo. 4	Mo.5	Mo.6	Mo.7	Mo.8
Preparatory activities	****							
Hiring of local coordinator and secretary	****							
Local and Logistic arrangements	****							
Carrying out of the three components of proposal (See separate timetables)		*****	****	****	****	****		
Preparation of component reports							****	
Preparation of proposal final report								****

TIMETABLE

Component 2.: Training needs assessment and initial training
(Jueces de circuito and Fiscales de circuito)

Activities	Mo. 1	Mo. 2	Mo. 3	Mo. 4	Mo. 5	Mo. 6	Mo. 7	Mo. 8	PERSONNEL
Preparation of the workshop design	***								Training expert provided CAJ/FIU
Identification of workshop participants.	***								Training assistant provided CAJ/FIU
Organization of workshop		***							Criminal Law exp. provided CAJ/FIU
Conduct of workshop for the identification of occupational and educational profiles.		JUNE **							Prosecution expert provided by CAJ/FIU
Processing information from the workshop. Elaboration of desired occupational & educational profiles.			*						Local criminal Law expert
Conduct of workshop for validation of the profiles.			**						
Design of instruments for the identification of the real educational profiles, distribution collection and process. of information.				*****	*****				
Identification of the educational needs based on the difference between the ideal and real profiles; prioritization of needs						***			
Conduct of workshop for the proposal of training programs						***			
Preparation of component report.							***		
Final report								***	

TIMETABLE

Component 3: Proposal for a permanent training system for the Judiciary and the Procuraduria

Activities	Mo. 1	Mo. 2	Mo. 3	Mo. 4	Mo. 5	Mo. 6	Mo. 7	Mo. 8	PERSONNEL
Preparation of research design	***								Training expert provided CAJ/FIU
Identification of key informants		***							Training assistant provided CAJ/FIU
Interviews		***							
Information gathering & review			***						
Analysis of training situation				***					
Preparation of pre-proposal for the creation of a permanent training system as an input for the Project Paper				***					
Design of proposal for the creation of a permanent training system for the Judiciary and the Procuraduria				**	***	**			
Preparation of workshop design				**					
Identification of workshop participant					**				
Organization of workshop					**				
Conduct of workshop for the reviewing of proposal for a permanent training system						***			
Preparation of component report									
Final report									

A N N E X I

THE POLITICAL SITUATION LEADING TO THE CRISIS

PANAMA SECTOR ASSESSMENT BUDGET

PANAMA SECTOR ASSESSMENT BUDGET

I. Personnel Services

Center Personnel

Study Coordinator (Roger Echeverria) (8 mo. @ $900, Half Time)**	7,200	
Counterpart-1 (Luis Salas) (5% of his overall time)	0	
Counterpart-2 (Jose Maria Rico) (5% of his overall time)	0	
Center Secretary (fully bilingual) (8 mo. @ $750)**	6,000	
Fringe Benefits 33% salaries off campus personnel(**)	4,356	
Subtotal Center Personnel		17,556

Local Personnel (Panama)

Local Coordinator (6 mo @ $1500, half time)**	9,000	
Secretary (6 mo. @ $400, half time)**	2,400	
Local Criminal Expert	1,000	
Fringe Benefits 33% salaries off campus personnel(**)	3,762	
Subtotal Local Personnel		16,162

II. Travel Expenses

Airplane Tkts.	2(MTL/PAN/MTL)@ $808	1,616	
	3(MIA/PAN/MIA)@ $466	1,398	
	34(SJO/PAN/SJO)@ $200	6,800	
Per diem	(180d @ $132)	23,760	
Subtotal Travel Expenses			33,574

PANAMA SECTOR ASSESSMENT BUDGET

III. Sub contracts (Consultants)		
Training Specialist (Katherine Muller)	10,000	
Training Assistant (Carlos Chan)	4,000	
Prosecutor Expert (Fernando Cruz)	1,000	
Subtotal Subcontracts		15,000
IV. Other Direct Costs (Workshops)		
Sector Ass. Workshops (2) (30 partc./ea.)	12,000	
Ocup/Educ. Profiles Workshop (30 Circ. Judges & Prosec.)	7,500	
Training Programs Workshop (30 Circ. Judges & Prosec.)	7,500	
Analysis proposal permanent training sys (15 partc.)	4,000	
Subtotal Workshops		31,000
V. Miscellaneous Office (##)		
Phone/telex/fax (6m @ $585)	3,508	
Office equipment (2PC+2Ptr) (Purchase)	4,000	
Office Supplies (6m @ $200)	1,200	
Duplicating (6m @ $500)	3,000	
Subtotal Miscellaneous		11,708
VI. Overhead (20% of all costs)		25,000
Grand Total		150,000

NOTES

The office space & furniture should be supplied by the Supreme Court
** Indicates personnel which are budgetarily based outside Miami and on which an off-campus rate applies.

ANNEX 1

THE POLITICAL SITUATION LEADING TO THE CRISIS

In the past, Panama's military dominated the country's political life. Such domination led directly to the dictatorship of General Manuel Noriega. Development of Panama's military model was related to US interests in guaranteeing the security of the Panama Canal. What began as small police force gradually evolved into the foremost political power in the country, often intervening to determine the nation's political leaders.

A turning point came in 1968 when General Omar Torrijos assumed power after the National Guard-led ouster of the elected president, Arnulfo Arias. General Torrijos had two major objectives: putting the Canal under Panama's control and consolidating the power of the National Guard. He succeeded in both.

First, with President Jimmy Carter, he negotiated a treaty that gives Panama control over the Canal in the year 2000. Second, he expanded the mission of the Guard by extending its control over the country's public administration.

Even though Torrijos expanded the military's role in national politics, he had a stabilizing effect on the country. His death, under suspicious circumstances, in 1981 opened a vacuum that his intelligence chief, Manuel Noriega, quickly filled. Since then the country has had two fraudulent elections (in 1984 and 1988) and eight presidents.

The twenty-two years of military rule were characterized by abuse, human rights violations, corruption and military control of civilian institutions. The Supreme Court, for example, ratified the abolition of the Constitution by the 1969 military coup and was thereafter purged of opponents. Human rights violations were condemned in 1978 by an OAS group which visited Panama. Their report concluded that judicial independence was limited, with a judiciary that could not curb the abuse of the armed forces.

As the military now called the Panama Defense Forces consolidated its power and proposed an ideological base to support its predominance, human rights abuses decrease and a democratic opening led to elections in 1984. However, questionable election practices led many to conclude that fraud contributed to the outcome. General Noriega continued to control the government from behind the scenes through a practice of violence directed at opponents. For example, the decapitated body of Hugo Spadafora, a prominent opponent, was discovered near the Costa Rican border in late 1985.

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The courts and prosecutorial agency, on the other hand, received massive budgetary increases resulting in salary increases which made the Panamanian Supreme Court justices and Attorney General among the highest paid justice officials in Latin America.

Corruption and abuse became rampant in the public sector. PDF supporters were rewarded materially. For example, Canal Zone properties which had reverted to the Panamanian State as a result of the treaties were transferred to PDF members and their families. Narcotics traffic found a haven in Panama and the GOP leadership acquired fortunes through this trade, as exemplified by Noriega's indictment in the United States.

The justice sector was the core of public corruption. Cases could be resolved through extraofficial means and political opponents could be suppressed through apparently legal means.

In 1989, the opposition appeared to have won a national election, according to most outside observers, and its results were invalidated. Thereafter, the National Assembly representatives were not seated and opposition leaders were beaten in the streets by thugs organized into "Dignity Battalions" a U.S. economic blockade strangled Panama.

In December, 1989 Noriega declared himself head of State; and announced that a state of war existed between Panama and the United States. Finally, on December 20, the United States intervened military and toppled the Noriega government. The military action resulted in the destruction of public buildings and facilities fundamental to the operation of the state. Some of the heaviest damage was caused to the justice sector due to the proximity of courts to military sites (for example, police stations, courts and correctional facilities).

The elimination of the Panama Defense Forces as a control mechanism led to a state of anarchy following the invasion as mobs ransacked private business and governmental offices. This was accompanied by deliberate acts of vandalism by former officials eager to destroy all proof of their prior actions.

It is difficult to accurately describe the financial and psychological damage caused by mob rule. The Supreme Court building, for example, was sacked and burned by neighbors, inmates were released from prisons while correctional facilities were destroyed by military action in Colon; police stations and laboratories also were destroyed.

Absence of a police force to guard the streets has led to spiraling crime rates which in turn has resulted in public fear

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and individual retaliations. Arms acquisition and arms trafficking are prevalent.

Having accomplished its military action successfully, the United States now faces the more complex task of assisting in the development and consolidation of a democratic Panama. The new Panamanian government, on the other hand, seeks to consolidate its power and establish its legitimacy while having a foreign power controlling its streets. Additionally, it must guard against a desire for revenge which may led it to repeat the abuses of the past.

The priority of the Endara government has been to establish a police force which can reestablish order and permit the withdrawal of US troops. In order to do so, it has been compelled to rehire most of the former members of the Panama Defense Forces. This has led many to question whether this is a true or a cosmetic change. There is also a general public distrust of the new force, based both on its historical antecedents and its effectiveness.

Some of the most significant actions of the new government are the transfer of former PDF units to civilian agencies. For example, immigration, customs, air and naval services have been moved to civilian ministries; the detective force (DENI) has been shifted to the Attorney General's Office; correctional system guards have been transferred to the Ministry of Government and Justice and the national police has been assigned to the same ministry.

The foregoing is the milieu in which the design of any justice sector improvement project must be viewed.

ANNEX II

UPDATED DESCRIPTION OF THE JUSTICE SECTOR WITH EMPHASIS ON CRIMINAL BRANCH

ANNEX II

UPDATED DESCRIPTION OF THE JUSTICE SECTOR WITH EMPHASIS ON CRIMINAL BRANCH

Justice sector organizations have seldom been viewed as a single system in which all components must operate in conjunction and harmony. Nevertheless, the system must be considered in its totality since any individual action will affect the others. The justice system consists of the legislature which issues laws that define the scope of action of the other institutions; the police, which is usually the first agency which reacts to the criminal event and which is the most visible representative of the sector; the prosecutor, who prepares the accusation against the accused and is a guarantor of his/her rights; the judiciary, which determines the nature of the crime and the guilt or innocence of the defendant; and, the correctional system, which carries out the sentence imposed by the courts.[1]

Panama follows a traditional Latin American System of government with three theoretically coequal branches. Legislative functions are carried out by the National Legislative Assembly whose members are elected through party and popular elections for a period of five years. The Executive Branch is composed of twelve ministries and forty autonomous decentralized institutions. Of these ministries, two are closely related to the administration of justice: Ministry of Government and Justice which is charged with administration of the correctional system, the Juvenile Court (Tribunal Tutelar de Menores) and will also supervise the new Public Force (police); and, the Attorney General (Procuraduría) which also encompasses the detective force (Judicial Technical Police, formerly the DENI).

1. The Attorney General (Procuraduría)

The Procuraduría General de la Nación, a semi-autonomous institution, is charged with the prosecution of crimes. The Judicial Technical Police, formerly the DENI, will be transferred to the Attorney General's Office.

The Procuraduría has the following professional personnel: 1 Procurador General de la Nacion; 1 Procurador General de la Administración; 8 Fiscalías Superiores de Distrito Judicial; 35 Circuit fiscalías and 74 Municipal personerías. The first two are named by the Cabinet, with approval of the Legislature, for a period of ten years. All of the other personnel are named by their immediate superiors. While the majority of prosecutors are lawyers, the "personeros" are frequently non-legal staff who represent the State in minor cases.

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Selection of personnel is not yet conducted in accordance with the merit requirements set forth in the Judicial Career Law. The previous Procurador resigned and charges have been filed against him. Approximately 14 fiscales have been removed or resigned since the invasion.

The uncertainty over job stability has led to low morale among the staff. Some have also complained that they are feeling pressures and are the subject of suspicion due to their employment as prosecutors under prior regime. Additionally, this uncertainty leads many to exercise little discretion, especially in political cases, for fear or being branded as sympathetic to Noriega adhertents.

The amount of new filings since December, approximately 400, has resulted in increased workloads, especially for political cases. The emergency also caused some irregularities leading to violations of law. For example, one prosecutor told us that they discovered that in the case of one captain who had been awarded bail they could find no arrest order, which they had to quickly produce in order to justify the release order.

The constitutional requirement that 2% of the national budget be assigned and apportioned between the Public Ministry and the Judiciary has resulted in tacit agreement that 40% be assigned to prosecutors while the remainder is allotted to the Judiciary. Since 1983, there have been substantial improvements in the budgetary allocations to the prosecutors. This has been dedicated primarily to salary increases. The two Procuradores Generales earn $4,850 monthly (not including a $1,000 expense account), the fiscales superiores earn $2,500 monthly, circuit fiscales earn $1,500 monthly while the "personeros" earn $500 to $1,500 monthly. These salaries place them among the best paid employees of the public sector.

The high salaries paid to personnel results in 85% of the Judicial and Prosecutorial budget being devoted to salaries under normal conditions. During the crisis of the last few years there has been little maintenance and repair they have made few capital expenditures and often simply ignored bills by suppliers. For example, the Procuraduría has not paid back rent for the last two years in some of their rented offices. Due to their protected status during the Noriega regime, no action was taken by the landlord. It is assumed that they cannot continue with this practice.

Prosecutors are located at the same levels as the courts. Panama is unlike almost any other Latin American country in that prosecutors also act as instructional (investigative) judges. In this capacity, they conduct pretrial proceedings and supervise, theoretically, the pretrial investigation conducted by the

police. In practice, however, due to the predominance of the armed forces, they were seldom able to adequately supervise the police. Likewise, they were subject to pressures due to political or monetary factors. Prosecutors also issue arrest orders and search warrants.

Their actions in the process place them at the level of judges and it is this role which has been heavily criticized by lawyers and the judiciary who complain that their role violates every principle of the right of a defendant to have hearings before neutral and detached arbiters. In this case, the neutral arbiter also happens to be the accuser.

Due to their investigatory role, prosecutors work in close proximity to the police. In fact, there are fiscales auxiliares assigned to the police headquarters in the different zones in Panama City.

Another important unit of the Attorney General's Office is the medical examiner (medicina forense) which is charged with conducting medical examinations and autopsies. Besides their headquarters in Panama city, it also has offices in the rest of the country and calls on hospitals to assist when necessary. While the personnel appears to be qualified, there are serious deficiencies. One of the most significant is the location of their facilities as well as inadequate equipment.

2. The Judicial Technical Police

In 1941 a secret police was established. it acted as a detective force and was assisted by the US FBI which provided training in the Canal Zone and at the International Police Academy in Washington. This unit, attached to the prosecutor's office (Procuraduría), became the DENI (Departamento Nacional de Investigaciones) in 1960. It was transferred to the Presidency in 1961 and, after the military coup in 1968, it was incorporated into the National Guard in 1969.

The DENI was used as a repressive arm of the military government. Persons were detained there and were subjected to mistreatment. its investigative capability was misused to regulate the conduct of dissidents and corruption dominated some of the units.

Due to its prior history, the new government has decided to transfer the DENI to the Procuraduría, to change its name to Judicial Technical Police and to purge its members. Of 640 members, 65 were removed or have resigned. The highest number of resignations was, expectedly, the narcotics unit in which only 4 of more than 50 have remained. Currently, the PTJ has 575 members, of which 300 are investigators.

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The PTJ follows a traditional military hierarchical structure and even though its members wear civilian clothes their ranks are patterned after the military. Observers, however, have concluded that this is the most civilian of all of the PDF branches, possibly due to their linkages with prosecutors, their prior civilian status and level of professionalism. It should also be noted that some of the persons interviewed concluded that the most reliable employees are those that worked in DENI before the transfer to the PDF.

There are two serious problems which are closely related to control of the actions of their members. First, there is no law which creates the corps, defines its missions and sets the limits of their activities. There is a small group of lawyers from the Attorney General's Office which will shortly begin drafting an organizational law for the PTJ. While this initiative is admirable, the Attorney General should consider whether it is better to have a separate law for the police or to have only one which defines the role of the entire ministry. This may well determine whether the police feel themselves to be subordinated to their civilian bosses.

A second serious control deficiency is the lack of an internal affairs division or code of ethics for this corps. Given their history of past abuse and low public perception, it is critical that the PTJ insures that abuses are investigated while guaranting the rights of the members.

Even though there has been no legal transfer of PTJ to the Attorney General, the leadership has been reporting to the Procurador indicating a willingness to accept such a transfer. Legalizing this transfer is one of the most important legislative proposals which the government must make to the Assembly.

The organizational structure of the PTJ is the same as it was previously with a General Director, a Deputy Director, a Secretariat and three major divisions, the most important of which is operations. This is divided into traditional detective units, (homicide, narcotics, robbery, etc). They maintain offices throughout the country and work side by side with the other police forces, usually being stationed in the same buildings with the exception of the headquarters.

Another function of the PTJ is maintenance of criminal record files and histories. They maintain fairly complete records which are managed manually. It is possible that these files also contain records on political cases and at some point may have to be purged. Its records were not damaged, with some specific exceptions, during the riots.

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A criminalistics laboratory is located in the PTJ. It appears to be fairly well equipped and its personnel possess adequate technical training. Damages to their facilities and the need for modernizations dictate new equipment for this unit.

PTJ personnel are the most professional police force in the country with some members having received training outside of Panama.

PTJ facilities were damaged during hostilities and in the looting that followed. It has been suggested by some observers that they should be transferred to another facility, both due to the inadequacy of the current headquarters and the memories which it brings to mind.

Salary scales for the PTJ are low. However, they are even lower in the Ministry of Government and Justice. If one takes into account the loss of past perquisites, some members may feel that they will have to resort to other means to supplement their State pay. Additionally, transfer may also affect pension benefits acquired during years of service in the PDF.

Transfer of the PTJ to the Attorney General is salutary. However, the transfer must be effected carefully and gradually. Two main issues should be considered: the administrative effect of such move, and the jurisdictional relationship of the prosecutors and the investigative force.

3. The Judiciary

The Judicial Branch exercises its role through four court levels, which are, in descending order:

a. The **Supreme Court**, composed of 9 magistrates elected to ten-year terms by the Cabinet, subject to approval by the National Assembly. The high court exercises administrative and judicial control over the judicial branch. The judiciary employs 1,049 persons. The Supreme Court itself is divided into four panels: Civil, Criminal, Administrative Law and Civil Rights (Contencioso-Administrativo) and General Matters. The first three are composed of three magistrates while the last one consists of the President of the Court and the Presidents of the other three panels.

The prior Court was characterized by corruption and political subservience to the Noriega government. All of its members resigned after the invasion and some may be charged with crimes for abuses committed while in office. A new Court has been named by the President but they have not been legally constituted since there is no Assembly to confirm them. This is the most urgent political need of the Judiciary. Lawyers,

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especially opposition adherents, have begun to question the legitimacy of the Court and its actions due to the manner in which they assumed office.

Immediately following the invasion, the Supreme Court building was ransacked and fire destroyed all of the magistrates offices on the upper floor to the building. In addition to material losses exceeding $500,000 a number of files were destroyed.

b. There are 5 **Superior Courts**, two of which are in Panama City. They are divided into criminal and civil sections. This employ 107 persons, the majority working in the capital. Of the 19 magistrates at this level, ten are located in Panama City. These are primarily appeals courts even though they have primary jurisdiction over cases concerning ambassadors and other high-level government officials. The members of these courts are named by the Supreme Court.

All of the members of the Panama City Superior Courts resigned after the invasion. Like the Supreme Court which named their substitutes, their legitimacy is under question.

As a result of the looting of the Supreme Court's building, the Superior courts suffered damages to their files and losses of most of their equipment. The ten Panama City Superior Courts would also be moved to the new building acquired by the Supreme Court.

c. There are 43 single-judge **Circuit Courts**. They employed 366 persons with the majority located in the capital. These courts have jurisdiction over serious crimes, civil cases exceeding a set amount and appeals from municipal courts. Circuit Court judges are named by the Superior Courts.

d. The 84 **Municipal Courts** are also single judge courts and exercise jurisdiction over minor civil and criminal cases. These judges are named by the Circuit Courts. of the 426 staff members, 83 were assigned to the capital.

e. The **"corregidores"**, akin to US Justice of the peace, are a unique feature of the Panamanian justice system.These are some of the most highly criticized judges of the system since they operate outside the jurisdictional control of the courts and are named by the alcaldes. They exercise jurisdiction over minor civil cases and many impose sentences of up to 2 years in criminal cases. The normal code of criminal procedure does not apply to these courts and there is no effective appeal from their decisions.

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Since they are still outside of the court system, they continue to operate independently. The Supreme Court intends to seek legislation to incorporate them into the Judicial Branch.

Another group of judges which operate in the capital are the "police" or "night" judges. They also have jurisdiction over minor cases and operate outside of jurisdictional control over procedural rules. Lawyers seldom practice here.

Unlike their counterparts, the majority of corregidores and police judges are not attorneys. Very few lawyers practice before them due to the small amounts involved and there is no applicable procedure for actions before them. Lawyers have been harsh in their evaluation of corregidor actions.

Panamanian law provides a mixed criminal procedure system in which the pretrial investigation is inquisitorial and conducted by the prosecutor while the trial is conducted by a judge in an oral adversarial proceeding. The reality, however, is that the bulk of cases never go to an oral trial and that the decisions taken during the investigative stage usually determine the outcome at trial. Judges also determine bail and are available to resolve potential abuses by the prosecutors or police. Most pretrial release decisions result in detention, since the judges primarily rely on monetary bail, something which indigent defendants are unable to meet.

Panamanian criminal procedure is unusual in that it provides for a jury trial in homicide and other serious cases. While the defendant may waive it, some cases are still presented before juries who must stay in court, including sleeping there, until the case is concluded. The court which has responsibility for conducting jury trials for the capital was looted during the riots following the invasion and lost its bus and capacity to house juries. Until these are replaced, jury trials will be all but impossible. Defense attorneys, who had waived such trials in the past, may very well now take advantage of this deficiency and require them. This would present a grave problem to the judiciary in trying the most serious criminal cases.

Panamanian law dictates that there be a judicial career system (guaranteeing stability and a merit system of selection and promotion) for judicial officials. Even though all of the necessary legislation and rules have been enacted, a merit selection system for the Judiciary has not been established.

One of the first actions of the new Supreme Court was to seek a Cabinet decree suspending the article of the Career Law which guarantees stability to the judges and support personnel. allowing them to remove and appoint new judges at will. A result of the instability caused by these actions is that the morale of

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judicial employees is low and productivity has suffered. It may also result in application of the law strictly and a reluctance to exercise discretion, especially in political cases due to the fear of being considered sympathetic to Noriega adherents.

The Judiciary, with the exception of the "corregidor" system, has a total of 1,049 employees of which 156 are judges.

The majority of lawyers feel that judicial training is inadequate and question the competency of judges. It should be added that the Judiciary has no school or training program for incoming or sitting judges.

The salaries of Panamanian judicial officials are among the highest in the public sector and the highest for Latin America. Supreme Court magistrates, for example, receive a monthly salary of $4,850 (not including a $1,000 month expense account), Superior Court Judges receive a monthly salary of $3,000, Circuit Court Judges $2,000 and Municipal Judges between $500 and $1,300.

The provision of the 1983 Constitution which determines that the budgetary assignment to the Judiciary and the prosecutorial staff shall be no less than 2% of the national budget was an economic boon for the Judiciary when implemented in 1984. In that year, the Judiciary saw its budget doubled. They assigned 85% of their budget, however, to improvement of salaries and contracting of new personnel. It is was thus no surprise when the courts had to close during March of that year for a lack of operational funds.

The new budgets, after the constitutional reform are lacking in assignments for capital improvements, equipment or maintenance. This demonstrates the lack of planning for this sector.

The Judiciary lacks basic equipment and furniture to carry out its duties. Furthermore, there are no planning mechanisms in place to identify these deficiencies or to remedy them. It should be added that even though the Judiciary has theoretical financial independence, all purchases for the sector are effected through the Ministry of the Treasury. The process for the acquisition of goods is slow and a 2 month average delay is usual.

It also lacks adequate library facilities and filing systems. In fact, there is a serious problem of security for records since they have exceeded their storage capacity. There is no centralized storage system.

The crisis caused by the current emergency is especially harsh for the Judiciary due to the low percentage of their

budget devoted to repairs and capital improvements. We found no intention to lower them, even on a temporary basis, so that they could meet the most basic operational needs such as paper.

4. Corrections

The Panamanian correctional system, now as before, is legally assigned to the Ministry of Government and Justice under its Corrections Section. However, under the previous government, prisons and jails were really under the direction of the Panama Defense Forces since the guards were military personnel. Thus, The Ministry's Corrections Section had very little information on such basic items as the number of inmates.

This parallel structure still prevails with the guards now being under the new Public Forces, (the police). Corrections officials continue to complain that even though they have the legal assignment for operation of the prisons, in effect they do not have the authority to supervise the guards who still respond to a military structure.

There are 11 penal centers in the country with an inmate population of 1,647. All of the penal directors, with the exception of the female prison are military. Civilian staff is only found in the Carcel Modelo, El Renacer and the Female Center. We were unable to obtain information on the staff from the Corrections Department since this information is not available to them. The bulk of the guards have a primary education.

In 1986, the prison population was 2,221 inmates, and 60% of them were persons awaiting trial. By January, 1990, this population had grown to 3.055 with the percentage of pretrial detainees growing to 80%. During the invasion, since many of the jails were situated next to or in military facilities, many of the jails were opened and the inmates freed.

Overcrowding is a major problem. For example, the Carcel Modelo, which has a capacity of 250 inmates, has reached an occupancy of 1,000 (869 in 1989). Additionally, with the exception of Renacer there is no rigorous separation of pretrial detainees from convicted offenders or by degree of dangerousness.

In addition to the prisons, there are a number of jails operated by the police at the district or province level. Prisons overcrowding cannot be solved without either a major construction effort or judicial decisions to reduce the size of the pretrial detainee population.

The events of December, 1989 resulted in physical damage to some of the major correctional centers (Carcel Modelo, Colon and

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El Renacer). While some of the centers suffered from the bombardment of nearby military installations, a great deal of the damage was caused by arson caused by fleeing military, vandalism and even looting. While much of the stolen property has been replaced, no repairs have yet been completed.

Budgets to support this inmate population have been traditionally low with minimal daily food allowances.

One of the most serious problems facing the system is the amount of persons detained pending trial. Of the total jail population, 80% were detainees pending trial in 1989, the last year from which figures are available. This causes an inordinate amount of resources to be devoted to them and a diversion of funds which could be utilized for rehabilitation of convicted inmates.

When FIU completed its 1986 sector assessment it concluded that the prison situation was serious and this has not changed much in the subsequent years. Innovative solutions have been proposed to the government. For example, a major security firm has suggested the possibility of allowing the operation of private prisons in Panama patterned after those operating in the United States.

Prisons do not appear to be a priority of the government. The most severe problem facing them, perhaps, is the transference of the guards from the Public Forces to the Ministry of Government and Justice. This is complicated by the military background of its personnel.

ATTACHMENT 11

MEMO FROM DEBORAH MCFARLAND TO CATHY KENNEDY RE PANAMA-SPECIFIC PROGRAM, DATED JUNE 12, 1990

June 12, 1990

MEMORANDUM

To: Kathy Kennedy, FIU

From: Debra D. McFarland, LAC/DI

Subject: Panama-specific Program

This is to inform you that in a telephone conversation with Peter Howley, OP/OS/LAC, on June 7, 1990 it was agreed that Flordia International University's Costa Rica field office could begin work under the Panama-specific administration of justice program immediately. It was decided to modify the overall Cooperative Agreement to include the Panama work and as long as that Cooperative Agreement is in effect there would be no problem in beginning preparatory and field work in Panama. The modification should be completed in mid-June.

cc: Peter Howley, OP/OS/LAC

ATTACHMENT 12

CAJ/FIU ECUADOR PROPOSAL DATED MAY 1990

CENTRO
PARA LA
ADMINISTRACION
DE JUSTICIA

PROPOSAL FOR AN ASSESSMENT OF THE JUDICIAL SECTOR OF ECUADOR

MAY, 1990

Florida International University
Apartado 641-1011 • San Jose, Costa Rica • (506) 32-28-52 • FAX (506) 31-49-69

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VII. PROJECT MANAGEMENT.

VIII. PROJECT BUDGET.

IX. GENERAL TIMETABLE.

I. INTRODUCTION.

The current proposal is in response to the requirements of RFP Ecuador 90-007 which calls for the "implementation of an assessment of the principal justice sector institutions in Ecuador, with primary, but not exclusive, focus on the administration of criminal justice.

To this end, Management Sciences for Development (MSD), in collaboration with the Center for the Administration of Justice of Florida International University (CAJ/FIU), and ILANUD proposes to conduct a closely focused management assessment of the Judicial sector in Ecuador, based on three major areas:

* Legal Defense and Prosecution

* Court Administration

* Training

The purpose of the study is to provide base line data to assist project planning, design, implementation and evaluation.

II. BACKGROUND.

Efforts to develop an administration of justice project in Ecuador have been going on since 1985. Early attempts to begin such a project working through the Bar Association and the Court, never got beyond the planning stage.

In 1989, a new attempt was initiated with a series of visits by RAJO, LAC/DI, and ILANUD personnel to Ecuador at the invitation of the President of the Supreme Court, Dr. Ramiro Larrea.

In a first visit (March, 1989), representatives of LAC/DI and Regional Administration of Justice Office (RAJO), Norma Parker and Carl Cira, recommended assistance to the Supreme Court in developing an administration of justice project. Subsequently, the Supreme Court forwarded a proposal for an assistance project to USAID/Ecuador and ILANUD. Thereafter, a second visit was programmed with representatives of USAID and ILANUD (Carl Cira, Linn Hammergren and Tirza Rivera), which resulted in consensus on the need to conduct a preliminary assessment of the Justice Sector.

In September 1989, a grant agreement was signed between USAID/Ecuador and ILANUD for the implementation of an assessment of the principal administration of justice institutions in Ecuador. In the agreement, it was established that a consulting firm would be contracted directly to assist ILANUD to conduct

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the financial and administrative management of all grant funds except those assigned directly to ILANUD.

USAID/Ecuador has identified, with the concurrence of ILANUD, a qualified 8(A) firm (Management Sciences for Development) with the required experience for the task proposed for this contract.

MSD has, in turn, identified a qualified team leader (the Center for the Administration of Justice of Florida International University) as set forth in the grant agreement.

This proposal is an outgrowth of these concerns. It draws on the experience of three institutions: MSD, ILANUD, CAJ/FIU.

III. CAPABILITY STATEMENT.

The implementation of the Ecuador judicial management study involves an arrangement that includes the following parties:

* Management Sciences for Development (MSD)
* Center for the Administration of Justice of Florida International University (CAJ/FIU)
* The United Nations Latin American Institute for the Prevention of Crime and Treatment of the Offender (ILANUD).

MSD.

MSD is a Washington-based management consulting firm with considerable experience in the planning, design, implementation and evaluation of socioeconomic development activities both in Africa and the Latin American region. Specific AOJ activities in the LAC region include the development of justice sector project activities in Costa Rica and a variety of other AOJ activities throughout the region.

MSD is, thus, thoroughly familiar with AID's overall mission, rules and regulations as well as its AOJ-specific programs and activities.

CAJ/FIU.

Florida International University (FIU)) was founded in 1972. It is one of nine state universities under the Florida State University System with its main campus in Miami, Florida. The University is accredited by the regional accrediting association.

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the Southern Association of Colleges and Universities. The University offers both upper-level and graduate programs at its two major campuses, University Park and North Miami. Its charter mandates an international focus and its location in Miami makes this a practical necessity. Its growth to 20,000 students during its brief tenure makes FIU the fastest growing university in the United States.

FIU has a student body reflecting 41.4% Hispanic American enrollment. The actual degree seeking students, 46.8% are of Hispanic American origin. Thus, under Public Law 101-167, FIU qualifies as a minority institution and is eligible for minority set asides.

The Center for the Administration of Justice (CAJ), was founded in 1984 at FIU, to engage in research, training and public education about the administration of justice in Latin America. With offices in Miami and Costa Rica, CAJ has become a unique international resource at the forefront of justice sector reform in Latin America.

In 1985 LAC/DI contracted with CAJ/FIU for the development of a Regional Administration of Justice Project. Thereafter, it entered into a cooperative agreement which included the conducting of six sector assessments (Guatemala, El Salvador, Honduras, Costa Rica, Panama, Dominican Republic). Currently, CAJ/FIU has a cooperative agreement to provide technical assistance to LAC/DI, RAJO, and USAID missions dealing with the justice sector.

ILANUD

The United Nations Latin American Institute for the Prevention of Crime and Treatment of the Offender (ILANUD) is an international organization formed in 1975 by an agreement between the government of Costa Rica and the United Nations. The primary purpose of the Institute is to provide assistance to Latin American and Caribbean governments in developing strategies for crime prevention and criminal justice planning.

ILANUD was awarded a five year AID grant (Project No. 597-0002), in March, 1985 for implementation of the Regional Administration of Justice Project in Central America and the Dominican Republic. The project was expanded in 1986 to include Ecuador and several other South American countries as recipients of ILANUD services under the AID grant which was extended to December, 1992.

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III. EXPECTED OUTPUTS AND DURATION.

As a result of the study which will have an expected duration of nine months, several outputs are expected:

A. Legal

1. A general description of the prosecutorial and legal defense functions, including an identification of their main problems.

2. A descriptive analysis of the Code of Criminal Procedure of Ecuador.

B. Court Administration.

1. A Court Organization study in which the current organization of the judiciary is evaluated, and recommendations are made.

2. An information systems study that evaluates the information needs for decision-making in the Judiciary and the means for implementing them.

3. A personnel study that reviews the characteristics and flaws of the current personnel system of the Judiciary.

C. Training.

1. A methodology for training needs assessments for justice sector officials.

2. The occupational and educational profiles for four categories of criminal administrators of justice.

3. A training needs assessment for such justice administrators.

4. Recommendations for a training program based on non-traditional training modalities, for the four categories of criminal administrators of justice.

IV. PROJECT DESCRIPTION AND COMPONENTS.

The proposal contains three major components : legal, court administration, and training.

A- LEGAL.

This component includes an analysis of the organization, structure, duties, and controls of the Procuraduría and of the available legal defense for indigents. It will also review the Code of Criminal Procedure.

1. PROCURADURIA.

In accordance with the Constitution (Art. 110) and the "Ley Orgánica del Ministerio Público" (Law No. 3544, July 10, 1979), the Prosecutorial function is carried out by the Procurador General del Estado, his Ministers and Fiscal Agents (agentes fiscales).

The Procuraduría General is organized into three branches: Asesoría Jurídica, Fiscalía General and the División Nacional Contra el Tráfico Ilícito de Estupefacientes. The Fiscalía General acts as the Prosecutor in criminal cases.

The Fiscalía General operates under the direction of a Ministro Fiscal General who supervises the work of other Ministers and Agentes Fiscales. There is a Ministro Fiscal in each province, named by the Procurador General from a slate proposed by the Ministro Fiscal General. They act at the Superior Court level.

The analysis of the Procuraduria will consider at least the following factors:

1.1. Laws affecting its structure and functions.

1.2. Structure (organizational chart and relationship to other State agencies.

1.3. Functions (both real and assigned by law).

1.4. Performance Control.

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1.5. Personnel (Prosecutors only).

1.5.1. Number and Distribution.

1.5.2. Qualifications for the positions.

1.5.3. Salaries.

1.5.4. Assignments.

1.6. Budget (determination, source and amount).

1.7. Services and equipment.

1.8. Administration and planning.

1.8.1. Human resources.

1.8.2. Financial.

1.8.3. Materials.

1.9. Annual activities and caseload.

1.10. Relations.

1.10.1. The Police.

1.10.2. Judiciary.

1.10.3. The public.

1.11. Major issues.

1.11.1. Number of Fiscales.

1.11.2. Adequate financing and dependency on Executive.

1.11.3. Breadth of jurisdiction.

This study will be carried out by a local contractor under the supervision of CAJ/FIU.

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2. LEGAL DEFENSE.

The right to a legal defense is established in the Ecuadorian Constitution which guarantees to a defendant the right to counsel at all stages of a the criminal process (Art. 17 e). Article 107 of the Constitution reinforces the right to counsel by requiring that the State "provide public defenders to assist indigenous communities, workers and any other indigent persons". This is legally implemented by the "Ley de la Función Jurisdiccional" which, in Article 144, establishes that in each provincial capital the Supreme Court shall name a number of public defenders who shall be paid from the Judicial budget. This right to a public defense extends to civil cases as well.

While the law guarantees a public defense, in reality this defense is provided through the appointment of private counsel from the rolls of the Bar Association. These counsel seldom provide an adequate defense and usually appear at the latter stages of the process to comply with the filing of requisite pleading. The Law Schools, as in other Latin American countries, may also operate legal clinics for the defense of indigents.

The study shall focus on the defense for indigents and shall include the following:

2.1. Legal defense (number, functions, distribution, method of assignment, and means of supervision).

2.1.1. Court appointed counsel.

2.1.2. Legal Clinics.

2.1.3. Others

2.2. Major Issues.

2.2.1. Lack of state supported legal defense assistance.

2.2.2. Adequacy of the number of court appointed counsel.

2.2.3. Legal practice by nonlawyers (could also be positive).

2.2.4. Supervision and control.

This study shall be carried out by an international and/or local contractor under the supervision of CAJ/FIU.

3. CRIMINAL PROCEDURE.

The process which takes place from the moment a crime is detected by or reported to the authorities to its completion with the final adjudication and sentence is governed by a Code of Criminal Procedure. The actors that intervene at various levels of the process are: the police, the prosecutors, defense counsel, the courts and the correctional system.

The criminal process is divided into four stages: the instructional stage, the intermediate stage, the trial and the appeal. The investigative (instructional) stage has as its purpose the investigation of the crime and the determination that there is probable cause to proceed to trial against an accused. The intermediate stage is the final stage of the instruction during which time the charging party has an opportunity to formulate the charges which it wishes to have the court incorporate in its ruling. The trial stage has the finality of determining the guilt or innocence of an accused and the imposition of a sentence upon conviction of a defendant.

This study shall examine the Code of Criminal Procedure and its adequacy. Emphasis shall be placed on the procedures applicable in cases of felonies. Due to time and cost constraints, extraordinary civil procedures will not be reviewed.

The analysis should review at least the following:

3.1. Constitutional and legal guarantees.

3.2. Types of procedures.

3.2.1. Ordinary procedures.

3.2.2. Trials for misdemeanors or those that require private prosecution.

3.3. Ordinary procedure: primary phases (flow-chart).

3.3.1. Procedural actors.

3.3.2. Pretrial detention.

3.3.3. Phases of the proceeding.

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3.4. Post-sentencing procedures.

3.4.1. Ordinary.

3.4.2. Extraordinary.

3.4.3. Other remedies (Habeas Corpus, etc.)

3.5. Execution of the sentence.

This study will be carried out by a local contractor supervised by CAJ/FIU. Time and funding limitations prevent us from comparing the actual operation of the system with the legally prescribed norms. Therefore, this study shall be merely descriptive, incorporating only available statistics, whenever applicable and possible.

B. COURT ADMINISTRATION.

This component will present a management analysis of the judiciary, including organization, personnel and information systems.

Each study shall be sub-contracted and supervised by CAJ/FIU as detailed below.

1. ORGANIZATION.

This is a complex study which should be coordinated closely with the other on-going administrative studies since it cuts across all administrative systems. It will include the following individual analysis.

1.1. Overall.

1.1.1. Relationship and coordination between the Judiciary and other branches (Executive and Legislative).

1.1.2. Description of the current internal organizational chart (both actual and theoretical).

1.1.3. Geographic distribution of courts in relationship with population and caseload.

1.1.5. Financing sources and budgetary procedures.

1.1.6. Existing planning procedures.

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1.2. The Supreme Court.

1.2.1. Adequacy of the number of Supreme Court justices and chambers to manage caseload.

1.3. The Superior District Courts.

1.3.1. Adequacy of the number of judges (Ministros) and chambers to managed caseload.

1.3.2. The relationship with the Supreme Court and lower courts.

1.3.3. Planning.

1.4. The Criminal Courts.

1.4.1. Adequacy of the number of judges to managed caseload.

1.4.2. Degree of participation in administrative decisions.

1.4.3. Uniformity of procedures.

The contractor shall carry out a number of in-depth interviews with key personnel and visit a number of courts. This study shall be carried out by a local or foreign contractor possibly selected through competitive biding under the supervision of CAJ/FIU.

2. PERSONNEL.

One of the main guarantees of an independent and professional judiciary is the establishment of a civil service system for all levels of judicial personnel including, norms and procedures for their selection, promotion, remuneration and removal. While the Ecuadorian Constitution, as well as the Ley Orgánica de la Función Jurisdiccional), requires the establishment of a judicial career system, this has not yet taken place.

Most Latin American systems have been historically characterized by political interference in the selection and tenure of judges. Currently however, the concept of civil-service type rules governing judicial personnel is the most serious issue being discussed by Latin American legal scholars. Even though there is no such career pattern formally established by law, there appears to be an informal career system in Ecuador. For example, of the 107 Superior Court Magistrates named in 1987, 70 came from the existing courts, 16 were promoted from lower courts, 6 were recalled to judicial service and only 15 were selected from ranks outside judicial circles.

The alleged reason for the lack of implementation of a judicial civil service system is the lack of financial resources to carry out a professionalization of the judiciary. It does not appear to be, on its face, the only factor.

It would be important to determine whether, regardless of the foregoing, the Ecuadorian system is characterized by a lack of position definitions and classifications (other than the brief description contained in the law on the organization of the courts); lack of adequate criteria for selection, promotion and reward (there are some initial steps in this direction); absence of adequate procedures to insure the above; absence of salary scales and benefits based on a rigorous study of positions and functions. The retirement system is another area of review.

The number of personnel in the Judiciary is approximately 2,619 employees, not including 550 who are employed as property registrars (Registradores de la Propiedad y Mercantil), notaries, marshals (Alguaciles) and Depositarios Judiciales. Of the foregoing, 48% (1,260) are professionals; 37% (958) have completed a secondary education; and, 8% (204) have completed a primary education. In spite of the low wages assigned to the Judiciary, the average tenure for judges is 16 years and one month.

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The purpose of the personnel analysis is to review the primary characteristics and flaws of the current personnel system in the Judiciary so as to identify the most important problems. The following, at a minimum, should be considered.

2.1. Review of the current legislation, rules and regulations.

2.2. Analysis of personnel manuals.

2.3. Criteria and procedures for employment, sanctions, and dismissals.

2.4. Evaluation of job descriptions and classifications.

2.5. Review of personal costs: including salaries, benefits (social and otherwise), retirement, travel and per diem, aguinaldo, incentives, additional remuneration for years in service or other factors. A comparison with similar positions in the public sector (and the private sector in the case of professionals) will help to determine the appropriateness of the salary scale.

2.6. Performance evaluation criteria.

2.7. Fringe benefits, a.i. (vacation, sick leave, etc.).

2.8. Work schedules.

2.9. Procedures for disciplinary actions.

This study shall be carried out by a local or foreign contractor, possibly selected through competitive bidding, under the supervision of CAJ/FIU. The contractor should carry out a number of in-depth interviews with key personnel and visit a number of courts.

3. INFORMATION SYSTEMS.

A common trait of all organizations, is the need for reliable and up to date information for decision making purposes, and judicial courts are no exception to this rule.

The various information systems can be categorized in two main groups:

* Operational Information Systems and

* Administrative Information Systems.

Due to time and cost constraints this study will focus on the following:

3.1. Evaluation of Lexis System.

The Supreme Court has identified the possibility of contracting with Lexis, S.A. for the acquisition of an operational database containing legislation.

This study shall evaluate the applicability of the system as a legal database and make recommendations hereto.

3.2. Statistical Systems.

3.2.1. Overall review of the current statistical system.

3.2.2. Determination of current and possible users.

3.2.3. Recommendation of general guidelines for implementation of the judicial statistical system.

3.3. Office Automation Systems.

3.3.1. Assessment of the current usage of office automation techniques in the Ecuador Judicial Sector.

3.3.2.Recommendation of possible office automation systems, that could be feasible to implant in the Ecuador Judicial Sector environment.

This study will be carried out by a CAJ/FIU Information Systems expert, by means of field work and in-depth interviews.

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C- TRAINING.

While training would normally be included as a part of the personnel section, it has been separated due to its importance and the difficulty of the task.

While selection of the most qualified applicants for judicial positions is fundamental in developing institutional capacity, an efficient and structured training program, is a requisite complement.

Currently, the Judiciary provides almost no training for new or existing personnel. The few activities which have taken place have been ILANUD sponsored activities under the AID Regional Administration of Justice Project.

There are two distinct groups of personnel within the Judiciary: administrators of justice (legal professionals, judges), and support staff. Administrators of justice, need the most specialized training, due both to their often deficient academic experience and their pivotal position in the process.

Due to economic and time constraints, this study will encompass only the legal professional group of personnel, specifically the four categories of criminal administrators of justice. The training needs assessment for the supported staff will be left for a later stage.

The study will cover the following aspects:

1. Description of the current training situation (existing institutional structure, participating entities, educational requirements for judges, number of personnel per job category).

2. Proposal of a methodology for training needs assessments for judicial officials (This methodology will be an instrument which can be used repeatedly to update and recycle the skills and knowledge of legal professionals as well as support staff).

3. Desired and real occupational and educational profiles for the population under study.

4. Identification of basic training needs for the four categories of criminal administrators of justice.

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5. Prioritization of the resulting training needs.

6. Recommendations for a training plan based on non-traditional training modalities for the four categories of criminal administrators of justice.

The assessment will be based on three basic inputs and procedures: data gathering and analysis, group work with judicial authorities and workshops with legal professionals from different judicial levels.

The identification of the desired occupational and educational profiles will result from workshops with legal professionals from different levels of the Judiciary, with the assistance of local and international experts in criminal law. The importance of this workshop lies on the user-determined products which will provide the basic inputs for the training needs assessment.

The identification of the real occupational and educational profiles for the four categories of criminal administrators of justice, will result from a survey based on questionnaires.

The training needs of such administrators of justice and their prioritization will result from the comparison between the desired and the real profiles.

ILANUD will be responsible for this study under the supervision and technical guidance of CAJ/FIU.

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VI. PROJECT METHODOLOGY.

1. Literature search.

This task will have as its primary objective a compilation by author, title and subject of the national works dealing with the administration of justice (Judiciary, lawyers, sociology of law, prosecutors, legislative systems, history of law, criminology, penal law, corrections, criminal law, criminal procedures, constitutional law). The primary criterion to be followed is that the subject matter be useful to the specific studies included in the assessment.

The researchers shall review all books, periodicals and thesis related to the aforementioned subjects existing in all of the major law libraries of the country.

This research is one of the first to be completed since it will assist the individual researchers. It will be carried out by law students under the direction of the local coordinator.

2. Field work.

There is very little baseline date which are useful in allowing a complete description of the operation of the Ecuadorian judicial model, either at the macro or micro level. Some field work will be required to determine the validity and usefulness of the existing data. All the studies will contain a set number of in-depth interviews with the key personnel of the respective research areas. The use of questionnaires to be fulfilled by judicial staff will be limited to the training needs assessment.

3. Workshops.

There will be two kinds of workshops:

a. The training needs methodology will require the conducting of workshops for each of the four categories of criminal administrators of justice.

b. Upon the completion of the assessment and after a preliminary review of the final report by the Supreme Court, there shall be a high level post-study workshop with the key officers of the justice sector to discuss major issues which would require important legal changes. This workshop should be closed to public and sponsored by the Supreme Court. the Procuraduria and ILANUD.

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4. Final report.

A final report containing all the studies will be submitted to the Ecuador justice authorities and to USAID-Ecuador.

VII. PROJECT MANAGEMENT.

The implementation of the Ecuador judicial management study involves an arrangement that includes the following parties:

* Management Sciences for Development (MSD) as the overall administrative and financial manager of the project.

* Florida International University (FIU) as the institutional team leader and technical supervisor of the project.

* ILANUD (The United Nations Latin American Institute for the Prevention of Crime and Treatment of the Offender) as the sponsoring agency of the project.

Management Sciences for Development (MSD).

As the prime contractor, Management Sciences for Development (MSD) will have overall management responsibility for carrying out the Ecuador judicial management study. Specifically, MSD will be the lead organization in providing overall coordination and administrative assistance to the institutional team leader. It will also be responsible for contracting local personnel.

MSD will designate from its own staff a Project Administrator responsible for overseeing the implementation of the proposed scope of work and for coordinating and monitoring the contractor's activities during the life of the project (LOP) in collaboration with the relevant parties listed above.

MSD will also be responsible, in collaboration with FIU and ILANUD for hiring a local (Ecuadorian) project coordinator and other local support staff. MSD will also be responsible for renting local office space, furniture, equipment, and other materials (as indicated in the cost proposal).

The local project coordinator and staff in the local office to be established in Quito, Ecuador, will provide assistance to the international specialists and local sub-contractors. In addition, MSD will be responsible for making all logistical

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arrangements for a proposed workshop, including reproduction and distribution of the draft report to all participants, rental of a conference facility, invitation and travel costs for participants, hiring of secretaries and drivers, equipment rental, etc.

Once the proposed final report on findings and recommendations has been revised at the workshop, MSD will provide for production of the final version in Spanish and its reproduction in sufficient quantity to provide at least one copy for each participant in the workshop and three additional copies for AID.

Center for the Administration of Justice (CAJ/FIU).

MSD will negotiate a sub-contract with CAJ/FIU for the provision of a team leader. CAJ/FIU will have the lead technical role in the conducting of the Ecuador study. CAJ/FIU will have the technical overall responsibility for the assessment, due to the need to maintain an homogeneous research criteria and methodology throughout the components of the assessment.

CAJ/FIU will be contractually responsible to MSD and USAID/Ecuador for carrying out its responsibilities. It shall keep ILANUD, the Supreme Court of Ecuador and USAID/Ecuador appraised as to the decisions as set forth below.

As team leader, CAJ/FIU will have the following responsibilities:

1. Designate a project manager from its own staff to oversee the implementation of the work.

2. Drafting of a workplan. The workplan shall be forwarded to USAID/Ecuador, RAJO, MSD, ILANUD and the Supreme Court.

3. Conduct a preliminary visit to explain to local officials and USAID/ Ecuador about the nature and scope of the study and to coordinate arrangements with them.

4. Identify a local study coordinator to act as liaison with CAJ/FIU, local contractors to be employed by MSD, and justice officials.

5. Prepare scopes of work for all the studies detailed herein.

6. Employ all international consultants.

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7. Advise MSD on employment of local contractors. These shall be employed by MSD. CAJ/FIU shall review and approve their contracts and no payments shall be issued to them with CAJ/FIU approval.

8. Although ILANUD will have responsibility for carrying out the training needs assessment detailed herein, it will act under the supervision and technical guidance of the CAJ/FIU.

9. Furnish to USAID/Ecuador, MSD and ILANUD monthly progress reports.

10. Prepare a final report.

11. Coordinate the technical aspects of the post-study workshop.

ILANUD.

ILANUD will appear as the study sponsoring agency, together with USAID/Ecuador.

Specifically, ILANUD will carry out the training need assessment, according to the technical orientation and supervision of CAJ/FIU. In doing so, it will act as any other subcontractor and report to CAJ/FIU.

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PROPOSAL FOR AN ASSESSMENT OF THE JUDICIAL SECTOR OF ECUADOR

VIII. ESTIMATED BUDGET

	MSD	ILANUD	CAJ/FIU	TOTAL
I. SALARIES				
I.A.1 MSD SALARIES				
A.1.a US hire				
a) International Administrator (A. Cuellar) 36 d @ $285/day	10,260			
Subtotal MSD (U.S.) Salaries	10,260			
A.1.b Local hire				
b) Project coordinator (V. Merino) 7 mo @ $1,500/mo.	10,500			
c) Ecuador Accounting Services 6 mo @ $700/mo.	4,200			
d) Secretarial support (7mo @ $400)	2,800			
e) Office support (messengers, cleaning) 6 mo x $400/mo.	2,400			
Subtotal MSD (Local) Salaries	19,900			
I.A.2 Fringe Benefits for local salaries (33%)	6,567			
SUBTOTAL MSD SALARIES & FRINGE BENEFITS	36,727			
I.B.1 ILANUD PERSONNEL				
a) ILANUD Liason (C.J.Gutierrez) (60 days)		0		
b) Training specialist (E. Gonzalez) (34 days)		0		
c) ILANUD specialist-1 (L.Lachner) (25 days)		0		
d) ILANUD specialist-2 (J. Saborio) (25 days)		0		
SUBTOTAL ILANUD PERSONNEL		0		
I.B.2 ILANUD FRINGE BENEFITS (22% salaries)		0		
SUBTOTAL ILANUD PERSONNEL & FRINGE BENEFITS		0		

PROPOSAL FOR AN ASSESSMENT OF THE JUDICIAL SECTOR OF ECUADOR

ESTIMATED BUDGET	MSD	ILANUD	CAJ/FIU	TOTAL
I.C.1 CAJ/FIU SALARIES				
a) Study Coordinator (L. Chinchilla) (6 mo @ $900, half time)			5,400	
b) Info. systems spec. (R. Echeverria) (27 d. @ $60/day)			1,620	
c) Team Leader (L. Salas) (Counterpart-1, 10% of his time)			0	
d) Legal Specialist (T. Rivera) (Counterpart-2, 10% of her time)			0	
e) Legal Specialist (J.M. Rico) (Counterpart-3, 5% of his time)			0	
f) Legal Defense Spec. (A. Carazo) (Counterpart-4, 5% of her time)			0	
g) Secretary (bi-lingual, full time) (6 mo. @ $1,200/mo)			7,200	
SUBTOTAL SALARIES CAJ/FIU			14,220	
I.C.2 FRINGE BENEFITS (31% of all CAJ/FIU salaries)			4,408	
SUBTOTAL CAJ/FIU SALARIES & FRINGE BENEFITS			18,628	

II. TRAVEL & PER DIEM

II.A.1 MSD staff and consultant travel

a) International. Admn.	
5 Rt (WSH/QUI/WSH)@ $1,500/tri	7,500
2 Rt (WSH/MIA/WSH)@ $450/trip	900
b) Local Coordinator	
2 Rt (QUI/SJO/QUI)@ $350/trip	700
1 RT (QUI/MIA/QUI)@ $400/trip	400

Other MSD travel costs

1. Airport taxis 17 trips @ $50/trip	850
2. Exit taxes 17 trips @ $20/trip	340
SUBTOTAL TRAVEL MSD	10,690

II.A.2 Per diem MSD staff and consultants

a) International Admn.	
Quito: 30d @ $68/day	2,040
Miami: 12d $ $89/day	1,068

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PROPOSAL FOR AN ASSESSMENT OF THE JUDICIAL SECTOR OF ECUADOR

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ESTIMATED BUDGET	MSD	ILANUD	CAJ/FIU	TOTAL
b) Local Coordinator				
San Jose: 6d @ $114/day	684			
Miami: 6d $ $89/day	534			
SUBTOTAL PER DIEM MSD	4,326			
SUBTOTAL MSD TRAVEL & PER DIEM	15,016			

II.B.1 ILANUD TRAVEL

a) ILANUD liason			
5 Rt (SJO/QUI/SJO)@ $350/trip		1,750	
1 Rt (MIA/SJO/MIA)@ $400/trip		400	
b) Training specialist			
6 Rt (SJO/QUI/SJO)@ $350/trip		2,100	
c) ILANUD specialist-1			
2 Rt (SJO/QUI/SJO)@ $350/trip		700	
d) ILANUD specialist-2			
1 Rt (SJO/QUI/SJO)@ $350/trip		700	
e) ILANUD General Director			
2 Rt (SJO/QUI/SJO)@ $350/trip		350	
Subtotal Travel		6,000	
Exit taxes			
Costa Rica Exit tax (14 @ $50/ea)		700	
Ecuador/Miami (14 @ $25/ea)		350	
Subtotal exit taxes		1,050	
SUBTOTAL TRAVEL ILANUD		7,050	

II.B.2 ILANUD PER DIEM

a) ILANUD liason		1,972	
Quito: 21 d @ $68/day		1,428	
Miami: 6 d @ $89/day		534	
b) Training specialist			
Quito: 36 d @ $68/day		2,448	
c) ILANUD specialist-1			
Quito: 12 d @ $68/day		816	
d) ILANUD specialist-2			
Quito: 12 d @ $68/day		816	
e) ILANUD General Director			
Quito: 4 d @ $68/day		272	
SUBTOTAL ILANUD TRAVEL		8,286	
SUBTOTAL ILANUD TRAVEL & PER DIEM		15,336	

ESTIMATED BUDGET	MSD	ILANUD	CAJ/FIU	TOTAL
II.C.1 CAJ/FIU TRAVEL				
a) Study Coordinator				
6 Rt (SJO/QUI/SJO)@ $350/trip			2,100	
2 Rt (SJO/MIA/SJO)@ $400/trip			800	
b) Info. Specialist				
3 Rt (SJO/QUI/SJO)@ $350/trip			1,050	
c) Team Leader (Counterpart-1)				
4 Rt (MIA/QUI/MIA)@ $750/trip			3,000	
1 Rt (MIA/SJO/MIA)@ $400/trip			400	
d) Legal Sp. (Counterpart-2)				
4 Rt (SJO/QUI/SJO)@ $350/trip			1,400	
1 Rt (MIA/SJO/MIA)@ $400/trip			400	
e) Legal Sp. (Counterpart-3)				
4 Rt (MTL/QUI/MTL)@ $1,300/trip			5,200	
1 Rt (MTL/SJO/MTL)@ $800/trip			800	
1 Rt (MTL/MIA/MTL)@ $400/trip			400	
f) Legal Defense Sp. (Counterpart-4)				
3 Rt (MIA/QUI/MIA)@ $750/trip			2,250	
h) Court Organization Consultant-1				
3 Rt (LAG/QUI/LAG)@ $1,900/trip			5,700	
1 Rt (LAG/SJO/LAG)@ $900/trip			900	
1 Rt (LAG/MIA/LAG)@ $450/trip			450	
i) Court Organization Consultant-2				
3 Rt (LAG/QUI/LAG)@ $1,900/trip			5,700	
j) Training Consultant				
6 Rt (SJO/QUI/SJO)@ $350/trip			2,100	
			=========	
SUBTOTAL CAJ/FIU TRAVEL			32,650	
II.C.2 CAJ/FIU PER DIEM				
a) Study Coordinator				
Quito: 42d @ $68/day			2,856	
Miami: 12d @ $89/day			1,068	
b) Info. Specialist				
Quito: 25 d @ $68/day			1,700	
c) Team Leader (Counterpart-1)				
Quito: 28 d @ $68/day			1,904	
San Jose: 6 d @ $114/day			684	
d) Legal Sp. (Counterpart-2)				
Quito: 28 d @ $68/day			1,904	
Miami: 6d @ $89/day			534	
e) Legal Sp. (Counterpart-3)				
Quito: 28 d @ $68/day			1,904	
San Jose: 6 d @ $114/day			684	
Miami: 6d @ $89/day			534	

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ESTIMATED BUDGET	MSD	ILANUD	CAJ/FIU	TOTAL
f) Legal Defense Sp. (Counterpart-4)				
Quito: 25 d @ $68/day			1,700	
h) Court Organization Consultant-1				
Quito: 25 d @ $68/day			1,700	
San Jose: 6 d @ $114/day			684	
Miami: 6d @ $89/day			534	
i) Court Organization Consultant-2				
Quito: 25 d @ $68/day			1,700	
j) Training Consultant				
Quito: 42d @ $68/day			2,856	
SUBTOTAL CAJ/FIU PER DIEM			22,946	
SUBTOTAL CAJ/FIU TRAVEL & PER DIEM			55,596	

III. OTHER DIRECT COSTS

III.A.1 OTHER DIRECT COSTS MSD

a) D. Insurance -- $4.25 per $100 of MSD & CAJ/FIU Salaries i.e. of $44,380	1,886
b) Medical Exams/Innoculations $100 per exam; $50/innoculatio	900
c) Visas/passports ($50x6)	300
d) Phone calls, fax, express mail (6 mo @ $700/mo)	4,200
e) Miscellaneous	
Office Space (6mo. x $400/m)	2,400
Office Furniture Purchase or Rental	1,500
Office Equipment Rental (2 PC + PTR)	4,000
Office suplies (6m 2 $500/m)	3,000
Photocopy (6m @ $500/m)	3,000
Printing final report	4,756
SUBTOTAL O.D.COSTS MSD	25,942

III.B.1 OTHER DIRECT COSTS ILANUD

a) Medical Insurance (16 @ $65/trip)	1,040
b) Phone calls, fax, express mail (6 mo @ $250/mo)	1,500
SUBTOTAL O.D.COSTS ILANUD	2,540

PROPOSAL FOR AN ASSESSMENT OF THE JUDICIAL SECTOR OF ECUADOR

ESTIMATED BUDGET	MSD	ILANUD	CAJ/FIU	TOTAL
III.C.1 OTHER DIRECT COSTS CAJ/FIU				
a) Phone calls, fax, express mail (6 mo @ $298/mo)			1,787	
SUBTOTAL O.D.COSTS CAJ/FIU			1,787	
IV WORKSHOPS				
IV.A FINAL WORKSHOP MSD				
a) Participants expenses				
Per diem local participants (15 part.: 2 d @ $15/day)	450			
Per diem out-of-town partcps. (35 part.: 2 d @ $68/day)	4,760			
Local travel (35p @ $35/ea)	1,225			
b) Conference Rooms				
Plenary session (2d @ $150/day	300			
4 Group rooms (2d @ $50/ea)	400			
c) Logistic support				
2 secrt (4d @ $20/day)	160			
2 car rental (4d @ $70/day)	560			
1 driver (4d @ $20/day)	80			
d) Equipment rental				
Copier, computers, printers	1,250			
e) Office Supplies	1,385			
f) Social Activities				
4 coffee breaks (70 p @ $2/ea)	560			
1 lunch (100 persons)	1,200			
SUBTOTAL WORKSHOP MSD	12,330			
IV.B TRAINING WORKSHOPS ILANUD				
Training workshops (Workshops)		13,793		
SUBTOTAL WORKSHOPS ILANUD		13,793		

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PROPOSAL FOR AN ASSESSMENT OF THE JUDICIAL SECTOR OF ECUADOR

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ESTIMATED BUDGET	MSD	ILANUD	CAJ/FIU	TOTAL
V. SUBCONTRACTS				
V.A LOCAL SUBCONTRACTS MSD				
a) Bibliographic Study	2,000			
b) Organizational Study	2,000			
c) Personnel study	10,000			
d) Training ass. experts	2,000			
SUBTOTAL SUBCONTRACTS MSD	16,000			
V.C. INTERNATIONAL SUBCONTRACTS CAJ/FIU				
a) Court Organization Specialists			30,000	
b) Training Consultants			10,000	
SUBTOTAL SUBCONTRACTS CAJ/FIU			40,000	
VI. OVERHEAD				
VI.A OVERHEAD MSD (70% of MSD Salaries)	25,709			
VI.C OVERHEAD CAJ/FIU (20% of all CAJ/FIU costs)			23,202	
VII. FIXED FEE				
VII.A FIXED FEE MSD (10% of all MSD Costs)	13,172			
VII.B FIXED FEE ILANUD		1,333		
TOTAL COSTS	144,896	33,002	139,213	317,111

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PROPOSAL FOR AN ASSESSMENT OF THE JUDICIAL SECTOR OF ECUADOR

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ESTIMATED BUDGET	MSD	ILANUD	CAJ/FIU	TOTAL
GENERAL BUDGET CATEGORIES				
I. SALARIES	36,727		18,628	
II. TRAVEL & PER DIEM	15,016	15,336	55,596	
III. OTHER DIRECT COST	25,942	2,540	1,787	
IV. WORKSHOPS	12,330	13,793		
V. SUB CONTRACTS	16,000		40,000	
VI. OVERHEAD	25,709		23,202	
VII. FIXED FEE	13,172	1,333		
GRAND TOTAL	144,896	33,002	139,213	317,111

IX. GENERAL TIMETABLE

ACTIVITIES	MONTHS 1	2	3	4	5	6	7	8	9
Preparatory activities personnel	****								
Hiring of local coordinator and	****								
Local and Logistic arrangements	****								
Literature Search	**	**							
Prosecution Study		****	****	****					
Legal Defense Study		****	****	****					
Criminal Code Study		****	****	****					
Organizational Study		****	****	****	****				
Personnel Study		****	****	****	****	****			
Information Systems Study		****	****	****	****				
Training Needs Ass.		****	****	****	****	****	****		
Preparation of final report							****		
Distrib. of final report								**	
Preparation of final workshop								****	
Conducting of final workshop									**
Preparation and distribution of final workshop									**

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ATTACHMENT 13

CAJ/FIU HONDURAN TRIP REPORT

MEMORANDUM

TO: SEE DISTRIBUTION

FROM: LUIS SALAS

SUBJECT: TRIP REPORT

DATE: JUNE 28, 1990

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1. COUNTRY: Honduras

2. DATE: 19, 20 June, 1990

3. TEAM MEMBERS:

Luis Salas, Director CAJ/FIU.
Tirza Rivera, Deputy Director CAJ/FIU.
Laura Chinchilla, Research Coordinator, CAJ/FIU.

4. BACKGROUND:

4.1. On March 22 and 23, 1990, Tirza Rivera and Mark Rosenberg (acting as consultant to the CAJ/FIU and Director of FIU's Latin American and Caribbean Center), visited Honduras and had meetings with representatives of the American Embassy (including the Ambassador), USAID/Honduras (including the Mission Director), SDI/Georgetown University, the Supreme Court, the National Commission for Judicial Reform, and the Bar Association. It was agreed with these entities during the meetings, as stated in our March 31st Trip Report, that a team from CAJ/FIU would travel to Honduras and present a summary of the findings of the prior assessment, as updated as possible, to Embassy, USAID and Honduran officials.

4.2. The U.S Embassy through Mark Mayfield suggested CAJ/FIU to program the visit before the week of June 25th given that Ambassador Crescencio Arcos had expressed his wish to be present at the briefing. The 19th of June was proposed as the most mutually convenient date. The date proposed by the Embassy was communicated by CAJ/FIU to AID through Mr. Roberto Figueredo in a fax dated June 12, 1990. In this fax CAJ/FIU also expressed the

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possibility of having the meeting with the Honduran justice officials during the same visit.

4.3. Upon confirmation from Mr. Mayfield the meeting with Embassy personnel was organized for the 19th of June. Although no answer to our repeated and urgent requests for confirmation (a second letter was faxed to Roberto Figueredo on June 15th) was received from Mr. Figueredo until the 18th of June in the afternoon, CAJ team composed of Luis Salas, Tirza Rivera and Laura Chinchilla traveled to Honduras on the 19th of June.

5. PURPOSES:

5.1. To present AID/Embassy officials and the newly appointed national authorities of the Honduras Justice Sector a partial updated version of the Honduras Justice Sector Assessment carried out by CAJ in 1987.

5.2. To discuss with AID/Embassy officials and the said national authorities, about the obstacles impeding the implementation of important reforms to improve the administration of justice in Honduras.

6. MEETINGS:

6.1. The 18th of June at the AID conference room with:

Crescencio Arcos, U.S. Ambassador
Donna Hrinak, DCM
Terry Kneeborn, USIS
Mark Mayfield, Political Section
Roberto Figueredo, Deputy Director, Human Resources AID/Honduras
Roberto Bogran, Resident Coordinator, Administration of Justice Project

<u>Invited but not present</u>:

John Sambrailo, U.S. AID Mission Director
Emily Leonard, Director, Office of Human Resources
SDI\Honduras, Georgetown University

6.2. The 19th of June at the Supreme Court with:

Members of the National Commission for the Judicial Reform
The Supreme Court (including the President)
Mark Mayfield, Political Section, U.S.Embassy
Roberto Figueredo, Deputy Director, Human Resources AID/Honduras

Roberto Bogran, Resident Coordinator, Administration of Justice Project
Emilia González, ILANUD, Coordinator for the Honduran Judicial School Project

7. MAIN ISSUES DISCUSSED AT THE AID OFFICES:

7.1. The lack of coordination among the U.S agencies and contractors working on democratic initiative projects (for example, ILANUD, SDI/Georgetown, ICITAP, INCAE, DEA, CAJ/FIU)

7.2. The absence of a clear policy or strategy that frames the actions of all of these actors.

7.3. Insuficient political will on the part of the Honduran authorities to implement serious judicial reforms. The clearest example is the inability to implement a merit selection and promotion system for the Judiciary, which results in the politization of the system and the continuous rotation of judges after each presidential term. Training investments are continuously lost in this unstable employment situation. At the same time, the concentration of police activities in the armed forces becomes a distortion of the most fundamental principles of a democratic police. Despite assurances of change to come, very little has been done in either of these areas. In effect, an overall evaluation of sector progress indicates superficial improvements in nonessential areas.

7.4. The inability of the National Commission for Judicial Reform to act as an agent of change, resulting from its lack of a clearly defined mission or purpose CAJ/FIU representatives offered to assist in this area.

7.5. The possibility of considering other justice sector areas, such as agrarian and military justice. For example, military justice in Honduras exercises jurisdiction over civilians, encompasses non-military issues, and is hierachically non-responsive to civilian judicial authorities. An assistance project could encourage this isolated jurisdiction to shift into the civilian justice sector.

8. MAIN ISSUES DISCUSSED AT THE SUPREME COURT:

8.1. Since the conclusion of the sector assessment in 1987, the situation of the Honduran Justice Sector remains almost the same. Even though some positive changes can be identified they are few, do not imply structural reforms, and have been implemented at a very slow pace. The following positive developments were identified:

* The establishment of a pilot project of public defenders in Tegucigalpa and in San Pedro Sula.

* The creation of a Judicial School to provide training to judges and support personnel. Principally through ILANUD and the Regional AID project, about 50 courses for judges, public defenders and administrative personnel have been delivered, and a manual for judges with basic legal information has been published.

* Appointment of law graduates as justices of the peace. Since 1987, 54 law graduates have been appointed as justices of the peace in areas where the previous justices were not lawyers.

8.2. The problems still awaiting resolution are:

* The existence of a militarized police. An ongoing debate about the advisability of creating a Judicial Technical Police is currently underway.

* The lack of political and economic independence of the Judiciary.

* The absence of an effective implementation of a personnel selection and tenure system ("carrera judicial") for the Judiciary.

* A weak prosecutorial function. The role of prosecutors is limited to being paper pushers. They are the most passive participants in the judicial process.

* The lack of an adequate public defenders system, especially in the rural areas. Additionally, defenders should be assigned at the earliest stage in the criminal proceeding.

* A correctional system characterized by overcrowding and unsanitary housing conditions.

8.3. After the CAJ presentation, the Honduran officials expressed their willingness to promote changes to improve the administration of justice with the technical assistance of CAJ/FIU. They also asked the CAJ team to make a similar presentation to the Honduran President and high level officials of the National Assembly and the Armed Forces.

9. BRIEFING OF THE U.S.AID/HONDURAS DEPUTY MISSION DIRECTOR:

9.1. Having finished the meeting at the Supreme Court, the CAJ/FIU staff, accompanied by Mr.Roberto Figueredo, who expressed his satisfaction with the results obtained by CAJ's team during its visits, proceeded to the offices of AID Mission Deputy Director Mr. George Wachtenheim, to brief him on the meetings held with AID/U.S. Embassy and Honduran officials. Unfortunately Mr. Wachtenheim was not available. It was understood that Mr.Figueredo would brief Mr. Wachtenheim at a later time and that we would be available to

respond to any questions.

10. ACTIONS TO BE TAKEN:

10.1. The programming of a new briefing for President Rafael Leonardo Callejas, Congressmen and armed forces leaders about the state of Justice in Honduras. This meeting will take place no later than the end of July.

10.2. Coordination with the Commission for Judicial Reform to assist them in designing a strategy to implement the recommendations of the 1987 sector assessment.

DISTRIBUTION:

Crescencio Arcos, U.S. Ambassador
John Sanbrailo, U.S. AID Mission Director
Donna Hrinak, DCM
George Wachtenheim, U.S. AID Mission Deputy Director
Emily Leonard, Director Office of Human Resources
Roberto Figueredo, Deputy Director Human Resources
Terry Kneeborn, USIS
Mark Mayfield, Political Section U.S. Embassy
Roberto Bográn, Resident Coordinator, Administration of Justice Project

cc: Norma Parker, LAC/DI
Carl Cira, RAJO/USAID/COSTA RICA
Karen Otto, LAC/DI
Carlos José Gutiérrez, ILANUD
Emilia González, ILANUD

ATTACHMENT 14

MEMO FROM TIRZA RIVERA TO EGGENORY VILLEGAS, MAY 15, 1990, UPDATING OF THE COSTA RICAN JUSTICE ASSESSMENT

EL CENTRO
PARA LA
ADMINISTRACION
DE JUSTICIA

MEMORANDUM

PARA: Egennory Venegas, Secretaria Ejecutiva
Comisión Nacional para el mejoramiento de la Administración de Justicia

DE: Tirza Rivera, Subdirectora,
Centro para la Administración de Justicia.

ASUNTO: Actualización del Estudio Sectorial Costa Rica

FECHA: 15 de mayo de 1990.

En cumplimiento de uno de los compromisos adquiridos por CAJ/FIU para la Actualización del Estudio Sectorial de la Justicia en Costa Rica, nos permitimos remitirle la versión definitiva (hasta la fecha) de la descripción de los componentes involucrados para el Sub-sector Poder Judicial. Esta versión es la resultante de la reunión celebrada el día 11 de mayo de 1990 a las 10:00 horas, en la oficina del Dr. Luis Paulino Salas. Adicionalmente adjuntamos un desglose del presupuesto requerido.

Al respecto, quisiéramos dejar constancia de las siguientes cinco observaciones:

1. Este desglose y presupuesto se basan en los documentos preparados por el Centro para la Administración de Justicia de la Universidad Internacional de Florida (CAJ/FIU), remitidos a ustedes en Memorandum del 9 de marzo de 1990, en su nota de respuesta de 22 de marzo de 1990 y en lo acordado en las cinco reuniones de coordinación sostenidas desde marzo de 1990 a la fecha, entre personeros de la Corte Suprema de Justicia, de esa Comisión Nacional, del Proyecto Bilateral y de CAJ/FIU.

2. De acuerdo con lo acordado en la reunión del 30 de marzo de 1990, el ámbito de las tareas a realizar se circunscribirá por ahora al Sub-sector Poder Judicial, dejando el inicio de las de los Sub-sectores Policía y Sistema Penitenciario, para el momento en que los Ministerios involucrados del nuevo gobierno, hayan definido sus prioridades.

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3. El desglose de los componentes adjunto, no pretende ser una definición exhaustiva de los términos de referencia de los profesionales o firmas consultoras a contratar. Constituye un primer esbozo, en donde se busca puntualizar el tipo de profesionales a emplear, el plazo y costo de los servicios a prestar a fin de poder realizar una estimación del desglose de recursos presupuestarios. Para esta estimación nos hemos basado en los costos usuales de consultorías internacionales en Latinoamérica, de acuerdo con nuestra experiencia en proyectos similares.

4. Reiteramos nuestra solicitud, expresada en memorandum del 28 de marzo de 1990, de que esa Comisión precise objetivos y resultados esperados, para poder preparar en más detalle, los términos de referencia de las labores a realizar por el director de proyecto y los consultores y firmas consultoras a contratar, tal y como se nos solicitó en su nota del 22 de marzo de 1990. Si bien usted nos refiere para tales efectos, en su nota del 5 de abril de 1990, al Anteproyecto de Actualización del Estudio Sectorial, en ese documento no se establecen objetivos para el desarrollo de cada componente, ni se definen el tipo de productos a obtener.

5. Dado que, tal y como se lo hemos expresado verbalmente, CAJ/FIU tiene serios cuestionamientos técnicos y metodológicos sobre el punto No. 5 "Investigación sobre Celeridad de los Procesos", nos vemos incapacitados de poder formular, aunque sea muy someramente, términos de referencia sobre este componente. Posteriormente le haremos llegar en forma escrita, nuestros comentarios detallados al respecto.

Aprovecho la ocasión para reiterarle mi disposición de aclararle cualquier punto al respecto y para saludarla muy cordialmente.

ACTUALIZACION DEL ESTUDIO SECTORIAL
SUB-SECTOR PODER JUDICIAL
Componentes

En la propuesta final para la Actualización del Estudio Sectorial sobre la Justicia en Costa Rica, ajustada para el presupuesto disponible, en el Sub-sector Poder Judicial, se incluyen actualmente los siguientes componentes:

1.1 Consejo Superior del Poder Judicial.

Un compendio de la bibliografía publicada al respecto de Consejos de la Magistratura, que CAJ/FIU suministrará a la Comisión Nacional para el Mejoramiento de la Justicia (quien lo pondría a la disposición de los Srs. Magistrados),

1.2 Selección, nombramiento y régimen disciplinario de Magistrados y Jueces.

1.2.1. Nombramiento de Magistrados y Jueces.
Propuesta a preparar por un abogado consultor a contratar.

El abogado, un experto constitucionalista, deberá preparar un análisis de los sistemas de selección y nombramiento de Magistrados y Jueces en otros países y en base de su adaptación a las condiciones estructurales, políticas y sociales de ~~Costa~~ Rica, proponer un modelo susceptible a ser promulgado como ley.

Costo: $1,500.00; plazo: dos meses.

1.2.2. Régimen disciplinario de Magistrados y Jueces.
Propuesta a preparar por un equipo a contratar.

El equipo, integrado por un abogado con experiencia en el funcionamiento del Poder Judicial y por un experto en Administración de Recursos Humanos, deberá preparar una propuesta de régimen disciplinario para Magistrados y Jueces.

Costo: $2,000.00; plazo: tres meses,

1.3 Actualización de información de Recursos Humanos.
Propuesta a preparar por una firma a contratar.

La firma consultora, especializada en Administración de Recursos Humanos, deberá efectuar una actualización de los datos disponibles sobre recursos humanos en el Poder Judicial, con especial enfásis en clasificación y valoración de puestos y en la remuneración en el Poder Judicial, comparativa a otros sectores de la Administración Pública Costarricense.

Costo: $5,000.00; plazo: tres meses.

2. **Independencia presupuestaria del Poder Judicial.**
Propuesta a preparar por un consultor a contratar.

El consultor, abogado con experiencia administrativa, realizará un estudio para elaborar un proyecto de ley que permita al Poder Judicial obtener una verdadera independencia en la ejecución de su presupuesto.

Costo: $1,000.00; plazo: un mes.

3. **Evaluación de la planificación en el Poder Judicial.**
Estudio a realizar por uno o varios consultores.

El o los consultores, especialistas en planificación con conocimientos de administración judicial, efectuarían una evaluación del Dpto. de Planificación del Poder Judicial y de los mecanismos de coordinación de la planificación entre este Poder y los otros Poderes del Estado.

Este componente será realizado y financiado dentro del Programa de Asesorías y Pasantías de la Comisión Nacional para el Mejoramiento de la Justicia.

4. **Relaciones del Poder Judicial con la comunidad.**

El Poder Judicial tratará de realizar encuestas al respecto, por medio de dependencias especializadas en este tipo de sondeos de otros Poderes del Estado y en tal caso contaría con la asesoría de CAJ/FIU para su elaboración e interpretación.

5. **Investigación sobre Celeridad de los Procesos.**
Estudio a realizar por un equipo interdisciplinario, coordinado por un consultor del Dpto. Planificación.

Un consultor, administrador público, especialista en estudio de procedimientos participaría, junto otros tres consultores nombrados y financiados respectivamente por la Escuela Judicial, el ILANUD y el Departamento de Planificación del Poder Judicial, en una investigación sobre la Celeridad de los Procesos (Penal, Civil, Laboral y de Familia), incluyendo la redacción del informe final. El Dpto. de Planificación y sus dependencias colaboraría en esta investigación y la continuaría a su conclusión.

Costo: $4,400.00; plazo: 4 meses.

En todos los casos, los estudios a realizar se darían por recibidos cuando sean aceptados por un especialista a designar en cada caso por la Comisión.

En todos los estudios y evaluaciones participarían conjuntamente con los consultores, uno o varios funcionarios contraparte, designados en cada caso por la Comisión.

ACTUALIZACION DEL ESTUDIO SECTORIAL

Desglose del Presupuesto ($.US)

	Presupuesto Propuesto	Presupuesto Inicial
I. Gastos Generales del Sector Justicia		
Servicios Personales		
Director, Secretaria y sus beneficios legales	13,500	13,500
Sub-total Servicios Personales	13,500	13,500
Contingencias	2,500	2,500
Sub-total Gastos Generales	16,000	16,000
II. Gastos especificos Sub-Sector Poder Judicial		
Honorarios Profesionales		
a) Consultor (abogado) para estudio Nombramiento de Magistrados y Jueces	1,500	
b) Dos consultores (abogado y experto R.H.) Regimen disciplinario Magistrados y Jueces	2,000	
c) Consultor (abogado) para estudio Independencia Presupuestaria Poder Judicial	1,000	
Sub-total Honorarios Profesionales	4,500	2,000
Asesorias y Evaluaciones		
a) Firma Consultora en Adm. Recursos Humanos Actualizacion Informacion R.H. Poder Judicial	5,000	
b) Consultor (Administrador Publico) para Investigacion sobre celeridad de los procesos	4,400	
Sub-total Asesorias y Evaluaciones	9,400	10,000
Sub-total Sub-sector Poder Judicial	13,900	12,000
III. Gastos especificos Sub-Sector Sist. Penitenc.		
Honorarios Profesionales	2,000	2,000
Asesorias y Evaluaciones Sistema Penitenciario	10,000	[illegible]000
Sub-total Sub-sector Sist. Penitenc	12,000	12,000
Gran Total	$41,900	$40,000
Deficit Presupuestario	(1,900)	

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