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**EXTENSION OF GRANT TO FES  
AID/COLOMBIA**

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**PROGRAM DESCRIPTION FOR THE EXTENSION OF THE GRANT TO THE  
FUNDACION SUPERIOR DE EDUCACION (FES) FOR IMPROVING  
THE PERFORMANCE OF THE COLOMBIAN JUSTICE SECTOR**

	<u>Page</u>
I SUMMARY	1
II BACKGROUND AND RATIONALE FOR THE EXTENSION- TRANSITION GRANT	2
A. Previous and Current Support from A.I.D. for the Colombian Justice Sector	2
1. FES--AID Grant - Composition and Results To Date	2
2. Regional Administration of Justice Project (ILANUD)	7
B. Activities of Other U.S. Organizations in the Colombian Justice Sector	7
1. Anti-Narcotics Unit of the US Embassy	7
2. Drug Enforcement Agency (DEA)	8
3. US Department of Justice Program (ICITAP)	8
C. Government of Colombia's Strategy for the Justice Sector	9
D. Strategy and Rationale of the Extension- Transition Period	10
III DESCRIPTION OF ACTIVITIES FOR THE EXTENSION- TRANSITION PERIOD	12
A. Project Goal and Purposes	12
B. Component Activities of the Extension- Transition Period	13
1. Strengthening the Capacity of the Justice Sector to Analyze, Plan and Evaluate	13

	<u>Page</u>
a. System for Monitoring and Evaluating the Operation of the Court System	15
b. Studies of Key Topics	17
c. Strengthening the Capacity of the Ministry of Justice's Office of Planning and OSJR	18
2. Improving the Administrative and Operating Capacity of the Court System	19
a. Extension of Coverage of Computerization of the Administration of Appellate Courts	20
b. Comprehensive Improvement in the Operation of Appellate Courts	21
c. Pilot Efforts in Improving the Administration of Trial Courts	21
d. Strengthening the Offices of Judicial Career and of Criminal Instruction	22
3. Improving the Security and Effectiveness of the Key Personnel of the Criminal Justice System	24
4. Strengthening the Training Program of the Judicial School	25
5. Preparation of a Comprehensive Reform Program and Multi-Year Project for Improving the Operation of the Justice Sector	26
a. Colombian Sector Program	27
b. Preparation of New A.I.D. Project	28
<b>IV IMPLEMENTATION ARRANGEMENTS</b>	<b>30</b>
A. Role of FES	31
B. Role of A.I.D.	32

	<u>Page</u>
C. Procurement Arrangements	33
V BUDGET FOR THE EXTENSION-TRANSITION PERIOD	33

**ANNEXES**

1. Outputs, Activities and Major Accomplishments of the Grant To Date
2. Bogota 16660 (see A.I.D. files)
3. Detailed Budget by Component Activities

## I SUMMARY

Since 1986 A.I.D. has provided \$1.574 million in grant funds to the Fundación de Educación Superior (FES), a Colombian private foundation, to support activities to improve the operation of the Colombian justice sector. As amended the Grant runs through June 30, 1990. The focus of the activities under the Grant has been on analytical work on issues facing the justice sector--and especially the court system -- the preparation and the conduct of pilot programs to test approaches to improving the operation of the system and training through the recently created Judicial School. The pilot efforts largely have been concerned with the introduction of the computerization of the operation of the courts. In addition, the Grant has financed the provision of legal information to Colombian judges and, in the recent past, supported training and other measures to improve the security of the personnel of the justice system. The activities have been conducted largely by private persons and organizations contracted by FES.

A.I.D. has decided that it is appropriate for it to undertake a multi-year project to improve the operation of the Colombian justice sector. There are several reasons for that decision:

- The new Colombian administration which is to take office in late August 1990 is likely to be prepared to undertake a comprehensive program to improve the operation of the justice sector.
- The experience being obtained through the Grant to FES is available for use in building a national level effort.
- Improvement in the operation of the Colombian justice system--and especially in the criminal justice system--would serve well the political interest of the USG in assisting the GOC to overcome the violence which it faces from terrorist and narcotics trafficking organizations.

The new project is planned for authorization and obligation in the first quarter of FY 1991 so that it will be able to incorporate the views and undertakings of the new Colombian administration. Since the current Grant largely will be utilized by its expiration in June, there will be a gap during which work on the problems of the sector would not receive support from A.I.D. This would be undesirable because several of the activities under the current Grant have been producing positive results and could be expanded to provide broader coverage. Furthermore, without additional support from A.I.D. it is unlikely that the analytical work required for the new project

will be produced in timely way. Then too, from the point of view of influencing the content of the program to reform the justice sector, it would be a tactical mistake not to have A.I.D. actively involved in programs in the sector during the very time during which the new government is forming its program for the sector.

This paper describes the content of a program to be funded by an extension of the Grant with FES. The extension will act as a transition to the new project. The activities included in the program are ones which:

- consolidate and expand the coverage of the activities which are being supported by the current Grant and have shown positive impact;
- involve the expansion or undertaking of pilot projects likely to be of importance to the comprehensive sector program to be supported by the new project;
- prepare the analytical work which will be needed by the GOC to make decisions concerning the new comprehensive program and by A.I.D. to prepare the new project.

The extension-transition Grant will provide an additional \$1.1 million to FES to finance activities during the period July 1, 1990 through June 30, 1991. The major share of the activities will take place during the first six months of the period. The basic implementation arrangements under the Grant will remain the same. However, the extension-transition program will include public entities as well as private persons and organizations as implementing agencies. Furthermore, the amount of external technical assistance used in carrying out the program will increase as more focus is placed on molding the experience obtained under the Grant into an A.I.D. project.

## II BACKGROUND AND RATIONAL OF THE EXTENSION - TRANSITION GRANT

### A Previous and Current Support from AID Programs for the Colombian Justice Sector

#### 1. FES--AID Grant--Nature and Results To Date

In response to an unsolicited proposal, in September 1986 A.I.D. made a Grant to FES of \$290,000 to support a program to run through September 1988. The program had three major components: (i) an analysis of the administration of justice in Colombia in order to identify the major problems facing that administration and potential solutions for those problems; (ii) an extension to the judicial districts in additional cities (Cali, Medellin, Barranquilla, Bacaramanga and Popayan) of the

use of the automatic data processing system for the distribution of caseloads which had been introduced on a pilot basis in the judicial district of Bogota; (iii) the provision of basic legal research libraries for the Supreme Court, the Council of State and the Judicial School of the Ministry of Justice and the training of library personnel to manage them. The program was planned and overseen by a Commission (established by FES) consisting of representatives of the Ministry of Justice, the Supreme Court, the Council of State, FES and A.I.D. In addition, two advisors to the program were members of the Commission. FES met the administrative costs of the program with its own resources.

In fact the initiative for A.I.D.'s support had begun sometime before the Grant was made. In the fall of 1985 A.I.D./W had announced that it was considering the possibility of augmenting its Central America administration of justice project to include other regions. In response the A.I.D. office in Bogota notified A.I.D./W of its interest in participating in that expanded project. At approximately the same time, Colombia's judicial system -- which already was under pressure from drug-traffickers -- suffered an agonizing crisis when half the Supreme Court and many other citizens were killed during an attack on the Palace of Justice. That event was a strong stimulation to improving the administration of justice in Colombia.

Initially a very small group of key individuals in the justice sector met to determine if outside assistance could be helpful to Colombia's judicial system. The group decided that several initial actions would be appropriate in order to establish the bona fides of a program in the sector to meet immediate (but not necessarily controversial) problems and to prepare a base for a possible future extension of the program. The proposal to A.I.D. for Colombia's first administration of justice program arose from those small group discussions. FES became the Grantee with responsibility for managing the program.

The Grant to FES has been amended five times. The first amendment in September 1987 added \$184,000 from A.I.D., and extended the life of the Grant by one year to the end of September 1989. The scope of the program being supported by the Grant was expanded to include:

- assistance to the Judicial School to become the chief source of legal documentation and information for the justice system;
- assistance to judicial districts to further expand their automatic data processing;

- training for the personnel of the court system through support for the institutional development of the Judicial School and the attendance of representatives of the judiciary at international courses on investigative techniques; and
- the use of applied research by Colombian law faculties and other institutions to test some suggested improvements in administrative procedures.

The second amendment in July 1988 added \$600,000 from A.I.D. and extended the life of the Grant by three months to the end of December 1989. The amendment also provided funds to FES for its direct administrative costs attributed to the program including the salaries of the activity coordinator and a clerk-typist. The scope of the program was expanded further to include:

- more analytical activities than originally had been planned to carry out the analysis of the judicial administration and the preparation of a long-term plan for reform of the operation of the system;
- the addition of judicial districts in eight medium-sized cities to the automatic data processing activity including special attention to criminal caseloads in three cities;
- an expansion of the size of legal libraries and the development of a legal mini-thesaurus; and
- support for outreach facilities for the Judicial School.

The third amendment in June 1989 changed the division of the existing level of funding among the several activities while increasing the level of support for FES' direct administrative costs.

The fourth amendment in September 1989 added \$500,000 from A.I.D., and extended the life of the Grant by six months to June 30, 1990. The scope of the program was expanded further to include:

- the installation of automatic data processing capability in the principal courts of criminal jurisdiction throughout the country;
- the development and presentation of courses on modern investigative technology by the University of the Andes for the members of the Technical Corps of the Judicial Police and selected members of the National Police and of DAS.

This amendment, which was related closely to the concern for the protection of Colombian judges, also included \$50,000 for FES' indirect costs in administering the program. The fifth amendment in 1990 added \$100,000 from A.I.D. to support the on-going activities.

Thus, the total Grant budget by major activity is:

<u>Activity</u>	<u>US \$</u>
Analysis of Judicial Administration	175,000
Extension of the Automatic Data Processing Distribution System	484,000
Provision of Basic Legal Libraries	248,000
Improvement in Criminal Instruction Courts	200,000
Training of Court Personnel:	
Local Training	84,000
International Training	21,000
Training of Investigative Personnel:	
Career Training	120,000
Technical Agents	130,000
Direct Administrative Costs (FES)	62,000
Indirect Administrative Costs (FES)	<u>50,000</u>
Total	1,574,000

Although there has been no evaluation of the operation of the Grant or of its accomplishments, there has been reporting by FES to A.I.D. and observations by knowledgeable observers of the operation of the activities under the Grant which permit the drawing of the following general conclusions. One, the Grant has produced a large amount of descriptive and analytical material concerning the operation of the judicial system. Two, the work to date in fostering the use of automatic data processing and in increasing the availability of legal information provides experience useful to the implementation of a more comprehensive program. Three, implementation of the Grant-assisted activities has fostered an atmosphere of collaboration among formerly disparate elements of the justice system, and has increased the level of interest in the topic of the improved administration of

justice and the level of resources which the Government of Colombia is devoting to justice activities. Fourth, although the Grant itself has not yet generated a multi-year plan for such a comprehensive reform of the sector there is public and private sector momentum toward adopting such a reform program. Overall, it can be said that the program to date has been the most practical effort for improving the judicial system in Colombia.

A list of the outputs to date under the A.I.D. Grant to FES is given in Annex 1. The main categories of those outputs have been: trained judiciary personnel and court administrators; improved facilities, methodologies and resources for the better administration of the courts; and studies and analyses on which to base further recommendations and actions.

The major specific outcomes to date have been:

- judicial networks strengthened by the donation of legal research libraries (to the Supreme Court, the Judicial Training School and the Council of State);
- the initiation of operations by the Judicial Training School, the provision of audio-visual and other modern training aids for the School, and outreach seminars and courses to upgrade the knowledge of the judiciary personnel;
- a pilot program supporting localized attempts to broaden and make more effective the outreach of the justice system;
- the preparation and distribution of current law codes to all 4,000 judges in Colombia;
- initial computerization of selected appellate tribunals to help relieve case-load congestion and streamline access to judicial information;
- seminars for selected representatives of judicial units, court administrators, the Ministry of Justice and others to analyze problems of the system and develop solutions;
- the improvement of criminal investigative techniques;
- the strengthening of the roles of law faculty "legal clinics" and public defender offices.

The Grant's activities also helped promote strong anti-drug decrees (which of course responded primarily to violent actions by macro-traffickers) and Supreme Court decisions upholding such decrees. See Annex 2 for a copy of Bogota 16660. However, it

should be understood that influencing favorable decisions and actions on narcotics-related matters is not the purpose of the Grant program, and that the program should not be evaluated on that criterion.

## 2. Regional Administration of Justice Project (ILANUD)

A.I.D.'s grantee under the regional Administration of Justice Project in Central America, the United Nations' Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD), provided initial guidance for the administration of justice program in Colombia. However, given the significant difference between ILANUD and FES -- the former being an institution operating under U.N. auspices and cooperating directly with governments and the latter being a private sector entity -- FES has not followed ILANUD's practice of attempting to create high-level government committees on judicial reform. Rather, FES has chosen to act as a stimulus to the development of reform activities.

FES and ILANUD have cooperated on specific activities. They reviewed what should be contained in legal reference libraries. They also worked together to structure a training program for Colombian librarians. Both actions proved beneficial. Perhaps more important, FES and ILANUD have become well acquainted with each others' activities. FES's representatives have visited ILANUD's headquarters on several occasions, while ILANUD's executives and advisors have visited FES. In addition, several members of FES' Advisory Committee are on ILANUD's board of advisors. The cooperation between the two institutions has been formalized by an agreement according to which FES is designated as ILANUD's agent in Colombia.

## B. Activities of Other U.S. Organizations in the Colombian Justice Sector

### 1. Anti-Narcotics Unit

The Anti-Narcotics Unit (NAU) in the American Embassy in Bogota is the local equivalent of the office of International Narcotics Matters (INM) in the Department of State. It manages assistance designed to aid parts of the GOC which are engaged in the anti-drug program. It is particularly active in assisting the National Police which is part of the Ministry of Defense. The assistance includes the provision of equipment, the sharing of information and help in developing and maintaining an anti-narcotics air-wing. NAU's efforts in these areas bear on the administration of justice primarily in its investigative phase in which the National Police has a major role.

In addition, NAU is charged with supervising and managing the U.S.G. backed program to increase the security of judges, other officials and journalists. This program results principally from an initiative of the U.S. Congress in March, 1988 which set aside five million dollars specifically to secure the protection of Colombian judges and other personnel of the system. To help channel this aid effectively the Embassy has sponsored two international seminars on judicial protection. Officials from Spain, Italy, Great Britain and France - as well as the U.S. and Colombian government personnel -- attended the conferences. Based on the outcome of those meetings, a plan to upgrade the personal security of judges was prepared. NAU is in charge of obtaining and distributing personal security equipment to be supplied under that plan.

The assignment of the earmarked \$5 million is as follows:

- \$2.0 million to ICITAP for conducting its courses on personal security in Colombia;
- \$140,000 to reimburse the cost of training run by the Department of State in the US;
- \$500,000 to the A.I.D. Grant to FES;
- \$1.25 million for 30 armored vehicles;
- \$1.0 million for communications equipment; and
- \$65,000 for bullet proof vests.

If additional funds are provided during FY 1990 they are to be used to extend the coverage of the program to more judges and other officials.

## 2. The US Drug Enforcement Agency (DEA)

The DEA does not operate programs of support for the judicial sector. It works with the executive branch and the military.

## 3. US Department of Justice Program (ICITAP)

ICITAP is administering training in Colombia for judicial personnel in personnel security techniques. (See B 1 above). It also may undertake a program to provide training to the police in modern investigating techniques. \$400,000 in FY 1990 funds available to ICITAP are tentatively programmed for that purpose.

### C. Government of Colombia's Strategy for the Sector

During the past five years there has been an increasing awareness in Colombia that there is a need to reform the operation of the justice sector. One of the major accomplishments of the current Grant has been supporting the activities which have helped create that awareness. In response to this awareness major steps have been taken by the GOC. The most important was the adoption of Law 30 of 1987 which gave the executive the power to modify the operation of the judicial sector through: the creation of additional positions in the sector; the simplification of procedures and the use of automatic data processing by the sectoral institutions; the creation of new jurisdictions concerning the family and agrarian law; and the modification of the rules governing the discipline of the personnel of the sector. Prior to the expiration of the authority granted by that law the GOC took several measures the most important of which were the creation of the additional positions and the issuance of modifications to the code of criminal procedures.

The GOC also prepared a constitutional reform which included granting greater autonomy to the court system in the use of its resources and creating a new prosecutors' office. Although the constitutional reform was not adopted, several steps were taken which serve the purposes of the proposed reform. For instance, the court system was made responsible for the preparation of its own budget and (at least in theory) for the execution of that budget; and the Office of Criminal Instruction, which coordinates the work of the investigating judges and the Technical Judicial Police, was strengthened.

Despite the growing awareness of the importance of improving the operation of the justice sector, the apparent consensus that the court system needs greater independence and the attempt at achieving constitutional reform, the GOC has not been able to prepare, much less adopt, a comprehensive strategy or program for the improvement of the justice sector. Indeed, many knowledgeable persons concluded that it was impossible to expect the GOC to develop such a strategy or program, and that the best one could do was to support particular improvements through individual activities. However, the prospects for the formation of a more comprehensive strategy and program now appear to be more favorable. The Dean of the Faculty of Law of the University of the Andes, who is a key advisor to the recently elected presidential candidate of the Liberal Party, is in favor of developing such a sector strategy; and he has prepared several proposals for discussion. Furthermore, in a meeting with representatives of FES and key persons from the legal establishment, the presidential candidate of the Liberal Party indicated that soon after the elections in late May work should begin on the preparation of a strategy to guide his new

government's work in the justice sector and to be the basis for discussions of the constitutional reform which has been called for by the national referendum conducted in conjunction with the elections of last March.

D. Strategy and Rationale of the Extension - Transition Period

The program supported by the current Grant has embodied the following approaches:

- the activities supported are ones which are experimental or are pilot efforts;
- the activities supported do not compete with government programs or involve budget support to on-going government programs;
- the activities are carried out by non-governmental entities contracted by FES;
- the activities are located in various sections of the country rather than being limited to pre-determined geographic areas.

These approaches responded to several basic conditions, namely:

- the original proposal for the program came from FES which is a private entity whose manner of operating is to finance the activities of others rather than conduct programs directly;
- both key Colombian persons and institutions and A.I.D. were concerned that conducting activities under the Grant directly with government entities would lead to great inefficiencies in the use of the funds, and would raise political concerns re the involvement of the USG in the justice sector;
- the amount of funds available from A.I.D. were very small in comparison to the level of resources provided to the justice sector by the GOC and in comparison to the levels of resources needed to achieve system-wide changes; and
- the GOC had not adopted a reform program for the sector which could be supported as such.

These conditions have now changed significantly. A.I.D. is now planning to increase the level of resources it provides for work in the just-ice sector in Colombia; there are good prospects that the new GOC will adopt a comprehensive program for the reform of the sector; there is a recognition by the GOC that

foreign assistance in introducing change in the justice sector can be useful; and - in part because of the concern over the justice system's ability to deal with narcotics trafficking crimes - there is more willingness on the part of the USG and the GOC to risk political criticism of the USG's being involved in the justice sector. Thus, A.I.D. plans to prepare a new project to provide multi-year support for a program of reform of the operation of the justice sector which is expected to be adopted by the new GOC which is to take office in August 1990. That new project will build on the experience gained under the current Grant, but it also will require the preparation of the kind of analyses common to A.I.D. projects but which have not been conducted in connection with the current Grant. The new project also will require decisions concerning such matters as whether the activities to be supported are to be implemented by government entities. The analytical work and the process of arriving at decisions concerning the content and modalities of the new project will take considerable time to achieve. Although it is planned that some of the preparatory work will be performed prior to the new government's taking office, much of it will require decisions to be made by the new government. Thus, it is likely that the new project will not be ready for implementation before late CY 1990.

Since the resources of the current Grant will be largely utilized by its expiration in June 1990 and since the new project is not likely to get underway before late CY 1990, there would be a gap during which work on the problems of the sector would not receive support from A.I.D. This would be undesirable because several of the activities under the current Grant have been producing positive results and could be expanded to provide broader coverage. Furthermore, without additional support from A.I.D. it is unlikely that the analytical work required for the new project will be produced in a timely way. Then too, from the point of view of influencing the content of the program to reform the justice sector, which is of such importance to US interests, it would be a tactical mistake not to have A.I.D. actively involved in programs in the sector during the very time during which the new GOC is forming its program for the sector.

The extension of the Grant with FES will provide a program of transition to the new project. The activities included in that program will be of a nature which serves that transition. They are ones which:

- consolidate and expand the coverage of the activities which are being supported by the current Grant and have shown positive impact;
- involve the expansion or undertaking of pilot projects likely to be of importance to the comprehensive sector program to be supported by the new project;

- prepare the analytic work (including an evaluation of the Grant's activities to date) which will be needed by the GOC to make decisions concerning the new, comprehensive program and by A.I.D. to prepare the new project.

The modality of implementing the program of the extension - transition period will remain in large that followed in the Grant to date. That modality has served the Grant well. Furthermore, the time to be covered by the extension is relatively short, and adopting new implementation arrangements for conducting activities in the sector would require more analysis of the capabilities of the potential government entities to be involved and the resolution of policy questions better left to the preparation of the new Project.

### III DESCRIPTION OF ACTIVITIES FOR THE EXTENSION-TRANSITION PERIOD

#### A. Project Goal and Purposes

The goal of the Project is to improve the operation of the Colombian justice sector sufficiently that persons knowledgeable about the sector will conclude that its institutions are fair and reliable, and that there will be a reasonable basis on which to undertake a program to convince the general public that the administration of justice in Colombia is improving. The purposes of the Project are: (i) to expand the coverage of activities under the current Grant which are having a positive impact on the operation of the sector; (ii) to provide increased protection to the personnel of the court system most subject to intimidation in their work; and (iii) to prepare a comprehensive sector program and a multi-year project to serve the goal. Following the strategy discussed in part II D above, the Project will accomplish that last purpose by supporting analytical work and pilot efforts, the preparation and adoption of a comprehensive reform strategy for the sector and several activities to prepare the personnel of the sector for their responsibilities under the reform program.

~~Although the final composition of the sector program to be supported by the new project is not yet known, it is most likely to be aimed at:~~ (i) improving the operation and strengthening the independence of the court system, (ii) providing improved and expanded training to the personnel of the justice sector, (iii) providing improved security to the personnel of the justice sector, and (iv) bringing about better understanding and support by the public of the operation of the justice sector and participation in the formal justice system. Because of its importance to the achievement of social peace and the programs

addressing such major problems as drug trafficking, the criminal justice system is likely to be the focus of the new project.

**B. Component Activities of the Extension-Transition Period**

Since several of the activities of the extension-transition period serve both to expand the coverage of current activities which are having a positive impact on the operation of the sector and to prepare the new project, those complementary but conceptually distinct purposes are not used to organize the following descriptions of the component activities of the extension-transition period. Rather the descriptions are organized by the major themes likely to be included in the new, multi-year project. The process for arriving at the Project Paper for the new project also is made a component activity. The level of resources from the extension-transition program for those major themes will be \$1.1 million. That amount will be divided as follows:

	<u>‡</u>	<u>\$</u>
-- Strengthening the capacity of the justice sector to analyze and plan	12	129,430
-- Improving the administrative and operating capacity of the court system	30	331,088
-- Strengthening the training program of the Judicial School	11	119,980
-- Improving the security and efficiency of the key personnel of the justice system	12	135,714
 -- Preparing a comprehensive GOC reform program for the sector and a Project Paper for the new multi-year A.I.D. project in support of that program	10	110,959
-- Administrative and Program Direction Expenses of FES	<u>25</u>	<u>272,829</u>
Total	100	1,100,000

**1. Strengthening the Capacity of the Justice Sector to Analyze, Plan and Evaluate**

During the extension-transition period the Grant will provide support for the preparation of a multi-year strategy and program for the justice sector. (See subpart 5 below). That effort will be conducted at a high political level, and will involve persons from both the public and private sectors who are

key to the operation of the justice system. However, it will be a limited, distinct effort to set-out what will be the approach and policies of the new GOC for strengthening the operation of the justice sector. There is also a need to strengthen the capacity of the sector's own institutions to analyze and plan so that they will be able to respond to the directions of the overall strategy and program and to modify that strategy and program as may be necessary over time.

Currently there is no systematic planning being done for the justice sector. The offices charged with the performance of that function are the Office of Planning and the Office of Socio-Judicial Research (OSJR) of the Ministry of Justice. The Office of Planning previously was responsible for preparing the budget for the sector including the court system. Although the court system now is responsible for preparing its own operating budget, the Office of Planning continues to be responsible for preparing the investment budget for the court system and for fostering improved operations of the institutions of the sector - including the court system. However, the Office of Planning has not performed those responsibilities well. Furthermore, while the OSJR has commissioned some analytical work, it has never prepared a medium-to-long range plan for the sector. Indeed, most of the analytical work performed on the operation of the sector and its institutions has been funded and conducted by private organizations.

As a result of the reform movement that has been underway during the last few years there appears to be a growing consensus that responsibility for planning for the operation of the judicial branch should reside within that branch rather than in the executive branch. Should the decision be made to so shift that responsibility, it is possible that the personnel of the two offices of the Ministry of Justice would be transferred to the court system. Thus working with those offices is justified both on the grounds that they are the only public offices currently charged with conducting analyses and preparing plans for the justice sector and that their personnel can be used by the court system in the future.

During the extension-transition period the Grant will support three activities: (i) preparing and trying-out a system for monitoring and evaluating the operation of the court system which includes the identification of indicators of progress for that system; (ii) conducting a series of studies of topics important to the formation of a comprehensive program of improvement in the operation of the justice sector in general and the court system in particular; and (iii) strengthening the capacity of the justice sector to plan. These activities are described below. Their outputs will be of help to the preparation of the new project as well as being useful to the effort to improve the operation of the institutions of the

justice sector.

a. System of Monitoring and Evaluating the Operation of the Court System

Currently there is no agreement on how to measure the performance of the court system and the progress being made in its improvement. As a result, statistics are being collected under several programs and by various institutions without there being a system for their common analysis and use. During the extension-transition period the Grant will support a process of achieving agreement on what are appropriate measures of the operation and progress of the sector, designing a system for the collection of information needed to apply those measures and preparing a plan for the application of the system to the operation of various sectoral institutions. It is likely that the new project will adopt these results and the plan for use in measuring the performance of its own activities.

The major outputs of this activity will be: (i) a document presenting the conceptualization of the system which explains the reasons for choosing the particular measures of performance and progress, presents a system for the collection and use of statistics concerning those measures and proposes a prioritized list of objectives for the system; (ii) models of the documents (such as a registry for cases) which can be used in collecting and processing the necessary information for the system; and (iii) an initial analysis of the performance of the court system using the indicators adopted and the information collected.

The work of producing the outputs will take place in three stages. The first stage will last approximately three months, and will consist of the following activities:

- a review of the literature concerning similar systems adopted in other sectors and for the justice sector in other countries;
- a review of the operation of the various levels of the Colombian court system and of the offices in the Ministry of Justice which support that system in order to identify potential measures of performance;
- consultations with persons operating the various levels of the court system and of the offices in the Ministry of Justice which support the system in order to ascertain their views as to the information they need to form judgments on how to perform their responsibilities;

- the preparation of a set of indicators and a description of the types of information needed about them; and
- a discussion with key institutions and persons in the justice sector concerning the utility of the proposed indicators and information collection system.

The second stage will last approximately two months. It will consist of the following activities:

- based on the conclusions of the discussion of the proposals prepared during the first stage, a revision of the sources of information and the on-going system for collecting them to determine in what way they should be modified; and
- preparation of a plan for the collection and analysis of the information required and of the documents which will be necessary to implement that plan.

The third stage will be a pilot activity in using the new system in selected courts and their support offices. It will last approximately five months. An evaluation of the results will be prepared and discussed with the key institutions and persons in the justice sector.

The implementation of this activity will be the responsibility of FES and SER with advice from a committee consisting of:

- a consultant expert in programming and evaluation supplied by FES who will be the coordinator for the activity;
- the coordinator of statistics re the justice sector of DANE;
- the head of the Judicial Statistics Project of the Institute SER;
- a representative of the National Office of the Judicial Career; and
- a representative of the National Office of Criminal Instruction.

Support for the activity will be provided by the personnel of the various offices represented on the committee. Funds from the Grant will be used to pay for the services of the team leader, general office expenses for the committee and the assistance of the following technical persons: one systems engineer, two

assistant analysts and five data gatherers. All the persons will be contacted by FES. All these expenses will be in Colombian pesos, and are estimated to be the equivalent of \$22,858. In addition, the Grant will provide one person month of short-term assistance of an external expert in the evaluation of judicial programs and operations who will participate in the planning for the activity and the sector-wide reviews of the results. That assistance will require \$22,920.

b. Studies of Key Topics

During the past five years there have been a series of studies prepared concerning various aspects of the justice sector. These studies have been conducted by universities, foundations and private firms under contract with FES. Several have been prepared with funds from the Grant. These studies have included general reviews of the operation of the court system and studies for particular activities to be funded by private and public assistance. As the new GOC prepares a strategy and comprehensive program for the improvement of the justice sector and as that government and A.I.D. prepare a new project to support the comprehensive program, it will be necessary to analyze additional aspects of the operation of the sector and its institutions not included in the other activities being supported under the Grant. This activity will provide the funds to support those studies which will be carried out through contracts between FES and Colombian universities, consulting firms and individuals. FES and the Office of Socio-Juridical Research of the Ministry of Planning (OSJR) jointly will propose for A.I.D.'s concurrence a list of the topics to be analyzed. Both the selection process and the individual contracts will be approved by A.I.D.

It is estimated that up to six analyses will be performed during the extension-transition period. The most likely topics for these studies are:

- an analysis of what are the needs (financial, personnel and infrastructure) of the entities involved in the investigation of criminal cases including modifications which may be appropriate in the relationship among the entities; and
- an analysis of the sources of financing of the operations of the justice sector and of how that financing may be made adequate to the needs of the comprehensive reform program to be prepared.

Other topics which might be addressed if time and resources permit are:

- a review of the operation of the court system to locate with precision the steps and factors which cause the delays in processing cases;
- an analysis of the role of the institution of the justice of the peace and of whether it should be modified better to serve the functioning of the court system;
- an analysis of how the quality of evidence and its use in criminal cases can be improved including possible modifications in the role of the fiscales of the Public Ministry and the greater use of oral hearings and trials; and
- an analysis of the operation of publicly assisted defense counsel and of how the effectiveness of such defense counsel might be improved.

Of course, other studies may be added to this list as their need becomes clearer during the implementation of the extension-transition program.

In order to be most useful to the preparation of the new project the two priority studies will be carried out during the first six months of the extension period. The Grant will provide the equivalent of \$42,857 to finance contracts for the conduct of the studies. In addition, the Grant will provide \$12,660 to finance 15 person days of external technical assistance to assist A.I.D. and FES--OSJR in the design of the studies.

c. Strengthening the Capacity of the Justice Sector to Plan

While the previous two activities will produce analytical work useful in adopting a strategy for the sector and a system for monitoring and evaluating the operation of the court system, it also will be necessary to have an on-going capacity to plan and to prepare budgets. As stated above, the only entities which currently are charged with planning for the operation of the justice sector (including the court system) are the Office of Planning and OSJR in the Ministry of Justice, and these are weak entities. Furthermore, many persons who have been involved in the judicial sector reform activities of the past few years have concluded that responsibility for planning for the court system should lie within that system. Thus the extension-transition Grant will support an analysis of the problem facing achieving a useful planning capacity for the sector and the formulation of program to overcome those problems. The analysis will include the appropriateness of transferring responsibility for the planning, monitoring and evaluation of the work of the court

system to the judicial branch leaving the Ministry of Justice with responsibility for planning, monitoring and evaluating the non-judicial activities of the justice sector. Finally the analysis will address the question of how best to strengthen the court system's capacity to manage the resources which are made available to it. The analysis will take into account the discussions and conclusions of the informal committee described in part B 5 below. That committee may request the group performing the analysis to prepare draft laws needed to carry its recommendations into effect. That effort would be financed under the component described in part B 5 below. Support for carrying out the conclusions of the analysis, which may be adopted in the strategy of the new GOC, will be provided in the new project.

The scopes of work for the analyses will be prepared by FES and submitted to A.I.D. for its concurrence. The selection of the entity or persons to conduct the analysis and the terms of their contract with FES will be approved by A.I.D. The analysis will be conducted during the first three to four months of the extension-transition period. The Grant will provide the equivalent of \$16,429 for 24 person months of technical assistance from Colombian professionals to conduct the analysis.

The Grant will also provide \$11,260 for 15 person days of technical assistance from an external expert in planning and budgeting. This assistance could be provided by the same advisor involved in the activity described in (a) above, and it may be possible to provide some of the assistance in connection with the work performed under that activity.

## 2. Improving the Administrative and Operating Capacity of the Court System

FES to date has supported designing and experimenting with improved operating procedures for the Colombian court system. The activities have been focused on the greater use of computers and on the work of the appellate level courts. There is now sufficient experience with those activities to justify expanding their coverage and to shifting the focus of the activities under the improvements to other aspects of the work of the appellate level courts and to undertaking pilot efforts with the trial level courts. Furthermore, a law has been passed making the court system responsible for managing its own financial and material resources, and the Superior Council for the Administration of Justice has designated the Office of the Judicial Career and the Office of Criminal Instruction as being responsible for meeting those responsibilities. However, a program for meeting those responsibilities has not yet been developed in any detail nor have the resources of the offices been increased significantly. The resources of the extension period of the Grant will be used to assist the court system in preparing such a program. The implementation of the program will be supported by the new project.

a Extension of the Coverage of the Computerization of the Administration of the Appellate Courts

FES has developed a software model to control the administration of the appellate level courts. The model is based on the experience which has been accumulated through initial activities in 10 Superior District Tribunals. FES now plans to try out the model software in the Superior District Tribunals of Bogota and Barranquilla, and thereafter will install it fully in those tribunals as well as in the Tribunals of an additional ten judicial districts which already have the appropriate hardware. In addition, FES will modify the software model it has developed in order to serve the needs of those appellate tribunals which have had no experience with the computerization of their operations and the needs of the Tribunal of Public Order. The further extension of the coverage of the computerized system developed will be supported by the new project.

The major outputs expected to be provided by this component are:

- two software models for use at the appellate court level;
- installed equipment and software and trained personnel in twelve appellate courts; and
- a plan for the completion of the installation of computer capability as appropriate in all appellate courts and the Tribunal of Public Order.

The implementation of this component of the extension-transition program will take approximately 12 months. Responsibility for its conduct will be with FES and the Office of the Judicial Career. Resources for most of the Colombian technical assistance and ordinary, operating and personnel expenses will be supplied from the funds already provided by the Grant and by the court system. The extension-transition program funds will be used for a limited amount of such assistance, for the purchase of three super micro-computers for the Tribunal of Bogota and for the maintenance for one year of both these additional computers as well as the computers previously supplied by the Grant. The Grant also will provide external technical assistance consisting of short term visits by a systems expert to review the experience in installing the model software in the Superior District Tribunals of Bogota and Barranquilla in order to make suggestions for the configuration of the model to be installed in the other Tribunals; to review the plans for the acquisition of computer hardware for the additional Tribunals; and to review the experience of this component as part of the process of preparing overall automation policies for use in the new project. The extension-transition grant will provide

\$310,251 in support of this component - \$289,643 for the purchase and maintenance of the computer equipment and \$10,608 for the external technical assistance.

b. Comprehensive Improvements in the Operation of the Appellate Courts

Apart from the work on computerization, the Grant program has financed the study of the functions and the manual procedures followed by the Superior District Tribunal of Bogota. Taking that study as a base, the extension-transition program will support the preparation and implementation of a program to improve all aspects of the Tribunal of Bogota. The experience gained in that effort will be used to extend the coverage of the new system to other Tribunals under the new project.

The major outputs of this component will be:

- modified operating manuals for the Bogota appellate court;
- experience in the installation of new procedures in the Bogota appellate court;
- a training plan for the key personnel of the appellate courts; and
- a design for a program to expand the use of the new procedures at the appellate court level.

Responsibility for the implementation of the activity will be with FES and the Office of the Judicial Career. The implementation will take four months. \$10,000 will be provided by the extension-transition grant for the technical persons who will be contracted to conduct the studies and administer the activity. \$5,304 will be provided to finance the review by an external technical expert in court administration of the experience in installing the program. This could be the same person who participate in the activity described in 1 (a) above.

c. Pilot Efforts in Improving the Administration of Trial Courts

The greatest congestion in the court system is that at the trial level, and the delays in the handling of cases as a result of the congestion is a major failing of the justice system. The problem has been the subject of several analyses, but no program has been developed to address it. During the extension-transition period the Grant will support the design and implementation of three pilot efforts to try three different approaches to improving the operation of the trial level courts.

The first approach will cover 13 trial courts in the judicial district of Itagui which is an intermediate sized municipality near the metropolitan area of Medellin. The approach will be to create a common administrative office supervised by one of the trial court judges and to modify the responsibility of the administrative assistants to the trial judges so that each of those assistants is responsible for handling all the steps of particular cases rather than just certain steps of all cases. The effort will be supported by the private sector of the judicial district. The second approach will be a study of the procedures used in the second penal municipal court of Bogota in order to develop modified procedures (not involving computerization) to be followed by the court. The introduction of the new procedures will begin during the extension-transition period, but the pilot effort will extend beyond that period. The third approach will be to design and implement a program to introduce the use of computerization throughout the penal trial courts of Bogota. It is likely that the implementation of the design produced will not begin until after the extension-transition period.

The major outputs of this component will be:

- the design of three approaches to improving the work of criminal trial courts; and
- experience in implementing at least two of the approaches.

Those outputs will be used in preparing the new project.

Implementation of the activities will be the responsibility of FES and be carried out by the Office of the Judicial Career. Funds for these activities will be provided by the private sector, by resources already available under the Grant and by the extension-transition program which will provide a portion of the operating expenses of the trial courts of Itagui involved in the first pilot effort and technical assistance equipment and operating funds for the third pilot effort in Bogota. The support from the extension-transition period for these purposes will be \$70,857. The extension-transition period also will provide \$4,104 for an external technical expert to review the experience and the design of the program resulting from the third pilot effort as part of the preparation of a new project.

d. Program to Strengthen the Offices of Judicial Career and Criminal Instruction

Currently the Office of the Judicial Career is responsible for administering the personnel system of the court and for

administering the activities of all its personnel except for the judges of criminal instruction and of public order, the specialized judges and the Technical Judicial Police who are the responsibility of the Office of Criminal Instruction. These offices are responsible for paying the personnel under their responsibility and for administering funds in support of their activities within very small limits. It is the opinion of key persons involved in the reform of the operation of the justice system that even greater authority for the administration of resources should be assumed by the court system. However, although the Office of Judicial Career exists and has branch offices in each of the 27 judicial districts of the country, to date that system has not effectively assumed responsibility even for the level of resources assigned to it. The Fondo Rotatorio of the Ministry of Justice is still performing that function.

For the Offices of the Judicial Career and of Criminal Instruction to meet their responsibilities it will be necessary for them to have more resources and better trained personnel. However, before providing those offices with increases in their resources it would be desirable to have a clearer program for their use. Such a program would require a clarification of the purposes to be served by the two offices and of their relationship to each other and to the other authorities in the sector and an analysis of the ways in which the additional resources might best be utilized. The extension-transition Grant will support the conduct of the analysis required and the formation of an appropriate program to enable the offices to meet the responsibilities assigned to them and to try out the program in a selected number of judicial districts. The work will be coordinated with the analysis being performed pursuant to the activity described in 1 (b) above. The new project will support the implementation of a refined program on a national scale.

The outputs of the effort will be:

- a statement of the purposes to be served by each office and of how they are to relate to other entities active in the justice sector;
- a description of the needs of the offices in order to fulfill their purposes;
- the design of a program to enable the offices to meet their responsibilities; and
- experience in implementing the design in three to five judicial districts.

The implementation of this activity will take 12 months. The extension-transition Grant will supply 24 person months of contracted Colombian technical assistance to perform the analytical work and to prepare the program design and 30 person months of coordination in its implementation in pilot judicial districts. This will require \$30,536. The Grant also will supply one person week of external technical assistance from a court administration specialist to participate in the final design of the program before it is tried out on a pilot basis. That assistance will require \$5,304.

In addition to supporting the analytic work and pilot activities described above, the extension-transition Grant will include funds for immediate strengthening of the performance of the central Office of the Judicial Career in paying salaries and providing the level of financial resources to the courts which are now its responsibility. The most likely support to be provided will be the purchase of a super micro-computer and relevant financial software and the services of six transcribers for three months. The extension-transition Grant will include \$33,357 for that purpose as well as \$4,304 for six person days of assistance from a systems expert in the preparation of the specifications for the purchase and planning for its use.

### 3. Improving the Security and Effectiveness the Key Personnel of the Criminal Justice System

An overriding problem for the operation of the justice system has been the intimidation suffered by its personnel from organized crime. The importance of this problem has been recognized by the USG through its program to improve the protection of judges which is described in part II B above. That program is now underway. Items of personnel security are being ordered and training provided by ICITAP. Funds from the Grant also have been used to address the problem. However, the problem is far from being solved, and further actions will be necessary to do so.

One further step which has been proposed is the creation of a collegiate body of judges who would be charged with handling the most dangerous cases arising in the country. The judges would be chosen from among those judges now handling cases of violent crime, terrorism and the narcotics trade. The judges, and their support personnel, would receive special training in the gathering of evidence and would receive special and continuing protection from the security forces. This protection could include having the assigned personnel and their families live in specially protected areas. Furthermore, the cases would be assigned to the collegiate body rather than to particular judges so that organized crime would not know which judge was handling which case. This step may involve the need to change the law to permit the creation of this special jurisdiction and

different modality of handling cases.

The extension-transition Grant will provide support for the further analysis and preparation of this new approach. The steps to be supported are: (i) an analysis of what changes in the law may be necessary to make the approach effective; (ii) the formulation of criteria for the selection of the judges and the support personnel to be involved; (iii) the identification of the special training to be provided to the selected personnel and the formulation of a plan to provide it; and (iv) the design of the special security arrangements to be provided to the group and their families together with a budget for putting the design into effect. Implementation of the steps will take some three months. Responsibility for the implementation will rest with the Ministry of Justice which will enter contracts with Colombian and/or external experts or institutions to do the analytical work. The extension-transition Grant will provide \$35,714 for that purpose. It is thought that implementation of the new modality will be supported by the new project and by the ICITAP program. However, since it should be possible to undertake some implementation of initial measures during the extension-transition period, the Grant will reserve \$100,000 for that purpose.

#### 4. Strengthening the Training Program of the Judicial School

The Judicial School was created in 1987 as a dependency of the Ministry of Justice. Although responsibility for the School's operations is to be transferred to the court system, to date the School remains a dependency of the Ministry. The Judicial School has the responsibility of providing in-service training to the personnel of the justice sector entities. Its yearly budget is the equivalent of approximately \$500,000. During 1988 and 1989 the Judicial School trained approximately 6,000 persons yearly through short courses given throughout the country.

To date the Grant has provided assistance to the Judicial School for particular training events. However, it is generally agreed that the School needs more systematic help in meeting its expanding responsibilities. To respond to that need the extension-transition Grant will support: (i) the conduct of a training needs assessment of the personnel of the court system; (ii) the formulation of a multi-year training plan to respond to the needs identified; (iii) the conduct of an assessment of the institutional needs of the Judicial School including a plan for providing training to the persons who will be the instructors under the multi-year training plan. In addition, the extension-transition Grant will provide some support to the on-going training activities of the School in subjects of particular interest to the Grant. Those courses can be used as laboratories to try out ideas arising during the analytical work.

The outputs expected from this support will be:

- the training needs assessment,
- the multi-year training plan,
- the assessment of the institutional needs of the Judicial School, and
- 200 members of the personnel of the court system trained in key topics and an evaluation of the new methodologies tried out in that training.

Those outputs will be used in the design and implementation of the training component of the new project.

It is estimated that the implementation of this component will take six months -- two months for the training needs assessment, two months for the formulation of a multi-year training plan and two months for the assessment of the institutional needs of the Judicial School. Responsibility for the implementation of the activities will be with FES and the Judicial School. However, the actual assessment and design work will be performed by Colombian technical advisors contracted by FES. The extension-transition Grant will provide \$27,857 for the contracting of those advisors as well as \$12,660 for contracting the assistance of an external training advisor to participate in the review of the design and the evaluation of the activities. The Grant will provide \$55,356 for support of on-going training by the School including special training events both in Colombia and abroad.

5. Preparation of a Comprehensive Justice Sector Reform Program and a Multi-Year Project for Improving the Operation of the Justice Sector

For the past four years FES has been engaged in activities to improve the operation of the justice sector. Those activities have consisted largely of studies of problems and pilot efforts testing various approaches to introducing reforms. Those efforts have been supported by the Grant. As explained in part II A above, A.I.D., FES and key persons in the justice sector now have concluded that the time has come for the formation of an overall sector improvement plan by the GOC and the preparation of a multi-year project by A.I.D. to support that plan. The extension-transition Grant will support the preparation of both those documents.

**a. Colombian Sector Program**

Although progress was made on improving the operation of the court system, many important issues facing the operation of the justice sector remain to be resolved. Among them are: (i) achieving full financial independence of the court system and control by that system over the use of the resources provided for its operation; (ii) achieving the level of resources which are necessary for the various entities in the justice sector to meet their responsibilities; (iii) determining the appropriate role for the Procuraduría General de la Republica in the criminal justice system and for the fiscales in improving the prosecutorial function; (iv) determining the appropriate role for the Office of Criminal Instruction given both the need for coordination between the court system and the police forces and the need for independence of the court system from the executive branch; (v) overcoming the lack of central direction to the operation of the court system; (vi) overcoming the continued difficulties presented by the intimidation and corruption of the personnel of the justice sector; and (vii) clarifying the appropriate role of the Ministry of Justice and its relationship to an independent court system. Furthermore, the GOC has not adopted any overall strategy or plan for addressing those problems nor adopted goals or targets to express its intentions to improve the operation of the justice sector or to measure its progress toward achieving those intentions.

The extension-transition Grant will assist an effort by key Colombian persons from the justice sector to work with the GOC to produce a sector program which will attempt to express a strategy for addressing the key problems facing the sector's institutions; indicate what steps are called for to carry out the strategy; and adopt specific, and usually quantified, goals and targets for the implementation of the strategy. The major steps to be taken in this effort are:

- Shortly after the election of the new President at the end of May an informal commission will be formed of his chief legal advisor and representatives of the major institutions of the sector and the several universities and research institutions which have been active in the justice reform work of the past five years. The informal commission will adopt a general outline for the sector strategy; identify the priority goals for the strategy; and set out a timetable for the preparation of a plan of action for the sector. The intent is to have a draft plan of action ready for discussion with the new government shortly after it takes office in late August.

- A group of Colombian experts will be formed with the approval of the informal commission to elaborate the sector plan. The first step will be to analyze the compatibility of the goals suggested by the commission and to identify the major issues presented by the choice of goals and the general outline of the strategy tentatively adopted by the commission. Once the results of that analysis have been discussed with the informal commission and its further guidance obtained, the group of experts will proceed to the elaboration of the sector plan.
- A tentative draft sector plan will be presented to the informal commission for discussion and further guidance. Thereafter, the group of experts will revise the plan to reflect the results of the discussion and will prepare such draft laws and decrees as may be necessary to implement the strategy.
- The draft plan and laws and decrees will be presented by the informal commission to the new government for discussion and further action. The new government will decide whether or not to continue the use of the informal commission or to seek implementation through some other modality.

The extension-transition Grant will provide for secretarial and logistic support to the work of the informal commission and will pay the fees and expenses of 25 person months of Colombian experts who will work on the activity. The Grant also will provide \$27,009 for 35 days of external technical assistance from a senior, experienced public planner and a civil code reform expert to review with the working group its plans and tentative drafts.

**b. Multi-Year Project Supporting the Sector Program**

It is the intention of A.I.D. to prepare a multi-year project to support the improvement in the operation of the Colombian justice sector if the prospects for achieving significant impact on that sector are good. The main indicators of such favorable prospects will be the adoption of an adequate justice sector program and progress in carrying out the various analytical and other activities described in the previous sections of this paper. Those efforts will receive support from the extension-transition Grant. In addition, the extension-transition Grant will support the preparation of the new project by financing an evaluation of the operation and results of the activities previously funded under the Grant and the participation of Colombian experts on the project preparation team.

## Evaluation

In conducting the evaluation emphasis will be placed on the design of the methodology to be followed. This will be necessary because the Grant did not previously identify with precision the goals and targets to be used; because the activities are quite disparate; and because it is desirable to use the evaluation of the activities previously undertaken in order to design the evaluation methodology to be followed in the new project. The evaluation needs to be completed before the final preparation of the project. However, the design of the evaluation component of the new project would be better based should it be able to take into account the content of the sector program to be prepared and the work to be done under component one above. Thus, on balance, it would seem that the evaluation might best be performed in September 1990. The output will be an evaluation report which: describes the strengths and weaknesses of the Grant program as it has been conducted to date; makes recommendations for modifications in the approach for the future; suggests quantified goals and targets for the new project; and describes a methodology and a system for conducting evaluations under the new project.

To ensure objectivity the evaluation will be performed by persons not connected with FES or the entities which have participated in the activities previously financed under the Grant. To assure that the evaluation will serve the purposes of the new project persons familiar with A.I.D. evaluation work should be involved. It is likely that the evaluation will be carried out by a team of Colombians and US persons. The extension-transition Grant will provide \$47,521 to finance a contract for three person months of contracted assistance and logistic support for the conduct of the evaluation.

## Project Preparation Team

The analytical base for the new project will be provided by the outputs of the activities (i.e. the sector program, the various studies, reports re the results of the pilot efforts and the evaluation) which will receive assistance from Colombian and external experts financed by the Grant. However, it also will be necessary to devote resources to organizing those outputs, and any additional analyses which prove necessary, into a coherent project whose scope and content is accepted by the sector entities involved and by A.I.D. This work will be performed by a team of Colombian experts financed by the Grant and of US experts financed by A.I.D. from other sources.

FES will supply logistic and administrative support for the work of the team. However in order to assure A.I.D. of the objectivity of the work of the team, responsibility for the content of its work and the nature of the design of the new

project will be placed in a contractor independent of FES. The main portion of the work will be performed in late September and October when the various outputs will be available. However, in order to assure the greatest possible utility of those outputs for the effort the entity responsible for preparing the project paper will have periodic discussions with FES and the implementing persons and organizations from the beginning of the extension-transition period.

The extension-transition Grant will provide \$9,643 for three person months of Colombian technical assistance and for logistic and administrative support. The Colombian technical assistance is likely to be focused on the topics of the adequate financing of the sector, the necessary reforms in the laws and regulations, the implementation of training and the approach to continued experimentation in the Colombian context.

#### IV IMPLEMENTATION ARRANGEMENTS

FES's use of the resources of the Grant has been audited yearly. No significant problems have been discovered. Consequently, the basic approach to implementation followed to date under the Grant in large will be continued during the extension-transition period. FES will be responsible for administering the resources provided to it under the Grant from A.I.D., and it will provide periodic reports to A.I.D.'s office in Bogota on the use of those resources. Furthermore, a representative of the A.I.D. office in Bogota will be a member of the Advisory Committee of FES which provides guidance to FES' staff in the execution of its responsibilities to the Grant. The activities being supported by the Grant will be carried out by persons and organizations contracted by FES. In those cases in which the activity involves the personnel or activities of public entities of the justice sector the relevant officials of those entities will be consulted and their agreement obtained before the activities are taken.

There are three important differences in the approach to implementation of the extension-transition program from that followed previously. One, the component for the improved security for the personnel of the justice sector will be the responsibility of the Ministry of Justice which will deal directly with A.I.D. in Bogota on its implementation. FES will merely be a conduit for the financial resources provided by the Grant. Two, some of the activities will be carried out by government entities rather than by private persons or organizations. The most important are the training activities of the Judicial School. However, even in these cases FES will remain responsible to A.I.D. for the use of the resources and the results obtained from the activities. Third, the use of external persons and organizations in the activities will increase, and

FES and A.I.D. will need to adjust their approach to procurement to make that participation effective.

**A. Role of FES**

The responsibility for the Grant will remain with the Social Division of FES' Regional Office in Bogota which will have the support of the full staff of FES both in its Bogota regional office and in its home office in Cali. The core project staff for the Grant will remain the same. It consists of the Project Director, an Administrative Assistant, a part-time accountant and a secretary. In addition, there will be three activity coordinators: one for the component on monitoring and evaluating the operation of the court system and for improving the capacity of the Ministry of Justice's planning and research offices, one for the activities involving computerization, and one for the component on the preparation of a comprehensive sector reform program and a multi-year project for improving the operation of the justice sector. The coordinator for the computerization of the work of the court system already is being funded under the existing Grant. The other two coordinators will need to be contracted by FES. While the intensity of the use of resources will increase substantially (from \$1.6 million over four years to \$1.1 million over one year) the experience of the core staff with the Grant to date and the tripling of the number of full-time coordinators working on the Grant program make such an increase in activity feasible. The main difficulties in implementation are likely to arise from the procurement of the increased number of external technical advisors which is discussed in (C) below and the need to act quickly to get the full program underway at the beginning of the extension period.

FES will prepare a detailed workplan for implementing the extension-transition program. The workplan will be presented to the A.I.D. office in Bogota within 15 days of the signing of the amendatory Grant Agreement. The workplan will contain dates for achieving the key steps in carrying out each of the activities under the program, and it will identify the persons or organizations which will be used to achieve those key steps. The workplan also will include a revised budget for the whole Grant which integrates the resources available under the extension-transition Grant with those remaining from the earlier grants. The A.I.D. office in Bogota will review and approve the workplan and integrated budget, or require their modification, before funds are provided to FES under the extension-transition Grant.

The Grant will provide \$160,665 for the costs of administration and program direction of the extension-transition Grant program. That consists of \$15,255 for the salaries of the core staff for six months (the additional six months will be met from funds already available to the Grant); \$31,082 for the salaries of the three activity coordinators for 12 months;

\$16,858 for the direct operating costs of FES in support of the Grant program; \$8,929 for the costs of national and international travel by the core staff and activity coordinators; \$8,929 for the promotion and coordination meetings sponsored by FES on behalf of the various activities being supported; and \$71,898 for the overhead costs of FES.

**B. Role of A.I.D.**

The authority and responsibility of A.I.D. concerning the implementation of the Grant during the extension-transition period will be exercised by the A.I.D. office in Bogota. A representative of that office will be a member of the Advisory Committee for the Grant, and that office will approve the detailed workplan and integrated budget to be submitted by FES before the funds of the extension-transition Grant are provided to it. This is unchanged from the system followed under the Grant to date.

However, the implementation burden on the A.I.D. office will increase significantly. This is the case for several reasons:

- as indicated previously, the intensity of the use of resources will increase from \$1.6 million over four years to \$1.1 million over one year;
- in addition to the implementation responsibilities outlined above, the A.I.D. office will need to be even more involved in the substantive issues being addressed since their resolution will be crucial to the new, multi-year project and the sector program which is to be assisted by A.I.D.; and
- the program will require greater involvement of the office in procurement actions since the level of participation by external, technical advisors in the activities being supported will increase.

It will be difficult for the A.I.D. office in Bogota to meet this increased implementation burden since it consists of only two professionals (one direct hire A.I.D. Foreign Service Officer and a personnel services contractor), and since the other activities of the office are growing substantially as well. In order to meet the implementation responsibilities of the new project it is probable that A.I.D. will provide the services of another professional person (either a direct hire or personal services contractor) to work full time on the program to improve the operation for the justice sector. Serious consideration will be given to arranging for that additional, professional help to begin during the extension-transition period. If a more permanent arrangement for such help cannot be arranged before the new project is underway, such support will be provided as part of

the component for preparing the project as describe in III B (5) above. However, financing for that support is not included in the budget proposed for the extension-transition period.

### **C. Procurement Arrangements**

To date most procurement of services and supplies has been local, and has been performed by FES. The A.I.D. office in Bogota has arranged only for limited external technical advice and some commodity purchases. The arrangements have been satisfactory given the level of activity under the Grant. However, during the extension-transition period the number and variety of the procurement actions will increase significantly as the level of resources provided goes up and as more procurement of external technical services takes place. As described in part III B above, some 207 person days of external technical services are to be provided under the Grant (in addition to the technical services financed from other A.I.D. sources for the purpose of preparing the Project Paper for the new project). Those services will be required at various times during the extension-transition period, and will involve at least seven different persons.

The services could be contracted through personal services contracts entered by FES or by A.I.D., through some institutional arrangement to be entered by FES or A.I.D. or through regionally funded contracts and IQC contracts which can be used with project funds. The first approach would involve the greatest burden on FES and A.I.D. since they would have to identify the persons, make arrangements for their participation in each separate case and then enter contracts with them. The second approach probably would require the following of formal competitive procedures because of the cumulative value of the services to be provided, and those procedures would take more time than is compatible with the need for outputs to be generated in support of the preparation of the new project by the first quarter of FY 1991. The last mechanism would seem to be the most convenient if the entities can supply in a timely way the persons required by the program. Whichever modality is chosen, it would be advisable that the workplan to be submitted by FES to A.I.D. in Bogota include a list of the types of external advisors required by the program and a tentative schedule for their work in Colombia.

## **V SUMMARY BUDGET**

The following table presents the summary budget for the use of the \$1.1 million to be obligated under the extension-transition Grant. In addition to these funds the program will be supported by funds already available to FES under the Grant, by resources of FES and of the benefiting agencies and by A.I.D. funds apart from the Grant. Those funds are not included in the following budget, but the first two types of support will be included in the consolidated budget to be prepared by FES as part of the

workplan called for under part IV A above.

In the preparation of the budget for the extension-transition period Colombian peso amounts were converted to US dollars at the rate of 560 pesos per US dollar which FES estimates will be the average exchange rate for the period July 1, 1990 to June 30, 1991. A more detailed breakdown of the budget by the program's component activities is given in Annex 3.

Budget for Extension-Transition Grant

<u>Category</u>	<u>% of Total</u>	<u>US \$ or \$ Equivalent</u>
Colombian Technical Assistance and Support	22	237,768
External Technical Assistance and Support	14	157,869
Commodity Procurement and Maintenance and Facilities Preparation	26	290,643
Training Costs	5	55,356
General Operating Support for Benefiting Agencies and Logistic Support for TA	8	85,538
FES' Administrative and Program Direction Costs	<u>25</u>	<u>272,829</u>
Total	100	1,100,000

\*Total of 101% due to rounding.

OUTPUTS AND MAJOR ACCOMPLISHMENTS BY THE GRANT

The following is a list of the outputs and impacts accomplished by the Grant. They are organized by the major components of the Grant as it was implemented during 1987--1989.

A. Analysis Component

- Seminars were held concerning strategic planning for the justice sector.
- A pilot project was designed and implemented in the Judicial District of Ibague to gather and analyze statistics on the operation of the court system.
- A study was conducted of the organization of the justice sector and proposals for alternative administrative arrangements were prepared.
- A workshop on legal education of the community was held.
- Support was given to the commission which prepared the regulations to carry out Law 30 of 1987.
- A program proposal was prepared for the period 1990--1993.

B. Systematization Component

- A workshop on the role of new technology was held.
- A study was conducted of the possible systematization of the work of the Direction of the Judicial Career, and a pilot effort for such systematization was undertaken in the Judicial District of Ibague.
- Improvements were introduced into the operations of the Superior District Courts in the judicial districts of Cali, Buga, Popoyan, Pasto, Medellin, Bucaramanga, Ibague, Nieva, Bogota and Barranquilla; of the Juzgado of the Civil Circuit Court of Bogota; of the Juazado Criminal Segundo of the Municipality of Bogota; and of the National Direction and the seven regional offices of the Criminal Instruction.
- Improvements were introduced in the operation of the Judicial School and the Direction of Criminal Instruction in the Departments of Valle, Cauca and

Nariño.

- An analysis was made of the information needs of the Judicial Disciplinary Tribunal, the Courts of Public Order, the Customs Courts, the Courts of Administrative Disputes, the Presidential Council for Human Rights and the Fondo Rotatorio of the Ministry of Justice.

C. Dissemination of Legal Information

- An analysis was conducted of the needs of the libraries in the judicial sector.
- The periodical collections of the Supreme Court and the Council of State were brought up to date.
- Librarians of the court system were trained.
- Basic materials for legal libraries were given to the Supreme Court, the Judicial School, the Ministry of Justice and the 27 Superior District Courts.
- 40,500 copies of basic legal codes and other important legislation were provided to all the magistrates and judges in the court system.
- A workshop was held on proposed modifications to the information systems for the sector.

D. Training Activities

- Seminars were held on: the relation of constitutions and democracy, the new standards to govern the judicial career, the faculties given to the justice sector under Law 30 of 1987 and labor legislation.
- Assistance was given in installing the 27 Sectional Directions of the Judicial Career.
- Support was given for annual meetings of the Presidents of the 27 Superior Districts Courts.

E. Major Accomplishments

The major accomplishments of the Grant program have been:

- An assembly of Presidents of the 27 Superior District Courts has been created, and annual meetings of those Presidents have been held.

2

26

- Interest in the need for reform of the operation of the judicial sector has been stimulated in a large number of important people.
- The Government of Colombia has increased its investment in the modernization of the administration of justice. The budget for the operation of the sector rose by 300% between 1986 and 1989, and is to at least double again in 1990.
- Pilot projects have produced experience on which broader programs can be built.
- All the sitting judges in the court system received the basic legal information they need.
- Software has been created to meet the information needs of the justice system. It is being used in the 10 principal judicial districts.
- The Ministry of Justice, under Law 30 of 1987, was given the means to introduce reforms into the system.
- The Ministry of Justice now consults with the Supreme Court and the Council of State in preparing the budget for the judicial branch.
- In late 1989 by law responsibility for managing the human and material resources of the judicial branch was transferred to that branch, and representatives of the Supreme Court and the Council of State take part in the Board of the Fondo Rotatorio.
- 44% of the total cost of the activities under the Grant have been provided by sources other than A.I.D.

3

31

## DETAILED BUDGET BY COMPONENT ACTIVITIES

The dollar equivalent of Colombian Pesos is calculated at 560 pesos to one US dollar. This is the ratio which FES estimates will be the average exchange rate for the period July 1, 1990 to June 30, 1991. The figures for the costs of external technical assistance are based on a daily rate of \$577 which is the maximum amount allowed by A.I.D. plus danger pay of 20% and overhead of 75%; round trip travel between Washington, D.C. and Bogota, Colombia of \$1,000; and the USAID per diem rate of \$105 for Bogota. The figures are only illustrative since individual consultants may come from other locations and have lower than the maximum daily rates.

	<u>Colombian Pesos</u> <u>(000)</u>	<u>US Dollars</u> <u>or Dollar</u> <u>Equivalent</u>
1. <u>Strengthening the Capacity of the Justice Sector to Analyze, Plan and Evaluate</u>		<u>129,430</u>
a. <u>System for Monitoring and Evaluating the Operation of the Court System</u>		<u>42,653</u>
-- <u>Colombian Technical Advisors</u>		
one team leader for 10 months @ P 500,000 per month	5,000	8,929
one systems engineer for five months at P 350,000 per month	1,750	3,125

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	<u>Colombian Pesos</u> <u>(000)</u>	<u>US Dollars</u> <u>or Dollar</u> <u>Equivalent</u>
two assistant investigators for four months at P 150,000 per month	1,200	2,143
five data collectors for four months at P 80,000 per month	1,600	2,857
-- <u>logistic and other support for work of the technical assistance group</u>	1,500	2,679
-- <u>external technical advisors</u>		
30 person days of an evaluation expert	-	17,310
two round-trip fares	-	2,000
30 days of per diem	-	3,210
miscellaneous support costs	-	400
<b>b. <u>Studies of Key Topics</u></b>		<b><u>55,517</u></b>
-- <u>Colombian technical advisors</u>		
six contracted studies at P 4 million per study	24,000	42,857
-- <u>external technical advisors</u>		
15 person days of a court administrator and of a prosecution specialist		8,655
two round-trip air fares	-	2,000
15 days per diem	-	1,605
miscellaneous support costs		400

	<u>Colombian Pesos</u> <u>(000)</u>	<u>US Dollars</u> <u>or Dollar</u> <u>Equivalent</u>
c. <u>Strengthening the Capacity of the Ministry of Justice's Office of Planning and OSJR</u>		<u>31,260</u>
-- <u>Colombian technical advisors</u>		
four subject matter specialists (administrative law, public administration, two in planning and finance) for four months at P 400,000 per month	6,400	11,429
two specialists in organization and methods for four months at P 350,000 per month	2,800	5,000
-- <u>Logistic and other support for the work of the technical assistance team</u>	2,000	3,571
-- <u>external technical advisors</u>		
15 person days of a planning expert		8,655
one round-trip air fare		1,000
15 days per diem		1,605
2. <u>Improving the Administrative and Operating Capacity of the Court System</u>		<u>331,088</u>
a. <u>Extension of the Coverage of the Computerization of the Administration of the Appellate Courts</u>		<u>162,751</u>

	<u>Colombian Pesos</u> <u>(000)</u>	<u>US Dollars</u> <u>or Dollar</u> <u>Equivalent</u>
<b>--<u>Colombian technical advisors</u></b>		
two systems engineers for 12 months at P 200,000 per month	4,800	8,571
adjustment of software for specialized Tribunals	8,000	14,286
<b>-- <u>commodities</u></b>		
purchase of 3 micro- computers	54,000	96,429
contract for maintenance of previously and currently purchased computers (30) for one year	10,000	17,857
<b>-- <u>logistic and other</u> <u>support including</u> <u>servicing of two data</u> <u>transcribers for six</u> <u>months and domestic</u> <u>travel</u></b>		
	8,400	15,000
<b>-- <u>external technical</u> <u>advisors</u></b>		
12 person days of a systems specialist		6,924
12 per diem days		1,284
two round-trip air fares		2,000
miscellaneous support costs		400
<b>b. <u>Comprehensive Improvement</u> <u>in the Operation of the</u> <u>Bogota Appellate Courts</u></b>		<b><u>18,875</u></b>

4

41

	<u>Colombian Pesos</u> (000)	<u>US Dollars</u> or Dollar <u>Equivalent</u>
<u>-- Colombian Technical Advisors</u>		
a team leader for four months at P 400,000 per month	1,600	2,857
four specialists (a business administrator, a psychologist and two industrial engineers) for four months at P 250,000 per month	4,000	7,143
<u>-- logistic and other support including domestic travel of the team</u>	2,000	3,571
<u>-- external technical assistance</u>		
six person days of a court administration specialist		3,462
six per diem days		642
one round-trip air fare		1,000
miscellaneous support costs		200
<u>c. Pilot Activities in Improving the Administration of Trial Courts</u>		<u>74,961</u>
<u>-- Colombian technical advisors</u>		
a team leader for 12 months at P 250,000 per month	3,000	5,357

	<u>Colombian Pesos</u> (000)	<u>US Dollars</u> or Dollar <u>Equivalent</u>
an industrial engineer and a systems engineer for 12 months at P 200,000 per month	4,800	8,571
-- <u>commodities</u> one super micro- computer and soft- ware	16,880	30,143
preparation of installation	4,000	7,143
-- <u>logistic support</u> including office equipment and supplies	11,000	19,643
-- <u>external technical</u> <u>advisors</u>  six person days of a systems specialist (joined to work under 2 a above)		3,462
six per diem days		642
d. <u>Program to Strengthen the</u> <u>Offices of Judicial Career</u> <u>and Criminal Instruction</u>		<u>74,501</u>
-- <u>Colombian technical</u> <u>assistance</u>  four specialists in public administration and in legal systems for six months at P 400,000 per month	9,600	17,143
five pilot activity coordinators for six months at P 250,000 per month	7,500	13,393

	<u>Colombian Pesos</u> (000)	<u>US Dollars</u> or Dollar <u>Equivalent</u>
six transcribers for three months at P 100,000 per month	1,800	3,214
-- one super micro computer and relevant software	16,880	30,143
-- <u>external technical assistance</u>		
six person days of a court administration specialist		3,462
six person days of a systems specialist		3,462
twelve per diem days		642
two round trip air fare		2,000
miscellaneous support costs		400
3. <u>Improving the Security and Efficiency of the Key Personnel of the Justice System</u>		<u>135,714</u>
-- <u>Colombian technical advisors</u>		
30 person months of a multi-disciplinary contract team at P 400,000 per month	12,000	21,429
-- <u>logistic and other support for the technical assistance team</u>	3,000	5,357
-- <u>modifications of physical facilities</u>	5,000	8,928
-- <u>procurement fund</u>	56,000	100,000

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	<u>Colombian Pesos</u> <u>(000)</u>	<u>US Dollars</u> <u>or Dollar</u> <u>Equivalent</u>
4. <u>Strengthening the Training Program of the Judicial School</u>		<u>119,980</u>
-- <u>Colombian technical advisors</u>		
45 person months of specialists in training methodology, and educational planning at P 350,000 per month	15,600 -	27,857
-- <u>Logistical and other support including:</u>		
equipment and supplies and data collection	13,500	24,107
-- <u>support for training events including:</u>		
costs of instructors and supplies in the Judicial School for 200 persons from the court system at P 40,000 per person	8,000	14,285
three special, high level training events for 20 persons at the rate of P 50,000 per person	3,000	5,357
attendance of 10 persons at two international training events at the rate of P 1 million per person	20,000	35,714

8/

45

	<u>Colombian Pesos</u> <u>(000)</u>	<u>US Dollars</u> <u>or Dollar</u> <u>Equivalent</u>
<u>-- external technical</u>		
<u>advisors</u>		
15 person days of a training specialist		8,655
15 per diem days		1,605
two round-trip air fares		2,000
miscellaneous support costs	-	400
5. <u>Preparation of Comprehensive</u> <u>Sector Program and Multi-Year</u> <u>Project</u>		<u>110,959</u>
a. <u>Sector Program</u>		<u>53,795</u>
<u>-- Colombian technical</u>		
<u>advisors</u>		
one constitutional lawyer for one month at P 500,000 per month	500	893
24 person months of subject matter assistance at P 500,000 per month	12,000	21,429
<u>-- logistic and other</u>		
<u>support to the work</u> of the technical assistance team		
	2,500	4,464
<u>-- external technical</u>		
<u>advisors</u>		
12 days of a senior planning specialist		6,924
20 days of a civil code reform expert		11,540
35 per diem days		3,745

	<u>Colombian Pesos</u> <u>(000)</u>	<u>US Dollars</u> <u>or Dollar</u> <u>Equivalent</u>
four round-trip air fares		4,000
miscellaneous support		800
<b>b. <u>Evaluation of Work to Date</u></b>		<b><u>47,521</u></b>
one person month of a Colombian academic at P 800,000 per month	800,000	1,428
logistic support for the evaluation team	3,000	5,357
30 days of an external evaluation expert		17,310
12 days of an external systems expert		6,924
12 days of an external legal reform expert		6,924
54 per diem days		5,778
three round-trip air fares		3,000
miscellaneous support		800
<b>c. <u>Preparation of Project Paper</u></b>		<b><u>9,643</u></b>
<b>-- <u>Colombian technical advisors</u></b>		
three person months of experts in public finance, legal systems and training at P 800,000 per month	2,400	4,286
<b>-- <u>logistic and other support</u> for the team</b>	3,000	5,357

	<u>Colombian Pesos</u> <u>(000)</u>	<u>US Dollars</u> <u>or Dollar</u> <u>Equivalent</u>
6. <u>Administrative and Program</u> <u>Direction Expenses of FES</u>		<u>272,829</u>
-- <u>salary costs of contracted</u> <u>personnel</u>		<u>46,337</u>
Program Director for twelve months	10,044	17,936
Administrative Assistant for twelve months	2,386	4,262
two Secretaries for six months	605	1,080
Accountant for twelve months (part time)	2,745	4,903
three Program Coordinators for 12 months each	31,323	55,935
-- <u>honoraria for the Advisory</u> <u>Committee</u>	5,400	<u>9,643</u>
-- <u>general direct expenses</u>		<u>38,046</u>
rent (12 months)	2,915	5,206
utilities (12 months)	2,390	6,054
supplies and miscellaneous (12 months)	5,000	8,929
computer and software	10,000	17,857
-- <u>promotional meetings</u> <u>and presentations*</u>	10,000	<u>17,857</u>
-- <u>travel of staff and</u> <u>coordinators</u>	8,000	<u>14,286</u>

	<u>Colombian Pesos</u> (000)	<u>US Dollars</u> or Dollar <u>Equivalent</u>
-- <u>overhead</u> (12% of direct costs other than the costs of external advisors and of component No. 4)	40,263	<u>100,155</u>
Total		<u><u>1,100,000</u></u>

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\* Includes meeting of presidents of the Superior District Tribunals