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UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY
AGENCY FOR INTERNATIONAL DEVELOPMENT
Washington, D. C. 20523

BOLIVIA

PROJECT PAPER

BOLIVIA ADMINISTRATION OF JUSTICE

AID/LAC/P-736

PROJECT NUMBER: 511-0626

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AGENCY FOR INTERNATIONAL DEVELOPMENT
PROJECT DATA SHEET

1. TRANSACTION CODE
 A = Add
 C = Change
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6. PROJECT ASSISTANCE COMPLETION DATE (PACD)
MM DD YY
11 23 97

7. ESTIMATED DATE OF OBLIGATION
(Under "B:" below, enter 1, 2, 3, or 4)
 A. Initial FY 92 B. Quarter 4 C. Final FY 97

8. COSTS (\$000 OR EQUIVALENT \$1 =)

A. FUNDING SOURCE	FIRST FY			LIFE OF PROJECT		
	B. FX	C. L/C	D. Total	E. FX	F. L/C	G. Total
AID Appropriated Total	1,000		1,000	10,000		10,000
(Grant) ESF	(1,000)	()	(1,000)	(10,000)	()	(10,000)
(Loan)	()	()	()	()	()	()
Other U.S.						
1.						
2.						
Host Country		1,000	1,000		3,000	3,000
Other Donor(s)						
TOTALS	1,000	1,000	2,000	10,000	3,000	13,000

9. SCHEDULE OF AID FUNDING (\$000)

A. APPRO. PRIORIT.	B. PRIMARY PURPOSE CODE	C. PRIMARY TECH. CODE		D. OBLIGATIONS TO DATE		E. AMOUNT APPROVED THIS ACTION		F. LIFE OF PROJECT	
		1. Grant	2. Loan	1. Grant	2. Loan	1. Grant	2. Loan	1. Grant	2. Loan
(1) ESF	901	780						10,000	
(2)									
(3)									
(4)									
TOTALS									

10. SECONDARY TECHNICAL CODES (maximum 6 codes of 3 positions each)
720 980

11. SECONDARY PURPOSE CODE

12. SPECIAL CONCERNS CODES (maximum 7 codes of 4 positions each)

A. Code	B. Amount
BRW	
BUW	
PART	
EQTY	

13. PROJECT PURPOSE (maximum 480 characters)
 To improve the effectiveness of the judicial system in three pilot zones, including the Departments of Santa Cruz and Tarija and the Controlled Substances Courts in La Paz

14. SCHEDULED EVALUATIONS

Interim MM YY MM YY Final MM YY
 08 93 02 95 12 97

15. SOURCE/ORIGIN OF GOODS AND SERVICES
 000 941 Local Other (Specify) _____

16. AMENDMENTS/NATURE OF CHANGE PROPOSED (This is page 1 of a _____ page PP Amendment)

17. APPROVED BY

Signature: *James H. [Signature]*
 Title: _____
 Date Signed: MM DD YY

18. DATE DOCUMENT RECEIVED IN AID/W, OR FOR AID/W DOCUMENTS, DATE OF DISTRIBUTION
 MM DD YY

PROJECT AUTHORIZATION

Name of Country: Bolivia
Name of Project: Bolivia Administration of Justice Project
Number of Project: 511-0626

1. Pursuant to Sections 531 and 534 of the Foreign Assistance Act ("FAA") of 1961, as amended, I hereby authorize the Bolivia Administration of Justice Project for Bolivia involving planned obligations of not to exceed Ten Million U.S. Dollars (\$10,000,000) in ESF grant funds over a five year period from the date of authorization, subject to the availability of funds in accordance with the A.I.D. OYB/allotment process, to help in financing foreign exchange and local currency costs for the Project. The planned life of the Project is five years from the date of initial obligation. The amount obligated for the Project in FY 1992 shall not exceed \$1,000,000.

2. The Project consists of economic and technical assistance to improve the effectiveness and accessibility of key democratic institutions in Bolivia. Achievement of this goal will contribute to the following objectives: (1) a more expeditious judicial process to make court managed conflict resolution and criminal prosecution more efficient; (2) increased professionalism and integrity among judicial and other law enforcement officials; and (3) a more accessible and public judicial system through alternative dispute resolution and delay reduction programs.

3. The Project Agreement, which may be negotiated and executed by the officer to whom such authority is delegated in accordance with A.I.D. regulations and Delegations of Authority, shall be subject to the following essential terms and covenants and major conditions, together with such other terms and conditions as A.I.D. may deem appropriate.

4. a. Source and Origin of Commodities, Nationality of Services

Commodities financed by A.I.D. under the Project shall have their source and origin in the United States, except as A.I.D. may otherwise agree in writing. Except for ocean shipping, the supplies and commodities or services shall have the United States as their place of nationality. Ocean shipping financed by A.I.D. under the Project shall be financed only on flag vessels of the United States.

b. Conditions Precedent

The release of funds under the Project Agreement will be subject to the standard conditions precedent.

c. Covenants

Besides general covenants confirming the GOB's responsibility to fulfill the financial and implementation obligations set out in the Grant Agreement and to undertake good faith efforts to correct implementation problems and support recommendations identified in periodic project reviews, the specific covenants stated below will be stipulated in the Grant Agreement:

- i. The National Council for Reform and Modernization of the Judiciary will be established as a permanent forum for judicial and law enforcement policy reform, code revision, development and proposal of emergency and special legal authority for pilot projects in coordination with the Supreme Court, Attorney General, and Minister of Interior, Immigration and Justice;
- ii. The Supreme Court and Attorney General will coordinate with the National Council to form three committees of curriculum, teaching methodology, and institutional structure to coordinate with regional judicial training experts to consider comparative models and make recommendations based thereon in each of the three areas concerning the implementation of a pilot training program. The committees will also be responsible for assisting in the evaluation of the pilot project at the end of year two of the Project and making recommendations to the Supreme Court and Attorney General concerning the creation of a permanent training program based on the experience of the pilot;
- iii. The Supreme Court; Public Ministry; National Police; Ministry of the Interior, Immigration, and Justice and the National Council will form an ad hoc Executive Policy Coordinating Committee to:
 - a. Review the results of the pilot projects in Santa Cruz, Tarija and the La Paz Controlled Substances Courts and to coordinate a plan of action with project assistance to make appropriate changes to rules of court and legislation (including, for example, a criminal fast track) that sanctions the results of the pilot experiences and expands the pilot experiences to other jurisdictions in incremental fashion.

- b. Meet with Mission representatives, including Embassy, USAID, ICITAP and Department of Justice officials as required in matters of joint undertaking related to the development of institutionalized training, investigation procedure manuals, the development of a national forensic plan and other actions designed to improve criminal investigation.
- c. Convene annually in January to review a report on the status of all project actions, which will be prepared jointly by USAID, DOJ/OPDT, and ICITAP in coordination with GOB leadership in the pilot jurisdictions, to take corrective measures as needed.

Signature James H. [Signature]
8/22/92

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USAID/BOLIVIA

PROJECT PAPER

**BOLIVIA ADMINISTRATION OF JUSTICE
(511-0626)**

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I. PROJECT SUMMARY

A. SUMMARY DESCRIPTION

USAID/Bolivia proposes to authorize the Bolivia Administration of Justice Project (511-0626) to fund activities under the following three components critical to achieving the Project Purpose:

1. **JUDICIAL EFFICIENCY and ACCOUNTABILITY:**
through a modern administrative infrastructure and transparent, efficient case processing;
2. **EFFECTIVE CRIMINAL PROSECUTION and INVESTIGATION:**
through improved investigation, preparation and presentation of criminal cases; and,
3. **ALTERNATIVE DISPUTE RESOLUTION and MODERN PROCESS:**
through reforms to introduce alternative dispute resolution and procedural delay reduction.

The total life-of-project (LOP) budget in Dollar ESF is \$10.0 Million. Of the \$10.0 Million, approximately \$4.0 Million and \$2.5 Million will be made available through Allocation Agreement transfers from A.I.D. (and in the case of ICITAP, through State) to the Department of Justice's International Center for Investigative Training Assistance Programs (ICITAP) and Office of Professional Development and Training (OPDT), respectively, to implement activities under the second project component. The Project will be obligated incrementally beginning with \$1.0 Million in FY 1992 ESF funds and an estimated \$2.3 Million from FY 1993 ESF funds.

Subject to availability, an estimated \$3.0 Million equivalent in ESF local currency will supplement the Dollar ESF as Government of Bolivia (GOB) contribution to the Project. All funds will be obligated by a Project Grant Agreement with the GOB. The proposed PACD is December 31, 1997.

B. PROJECT GOAL, PURPOSE, NSD-18 OBJECTIVES, AND EXPECTED IMPACT

The goal of the Project is to improve the effectiveness, efficiency, and accessibility of the Bolivian justice system.

The purpose of the Project is to improve the effectiveness of the judicial system in three pilot zones, including the Departments of Santa Cruz and Tarija and the Controlled Substances Courts in La Paz. Actions under the Project also will be directed to improving judicial training and supporting alternative dispute resolution outside of the pilot zones at the national level.

Actions supporting the project purpose serve NSD-18 objectives by targeting institutional obstacles to effective criminal -- including narcotics -- prosecution. These obstacles, which are highlighted in Section II. A. beginning on page five, include mismanagement of evidence; inordinate delays in presenting and hearing cases; heavy backlogs; and an undefined, weak role for the prosecutor. The core actions described under Components One and Two to improve court management, train judges, prosecutors, and police investigators, and speed process will be implemented in the pilot jurisdictions. The strategy of the Project is to achieve manageable improvement in the three pilots, establish a model based on the improvements in the pilots, and undertake to encourage the GOB to replicate the model, incrementally, in the remaining departments until it is incorporated nationwide. It is expected that the model will be tested and refined by the PACD. It is not expected that the model would be replicated nationally by the PACD.

C. PROJECT ACTIONS AND METHODOLOGY

1. Project Actions

Four core activities will be carried out from the start of the Project with a total of up to ten project activities contemplated during the Project's life. Most of the actions planned under the Project will be carried out solely in the three pilot jurisdictions. Several actions will be implemented on a nationwide basis and will support the pilot actions.

The distinction between the four "core" actions and the remaining potential actions is based on the degree of certainty of achieving fruition and institutional acceptance over the Project's life. The core actions are strongly expected to be fully achieved by the PACD.

The four core actions are:

1. Department-Level Improvements in Court Management, Judicial Process, and Coordination between the Courts, the Prosecution, and the Police.
2. Institutionalized Training Programs at the National Level for Judges, Judicial Administrators, Prosecutors, and Police Investigators.
3. Work Manuals on Criminal Case Operations and Investigative Procedures for Prosecutors, and Police Investigators.
4. Private Institutional Commercial Arbitration.

Six of the ten contemplated activities are conditional in the sense that they will depend on evolving political will and changes in the law. They are fundamental to the long term development of a modern, effective judicial system and also would be implemented from the start but for a lack of clear political commitment and/or legislative prerequisites such as constitutional and code reform requirements. Moreover, the strategy reflected by this sequential approach is germane to management concerns that attempting to address too many problems at once could dilute impact and be operationally impractical. Most of the Project's conditional actions will not begin implementation activity for at least the first two years of the Project apart from policy dialogue, seminars/conferences to present successful regional experiences, and international visits and training to promote ideas and familiarize Bolivian legal opinion leaders with the legal concepts behind the actions.

The six conditional actions are:

5. Fast Track Criminal (Oral) Process in the Pilot Zones.
6. Court-Annexed Arbitration in the Pilot Zones.
7. Enforcement of Public Integrity and Fraud-Based Crimes under the SAFCO Law.
8. Improved Public Defense in the Pilot Zones.
9. Extra-Judicial Private Conciliation Centers.
10. A National Forensic Plan.

2. Integrated Pilot Methodology

All U.S. agencies coordinating under the Project, including USAID, the Department of Justice, ICITAP, DEA, and NAS, will work together to develop integrated, "model" law enforcement jurisdictions in the three pilot zones similar to the integrated approach planned in Colombia. These pilots will involve an initial GOB commitment for change in the pilot jurisdictions and a later commitment to adopt the pilot model for replication throughout the country. Although Bolivia is at a lower stage of legal system development than Colombia and will require greater start up times for fully functioning pilots, the level of commitment for getting started on legal system improvements is high and opens a significant window of opportunity. The rationale for choosing to implement pilot improvements in Santa Cruz and Tarija Departments is provided below in Section III. B. at pages 18-19.

Within the pilot zones project assistance will go to the Departmental courts, the prosecution, and the police.

USAID/Bolivia, with the assistance of a U.S. court administrator assigned to La Paz under a PASA, will assist the Bolivian courts to improve court administration, case management and the business of deciding cases. The Office of Professional Development and Training of the U.S. Department of Justice's (DOJ) Criminal Division will be primarily responsible for working with prosecutors in the pilots. A country coordinator will be assigned by DOJ to Bolivia under the Project to provide continuing technical supervision of prosecutor improvements in the pilots and to coordinate with USAID project management and the Mission's DI Committee. ICITAP will be primarily responsible for working with the police investigators in the pilots. ICITAP also will assign a country coordinator to Bolivia under the Project.

D. SUMMARY BUDGET

The table below provides a summary of the Project Budget in USAID and Local ESF for each of the three components under the Project. Section V. contains more detailed budgets of the allocation of funds by component and year.

Project Budget Summary		Totals	USAID ESF	Local ESF
Project Components		US \$000		
Judicial Efficiency and Accountability		4,350.0	2,050.0	2,300.0
Effective Criminal Prosecution and Investigation	DOJ	2,500.0	2,300.0	200.0
	ICITAP	4,000.0	4,000.0	0.0
Alternative Dispute Resolution and Modern Process		1,000.0	500.0	500.0
Project Management		1,000.0	1,000.0	0.0
Evaluation & Audit		150.0	150.0	0.0
TOTALS		13,000.0	10,000.0	3,000.0

II. OVERVIEW OF JUDICIAL SECTOR AND PROJECT STRATEGY

A. KEY CHARACTERISTICS OF BOLIVIAN JUDICIAL SECTOR

The Bolivian judicial paradigm closely parallels the traditional hispano-american model common to most of Latin America. Legal process is inquisitorial and characterized by rigid formalism. The Bolivian model has been particularly inflexible and unyielding to change. In general, there is a tremendous divergence between the written law and its application.

The most salient structural problems include the following: Judicial discretion is limited. The distinction between the judicial and prosecutorial functions is blurred as judges exercise significant control over the investigative stage of a case. Judges are burdened by administrative responsibilities in addition to judicial functions, which prevents timely disposition of cases. Judicial officials and personnel are inadequately trained, if at all, for their jobs. Salaries and non-monetary incentives are low, meaning that not only the best and the brightest but, the average, as well, generally choose to forego judicial service. Consequently, judicial prestige is lacking and has trended down for quite some time. Finally, judicial manipulation and corruption is rife, facilitated by a lack of systemic controls and the tradition of non-public proceedings.

Effective criminal investigation, in general, and investigation of narcotics offenses, in particular, is seriously undermined by structural flaws in the prosecution system, a pervasive lack of training at all levels of the criminal investigation chain, and abysmal inter-agency cooperation and coordination. A fundamental problem is the lack of clearly defined roles in investigation and case preparation. The role of the prosecutor has been fairly weak. There is no concept of prosecutorial discretion, for instance, and the division of labor between police and prosecution concerning the investigation brings to mind the "who's on first" comedy routine. Clearly defined roles established in the pending draft law for the organization of the Public Ministry and heavy training can begin to address these long standing problems.

The significance of the current state of the judicial branch to the consolidation of democracy in Bolivia is highlighted by the abysmal public regard for the integrity of judicial institutions. The present state of the judicial branch undermines democratic advances achieved in elections and the confidence in government which has been engendered by favorable policies such as the opening of Bolivia's economy under the New Economic Policy. Unless judicial institutions also achieve growing measures of openness, fairness, efficiency, and access, long term democratic stability will be unsecured.

Although the Judiciary in Bolivia has not played a strong role in promoting democracy, it has recently begun to take an interest in reform proposals. For example, the Supreme Court was involved in a number of successful activities implemented by ILANUD under its regional program, including two major seminars in Sucre. One seminar, held in October 1987, was devoted to the issue of mixed oral/written penal procedures in the legal system; the second, held in 1989, focused on the public defense system in Bolivia. Both seminars generated overt interest on the part of the judiciary, the bar, the law schools, and the Church. The Supreme Court published the proceedings of both events.

Emerging national forces in recent years also have begun to promote reforms in the judicial system. Organizations such as the National Council for Legal Reform and Modernization (which is chaired by the Vice-President of Bolivia and composed of high-level representatives from all major political elements and parties in Bolivia) have emerged with specific proposals for reform in the justice sector. The National Council, for example, recently prepared draft legislation for a new Public Ministry law. The proposed draft legislation (the "Anteproyecto de Ley del Ministerio Público"), would, upon approval, be the first such legislation governing the organization and functions of the Public Ministry. The National Council also has developed draft legislation for a law (the *Ley de Organización Judicial*) that redefines the organization, structure, powers and functions of the judicial system. Other initiatives with broad support promoted by the National Council include the reform of the Civil and Criminal Codes, the Codes of Civil and Criminal Procedure, and the Commercial Code. However, the proposed reform legislation does not yet address court administration, which is of fundamental importance in diminishing court delays and in improving the overall quality of justice in Bolivia.

B. RATIONALE FOR THE PROJECT

The Bolivia Administration of Justice Project (AOJ) (511-0626) will succeed the Justice Sector Project in 1993 (See, Section II. E.) and shift program emphasis from diagnosis and study of proposed structural reforms in the judicial branch to implementation of those reforms.

Positive conditions for launching key structural adjustments to the judicial sector follow from demonstrations of political readiness by the GOB. The clearest example of GOB initiative and support for judicial reform was the establishment in May 1991, of the National Council for Reform and Modernization of the Judicial Power by presidential decree.

Advocated by our policy dialogue, the Council has given needed focus to judicial reform and has quickly proven its seriousness

of purpose and willingness to move responsibly and quickly on key judicial reforms. The Council, chaired by the Vice-President of Bolivia, has been working on the reform of the Judicial Organization Law and a first-ever organic law for the Public Ministry (the Ministry of the Public Prosecution). It plans to undertake reform of the Criminal Procedural Code in 1992. A priority objective for USAID/Bolivia under the new project will be to support GOB plans for the institutionalization of the National Council and to help build a local technical infrastructure to support the National Council's reform work on expected new institutional organization and procedural code legislation.

Policy statements issued by leaders of the major political parties indicate that political support for judicial reform will be sustainable. Officials of the governing MIR-ADN coalition, through President Paz Zamora and Minister of Interior, Immigration, and Justice, Carlos Saavedra, have stated publicly and in recent private meetings with Ambassador Bowers, that judicial reform is a top priority and a key part of the developing coalition platform for the 1993 national elections, as well as one of four immediate objectives in the final year of the current administration. The leading MNR candidate, Gonzalo Sánchez de Lozada, referred to successful judicial reform as the "key to all future elections." He acknowledged pervasive corruption in the judiciary and supports a proposal to require ratification of Supreme Court nominees by a two-thirds vote in Congress. A similar measure, adopted in 1991 for the selection of the five board members to the National Electoral Court, led to the ultimate appointment of five respected, professional officials to the court. The proposal is rapidly gaining broad support and comes at a particularly propitious time, before the expiration of the terms of six of twelve justices in December 1992 and the voluntary retirement of two more. The recent lax sentences issued by the Supreme Court in the decisions handed down for the first wave of arrepentidos under the voluntary surrender (in lieu of extradition) program established in 1991, and the widespread perception that the decisions were influenced by non-judicial considerations, will probably serve to further galvanize support for the proposed ratification measure and serious reform.

Support for the project objectives also comes from key legal opinion leaders, both in the judicial branch and the private sector. The U.S. Mission has been working with a core group of progressive officials and commentators, apart from the National Council, to generate interest in important reform features, such as alternative dispute resolution, modern court administration, and improved investigation and advocacy. The chief judges in the Santa Cruz and Tarija appellate courts are strong supporters for court management reform and offer pivotal authority and jurisdictional bases for launching project assistance. Both of

these judges will be candidates for selection to the Supreme Court in December 1992.

Finally, the new project will improve opportunities for success of important U.S. Government foreign policy objectives in Bolivia and the region. The judicial branch is the weakest of the three branches in Bolivia's fledgling democratic government. The long term viability of democracy in Bolivia is conditioned on improved enforcement of the rule of law and greater public confidence in government's demonstrated respect for human rights as well as in its ability to provide government services equitably and in support of the national welfare. Achieving the reforms targeted under the new project will serve to support the GOB toward this end. Moreover, the U.S. Government's strategy to control illegal narcotics production and trafficking is being impeded by ineffective local prosecution. The new project directly deals with structural reforms designed to improve such prosecution.

C. RELATIONSHIP TO GOB STRATEGY

In 1988, the Government of Bolivia (GOB) developed a general ten-year Development Plan encompassing the period 1988-1997. Although the strategy does not address the justice sector specifically, the GOB's plan, entitled the "General Law of Development," does provide general guidance for Bolivia's development within the context of the following objectives:

1. Support for economic policies based on the current New Economic Policy (which, in turn, provides strong support for private sector development);
2. Guarantees for the permanence of contractual relations in the private sector as well as among State and private entities, both domestic and foreign; and
3. Support for institutional reforms that result as an effect of the strategy.

The GOB's development plan also establishes as an overall objective of its development strategy the reduction of the sphere of influence of the public sector and improvement of its efficiency in those areas where needed.

As noted above, although it does not address the justice sector specifically, the objectives of the proposed AOJ Project are highly compatible and supportive of the objectives of the GOB's development plan, focussing on improving access and efficiency of justice sector institutions. In addition to improving democracy, a more accessible and efficient justice sector also enhances prospects for economic growth. Moreover, the AOJ Project proposes activities that address both public sector institutions

(e.g. inefficient court management and prosecutorial systems) and also support private sector solutions by promoting alternative methods of dispute resolution such as institutional commercial arbitration.

D. RELATIONSHIP TO MISSION STRATEGY AND ACTION PLAN

United States Government policy in Bolivia seeks three basic goals: 1 - the consolidation of the democratic system; 2 - economic stabilization and recovery; and, 3 - control of illegal drug production and trafficking. The Bolivia Administration of Justice Project (511-0626) (AOJ) will directly support the first of these goals. Related to the second goal of economic stabilization and recovery, improved efficiency in the justice system is a necessary ingredient to creating the conditions for increased foreign investment and development of the Bolivian private sector. It is also clear that improvements in the administration of justice will support the third goal of controlling illegal drug production and trafficking. The Project's planned pilot task force work in the Controlled Substances Courts in La Paz directly addresses anti-narcotics law enforcement objectives.

The project is consistent, as well, with the Mission's Strategic Objective of Strengthening Democracy, by focussing on improved access to and efficiency of the Bolivian judicial system.

To ensure continuing coordination of the proposed project with U.S. Mission objectives in Bolivia a Democratic Initiatives (DI) Coordinating Committee will monitor progress toward planned objectives. The DI Coordinating Committee was formed in August 1991 for the purpose of monitoring and coordinating activities carried out under USAID's Justice Sector and Democratic Institutions Projects with NAS and DEA project implementation and Embassy policy dialogue objectives. The DI Coordinating Committee is chaired by the Deputy Chief of Mission and includes representatives of USAID, the Embassy Political Office, USIS, DEA, NAS and, as available, ICITAP. The Department of Justice official assigned to Bolivia under the Project will be a member of the committee.

E. RELATIONSHIP TO OTHER USG PROJECT ASSISTANCE

USAID/Bolivia has administered two projects since 1988 that set out to strengthen democratic institutions and facilitate the consolidation of democracy in Bolivia. They are the Justice Sector (JS) (511-0609) and Democratic Institutions (DI) (511-0610) Projects. Through these two activities, the Mission has provided project support to the courts, public prosecution, National Electoral Court, and the Congress to study possible institutional reform measures and to upgrade working conditions.

1. Justice Sector Project (511-0609)

Through the Justice Sector (JS) Project, USAID/Bolivia has responded to assistance requests from the Supreme Court and other justice sector officials in a modest but growing fashion since 1988. The chief achievement of the JS Project has been joint diagnosis and survey of institutional flaws in the legal system with GOB counterparts to build political consensus for further reform. Supplementary actions have been undertaken to provide legal libraries & publications, to begin improving court management operations, and to produce organic law legislation for the judiciary and Public Ministry.

Some successes have been achieved, most notable being the recent establishment of the National Council for Reform and Modernization of the Judiciary, chaired by Bolivia's Vice President. The JS Project will end on May 31, 1993, about nine months after the proposed start of the Administration of Justice Project. It is expected that the following will have been achieved by the PACD of the JS Project: (1) the installation of legal libraries; (2) the development of a pilot court management and case tracking system; (3) the identification of a judicial training curriculum and plans for a pilot judicial training program; (4) the assurance of institutional permanence for the National Council for Reform and Modernization of the Judicial Power; and, (5) the passage into legislation of new Public Ministry and Judicial Power Organization laws.

The basis of the relationship of the Project to the JS Project will be, chiefly, to implement reforms identified under the JS Project and which are supported by significant political support heading into CY 1993. These are judicial training, court management, delay reduction and alternative dispute resolution programs, and strengthening of the public prosecution function. To a lesser extent there apparently is growing GOB support in the Ministry of the Interior, Immigration and Justice for a public defense program. The development of that support will be monitored in CY 1992 to determine the viability of a public defender program under the proposed project. (See, section III. B. 2.)

In sum, based on experience to date, we are re-focusing and narrowing the project to take advantage of the current political and institutional trends discussed below in Section III, which favor reform in several key legal and structural areas.

As evidence of these trends, the National Council, backed by ESF local currency funding and ILANUD/Bolivia logistical and technical assistance, recently sent forward several important legislative reform proposals. These include a new law of the Ministerio Público or prosecutorial functions, and a crucial judicial organization law. The AOJ Project will continue and

strengthen our support for this extraordinary process. Successful passage of these two laws during the remainder of 1992 would provide major momentum to the judicial reform process, and give further focus to project assistance in 1993 and beyond.

2. Democratic Institutions Project (511-0610)

The DI Project supports structural adjustments in two key democratic institutions -- the Bolivian Congress and the National Electoral Court. The purpose of the structural reform promoted under the project is to lend greater transparency in, and plural access, to democratic institutions in Bolivia. The actions carried out under the project seek to reduce opportunities for fraud in elections, increase the number of voters participating in elections, make the lawmaking process more accountable and open, and, in general, foster confidence in democracy as a medium for increasing the national welfare. The PACD for the DI Project is December 31, 1993. By the PACD it is expected that a sustainable base for electoral reform will have been established and that USAID/Bolivia will be able to focus resources primarily to further development of the Bolivian justice sector. We plan no further actions to strengthen the electoral courts after December 1993.

The project actions under the DI Project are complementary and intended to support institutional reform in the justice sector. The legislative development activities designed under the DI Project include support for strengthening administration of justice objectives under the Justice Sector Project. For instance, the lawmaking function of the legislature bears upon the development of organic law legislation for the courts and prosecution. Thus, actions supported under the DI Project in legislative development will provide the technical skills and infrastructure to enable the Bolivian legislature to create sound legislation for improved judicial institutions.

F. INTER-AGENCY COORDINATION

A number of U.S. agencies conduct activities in cooperation with the GOB in the Bolivian justice sector. In addition to USAID, the Departments of State and Justice, as well as USIS, manage or support programs and projects to modernize and strengthen law enforcement and judicial institutions. All U.S. agency actions are coordinated within the Embassy by the Democratic Initiatives Coordinating Committee. The Deputy Chief of Mission chairs committee meetings, which are regularly attended by officials from POL, USIS, NAS, DEA, and USAID. USAID administration of justice actions have been planned in full coordination with the members of the committee as well as with the DOJ's Offices of International Programs and Professional Development and Training and with ICITAP. This Project will require unprecedented levels

of U.S. Government coordination to achieve its purpose.

The principal areas of labor of sister U.S. agencies in Bolivia with high levels of operational overlap with USAID project actions are presented below.

U.S. DEPARTMENT OF JUSTICE (DOJ): The DOJ will support the institutional development of public prosecutors under the Project. Assistance from the DOJ will be coordinated by the director of the Criminal Division's International Programs Office and implemented through the Criminal Division's Office of Professional Development and Training (DOJ/OPDT). The DOJ will assign a project manager to Bolivia to coordinate its actions under the Project in the pilot zones with USAID and ICITAP.

A work plan for DOJ/OPDT responsibilities under the Project is attached as Annex I. In general, DOJ/OPDT will be responsible for providing training to prosecutors, coordinating the participation of prosecutors in the pilot zones, and supporting policy dialogue to strengthen the role of the prosecutor in criminal prosecutions. Recent changes in Bolivian legal codes call for greater case management responsibilities for prosecutors and more opportunities for oral presentations by them in court. These recent developments create a need for the more specialized training that the DOJ is able to provide to prosecutors.

ICITAP: ICITAP is a principal partner with USAID in assistance to criminal justice organizations in Bolivia. ICITAP was created to develop police expertise in criminal investigation and other police functions outside of USAID authority and experience. There are a number of areas where ICITAP's expertise is already needed by Bolivian institutions, and others should develop over the next three years with the adoption of legislation affecting the structure and functions of justice institutions, including the potential need for judicial protection. USAID proposes to transfer \$1.0 million of ESF annually for the first three years of the Project and up to approximately \$500 Thousand annually for the remaining two years to ICITAP through State.

A work plan for ICITAP responsibilities under the Project is attached as Annex J. In general, ICITAP will be responsible for providing training to police investigators, coordinating the participation of police investigation units in the pilot zones, assisting in the development of a national forensic plan, and assessing the need for judicial protection.

Because ICITAP operates under the policy guidance of State/ARA and its program is established on an annual basis in consultation with the field, the Mission proposes that, barring unforeseen events, the approval of this project should be viewed by State to establish the funding level for the ICITAP program in FY's 1992-95 in Bolivia. ICITAP would then develop annual program

proposals as it ordinarily does -- in consultation with Bolivian counterparts and the Embassy DI Committee -- and the annual programs would be approved by ARA.

The Mission has requested and ICITAP has agreed to the posting to La Paz of a full-time ICITAP project manager. The Mission hopes to accommodate ICITAP staff within the same building as the DI Division and the DOJ project manager in order to facilitate coordination of the integrated pilot actions. The physical location of the ICITAP offices in the same building as the USAID DI Division would be for practical purposes only. ICITAP would continue to operate under the authority of the Ambassador through the DCM at post and not USAID.

INM/DEA: The International Narcotics Program and DEA support anti-narcotics operations in Bolivia. INM supports a number of Bolivian institutions involved in the counter-narcotics effort. DEA works closely with Bolivian counterparts to discover evidence against traffickers. In 1986, in response to the need for prosecutors in remote jungle areas, INM began a special prosecutors project. Working with the Public Ministry, new prosecutors were selected and trained to work exclusively on drug cases. In 1988, Controlled Substances Courts were created through Law 1008 and the special prosecutors were assigned to them. There are five Controlled Substances Courts in Bolivia, each with national jurisdiction, but the majority of cases are tried in La Paz.

Law 1008 grants new and greater authority to prosecutors in drug cases. Against a history of highly deficient investigation and passive prosecution, Law 1008 requires prosecutors to be at the scene to validate seizures of evidence and gives them responsibility for developing and presenting criminal cases.

Based on Law 1008 changes, INM gradually increased its special prosecutors project. The number of prosecutors now stands at seventeen. INM funds them completely -- salary, operating expenses and training. (While INM had intended to provide salary supplements, the GOB has withheld regular salary payments to the special prosecutors, with the result that the "supplements" have become the only salary they receive.) Training in a variety of basic investigative skills has been provided by DEA -- e.g., development of confidential sources and witnesses, preservation of the crime scene, drug identification, and use of fragmentary documentary evidence.

One of the problems in the Controlled Substances Courts -- as in courts throughout Bolivia -- is the inability to track cases. DEA has begun to identify the elements of a casetracking system which it needs for its own purposes and which it would like to share with the special prosecutors. As its needs do not differ in any significant way from what a basic criminal case-tracking

system should provide, that system should be designed in tandem with casetracking for other courts in the country.

The Mission and DEA have agreed to work together in developing a casetracking system and other administrative procedures for the Controlled Substances Courts. The PASA court administrator who has just joined the Mission DI Division will assess the current operational structure of the Controlled Substances Courts and make recommendations for improvement. Depending on the recommendations, he will work with the courts directly to implement them (e.g., in the establishment of new office procedures) or suggest follow-up actions, including equipment purchases, by DEA and/or INM. In all cases, the recommendations would take into consideration the needs of other courts in the country and ways in which those needs are likely to be addressed. The objective is to install as soon as possible in the Controlled Substances Courts an effective administrative system that will be fully compatible with the projected development of the rest of the system. The Controlled Substances Courts will be a third pilot project (along with Tarija and Santa Cruz) in the court administration area. USAID Project funding for the Controlled Substances pilot will be supplemented by at least \$150,000 from INM under the NAS-funded UNDCP-GOB Controlled Substances Cooperative Agreement.

USIS: USIS is highlighting the administration of justice in a number of its programs -- principally, the International Visitor (IV), American Participant and Specialist, and World-Net. The Embassy DI Committee discusses these programs as necessary to ensure coordination of nominations and substantive aspects. Observational visits to the U.S. have proven particularly useful in introducing key actors in the justice sector to concepts of court administration, oral procedure, alternative dispute resolution, proper handling of evidence and other methods of investigation, and judicial and prosecutorial training.

With the multiple changes in these areas that the project seeks to facilitate, the Mission foresees an increased need for travel by Bolivians to the U.S. Accordingly, we will budget \$50,000 per annum under the training elements of components one and three of the Project for observational travel under USIS auspices. It is the Mission's intention that this will supplement and not supplant current USIS support for justice IV's from its regular budget. Given the different technical objectives that the project will be seeking with different individuals, for each proposed tour, USAID/Bolivia will provide USIS with specific guidance concerning sites and/or individuals to be visited.

G. OTHER DONOR ASSISTANCE IN THE SECTOR

A considerable number of donors have been active in recent years

in the justice sector in Bolivia. As described below, these activities are diverse, representing both the private and the public sector, and most are of recent origin:

The World Bank.

A World Bank team recently visited Bolivia to gather background documentation and information on judicial sector constraints to contract enforcement for a document entitled "Law, Legal Procedure, and the Economic Value of Collateral: The Case of Bolivia." It is anticipated that a World Bank proposal based on this document will advocate financing for structural changes in the judicial sector that will serve to improve administration of justice for commercial transactions, including support for arbitration and improved case management. Moreover, the Bank will link access to a proposed new line of credit to start in late 1993 with performance criteria related to the structural changes it advocates. The World Bank team working on this matter is in close coordination with USAID/Bolivia officials.

The Government of Italy

The Government of Italy currently sponsors scholarships for prison administrators.

The Government of France

Bolivia's Deputy Secretary of Justice recently announced that the Government of France is offering legal technical assistance to diagnose problems in the justice sector.

The Government of Spain

For the past several years the Government of Spain has been sponsoring a limited number of scholarships for the study of law in Spain. It has also provided police training assistance.

United Nations Drug Control Program (UNDCP)

UNDCP involvement in the justice sector is largely limited to strengthening the administration of justice in the area of controlled substances. The UNDCP has also conducted a limited number of specialized seminars on criminal procedures for local judges and prosecutors.

Non-Government Organizations (NGO's)

There are a number of non-government organizations in Bolivia involved in diverse small-scale activities in the justice sector. Examples include:

* "Oficina Jurídica de la Mujer," based in Cochabamba, is financed by private funds originating in Sweden. This organization seeks to provide public defense services to women.

* "Defensa del Niño Internacional" operates throughout the country on a small scale; its objectives and programs are

focussed on the protection of children's rights.

* "Pastoral Social" is a private organization receiving assistance largely from the Catholic Church. It is involved in the defense of human rights throughout Bolivia.

Although none of these programs or activities touch areas included under the proposed AOJ Project, the number and diversity of these organizations raise an issue of coordination. The coordination issue will be explored with the National Council which already has expressed an interest in serving in a coordinating role for these initiatives. Depending on the initiative, USAID may also play a coordinating role in these activities, perhaps through the monthly Donor's Meetings.

III. PROJECT DESCRIPTION

A. SUMMARY DESCRIPTION

The goal of the project is to improve the effectiveness, efficiency, and accessibility of the Bolivian justice system.

The purpose of the Project is to improve the effectiveness of the judicial system in three pilot zones, including the Departments of Santa Cruz and Tarija and the Controlled Substances Courts in La Paz.

B. PROJECT COMPONENTS

The primary objective of the Project consists of improving the effectiveness of the justice system in three pilot jurisdictions. The actions designed to achieve the Project Purpose are described in the following three components. The first two components involve actions directed to making (1) structural adjustments within; (2) providing training to; and, (3) developing effective coordination mechanisms between the courts, the prosecution and the police. The third component involves implementation of select alternative dispute resolution (ADR) and delay reduction procedures. The Project purpose will be achieved by creating incentives for improved performance through better organization and information systems, enhanced prestige and self-valuation through training, and modern judicial processes. All of the proposed reforms and structural adjustments under the proposed Project are consonant with, or complementary to, the reform agenda of the National Council. The three components are: 1) Judicial Efficiency and Accountability through a modern administrative infrastructure and transparent, efficient case processing; 2) Effective Criminal Prosecution and Investigations through improved investigation, preparation and presentation of criminal cases; and, 3) Alternative Dispute Resolution and Modern Process through alternative dispute resolution and delay reduction reform.

The actions under the three components will be supplemented by a strategy to improve public awareness and education on the importance of judicial modernization and to indicate how it may be accomplished. A small amount of funding will be reserved under component three for this purpose. In addition the Institute for Judicial Modernization (the "Institute," see, section IV. C. 3.) will incorporate into its charter a public outreach/education objective. The Institute also will coordinate with the law schools, bar associations, Bolivian Chamber of Commerce, and other organizations, associations, or groups supporting reform to develop and channel cogent proposals.

COMPONENT ONE:

JUDICIAL EFFICIENCY and ACCOUNTABILITY:

through a modern administrative infrastructure and transparent, efficient case processing.

a. **Summary of Component One Activities**

This component, which involves structural changes to court administration and the development of institutionalized judicial training programs in Bolivia, has a total estimated cost of (\$US) 2.050 Million in Dollar ESF and the equivalent of (US\$) 2.300 Million in local currency. Both the training and court administration actions directly address problems with judicial efficiency. Indirect benefits of successful completion of the two include an increase in non-monetary performance incentives, hence greater judicial prestige, and reduced opportunities for corrupt practices due to more open and accountable systems and case management. Both activities are core activities that will be managed from the start of the Project. They each receive high-level GOB support and will not require significant law reforms to begin in pilot jurisdictions.

Both activities will be developed for eventual nationwide adoption but will begin with pilot model projects at the Bolivian Departmental level for purposes of manageability and to provide for incremental development of concepts new to the judicial community. The two actions under this component will be combined with the training and operations manual actions under component two and implemented via a pilot project methodology in the Santa Cruz and Tarija Superior District Court systems as well as the Controlled Substances Courts in La Paz. The pilot projects will provide for integrated application of the structural adjustments and modern procedures developed under components one and two in full coordination with the courts, prosecution and police in the pilot jurisdictions. The purpose of the pilot methodology will be to produce fully functioning model legal systems in the targeted geographical areas. Later, these model jurisdictions will facilitate policy reform at the national level and the replication of the models in incremental fashion in the rest of the country. An overarching objective of the Project is to obtain the agreement of the GOB to adopt the judicial systems developed in the pilot zones for the rest of the country. Policy dialogue will be maintained throughout the life of the Project to this end.

b. Court Administration Modernization: Tarija, Santa Cruz, and Controlled Substances Pilot Projects

Background and Rationale

The organizational and operational structure of the Bolivian judicial system fails to provide the proper institutional infrastructure to permit effective administrative support and operations management to any of the departmental District Superior Courts and lower courts under them. The absence of centralized administrative guidance from Sucre and the consequent failure to develop a modern administrative infrastructure is responsible for the current state of autonomous and arbitrary management practices in the various geographical departments of Bolivia. It also is responsible for judicial resource problems derived from the failure to separate purely administrative and ministerial responsibilities from the judicial function. These problems require that the Chief Judges of the Cortes Superiores of Bolivia spend as much as twenty to twenty-five percent of their time attending to non-judicial duties. The judges of the lower courts, the Juzgados de Partido and Juzgados de Instrucción, must spend even greater portions of their time on purely administrative duties.

Judges in Bolivia must be permitted to devote greater amounts of their time to hearing and deciding cases. Responsibilities outside of the judicial function should be delegated to professional administrators. At the present time, no provision for court administrators or their training exists in Bolivia because the concept of professional court administration is virtually unknown.

The National Council has proposed procedural, administrative and court reforms to the Ley de Organización del Poder Judicial. The proposed law does not adequately provide for the necessary infrastructure for modern court administration. It is, therefore, essential that the proposed law be further amended to establish the concept of independence between administrative and judicial responsibilities. The pilot action in Tarija will serve to introduce modern court management practices and lead to the adoption of rules of court to implement the principles to be included in the draft Judicial Organization Law concerning administrative infrastructure. For the purposes of the pilot, required changes in legal authority will be accomplished by a specific administrative order or local rule of court ("reglamento").

Rationale for the Selection of the Tarija and Santa Cruz District Courts and La Paz Controlled Substances Courts

The chief judges of the Superior District Court systems in Tarija and Santa Cruz departments are the leading advocates for Bolivian

legal system reform. As the chief judges of their respective departments they possess considerable latitude and the discretion to modify policy and the local level. Both chief judges are familiar with U.S. court management and law enforcement practices.

Their willingness to implement systemic changes to the court system under their authority are demonstrable. For example, largely through the initiative of the Tarija chief judge, Maria Luisa Pacheco de Merales, Tarija is the only jurisdiction in Bolivia where attorneys, public defenders, and law students receive court-sponsored training on improving the public defense. Her accomplishments to date demonstrate that she also will authorize innovations to improve court management. For example, Tarija judges are required to submit weekly reports on their caseload status. For various reasons, the Tarija Superior Court experiences the lowest delays and case backlogs in the country. This existing state of pending cases enables the implementation of a pilot project with the least amount of potential problems.

Although the size of the Tarija department and level of judicial activity there lessen its significance to the state of the whole Bolivian legal system, the smallness of Tarija will provide benefits as a low pressure, laboratory environment.

The chief judge in Santa Cruz department, Federico Fernandez, is progressive and resourceful. Through revenue raising measures related to the Santa Cruz courts' operation of automated property registers, the Santa Cruz Superior District Court system is building a high rise building for its courts. Judge Fernandez is an advocate for increased Bolivian inter-agency cooperation and was a leader at the ICITAP-sponsored conference in November 1991 endorsing the need for inter-agency coordination.

The Santa Cruz department is one of the most important in Bolivia in terms of economic and court activity. Although, a pilot approach will be more problematic there, its size and dynamism make it an important potential model for replication of the pilot to La Paz and Cochabamba at later dates.

The La Paz Controlled Substances Courts lack the leadership available in Santa Cruz and Tarija. In operational terms it will be the most difficult case. Mitigating the difficulty of this pilot are the proximity of the courts to central project management in La Paz and the focus on the fewer courts in this specialized anti-narcotics jurisdiction.

Methodology

Development of a modern court administration infrastructure at the local level will be a core action under the Project. Implementation will be carried out by the DID through the

technical planning of the court administration specialist assigned to USAID/Bolivia under a PASA with the Administrative Offices of the U.S. Courts. By year four of the Project the pilot actions will have concluded and been evaluated. It is intended that the pilot experience will result in a prototype court management model that will be adopted under a national plan established by the Supreme Court and implemented in all courts in Bolivia. See, Annex G, Time Line for Project Outputs.

The pilot actions will include a training element for a prototype departmental administrator position and four modern elements of court management, including a weighted case assignment system, a case tracking system, a centralized notification office, and a court exhibits and records management system. The purpose of each of the four features is described below.

Weighted Case Assignments

The purpose of this element is to obtain an equitable distribution of judicial workload, eliminate the possibility of case assignment manipulation, *i.e.*, "judge shopping," provide centralized control of the assignment of new cases, and to ensure the blind and random assignment of new cases.

Case Tracking System

The purpose of this element is to identify, analyze and eliminate problems and "bottlenecks" within the courts for a more effective and efficient flow of cases and provide a means to measure the status of a case in relation to legal time standards set for conclusion of each stage of process.

Centralized Notification Office

The purpose of this element is to establish a consolidated and centralized notification system for more efficient compliance with judicial notification requirements, as well as to eliminate duplication of effort, manipulation, and fraud. Each individual court accomplishes notifications related to their caseload through an individual oficial de diligencias.

Court Exhibits and Records Management

The purpose of this element is to create a reliable, effective, and secure system for the maintenance and retrieval of court records and exhibits, develop an accurate and reliable archiving process, *i.e.*, microfilming, optical scanning, *etc.*, develop a reliable records numbering system, and establish internal controls for reliable maintenance of the chain of custody for exhibits, inventory verification, and destruction or release schedules, as appropriate.

c. Institutionalized Training for Judges and Administrators

Background and Rationale

There is no training available to judges or support staff in Bolivia. The consequence is unskilled application of the law, extreme delays in deciding and formalizing judgements in written opinions, disregard for time limits established for advancing cases through procedural stages, manipulation by attorneys skilled in delay tactics, low professional esteem and incentive for improvement, low levels of judicial innovation, poor oversight of support staff, and corrupt practices.

The creation of continuing judicial training is broadly supported in Bolivia and has been listed among the highest priorities of judicial and other GOB officials and policymakers. (See, Letter dated May 27, 1992 from the Chief Justice of the Supreme Court, Edgar Oblitas, to Ambassador Bowers). Article 293 of the draft Judicial Organization Law provides for the immediate creation of an "institute" through which the Supreme Court, the Attorney General shall organize a permanent judicial and prosecutorial training program.

Support under this core project action will seek to help the judiciary determine what form of continuing training program will best serve its institutional requirements and meet expected cost constraints.

Methodology

Support for the establishment of a continuing education/training program for judges and court administrators is a core action under the Project. Assistance will begin with a program to help the counterpart officials of the judiciary understand the fundamental issues and process involved in creating a substantive, cost-effective training division, and not a school.

The term "judicial school" represents an icon of political resolve in the minds of GOB officials and is broadly and summarily endorsed. Nevertheless, studied consideration of how to serve the needs of the judiciary through an institutionalized training process has not occurred in great depth and is a critical requirement before uninformed decisions are made. A comparative legal training workshop planned under the JS Project for late (late October or November) 1992 will present issues regarding curriculum, teaching methodology, and program administration to three committees established at our recommendation to make recommendations on the three issues. The decisions on curriculum, methodology and administrative structure will lay the foundation for the design of a one year to eighteen month pilot training program. At the conclusion of the pilot,

after its evaluation, further assistance will be linked to political acceptance of the program as demonstrated by GOB commitments for funding the institutionalization of the program. At this point political commitment has begun to be demonstrated by the acquisition of a building for a training headquarters in Sucre.

The main implementation agent for this action will be ILANUD in conjunction with Supreme Court. Under draft legislation, the Supreme Court is slated to form a "Bolivian Justice Institute" (Institute) in concert with the Public Ministry and the University of San Francisco Xavier de Chuquisaca in Sucre. The Institute is expected to serve as the administrative body of a "judicial school."

The Project will finance, in addition to the costs of the pilot training project, international visits to the United States and other Latin American countries, such as Colombia, Costa Rica, and Uruguay for comparative analysis. The Project will also arrange courses and presentations by international judicial training experts in Bolivia.

Objectives of this action include:

- To develop a comprehensive training plan for the continuing education of judges and court administrators;
- To establish criteria for developing curriculum and promote critical analysis on the issues of methodology and administration by the Bolivian Judicial Institute;
- To identify administrative and training staff;
- To assess and account for national judicial training needs; and,
- To help implement changes to the pilot training program as required and support the institutionalization of a continuing judicial training division in Bolivia.

In the course of the implementation of this action some of the key issues related to the development of an institutionalized training program include the following:

- whether the program should have regional training centers, be available in Sucre only, offer training at different locations (non-permanent) according to need, and/or offer correspondence courses;
- the extent to which the program should develop the internal capability to provide instruction rather than to contact other institutions to provide the

instruction;

- the extent to which the program should emphasize the orientation and preparation of new judges (to overcome the deficiencies of their law school training);
- the extent to which the program should emphasize training in administrative and operational skills rather than imparting knowledge concerning the provisions of the codes;
- the extent to which the programs should include training for judges in investigative techniques and other technical subjects similar to the training provided to the fiscales or police units;
- whether the program should focus exclusively on the training needs of public sector personnel or also address the training needs of private persons and entities whose operation is important to the justice sector (e.g., Chamber of Commerce, which deals with alternative means of dispute resolution such as arbitration); and,
- whether the program also should be responsible for the provision of documents and other types of legal information to the personnel of the justice system.

COMPONENT TWO:

EFFECTIVE CRIMINAL PROSECUTION and INVESTIGATIONS:

through improved investigation, preparation, and presentation of criminal cases.

The actions under this component will be coordinated with the Public Ministry, which is headed by the Attorney General and is responsible, inter alia, for prosecuting criminal actions. The overall objective of this component is to improve the investigative, case preparation, and advocacy capacity of public prosecutors in the pilot zones. Realizing this objective will likely strengthen the enforcement of narcotics offenses, which is currently undermined by ineffective, unskilled prosecutorial case management.

A central cause of the high rate of failed cases involving serious crimes in Bolivia is the weak role assumed by the prosecutor due to structural imbalances in the criminal justice system. These imbalances, which include the civil tradition's reliance on judges to take part in investigations and to dominate

the inquisitorial process, the frequent lack of a public defense adversary, and the absence of an organizational law to define the prosecutor's responsibility and authority under the Constitution¹, diminish the importance of prosecutors. In sum, the prosecutor is not the leading figure in building a criminal case. For example, s/he has no prosecutorial discretion. Consequently, the judge, in the later stages, and police, in the earlier stages, tend to dominate the investigation process.

With the development of an organizational law for the Public Ministry and the removal of the institution from under the control and supervision of the Ministry of Interior, Immigration, and Justice, the public prosecution in Bolivia is in a position to strengthen its role. This component will seek to support the strengthening process through training, definition of function, and structural adjustments to the legal process to increase the adversarial importance of the prosecutor.

a. Summary of Component Two Activities

This component has a total estimated cost of approximately (US\$) 6.300 Million in Dollar ESF and (US\$) 200 Thousand in local currency. The two core actions under the component are institutionalized, continuing training for prosecutors and the production of an organizational operations and investigation manual. The two core actions will be implemented in the pilot zones with assistance from the Department of Justice's Office of Professional Development and Training (DOJ/OPDT) and ICITAP at a total cost of up to \$6.5 Million. DOJ/OPDT and ICITAP will coordinate the prosecutor training program with the judicial training program described under Component One in accordance with the Bolivian law while designing a separate curriculum for prosecutors. DOJ/OPDT will be counted on to provide technical assistance to develop an appropriate curriculum for prosecutor training and to produce an operations and investigation manual. Both of these actions will be conducted in the context of the pilot projects in Tarija, Santa Cruz, and La Paz. DOJ/OPDT and ICITAP will provide direct training to prosecutor and police investigation units in the pilot zones.

The remaining actions contemplated under Component Two will be conditioned on greater political support and agreements by the GOB to fulfill certain legal prerequisites for their activation.

¹According to Article 129 of the 1967 Bolivian Constitution, the sole, express mandate is that "The Public Ministry shall represent the State and society." Article 131 provides that "The law will establish the organization and functions of the Public Ministry." In fact, from 1967 up to the date of this Project Paper, the organization and functions of the Public Ministry have never been defined by law. The pending draft law will finally satisfy Article 131 of the Constitution.

In general, these conditional actions will further strengthen criminal investigation and/or the adversarial role of the prosecutor in Bolivia. The conditional actions include:

- » The adoption of a national forensic plan;
- » The development of an enforcement regime for public integrity offenses established under the SAFCO law pursuant to Controller General audits; and,
- » The establishment of an effective public defenders program.

b. Institutionalized Training for Prosecutors

Background and Rationale

With few exceptions, the current corps of prosecutors have had no professional training. While the GOB is committed to the creation of a training institute for judges and prosecutors, planning for the program has not gone beyond arrangements to establish the central organization of the program in Sucre. The judiciary and the Public Ministry have secured a building for this purpose. Serious thought has not yet focussed on the matter of curriculum, selection criteria, teaching methodology, or administration of a continuing program. Assistance planned under the JS Project for August 1992 will promote thinking and consensus-building on these fundamental issues through comparative presentations of the experiences of other training programs in the U.S. and the region. With regard to curriculum, given the lack of experience with the prosecutorial function in Bolivia -- i.e., direct supervision of effective police investigations and case development and presentation -- the ultimate objective is an independently functioning local training program for prosecutors, combining both legal and advocacy elements, which can continue to draw on international experts as needed. We will encourage the Attorney General and those charged with developing curricula for prosecutors to study closely the models of other countries, particularly in oral advocacy and other aspects of case preparation and presentation.

Methodology

The development of a continuing training capacity for prosecutors and police investigators is a core action that will be carried out from the start of the Project to completion. The main implementation agents for this action will be DOJ/OPDT and ICITAP. Both will participate in the upcoming JS Project workshop and other events related to the development of plans for the prosecutorial training program as appropriate.

International and Long Term Training

International and long term training will be relied on to inculcate a solid understanding of the key elements and utility of a continuing training program. The overall strategy will be to fund visits to training sites in countries in transition to a prosecutorial system, such as Italy and Colombia, or in civil law systems where oral process is already heavily and successfully applied, such as Germany. Curriculum development and other technical assistance will also be sought from the United States.

While the GOB works toward the establishment of its own prosecutorial training program, the Project will fund pilot courses with international instructors. This will give the Bolivians the opportunity to see different international teaching methods applied within their own environment and assess participant reaction. International experts will be assisted by Bolivian instructors, as appropriate, e.g., in the discussion of local law and procedure. We will also coordinate with appropriate U.S. institutions involved in prosecutorial training to assess the feasibility of their designing and conducting short courses in Spanish for audiences with little or no real prosecutorial experience. Efforts will also be made to identify and approach appropriate Western European institutions. Ideally, several very different kinds of courses would result. The more successful courses could be repeated, perhaps with the participation of Bolivian instructors, and incorporated into the Bolivian curriculum. Further demonstrations of the prosecutorial process in other countries, e.g., through clinical training in the context of a pilot criminal fast track will also be promoted and supported by the Project. Finally, the Project will seek to arrange internships for Bolivian prosecutors abroad, e.g., a month in a District Attorney's Office in the U.S., where they could see experienced prosecutors at work.

In sum, the basic elements of this action are:

1. Preparation of an overall institutional development plan, including a long-term training plan for all prosecutors in Bolivia;
2. Establishment of an initial organizational structure and identification of a core training and administrative staff;
3. Assessment of training needs and development of the curriculum;
4. Training of instructors;
5. Priority training for law enforcement officials in the pilot zones, including forensic investigation;
6. Acceptance of the plan by the GOB for purposes of budgetary support; and,
7. Implementation of any changes mandated in the organizational structure of the program.

The major outputs of this action are intended to culminate in a

an independently-functioning prosecutorial training program that meets identified training needs. The outputs are divided into two classes: Those that carry the full political support of the GOB and do not require changes in existing legal authority; And those which will require further policy dialogue and institutional commitment from the GOB.

- Definite: -- a permanent professional staff in charge of the program;
-- a training needs assessment for prosecutors;
-- analyses of issues in the training of Bolivian prosecutors;
-- instructional materials for all basic courses;
-- trained instructors for all basic courses;
-- a fully equipped training center in Sucre;
- Probable: -- a long-term training plan for all prosecutors;
-- a system for the production of training materials;
-- a long-term organizational structure;
-- a long-term organizational development plan ratified by all relevant GOB entities;

c. Operations and Investigation Manuals

Background and Rationale

The Public Ministry is being created as a separate entity with new powers under a new law at a time in which both the police and the courts are thoroughly discredited by their handling of criminal cases. At the present time, the lack of training -- both legal and technical -- on the part of the police, prosecutors and judges leads to mistakes of the most basic kind and the frequent loss of important criminal cases.

There is a clear need for a strong prosecution to direct and be responsible for the development of criminal cases. The draft Public Ministry organization law will provide the Attorney General with the authority to promulgate regulations permitting prosecutors to direct criminal case investigations and presentation. The Attorney General, in anticipation of the scope of the new authority to be granted under the draft law, has asked the U.S. Government for assistance under the Project to develop an accusatorial role for Bolivian prosecutors. (See, Section VII. A. Letter dated May 27, 1992, from the Bolivian Attorney General, Angel Baldivieso, to Ambassador Bowers).

The draft law also provides an opportunity to establish rules of order for coordination in criminal investigation and case presentation. A criminal procedure handbook is needed covering not only basic legal procedures but also technical and operational procedures relevant to investigations and case presentation. The handbook would require the joint effort of the

police, Public Ministry and Judiciary in its preparation and provide a framework for continued collaboration. It could give the Public Ministry effective leverage with police investigators and move towards elimination of one of the historically divisive issues in Latin American criminal process: the judge's and prosecutor's lack of hierarchical control over the "judicial police." It would undoubtedly also identify specific points of law requiring amendment, which could be forwarded to the National Commission for use in review of the "Banzer Codes."

The development of technical operations manuals and criminal investigation handbooks is an appropriate mechanism for assisting in the improvement of criminal investigation and case presentation in Bolivia. At the same time the work will help to establish a framework for the gradual, progressive adoption of accusatory functions by the Public Ministry.

Methodology

Assistance to develop a manual governing internal organization and technical operations consistent with an accusatory function will be a core action under the Project. The development of a practical handbook of criminal investigation in coordination with police and judicial responsibilities also is included under the action. DOJ/OPDT and ICITAP will be responsible for developing the operations manual and criminal investigation handbook for prosecutors and police investigators, respectively.

Short-term technical assistance will be provided for the institutional analyses and comparative law perspective needed to ensure that internal regulations foster the development of a professional investigative agency. A key issue will be the introduction of the authority of prosecutorial discretion, a relatively new concept in Latin America but, one that is essential to the effective operation of the Public Ministry. Travel to other countries (such as the U.S. or Colombia) by the Attorney General or members of his technical team may also be funded to give them a greater appreciation of the contexts from which recommendations have come. DOJ/OPDT and ICITAP also will provide operational support for the design and preparation of the manuals.

With regard to the development of the criminal investigation handbooks, ICITAP and DOJ/OPDT will coordinate with the Mission and a GOB executive coordinating committee to be formed through the National Council for Reform and Modernization of the Judicial Power with the Attorney General, the Supreme Court, and the Chief of the National Police. The Project will fund technical assistance and provide operational support as needed to the GOB committee for policy planning and coordination.

Distribution of the handbook -- ideally to each police

investigator, prosecutor and judge handling criminal cases in Bolivia -- would be accompanied by training. The prosecutors would receive the most intensive training, as they would be expected to enforce the procedures with the police and demonstrate compliance to the courts.

The major outputs of this action are intended to help achieve a modern, independent Bolivian Public Ministry with the authority to directly manage the investigation and presentation of criminal cases. The outputs are divided into two classes: Those that carry the full political support of the GOB and do not require changes in existing legal authority; And those which will require further policy dialogue and institutional commitment from the GOB.

Definite: -- a manual of internal regulations for the Public Ministry;
-- analyses of current obstacles to effective prosecution of criminal cases;
-- better investigative practices by police and prosecutors, and control by the latter; and,
-- a criminal process handbook in use by police, prosecutors and judges throughout Bolivia.

Probable: -- a long-term plan for the development of the Public Ministry; and,
-- a decline in the number of cases lost for lack of evidence or a failure to follow basic procedures;.

d. National Forensic Plan

Background and Rationale

Increasingly sophisticated uses of technology by organized crime associations in Bolivia are making detection and collection of physical evidence by law enforcement agencies more difficult. Coordinated, skilled use of a modern forensic investigation capacity is an essential need in Bolivia. ICITAP has provided assistance to the Bolivian National Police to improve its very rudimentary capacities. Other international assistance similarly has been directed to the police. However, the draft Public Ministry Law mandates the creation of forensic laboratories to be operated by the police under the supervision of the Public Ministry. The draft law provides no specific instruction on the division of labor between the Public Ministry and the police on the function of the labs or their management.

Before any technical assistance, training, or equipment procurement could be provided to build the forensic laboratories called for in the draft law, the GOB must decide on the specific division of forensic responsibilities between the Public Ministry and the police and a national forensic development plan for the

nationwide implementation of policy decisions on the division of labor. Project support to assist in the development of a national plan would be provided under this action.

Methodology

Implementation of this action is conditioned on the formation of an inter-agency working group in the GOB to reach consensus on procedures for coordinated use of forensic laboratories and to serve as a counterpart for project technical assistance intended to assist in the formulation of a national forensic plan. The Attorney General has stated to USAID/Bolivia officials that he will seek to form an inter-agency task force on forensic investigation. In the event political support for the idea develops, the Project will provide technical assistance to the inter-agency authority through ICITAP as well as from experts from other civil law countries.

- e. Enforcement Function for Official Corruption under the SAFCO Law

Background and Rationale

Pursuant to the draft Public Ministry Law, the Attorney General will be responsible for enforcing violations of the SAFCO² Law, as well as investigating all abuses of authority, irregularities or crimes committed by judges, law enforcement officials, or other public servants acting in their official capacity. Nevertheless, anti-corruption enforcement procedures for the investigation and conviction of corrupt officials as well as substantive legal provisions to provide for the forfeiture of funds derived from corruption, for example, must be developed before the Public Ministry can satisfy the mandate of the draft law in this area. The effort would require substantial time and resources but, given the continuing progress made under a World Bank project with the Bolivian Controller General to make the SAFCO law effective and the resources of the USAID regional Financial Accountability Project, an unusual opportunity exists in Bolivia to support development of practical enforcement measures against pervasive government corruption. Moreover, the Attorney General states that anti-corruption enforcement is a fundamental need and is anxious to develop the institutional capacity to handle such cases.

Methodology

This conditional action involves support for the establishment of

²The SAFCO law imposes standards of financial accountability in government and is a basis for prosecuting government fraud and corruption.

a public integrity enforcement function within the Public Ministry to coordinate with the Controller General's office under the authority of the SAFCO law. The action would implement an important U.S. policy goal in Bolivia but, will require further coordination with the World Bank project and policy dialogue with the GOB. A comprehensive implementation effort is not likely before the end of year two of the project. By that time progress in the area of improved criminal investigations pursued under the two core actions under Component Two will lay the groundwork for an effective public integrity division in the Public Ministry. At that point USAID/Bolivia would coordinate with the DOJ/OPDT to design a program in concert with other technical experts for anti-corruption investigation procedures and conviction measures. Project implementation for this action over the course of the first two years of the Project will be limited to providing information through conferences and international visits to help develop Bolivian experience with enforcement measures used in other countries.

f. Public Defense

Background and Rationale

While the Bolivian Constitution and Criminal Procedure Code recognize the right to defense, the jails are full of defenseless indigents. There are only approximately 24 public defenders employed in Bolivia. They are under the direction of the Under-Secretary of Justice. In February 1992, the Ministry of the Interior, Immigration and Justice proposed the creation of a Public Defender Office in a draft law, now before Congress.

Building a viable public defense system also would advance project objectives to improve the public prosecution. Although the manifest justification for creating a stronger public defense centers on respect for due process and protection of rights to liberty from arbitrary and illegal acts of government, an effective public defense also will serve to promote an accusatory role for the public prosecution and make the judge an impartial arbiter by providing the counterpoise for adversarial legal process.

Methodology

Support for the public defense will be conditioned on the passage of the proposed public defender law and future GOB budget commitments for a public defender system. Under the Regional Administration of Justice Program (RAJO), ILANUD currently is conducting a nine-month pilot project in La Paz to end in December 1992, under which eleven public defenders are being trained. At the end of the pilot, there will be an evaluation, and the Ministry will be asked to assume the cost of employing the new public defenders. If the pilot is successful, and the

GOB asks that the program be expanded, the Project will extend training to other Bolivian departments with assistance from ILANUD. Depending on the outcome and the pace of other actions, the DOJ/OPDT may develop public defender training in the pilot zones in the later years of the Project.

COMPONENT THREE:

ALTERNATIVE DISPUTE RESOLUTION AND MODERN PROCESS:
through alternative dispute resolution and delay reduction programs.

This component will promote arbitration, conciliation, and criminal procedural reforms geared to accelerating case processing time and expanding public access to government sanctioned forums for conflict resolution.

Enormous delay in reaching disposition of an action pressed in the courts is a fundamental problem of the Bolivian judicial system. Judicial delay impacts a diversity of socio-economic concerns linked to democratic consolidation -- from denial of due process to timely and effective enforceability of commercial judgements to the cost of justice and public confidence in government's capacity to render it.

Bolivian legal process has not evolved to meet the explosion in demand for controlled, objective dispute resolution, resulting from population growth, increases in the volume of societal transactions, and technologically induced, highly sophisticated criminal networks and civil subject matter. Whereas, over seventy percent of cases reach disposition before final judgement at trial in the United States, few cases in Bolivia are finally resolved before appeal before the Supreme Court, including divorce and inheritance contests.

a. **Summary of Component Three Activities**

This component, which involves the use of alternative dispute resolution and delay reduction mechanisms to alleviate growing courtroom backlogs and increase public access to legally sanctioned forums for resolving conflict, has a total estimated cost of (US\$) 500 Thousand in Dollar ESF and the equivalent in local currency of (US\$) 500 Thousand. The four proposed actions under this component directly address problems with judicial access, including cost, ease of use, and public perceptions of fairness. The institutional commercial arbitration activity is a core action to be managed from the start of the project. The Bolivian National Chamber of Commerce will provide institutional arbitration services for domestic and international disputes under this action.

The remaining three actions under this component are conditional activities, dependent on increasing political support and some modification in legal authority. With assistance from contractors such as the Inter-American Bar Foundation and the Mayo Group, respectively, design of test pilots, including assessments of law reform needs and practicability, will begin in the first year of the project for the court annexed arbitration and criminal fast track actions. Depending on political support and law reform feasibility, the test pilots may be launched by the end of year two or beginning of year three of the Project.

Project assistance for the final proposed action, extra-judicial conciliation centers, will be limited for the foreseeable future to policy dialogue and comparative information through seminars and international observation with the Under-Secretary of Justice and local, private sector pressure groups, such as the Fundación San Gabriel and interested law schools. Similar programs in Colombia and Argentina have succeeded in improving access to legal services for wider segments of the public under roughly similar systemic conditions and offer an important option in Bolivia.

b. Institutional Commercial Arbitration

Background and Rationale

Judgement delay and the lack of predictability in enforcing commercial transactions inhibits economic growth by discouraging foreign investment and increasing transaction costs for commercial enterprise. A World Bank proposal to reduce or circumvent judicial obstacles to enforcing secured transactions through measures such as harmless repossession and private sale authority concludes that judicial delay, unpredictability, and, general inefficiency in Bolivia is inhibiting free access to credit and is impeding economic growth.

Voluntary institutional arbitration provides an option for resolving commercial disputes with minimal court intervention. Despite the increasing use of arbitration in commercial transactions in the United States and in the international community, arbitration has not been widely used in Bolivia despite procedures authorizing it in the Bolivian Commercial and Civil Procedure Codes.

The chief causes for its lack of use include a general unawareness of the advantages of arbitration in the business community, suspicion regarding its merits in the legal and judicial community, the absence of a private institution to organize and provide a forum and procedural framework for the conduct of proceedings, and the dearth of local specialists able to serve as arbitrators. To a lesser degree, current code provisions also impose barriers to full enjoyment of the relative

advantages arbitration offers in comparison to judicial process.

This core activity is intended to support local efforts to promote commercial arbitration and to develop an institutional capacity to arbitrate commercial disputes within the Bolivian Chamber of Commerce.

The Vice-President has publicly endorsed the Chamber's plan to offer commercial arbitration in Bolivia. In addition, members of the Bolivian Chamber and business community serving in Congress will provide legislative support for future modifications to the law to enhance the use of commercial arbitration awards. It is expected that increased use of voluntary arbitration among sophisticated commercial users of the institutional service will influence greater uses of arbitration in other venues, such as court-annexed arbitration and facilitate future reforms to increase the attractiveness of arbitration.

The Bolivian Commercial and Civil Procedure Codes provide for fairly liberal procedures supporting commercial arbitration as an alternative means of dispute resolution. For example, the codes eliminate any distinction between the agreement to arbitrate future disputes (the "cláusula compromisoria") and a court enforced or ratified agreement to arbitrate after a dispute has arisen (the "compromiso"), thereby eliminating a much used means to delay enforcement of arbitration agreements in other Latin American countries that retain the distinction.

Other provisions are less progressive and should eventually be changed. For example, Article 731 of the Code of Civil Procedure provides for compulsory judicial review of arbitral awards on the basis of any legal ground not expressly waived by the parties. This provision creates an opportunity to return a dispute to the control of the courts by challenging an award on substantive legal grounds available in any ordinary action as long as those grounds for appeal had not expressly been waived. Another principle under Bolivian law that undermines the effectiveness of arbitration requires that compulsory measures required to, for instance, assure compliance with an award must be ordered by the courts. This requirement provides an opportunity to delay enforcement until assets that would be used to satisfy the award are made unavailable.

In the context of purely voluntary proceedings between equal members of the business community, in the Chamber of Commerce, the risks imposed by the faulty code provisions noted above represent less of an impediment to the viability of arbitration as a useful alternative to judicial process. This is because the parties' willingness to submit the dispute to the Chamber suggests mutual incentive to abide by the eventual award. In cases where the parties are not members of the Chamber of Commerce and the peer pressure for compliance of an eventual

award is less strong, the code provisions present more of a potential obstacle to arbitration as a useful alternative. Therefore, at some point the provisions should be amended to safely shield arbitration from negative judicial influence between parties of unequal commercial standing.

Methodology

Support for institutional commercial arbitration is one of the four core activities which will be carried out from the start of the Project through a sub-grant to the Chamber of Commerce. The grant will provide support for training of arbitrators, the creation of an arbitration administration office in the Chamber, development of rules of procedure consistent with current law to govern proceedings, and promotion campaigns to educate potential users on the advantages and availability of institutional arbitration in Bolivia. The grant will also provide for research and drafting of model law provisions to further strengthen the use of arbitration and funding for regional experts to advise Congress and the National Council on the need for reform in both public and private forums. The Inter-American Bar Foundation will provide technical assistance and be responsible for arranging and coordinating international conferences and visits with the Chamber, the Congress, and the National Council for promotion and law reform purposes.

c. Court-Annexed Arbitration

Background and Rationale

Bolivian law provides in theory for the authority of small claims courts to hear disputes involving personal or real property of a total value of up to Bolivianos B/. 150.00 (approximately Dollars \$39.00). In practice, the courts do not exist because the costs associated with bringing a small claims action, including the cost of a lawyer to comply with the entirely written proceedings and formal requirements of document stamps and seals, exceeds the jurisdictional limit for judgement. Consequently, the demand for third party dispute resolution of relatively small economic transactions ultimately is diverted to the judicial police or left to some other informal arrangement.

The police have no legal authority to adjudicate small claims and are not trained to hear or resolve disputes, yet charge a fee for the service of deciding cases brought before them. In return for their fees they provide detainment and other unauthorized coercive measures to enforce their decisions. In fact, the service provided by the police is not impartial dispute resolution but a form of extortion that discriminates in favor of the applicant who can afford to pay.

Other types of cases, such as divorce and inheritance contests,

are also submitted to the police for resolution, instead of the ordinary jurisdiction courts. In these cases, the police routinely decide issues involving spousal separation, child custody and visitation, alimony payments and the division of an estate. The level of official abuse and impartial, unskilled decisions is clearly very high while access to justice for these types of action is severely limited.

Utilizing the legal authority for small claims courts, this action will promote changes in the law to give it effective force by increasing the jurisdictional limit and simplifying procedures for resolving disputes through court-annexed arbitration, a method by which courts refer some portion of their caseload to another forum for third-party resolution. In the United States court-annexed arbitration is used in specific cases meeting certain criteria to divert those cases from the court's backlog to either court-employed arbitrators or an arbitration service-provider in the community. Awards rendered under court-annexed arbitration are binding if accepted by the parties or may be appealed, in which case the conflict is transferred to an appellate court or back to a trial court de novo. In the United States, studies demonstrate that arbitration awards are twice as likely to be accepted by both parties without appeal as ordinary judgements due to the perception of fairness and impartiality associated with arbitral proceedings.

Court-annexed arbitration will also be proposed to remove some of the inheritance and divorce cases pending in the ordinary and family courts. The success of this action will expand public access to official third party dispute resolution, increase public confidence in the capacity of government to fairly provide order to private disputes, and reduce delay by diverting some cases from the accumulated backlog of cases pending in the courts.

Methodology

Development of this action will be conditioned upon political support for necessary legal modifications to give it effect. If the necessary political support arises, court-annexed arbitration and conciliation would be designed for implementation in the Santa Cruz and Tarija pilot jurisdictions.

The pending draft Judicial Organization Law proposes changes to the small claims courts to make them useful. The proposed changes demonstrate acknowledgement of the existing problems and interest in taking steps to correct the problems but do not go far enough, chiefly because of inadequate information on alternative solutions. A local legal institute would be used to draft the legal authority, design the court-annexed arbitration program with international assistance, coordinate with the courts and the National Council to determine the source of authority for

the project -- be it code provision, Supreme Court rule, or local court rule -- and design the system for launch in the pilot jurisdictions. The Inter-American Bar Foundation will be used to bring in foreign technical assistance, organize local conferences to promote the concept, and, by year three of the Project, if political support for the idea has been sustained, be responsible for implementing the test pilots.

d. Fast Track Criminal Proceedings

Background and Rationale

Bolivian criminal proceedings are marked by inordinate delays caused by procedural inefficiencies and structural flaws in the ways cases are administered. One of the fundamental causes for delay is the functional burden imposed on judges to assume investigation, administration, and interview functions in addition to the paramount judicial function. The dominance of the judge in court proceedings both reduces the role of the prosecutor and detracts from the judge's primary role as an impartial arbiter of justice. Further delay is caused by inflexible procedures that result in prolonged detention without final disposition for over seventy percent of all persons in prisons and jails in Bolivia.

Criminal process in other countries with civil tradition legal systems have reduced the advocacy role of the judge, strengthened the adversarial role of the prosecutor and accelerated judicial process by developing fast track hearings for certain classes of criminal cases. The hallmark feature of these fast track jurisdictions, which exist in Germany and Mexico, inter alia, is oral, adversarial process that balances the role of the judge, prosecutor and public defense.

This project action would serve to provide a transition for converting criminal process from the written, inquisitorial model to an oral, adversarial model through a limited class of cases involving minor crimes, defined as crimes with maximum sentences of four years or less. The expected output would be a decrease in the number of cases exceeding codified time limits for resolution and greater application of due process requirements.

USAID representatives discussed the proposal with Vice-President Ossio in a meeting with U.S. judges and lawyers under the Mayo Group. The Vice-President pledged support through the National Council to further study the idea based on comparative regional experiences.

There is no standing authority for applying the types of procedural innovations that would be required to make the criminal fast track function. Legal authority for a test pilot would have to be obtained either through emergency legislation or

supreme or local court order.

Methodology

This project action will be conditional upon the continued support by the GOB for implementing it on a test pilot basis in the three pilot jurisdictions. The DOJ/OPDT will be responsible for designing the program and training prosecutors and judges to implement a fast track program. The Mayo Group has proposed to begin training immediately a critical mass of prosecutors and judges on fundamental principles necessary for an eventual fast track and would coordinate with the Mission and DOJ/OPDT. Further steps under the action will be undertaken, assuming the existence of continued political support, for trial simulations using a fast track, adversarial approach, and finally, by year three, pilot fast tracks in the pilot jurisdictions.

e. Extra-Judicial Community Centers for Conciliation

Background and Rationale

Private centers for conciliation and mediation of family disputes serve to alleviate court congestion in the United States and other countries in the region, such as Colombia. Private centers provide further access to controlled environments for third party resolution for segments of the public who are effectively excluded from the courts or court-associated alternative dispute resolution forums. A conciliation program administered by the Office of the Under-secretary of Justice and coordinated with local PVO's serving El Alto and other indigenous communities would alleviate the administrative burden of the judiciary for this class of cases, broaden GOB support for and understanding of alternative dispute resolution programs, and widen access to controlled third party resolution to classes of society not likely to accede to the courts or other proposed forums for alternative dispute resolution.

Methodology

This Project action will be conditioned upon active support by the Ministry of Interior, Immigration, and Justice and the Under-Secretary of Justice for sanctioning procedures for community center conciliation. It will also depend on the continuing support and the capacity of local PVO's to participate in a program to provide conciliation services. Activities under this action will be limited in the first two years of the Project to international visits and training for local officials and workshops and seminars in Bolivia to promote the idea. By year three of the Project, if political and community support for a test pilot exists, implementation of a test pilot will begin through participating local PVO's with assistance from the Inter-American Bar Foundation.

IV. PROJECT IMPLEMENTATION ARRANGEMENTS

A. AUTHORIZATION AND OBLIGATION ARRANGEMENTS

The Project will be authorized for a term of five years and an ESF budget of \$10.0 Million to be obligated in annual increments. The commitment and cooperation of the GOB concerning the actions planned under the Project will be established in writing with the GOB's Ministry of Planning and Coordination through the signing of a bilateral Grant Agreement (the "Grant Agreement"). The heads of each of the counterpart Bolivian agencies with a direct interest in the Project will also be signatories to the Grant Agreement. In addition to the Ministry of Planning, the other Bolivian signatories will be the Vice-President (as the chairperson of the National Council for Reform and Modernization of the Judicial Power), the Chief Justice of the Supreme Court, the Attorney General, the Minister of the Interior, Immigration, and Justice, and the Under-secretary of Justice. The Grant Agreement will set out the purpose and expected outputs of the Project, describe its principal components, and define the nature of the relationships and responsibilities of the participating counterpart agencies and implementation organizations, including ILANUD, DOJ/OPDT, ICITAP, and the Inter-American Bar Foundation, with USAID/Bolivia.

The Grant Agreement will describe the overall Project but will obligate only a portion of the funds. The remainder of the funds will be obligated through separate USAID agreements with ILANUD and the Inter-American Bar Foundation, and by ICITAP and DOJ/OPDT once they receive funds from A.I.D. through interagency transfers (which, in the case of ICITAP, will go through the State Department).

The Grant Agreement and contractual relationships with ILANUD, the Inter-American Bar Foundation, and other organizations, including the Bolivian Chamber of Commerce, that will help to undertake implementation of the Project will be prepared by the USAID Regional Legal Advisor and Regional Contracting Officer in La Paz, Bolivia. Implementation and all technical documentation required in the course of the project will be the responsibility of the USAID/Bolivia Democratic Initiatives Division.

B. CONDITIONS PRECEDENT, COVENANTS AND POLICY DIALOGUE

1. Conditions Precedent

The fulfillment of one condition precedent will activate release of the first and all subsequent disbursement of funds authorized under the Project. The condition to be set out in the Grant Agreement is:

1. The GOB will furnish USAID with a legal opinion regarding the validity of the execution of the Grant Agreement and the authority of the Government of Bolivia or any of its agents to undertake to fulfill the Project objectives agreed to in the Grant Agreement.

2. Covenants

Besides general covenants confirming the GOB's responsibility to fulfill the financial and implementation obligations set out in the Grant Agreement and to undertake good faith efforts to correct implementation problems and support recommendations identified in periodic project reviews, the specific covenants stated below will be stipulated in the Grant Agreement:

i> The National Council for Reform and Modernization of the Judicial Power will be established by executive decree as a permanent forum for judicial and law enforcement policy reform, code revision, development and proposal of emergency and special legal authority for pilot projects in coordination with the Supreme Court, Attorney General, and Minister of Interior, Immigration and Justice;

ii> The Supreme Court and Attorney General will coordinate with the National Council to form three ad hoc sub-committees of curriculum, teaching methodology, and institutional structure to coordinate with regional judicial training experts to consider comparative models and make recommendations based thereon in each of the three areas concerning the implementation of a pilot training program. The committees will also be responsible for assisting in the evaluation of the pilot project at the end of year two of the Project and making recommendations to the Supreme Court and Attorney General concerning the creation of a permanent training program based on the experience of the pilot;

iii> The Supreme Court, Public Ministry, National Police, Ministry of the Interior, Immigration, and Justice and the National Council will form an ad hoc Executive Policy Coordinating Committee to:

1. Review the results of the pilot projects in Santa Cruz, Tarija, and the La Paz Controlled Substances Courts and to coordinate a plan of action with project assistance to make appropriate changes to rules of court and legislation (including, for example, a criminal fast track) that sanctions the results of the pilot experiences and expands the pilot experiences to other jurisdictions in incremental fashion;

2. Meet with Mission representatives, including Embassy,

USAID, ICITAP and Department of Justice officials as required in matters of joint undertaking related to the development of institutionalized training, investigation procedure manuals, the development of a national forensic plan and other actions designed to improve criminal investigation.

3. Convene annually in January to review a report on the status of all Project actions, which will be prepared jointly by USAID, DOJ/OPDT, and ICITAP in coordination with GOB leadership in the pilot jurisdictions, to take corrective measures as needed.

3. Policy Dialogue

Policy dialogue on matters of the highest significance will be coordinated through the Ambassador, Deputy Chief of Mission, and the USAID/Bolivia Mission Director with recommendations filtered through the Embassy's Democratic Initiatives Coordinating Committee. Regular policy dialogue on the progress and direction of the Project will be carried out directly by the chief of the Office of PD&I with the advice of the U.S. attorney coordinator of the Democratic Initiatives Division and the FSN political advisor based on project review reports. The scope and central concerns for policy dialogue will evolve over the course of the Project as political factors change and windows of opportunity of matters of fundamental relation to the institutional structural reform objectives of the Project expand or contract. However, the more intractable points for policy dialogue include the following:

i> The continuing practical viability and effectiveness of inter-agency coordination bodies and mechanisms within the justice sector -- including those centered on criminal investigation and case preparation functions -- and their role in maintaining a coherent, developing government reform plan;

ii> Measurement and recognition of progress in reform objectives with corresponding commitments to increase national budget allocations to the judiciary and law enforcement agencies;

iii> The development and authorization of special enabling rules for the implementation of pilot actions and prototype models which are required for and consistent with a serious, progressive judicial reform program;

iv> Widespread executive support for the coordination of the audit function of the Controller General under the SAFCO law and the design and development of a public integrity

enforcement function of the Attorney General;

v> The creation of a merit-based, apolitical judicial career track based on performance reports to be prepared through modern court management practices developed under the pilot projects and related in part to courses completed in the judicial training program;

vi> The vital need for a vigorous public defense program.

C. DEMOCRATIC INITIATIVES DIVISION (DID), USAID/BOLIVIA

The overall implementation of the Project will be the responsibility of the Democratic Initiatives Division, which operates within the Project Development and Implementation (PD&I) Office. It is expected that daily coordination on the development of the pilot zones will be required among members of the DI Division and the DOJ/OPDT and ICITAP Project Managers posted in La Paz. For this reason, it is important that the ICITAP and DOJ/OPDT officials establish offices in the same building as the DI Division. Space is available for this purpose. Project implementation actions are coordinated bi-weekly with other U.S. agencies in Bolivia providing assistance in the justice sector through a Democratic Initiatives Coordinating Committee chaired by the Deputy Chief of Mission.

The DID Division is supervised by the chief of PD&I, headed by a U.S. attorney and staffed by a court administration specialist assigned under a PASA with the Administrative Offices of the U.S. Courts, a FSN attorney, a FSN administrative/legal assistant, and logistical and financial support personnel. A FSN political advisor is assigned to the division and advises on policy dialogue carried out through the division. The key tasks of the DI Division will be continuing policy dialogue with the GOB, sector reporting for the Embassy and AID/Washington, and monitoring oversight of actions implemented by third parties. The technical capacity of the Division also will be used to support operational development of the court management pilot projects and alternative dispute resolution reforms. All staff in the DID will be funded under the Project from the "Project Administration" line item.

D. U.S. DEPARTMENT OF JUSTICE (DOJ)

Under a funding allocation agreement between USAID/Bolivia and the DOJ, USAID will transfer a total of up to approximately \$2.3 Million of ESF to the DOJ Criminal Division's Office of Professional Development and Training for actions under this Project in Bolivia. The equivalent of approximately \$200 Thousand in local currency also will be used by the DOJ/OPDT for training. An illustrative cost breakdown for DOJ/OPDT actions is

provided in Annex I to this Project Paper. The budget is preliminary but, will not exceed \$2.3 Million and funding requirements may turn out to be less.

DOJ/OPDT assistance will target the institutional development of the newly independent Public Ministry. The major thrust of DOJ/OPDT assistance will be provided in the pilot zones but, also will include the development of an institutionalized training program for prosecutors. The DOJ/OPDT's involvement in Bolivia under the Project is considered essential for the professional development of Bolivian prosecutors, who have received expanded responsibilities and authority under new draft legislation. The DOJ/OPDT also is providing counsel on the content of the draft legislation, which is intended to, inter alia, yield greater use of oral argument in the courts and greater control for prosecutors over the management of a criminal investigation.

E. INTERNATIONAL CRIMINAL INVESTIGATION AND ASSISTANCE PROGRAM (ICITAP)

Under a funding allocation agreement through the State Department, USAID will transfer approximately a total of up to \$4.0 Million of ESF to ICITAP over the life of the Project, subject to the availability of funds. ICITAP will receive up to \$1.0 Million annually for the first three years of the Project and a lesser amount (\$500-750,000) for the last two years. The ICITAP assistance will involve training programs in the pilot zones and for a training center; design and production of operation manuals for criminal investigation and case preparation; improvement of prosecutor/police coordination; the professional, coordinated use of a national forensic lab; and other necessary actions for the fulfillment of all relevant project objectives within the scope of ICITAP's program authority and area of specialization, including a determination regarding the need for judicial protection measures. ICITAP will not receive Local Currency funding.

The allocation of funds within ICITAP's total five year budget is generally stated in the ICITAP workplan attached in Annex J. More detailed budgets will be specified in annual work plans presented to USAID/Bolivia and the Embassy's Democratic Initiatives Coordinating Committee but, will include the salary and support costs for a resident ICITAP project manager in Bolivia. As with other participating organizations, ICITAP's responsibilities will be refined and modified during the yearly workplan process to take account of changed conditions and progress made on activities already undertaken. Funding for ICITAP action after year three of the Project will depend on the status of NSD-18 funding.

F. IMPLEMENTATION FACTORS

Project implementation will be carried out by a number of organizations and U.S. Government agencies. ILANUD will be responsible for carrying out judicial training, improving the organization and law revision capacity of the National Council, and aiding the start-up and organization of a local private sector organization, the Institute for Judicial Modernization, which will carry out the role of executive secretariat for the National Council and, eventually, lead local efforts to promote reform. ICITAP and the Department of Justice will coordinate assistance under Component Two to strengthen prosecution. The Inter-American Bar Foundation, through a local office, will coordinate local institutions, such as the Bolivian Chamber of Commerce, Fundación San Gabriel, the office of the Under-Secretary of Justice, the bar associations, and key legal opinion leaders, for designing and carrying out alternative dispute and delay reduction programs highlighted under Component Three of the project description. Finally, the court administration specialist assigned to the DID under a PASA will be responsible for the execution of the pilot court management projects.

The division of responsibility in clusters of subject matter -- training, criminal investigation, alternative dispute resolution, and court management -- to agencies with specific areas of comparative advantage, should help to keep objectives clear and progress on line. Also, the plan to assist the development of a local institute to assume greater project implementation responsibility, to coordinate directly with the GOB (through the National Council as an executive secretariat), and to serve as a hub for refining proposals of other private sector groups interested in reform is viewed as critical to the long term reform effort in Bolivia.

1. ILANUD

ILANUD will have two roles under the Project. The first will be as a direct implementation agent. It will help implement judicial training objectives under Component One as well as selected actions to support the consolidation of the National Council as a permanent government forum for judicial reform. The second task will be to provide technical assistance in operations and project management to the Institute for Judicial Modernization (the "Institute") to help it serve effectively as the executive secretariat of the National Council and to monitor and account for project funds. For the first year of the Project ILANUD will jointly handle procurement with staff from the Institute for the National Council and will monitor and account for the use of local currency and USAID funds for the training actions.

ILANUD has addressed management problems in its local office through a reorganization reached in agreement with USAID/Bolivia officials. On the basis of the reorganization, ILANUD is implementing under the Justice Sector Project the procurement and installation of legal libraries and some training actions which will lead into training program implementation responsibilities under the Project. It also has begun to help establish the local Institute and support the National Council's law revision objectives under the Justice Sector Project.

ILANUD's responsibilities will be discharged under two phases of the Project:

Phase I:

1. Establishing Local Institute for Judicial Modernization. Phase I covers the first two years (approximately) of the AOJ Project. During this phase, ILANUD will be responsible for establishing a local Instituto de Modernización de la Rama Judicial (the "Institute") in La Paz. Responsibilities will include assistance to the Institute to recruit and train personnel in various programmatic areas, develop its operating rules and procedures, and prepare plans to ensure the long-term viability of the Institute conclusion of the Project.

By the end of the project, the Institute should have acquired legal status (personería jurídica) and the necessary institutional and technical capabilities to implement justice sector activities with minimal assistance from ILANUD. In effect, the latter will begin to phase out its involvement during the latter phases of the Project.

2. Provide Executive Secretariat Services and Technical Assistance to the National Council.

ILANUD has provided executive secretariat services to the National Council under the JS Project. It will continue to function as the executive secretariat of the National Council under the Project alongside the Institute until the Institute is capable of discharging executive secretariat responsibilities by itself. In this capacity it will provide both logistical support services and technical assistance for the Council's reform and advocacy initiatives. ILANUD will also assist the National Council to obtain legal status and to develop its programmatic and technical capabilities as a permanent justice sector institution.

3. Implementation of Designated Activities. ILANUD will also be responsible for undertaking designated activities under the AOJ Project. The specific activities will be agreed upon and developed in consultation with the DID but, they will generally support the objective of establishing a continuing judicial training program.

Phase II:

Phase II covers years three to conclusion of the Project, over which time the Institute will assume increasing responsibilities for Project activities. Concurrently, ILANUD will begin to limit its activities to supervising, monitoring and providing technical assistance services to the National Council as necessary. In effect, ILANUD will begin a process of phasing itself out of the Project.

At the end of the Project, both the Institute and the National Council should be fully geared up to assume increasing responsibilities in the justice sector.

2. Bolivian Institute for Judicial Modernization

The Bolivian Institute for Judicial Modernization (Instituto de Modernización de la Rama Judicial) (the "Institute") will be a private sector organization, which will serve as a conduit between private sector pressure groups and the GOB for reform initiatives. It will provide organizational services to the National Council and utilize its contacts there to refine and implement serious proposals channeled to it from the private sector. The Institute will be staffed locally with a Director, Deputy Administrator, Deputy Legal Advisor, Financial Analyst, and support staff. The Institute and the National Council will also coordinate with an eight to ten person advisory board made up of high level legal opinion leaders from the law schools, government, and the private legal sector.

An important purpose of the Institute will be to develop a project implementation capacity and local experience in judicial reform planning in Bolivia. No effective capacity now exists. By the end of the Project, the Institute's staff will have served the National Council in its reform objectives and assisted organizing private sector proposals from groups such as the law schools, the bar associations, the Chamber of Commerce, and now-fledgling legal pressure groups. The future of the Institute after the Project will depend on the effectiveness of the assistance it provides the National Council and the success of policy dialogue aimed at influencing the GOB to pay for the services the Institute will provide the National Council. The Institute also would be a candidate to receive funding from other donors in the judicial sector during and after the Project.

3. Inter-American Bar Foundation

The Foundation will establish a local two to three person office to coordinate, advise on the design of, and arrange for the visits of regional alternative dispute resolution (ADR) experts for ADR and delay reduction programs planned under the Project.

G. MONITORING AND EVALUATION PLAN

1. Monitoring

Project monitoring will be carried out at two levels. First, information will be reported to the Democratic Initiatives Division (DID) by the implementing institutions that are carrying out project activities. Specific information needed to manage the project and demonstrate impact on defined indicators (as reflected in the Logical Framework and in the USAID/Bolivia Action Plan) will be requested from the technical assistance implementing agencies (ICITAP, ILANUD/San José, the Inter-American Bar Association, etc.) and the project counterpart organizations (the training entity, the Courts, the Chamber of Commerce, etc.) within grant agreements and/or contracting documentation.

During the first months of project implementation, those responsible for providing information under each of the Project Outputs identified in the Logical Framework will meet to discuss the availability of data and the compatibility of reporting formats. The Mission's DID will ensure that systems are in place within counterpart institutions to provide impact data and information to assist with project management. The DP/M&E Specialist and/or contracted technical assistance specialists can assist to ensure that these data collection and reporting systems are in place.

Each indicator selected for measuring performance of the Goal is also identified for measuring performance of the Project Purpose and the three pilot jurisdiction Outputs. Because these measures of performance have not been used in the past to measure performance in the justice sector in Bolivia, their selection must not be regarded as definitive. When data is actually available, these indicators will have to be analyzed in terms of their appropriateness.

Presently none of the data is available nor is there agreement with the Bolivian Government that these are appropriate indicators. In every instance data collection mechanisms in the executing institutions for the pilot areas will have to be developed to collect the data for the indicators identified. In most instances the establishment of these collection mechanisms will have to be initiated as a result of activity funded by the project. A realistic expectation for indicator data being available to establish a baseline against which to measure performance is 24 months.

The second level of monitoring and reporting for the AOJ Project will be the responsibility of the DID and will involve consolidating the information received from the implementing

entities into macro-project level data. Information received from each project component concerning project impact and management issues will be analyzed and presented in the Semi-Annual Reviews (SAR) and, as appropriate, in the Annual Action Plan. The DID will maintain a central project management information system (MIS) on project impact and management issues, including the quality of technical assistance and training provided. The overall data maintained in the DID MIS will draw together information from each project component, as reflected in the Logical Framework. The DP/M&E Specialist and/or contracted assistance specialist can assist with developing the DID MIS.

2. Evaluation

Three evaluations will be required for this project, as follows:

- Eighteen months after the beginning of the project an evaluation will be required for the Controlled Substance Courts in the La Paz Department. The objective of this evaluation will be to look at the following: (a) the impact of enhanced practices within the La Paz jurisdiction, and (b) assess the feasibility of continued pilot project and/or application of pilot activities as a national model for reform. Ongoing internal monitoring and evaluations throughout the eighteen months will take place within the DID to track the successes and weaknesses of this pilot project approach.
- Thirty months after the start of the project, a mid-term evaluation will be held (a) to assess the progress towards the achievement of the 14 Outputs identified in the Logical Framework; (b) to assess the feasibility of continued pilot project and/or application of pilot activities as a national model for reform; (c) to make recommendations how project implementation and/or the project strategy may be improved, based on previous project experiences; and (d) to assess the quality of technical assistance and training activities provided.
- Fifty-five months after the start of the project, a final evaluation will be required (a) to assess status of performance of the Project Purpose and each of the 14 Outputs identified in the Logical Framework; (b) to assess the relationship between project activities and achievement of the Mission Strengthening Democracy Strategic Objective; and (3) to provide recommendations as to what activities under this project should be continued as a part of the process to replicate nationally the pilot jurisdiction activities that have been successful.

3. Indicators for Monitoring and Evaluation

The indicators are identified by outputs (OP) 1 through 14. The indicators for outputs 1, 2, & 3 (the pilot activities) are divided into two categories: Quantitative Indicators and Institutional Improvement Indicators.

OP#1 To improve the effectiveness of the Controlled Substance Courts in the La Paz Department.

INDICATORS

Quantitative Indicators

1. Pending cases to total cases reduced.
2. Narco-trafficking/terrorist and related crimes convictions increased of total of such crimes investigated.
3. Serious felony convictions increased of total of such crimes investigated.
4. Average time of all criminal cases (investigation to sentence) decreased.
5. Expanded public access to government-sanctioned forums for conflict resolution.
6. Percent of cases resolved through conciliation and similar mechanisms increased.
7. Public opinion regarding fairness and accessibility of justice system is improving.

Institutional Improvement Indicators

8. A uniform and reliable system of court records management and document retrieval, insuring the integrity, security, and physical safety of all court records and exhibits.
9. A case tracking system designed to identify procedural bottlenecks, generate statistics to measure individual judicial performance, and flag pending cases that exceed legal time limits or disposition.
10. Fair and equal distribution of judicial workload through a controlled, automated, random assignment of cases.
11. A centralized, consolidated notification system.

12. Institutional commercial arbitration provided by the Chamber of Commerce and a pool of trained arbitrators.
13. A court-annexed arbitration/conciliation pilot for small claims actions and the corresponding reduction in cases administered by the police.
14. A fast track criminal process for selected cases featuring summary, fully oral hearings, public defense, and an adversarial process.
15. The establishment of a permanent staff of a court administrator and a corresponding separation of judicial and administrative functions.
16. A fully decentralized administrative infrastructure for the judiciary.
17. A prosecutorial concept in place that leads criminal investigations and cases in an accusatory role.
18. Trained police investigators with enhanced capacity.
19. Work manuals on criminal case operations and investigative procedures for judges, prosecutors, and police being utilized.

OP#2 To improve the effectiveness of the Tarija justice system.

INDICATORS

Quantitative Indicators

1. Pending cases to total cases reduced.
2. Narco-trafficking/terrorist and related crimes convictions increased of total of such crimes investigated.
3. Serious felony convictions increased of total of such crimes investigated.
4. Average time of all criminal cases (investigation to sentence) decreased.
5. Expanded public access to government-sanctioned forums for conflict resolution.
6. Percent of cases resolved through conciliation and similar mechanisms increased.
7. Public opinion regarding fairness and accessibility of

justice system is improving.

Institutional Improvement Indicators

8. A uniform and reliable system of court records management and document retrieval, insuring the integrity, security, and physical safety of all court records and exhibits.
9. A case tracking system designed to identify procedural bottlenecks, generate statistics to measure individual judicial performance, and flag pending cases that exceed legal time limits or disposition.
10. Fair and equal distribution of judicial workload through a controlled, automated, random assignment of cases.
11. A centralized, consolidated notification system.
12. Institutional commercial arbitration provided by the Chamber of Commerce and a pool of trained arbitrators.
13. A court-annexed arbitration/conciliation pilot for small claims actions and the corresponding reduction in cases administered by the police.
14. A fast track criminal process for selected cases featuring summary, fully oral hearings, public defense, and an adversarial process.
15. The establishment of a permanent staff of a court administrator and a corresponding separation of judicial and administrative functions.
16. A fully decentralized administrative infrastructure for the judiciary.
17. A prosecutorial concept in place that leads criminal investigations and cases in an accusatory role.
18. Trained police investigators with enhanced capacity.
19. Work manuals on criminal case operations and investigative procedures for judges, prosecutors, and police being utilized.

OP#3 To improve the effectiveness of the Santa Cruz justice system.

INDICATORS

Quantitative Indicators

1. Pending cases to total cases reduced.
2. Narco-trafficking/terrorist and related crimes convictions increased of total of such crimes investigated.
3. Serious felony convictions increased of total of such crimes investigated.
4. Average time of all criminal cases (investigation to sentence) decreased.
5. Expanded public access to government-sanctioned forums for conflict resolution.
6. Percent of cases resolved through conciliation and similar mechanisms increased.
7. Public opinion regarding fairness and accessibility of justice system is improving.

Institutional Improvement Indicators

8. A uniform and reliable system of court records management and document retrieval, insuring the integrity, security, and physical safety of all court records and exhibits.
9. A case tracking system designed to identify procedural bottlenecks, generate statistics to measure individual judicial performance, and flag pending cases that exceed legal time limits or disposition.
10. Fair and equal distribution of judicial workload through a controlled, automated, random assignment of cases.
11. A centralized, consolidated notification system.
12. Institutional commercial arbitration provided by the Chamber of Commerce and a pool of trained arbitrators.
13. A court-annexed arbitration/conciliation pilot for small claims actions and the corresponding reduction in cases administered by the police.
14. A fast track criminal process for selected cases featuring summary, fully oral hearings, public defense, and an adversarial process.

15. The establishment of a permanent staff of a court administrator and a corresponding separation of judicial and administrative functions.
16. A fully decentralized administrative infrastructure for the judiciary.
17. A prosecutorial concept in place that leads criminal investigations and cases in an accusatory role.
18. Trained police investigators with enhanced capacity.
19. Work manuals on criminal case operations and investigative procedures for judges, prosecutors, and police being utilized.

OP#4 Endorsement of a pilot judicial system program by policy makers in the judiciary and a national plan to implement the prototype is adapted.

INDICATORS:

1. Law passed to institutionalize pilot project system.
2. Supreme Court endorsement of pilot activities as national model for reform.

OP#5 Institutionalized training programs for judges and judicial administrators at the national level.

INDICATORS:

Training needs assessment completed, permanent professional training staff established; basic training materials developed; training center(s) established; and people being trained.

OP#6 Institutionalized training programs for police investigators at the national level.

INDICATORS:

Training needs assessment completed, permanent professional training staff established; basic training materials developed; training center(s) established; and people being trained.

OP#7 Institutionalized training programs for prosecutors at the national level.

INDICATORS:

Training needs assessment completed, permanent professional training staff established; basic training materials developed; training center(s) established; and people being trained.

OP#8 Judicial protection program developed.

INDICATORS:

Needs assessment completed; program developed; and program implemented.

OP#9 Work manuals on criminal case operations and investigative procedures for judges, prosecutors, and police being utilized.

INDICATORS:

Work manuals developed and in use.

OP#10 National plan for institutionalized forensic capability being implemented.

INDICATORS:

Assessment undertaken; plan developed; and plan implemented.

OP#11 An independent Public Ministry that leads criminal investigations and prosecutions.

INDICATORS:

Public Ministry internal regulations established; analysis of obstacles to prosecuting criminal cases completed; long-term development plan for Public Ministry established; functioning Public Ministry with authority to set investigation and prosecution priorities; and a planning, monitoring, and evaluation system is in place for the judicial system in the Public Ministry.

OP#12 GOB establishes a public integrity enforcement division in the Public Ministry and procedures for prosecuting SAFCO violations.

INDICATORS:

Criminal or disciplinary actions by the Prosecutor General's Office and Procuraduría against public sector personnel involved in corruption and illicit enrichment (including judges, prosecutors, investigators, etc.) as a percent of total actions.

Criminal or disciplinary actions by the Prosecutor General's Office or the Procuraduría against human rights violations as a percent of total actions.

OP#13 Institutionalization of the National Council for Reform and Modernisation of the Federal Power.

INDICATORS: To be developed.

OP#14 Institutionalization of the National Council for Reform and Modernisation of the Federal Power.

INDICATOR:

Development of local, private organization to manage judicial reform process.

H. PROCUREMENT PLAN

USAID/Bolivia, through its Democratic Initiatives Division (DID), will administer Project funds through direct AID contracts, cooperative agreements, or similar instruments. In implementing the Project, all organizations administering AID funds will follow AID procurement standards and procedures. Competitive selection procedures will be followed wherever possible. Counterpart funds provided by the GOB in local currency will be administered by corresponding counterpart agencies.

Project procurement will involve U.S. source and origin, as well as local procurement. Some training services will be procured from third countries, and technical assistance will also be procured from international institutions such as ILANUD. Whenever non-U.S. source and origin of goods and services shall be anticipated, the Mission will process the required waivers. No waivers are anticipated which go beyond Mission authority, except for third country training, which will be treated on a case-by-case basis.

ICITAP Activities

The formal transfer of funds to ICITAP will take place in Washington pursuant to allocation agreements incorporating the terms of the agreement. Under that agreement, ICITAP will supply the services of in-country personnel, Washington-based support, consultants and technical advisors, and equipment as may be needed to conduct activities in Bolivia.

Local Source Procurement Justification

Local source procurement in Bolivia using appropriated funds will

be necessary under the Bolivia Administration of Justice Project as almost all Project activities will take place in Bolivia and will involve a combination of analysis or direct assistance to various elements of the Bolivian judiciary. All activities except for U.S. or third-country training and the procurement of ADP hardware and software will be implemented in Bolivia, principally through grants and contracts with local organizations, or with ILANUD, a U.N. affiliated organization based in Costa Rica with a local office in Bolivia.

Notwithstanding the above, procurement of goods and services will also be solicited from firms of U.S. source, origin and nationality, including:

- technical assistance for court administration improvement;
- training in the United States; and
- procurement of computer (ADP) hardware and software.

For technical assistance contracts, proposals will be generally solicited from U.S. and Bolivian individuals, firms, organizations, and joint ventures or combinations thereof. The Mission will also draw extensively on U.S. consultants known to USAID/Bolivia and/or through "buy-ins" to existing regional and IQC contracts with U.S. consulting firms. Computer hardware and software will be of U.S. origin (U.S. manufacture). Training in the U.S. will be reserved for U.S. institutions.

V. PROJECT FINANCING

A. Financial Plan

Project Budget (Annual Costs By Foreign Exchange Funds and Implementing Agency) (US \$000)								
Fiscal Year (FY)	1993	1994	1995	1996	1997	1998	TOTALS	
1. USAID/BOLIVIA (includes ILANUD)								
Technical Assistance	200,000	300,000	300,000	255,000	250,000	31,250	1,336,250	
Training and Commodities	275,000	355,000	300,000	275,000	208,750	0	1,413,750	
Project Management	100,000	200,000	200,000	200,000	200,000	50,000	950,000	
SUBTOTAL	575,000	855,000	800,000	730,000	658,750	81,250	3,700,000	
2. U.S. DEPARTMENT OF JUSTICE (OPDT)								
Technical Assistance	224,500	364,000	344,000	99,500	50,000	0	1,082,000	
Training and Commodities	432,500	292,500	292,500	50,000	24,500	0	1,092,000	
Project Management	31,500	42,000	42,000	10,500	0	0	126,000	
SUBTOTAL	688,500	698,500	678,500	160,000	74,500	0	2,300,000	
3. ICITAP								
Technical Assistance	340,500	454,000	454,000	313,500	150,000	0	1,712,000	
Training and Commodities	378,000	504,000	504,000	426,000	350,000	0	2,162,000	
Project Management	31,500	42,000	42,000	10,500	0	0	126,000	
SUBTOTAL	750,000	1,000,000	1,000,000	750,000	500,000	0	4,000,000	

PROJECT TOTALS (By Inputs)	FY 1993	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	Totals
Technical Assistance	765,000	1,118,000	1,098,000	668,000	450,000	31,250	4,130,250
Training Commodities	1,085,500	1,151,500	1,096,500	751,000	583,250	0	4,667,750
Project Management	163,000	284,000	284,000	221,000	200,000	50,000	1,202,000
TOTALS (by Year)	2,013,500	2,553,500	2,478,500	1,640,000	1,233,250	81,250	10,000,000

B. Sources of Funds and Consolidated Project Budget

Project Budget (By Source of Funds and Component) (U.S. \$000)					
	COMPONENT	USAID FX	GOB LC	TOTAL	%
1.	JUDICIAL EFFICIENCY and ACCOUNTABILITY	2,050.0	2,300.0	4,350.0	33%
2.	EFFECTIVE CRIMINAL PROSECUTION and INVESTIGATIONS	6,300.0 ³	200.0	6,500.0	50%
3.	ALTERNATIVE DISPUTE RESOLUTION and MODERN PROCESS	500.0	500.0	1,000.0	8%
4.	PROJECT ADMINISTRATION	1,000.0	0.0	1,000.0	8%
5.	AUDITS/ FINANCIAL SERVICES	50.0	0.0	50.0	0%
6.	EVALUATION	100.0	0.0	100.0	1%
	TOTALS	10,000.0	3,000.0	13,000.0	
	PERCENTAGE	76.9%	23.1%	100.0%	

³ This figure is a maximum amount and is approximate. It is based on preliminary estimates by DOJ/OPDT for the life of the Project and by ICITAP for years 4 and 5 of the Project.

C. Audit / Financial Services

A comprehensive general assessment of methods of implementation and financing, reviewed from the standpoint of accountability, will be presented on a regular basis.

Yearly audits will be made of project entities receiving financing in local currency counterpart funds. Services of public accounting firms and financial management consultants will be used for auditing host country contracts. Both the terms of reference for the audit and the audit firm selected will be subject to USAID approval. USAID presently uses U.S. Controller General Auditing standards for audits of ESF local currency projects, and various local affiliates of U.S. CPA firms are well versed in these standards. USAID will assure the quality of the audits contracted for and compliance with the aforementioned standards.

For local currency portions, approximately 5% of the local currency component will be budgeted for annual independent audits. The cost of these annual independent audits of the local currency portion of the project will be approximately \$150,000.00 equivalent.

In terms of the local currency financed portions of the project, DIFEM (División de Financiamiento y Monetización) the Directorate within the GOB Ministry of Planning and Coordination, and originally established at USAID's behest, will make ESF local currency advances to the recipient/implementing organizations, receive and review statements accounting for advances, and monitor as instructed by USAID.

VI. INSTITUTIONAL ANALYSES

A. ILANUD

1. Background

The Latin American Institute for the Prevention of Crime and the Treatment of the Offender (ILANUD) is a non-government organization formed by an agreement between the United Nations and the Government of Costa Rica in 1975 in support of activities in the field of crime prevention and criminal justice. Under this agreement, the "primary purpose of the Institute is to collaborate with the governments in reaching harmonious economic and social development by formulating and incorporating in their development plans policies and programs for the prevention of crime and the administration of justice."

Although the United Nations does not currently contribute to its operating budget, ILANUD nevertheless receives grant assistance from the United Nations Development Program to implement activities in certain designated program activities. The Government of Costa Rica provides modest annual assistance in the form of a small direct contribution and several salaries furnished through the Ministry of Justice and the use of facilities owned by the Supreme Court. The OAS, several governments in the Latin American region, the governments of Spain, Japan, Italy, Norway and Denmark as well as private U.S. foundations also provide financial assistance to ILANUD. Total contributions in 1991, including assistance provided by A.I.D., reached a total of US \$4.5 million for project activities throughout the Latin American and Caribbean region.

ILANUD was the recipient of a major grant under AID's Regional Administration of Justice Project (RAJO) in 1985. Under the RAJO, ILANUD has been a major beneficiary of support for training, advisory services, institutional development, evaluation, audits and extension facilities (the latter to enable ILANUD to respond to country-specific requests for assistance).

Other, more recent, activities include the ongoing bilateral Justice Sector Improvement Project in Costa Rica (1988-1992); implementation of a bilateral Administration of Justice Project in Bolivia (1989-1992); and drug awareness campaigns financed by the Government of Japan. Its activities have been concentrated in research, training, technical assistance and advisory services, extension services (to address country-specific needs) and documentation and information.

2. Current Organization of ILANUD

Since the mid-1980s ILANUD has experienced considerable management and administrative growth, largely as a result of its experience in implementing the Regional Administration of Justice Project and several country-specific activities.

Presently, ILANUD's organizational structure consists of the following:

- a. the Office of the Director General which is responsible for establishing general policies and guidelines for the institution, including its international development program and activities. At the present time, the Director General's office is shared by two co-directors, Dr. E. Raul Zafarroni and Dra. Jacinta Balbela.
- b. the Operations Division was expanded in 1991 to include planning, implementation, evaluation, legal assistance and international cooperation.
- c. the Training Division which is responsible for planning, organizing and conducting all regional and in-country training activities;
- d. the Advisory Services Division was re-organized and designated as the Project Management Unit in charge of following-up on all project implementation.
- e. the Administrative Division, which includes the Controller's Office, is responsible for financial management involving all of ILANUD's programs.

3. Proposed Project Organization

As indicated above, ILANUD has been implementing the bilateral Justice Sector Project (511-0626) in Bolivia since 1989, financed by USAID/Bolivia. This project has been implemented with the following team:

- 1 Director;
- 1 Assistant Director;
- 1 Legal Advisor;
- 1 Secretary;
- 1 Financial Analyst
- Miscellaneous staff support.

Although ILANUD can count a number of achievements, its local office in La Paz has been subject to management and technical difficulties. To address these problems, ILANUD began a process of re-organization in April 1992, a process which will be completed by the time the AOJ Project commences a full

implementation schedule in September 1993. This re-organization will enable the local office in La Paz to continue to meet on-going commitments under a Cooperative Agreement with USAID/Bolivia as well as to assume additional responsibilities under the proposed Bolivia Administration of Justice Project. Upon completion of this re-organization, the local ILANUD office will be staffed as follows:

- 1 Director;
- 1 Deputy Director;
- 2 Legal Advisors;
- 1 Public Administration Specialist;
- 2 Financial Analysts;
- 1 Secretary;
- 1 Receptionist;
- Miscellaneous support staff (messenger, security, cleaning etc.)

ILANUD has proposed two outstanding candidates to assume the Director and Deputy Director positions of its local La Paz office. In addition to their considerable experience in implementing AOJ activities in the Latin American and Caribbean region (including familiarity with AID's rules and procedures), the two candidates (who are Costa Rican nationals) are highly respected and accepted by Bolivian counterparts. The remainder of the local office will be staffed by Bolivian professionals.

This staff will enable ILANUD to continue implementing on-going activities under a Cooperative Agreement with USAID/Bolivia and new responsibilities under the AOJ Project. Ongoing activities include the acquisition of legal libraries, the organization of training needs workshops for judicial personnel, a public defense program, and the implementation of legal education pilot projects. ILANUD will also continue to provide executive secretariat services to the National Council as well as technical assistance services to enable the National Council to develop into a permanent organization.

With regard to the AOJ Project, ILANUD will discharge its responsibilities in two phases. During the first phase, which covers approximately the first two years of the AOJ Project, ILANUD, as one of the principal implementing agencies, will be responsible for: establishing a local legal institute (the "Instituto de Modernizacion Judicial") and the implementation of designated AOJ activities, including court management and judicial training. These activities will be decided upon in consultation with local counterparts. During this initial phase of the AOJ Project ILANUD will continue to provide executive secretariat services and technical assistance to the National Council. These services will consist of logistical support and technical assistance to the National Council's reform and advocacy initiatives in Bolivia.

The second phase covers the remaining three years of the AOJ Project. During this latter phase of the Project, ILANUD will limit its activities to supervising, monitoring and providing technical assistance to the Instituto de Modernizacion Judicial and the National Council. It is expected that by the end of the Project both the Instituto de Modernizacion Judicial and the National Council should have the technical and institutional capabilities to assume increasing responsibilities for AOJ activities in Bolivia.

B. NATIONAL COUNCIL

The continuing development of the National Council to become a permanent institution responsible for investigating and proposing law reform is an important condition for success under the new project. The personal involvement of the Vice President, his ability to involve able lawyers from the private sector, and his recognition of the need for exposure to foreign models of reform, has given this entity a higher level function and potential for success than might have been expected. However, there are two conditions that must be treated in order for the Council to continue to develop as a viable leader for judicial reform.

First, the Council, as originally conceived under the presidential decree creating it in 1991, has a limited duration and mandate. Without action on recent plans to make the Council a permanent institution, it is scheduled to expire in December 1992. Our aim is to help Bolivia assure the institutional permanence of the Council beyond the 1993 elections. We will attempt to assure that the Council is institutionalized and continues to function during the 1993 - 1997 period.

Second, the quality of the work of the Council must improve. The Vice-President is determined to improve the technical capacity within the Council as well as the resources it may draw on for technical support and organization. The Council is planning on utilizing ILANUD/Bolivia as an executive secretariat to provide organization and to serve as a clearinghouse for outside technical assistance. The project will support ILANUD/Bolivia progress for this purpose and will supplement support to the Council with local seminars and periodic U.S. and third country travel on comparative models for strategic reforms.

C. JUDICIAL BRANCH

1. The Court System

a. The Ordinary Courts

The structure of the Bolivian judicial system is given by the 1967 Constitution and codes on judicial organization and procedure decreed in the mid-1970's by General Banzer, the "Banzer Codes." The judiciary consists of the Supreme Court, nine Superior District Courts (i.e., appellate courts), Trial Courts (Juzgados de Partido), Instructional Courts, Small Claims Courts (Juzgados de Mínima Cuantía), Family Courts and Sentence Compliance Courts (Juzgados de Vigilancia).

There are a number of other courts which, although jurisdictionally dependent on the Judiciary, are economically and administratively dependent on the executive branch. They include the mining, labor, agrarian and tax courts. Other courts such as the police and traffic courts, are totally dependent on the executive branch of government.

b. The Supreme Court

The Supreme Court has twelve members (ministros) who are elected by the House of Representatives from a slate proposed by the Senate and serve ten year terms. Traditionally, each Department is allotted a number of justices in proportion to its size. The Chief Justice (Presidente) is elected by the Court itself. Seventeen courts have served since 1952. The current one, although under investigation by the Congress, is one of the longest to sit in Bolivian history.

The Supreme Court is divided into four Chambers: two Civil, one Criminal, and one specializing in social welfare, mining and administrative affairs. In addition to serving as the highest appellate tribunal in Bolivia, the Supreme Court supervises the administration of the judicial sector; proposes slates of candidates to the Senate for the selection of judges to the nine Superior courts; nominates judges to the tax court from slates proposed by the Ministry of Finance; names all judges below the district level from slates proposed by the District Courts; removes by two-thirds vote any of the aforementioned judges in the event of criminal charge against them; and acts as a trial court in the event of the impeachment of the President or ministers.

c. Superior District Courts

Each of the nine Departments has a District Court with judges (vocales) assigned on the basis of population. These courts act

as intermediate appellate courts, hearing all appeals from rulings of the Provincial Trial Courts (Juzgados de Partido--see below). They also supervise the administrative apparatus and the budget assigned to them by the Judicial Treasury. The judges are selected by the Senate for six-year terms from slates presented by the Supreme Court.

d. Provincial Trial Court (Juzgado de Partido)

Each province in a Department has a juzgado de partido, which acts as the trial court. They act may be divided into civil and criminal courts. If the District Court so decides, it may also have Family and Compliance vigilancia) divisions.

The typical court has a judge, a secretary, up to three auxiliary personnel and a process server (notificador). In urban areas, the secretary and auxiliary personnel are oftentimes law students who serve for a period of one or two years in lieu of a requirement that they serve as instructional judges for one year in rural areas upon graduation. These judges are named by the Supreme Court based on a slate of candidates proposed by the District Court.

e. Investigative Court (Juzgados de instrucción)

Instructional judges are assigned to municipalities in the provinces, although not every municipality has one. In urban areas, judges specialize in criminal or civil matters. In the case of serious crimes, criminal instructional judges review the evidence, direct the investigation, determine pretrial release and incarceration and make a determination as to probable cause for trial. They act as trial judges in minor crimes. Civil instructional judges hear cases in which the amount in dispute falls somewhere between that of the small claims and partido courts, landlord-tenant disputes and hear appeals from small claims courts. Instructional courts in rural areas are not specialized and may hear both criminal and civil cases.

These judges are also named by the Supreme Court to four year terms based on a slate of candidates proposed by the District Court.

f. Small Claims Court (Corte de Minima Cuantía)

These are the lowest courts in the system, limited in jurisdiction to small civil disputes. These judges need not be lawyers. They receive no budget from the Judiciary and collect fees from the litigants in lieu of salary. As a practical matter, their business consists mostly of legalization of signatures, and the police handle most small civil disputes without any legal authority to do so.

g. Specialized Courts

In addition, there are several courts to handle tax, labor, juvenile and agrarian matters. While their decisions may be appealed to the Supreme Court, as an administrative matter they function as dependencies of ministries.

Within the regular court system, there are special courts for family and controlled substances cases. The latter were created in 1988 by Law 1008. In January 1990, UNFDAC conducted an assessment of the Law 1008 courts.

h. Operation of the Court System

The operation of the courts is based on a large body of substantive and procedural codes, of which the most important are the civil and criminal codes and corresponding procedural codes. The family and commercial codes are also very important. These codes were adopted by decree between 1972-1977. The Bolivian Congress is in the process of reviewing the codes. To date, only the family code has been reviewed and reenacted, with amendments.

The Supreme Court has taken the initiative to present amendments to the Ley de Organización Judicial and there already are several proposals to amend the others such as the Family and Commercial Codes.

i. Administration and Budget

The administrative functions of the Judiciary are carried out by the Supreme Court through the Consejo de Administración which consists of the President of the Supreme Court and three other judges, plus the Director of the Judicial Treasury (Tesoro Judicial), an economic assistant, and a legal advisor who is non-voting.

In addition, the Ley de Organización Judicial confers many more administrative responsibilities on district judges than in other Latin American court systems, assigning them responsibilities which are performed at the national level of the justice sector and ultimately have an impact on the public's confidence in the system.

j. Budgeting and Finance

The annual budget requests of the Supreme Court and the nine judicial districts are developed in Sucre by the administrative office of the Supreme Court, the Oficina de Planificación. For each judicial district and the Supreme Court, a detail of existing judges and support staff plus newly requested judges and support staff is prepared for submission to the executive and

legislative branches.

In addition, a projected estimate of revenue from court fees is made to determine resources available to finance operational items such as office rent, office construction, furniture and equipment, office supplies, utilities, custodial services, vehicles and transportation. Once approved by the president of the Supreme Court, it is submitted to the National Treasury (Tesoro Nacional) of the executive branch which subsequently submits it for Congressional approval.

Congress similarly approves the expenditure of the court collections as projected by the Supreme Court.

At the regional level the administrative function is overseen by the full Superior Court. Daily operations are overseen by the President of the Superior Court. The administrative office is the Oficina Financiera or the district treasury. The treasurer supervises accounting, statistics, purchasing, budgeting, archives, and clerical functions related to the collection of funds (timbres, sellos).

k. Financial Resources

Funding for the Judicial Branch was \$18,529,506 (Bolivianos) for 1987. This amount funded approximately 450 judges and 1200 support staff in the Supreme Court and the nine judicial districts. At present, fees collected by selling legal documents and stamps constitute approximately 25% of total court funds.

Fee collections and judicial deposits ("recursos propios") are the only source of funding for operating expenses (other than salaries and benefits which are funded by the National Treasury) and infrastructure. the sharp increase in these fees has brought a negative response from the Colegio de Abogados and the public because it created a hardship for litigants. A review of the new decree may be required to ascertain the reasonableness of "doing business with the courts." Excessive court costs could be hampering access to the courts for the poor.

Budget expenditures for salaries is well controlled at every level. The National Treasury makes a monthly allotment to the Sucre Office of the National Treasury which, in turn, distributes the payroll to each district via vouchers properly signed by the District President and Finance Officer of the district. A bank in each district prepares the payroll which is automated. The use of time clocks, signed vouchers and computerized printouts assures a timely and accurate distribution of payroll and a good accounting process.

2. The Public Ministry

The Public Ministry represents the State and society and, according to Article 129 of the Constitution, is exercised by Commissions designated by the legislature, the Fiscal General, district level fiscales, and others. While the 1970 Constitution provided the organization and functions of the Public Ministry would be established by law, to this date no such laws, specifically an organic law, has been adopted. The Public Ministry currently functions as part of the Ministry of the Interior, Migration, and Justice on the basis of scattered provisions from other legislation, principally Articles 186-96 of the Judicial Organization Law.

While the Fiscal General is often translated as Attorney General, the functions should not be confused with those of the U.S. counterpart. The prosecution of crimes --in the sense of a process in which an attorney representing the government brings charges against an accused and is responsible for the success or failure of the case -- is unknown in Bolivia. Elements of the accusatory process are now being introduced in Bolivia, primarily in the controlled substances courts.

The traditional function of the Public Ministry in Bolivia, as in other civil law countries, is to protect the interest of the State, public order, and the constitutional and legal rights of citizens. The Fiscal General supervises fiscales assigned to different courts throughout the country who, in theory, perform these diverse functions. In practice, because of the small number of fiscales and limited resources, few of these functions are carried out.

Although the Ministerio Público is a constitutional office, the lack of an organic or basic law leaves it subordinate to a Ministry, giving it a political cast to the prosecuting and investigative functions of the fiscales. Under the Justice Sector bridge grant, ILANUD assisted the National Council for Legal Reform and Modernization in preparing a draft organic law for the Public Ministry. The draft, which has been submitted to the Executive branch, is expected to be transmitted to the Congress for consideration at its next session beginning in August 1992.

3. The National Council for Reform and Modernization of the Judicial Power

An important achievement within the on-going Justice Sector Project has been the establishment of the National Council for Reform and Modernization of the Judicial Power. Dialogue with high level Bolivian officials revealed receptivity to and enthusiasm for the idea of a law reform commission. AID, Embassy and ILANUD officials cooperated to deepen the discussions

and focus the idea. The Council was established by executive decree 22793 on May 9, 1991. (See, Annex B). It is presided over by the Vice President of Bolivia, who is also the President of Congress. It consists of four sub-committees and sixteen members.

The Council has given a major push to the draft law to reform the Ministerio Público which was completed and sent forward to the President on November 15, 1991. It has also finalized a proposed reform of the Judicial Organization law.

Sucre, Mayo 27 de 1982

Señor
Charles Bowers
EMBASSY OF THE UNITED STATES OF AMERICA
La Paz.-

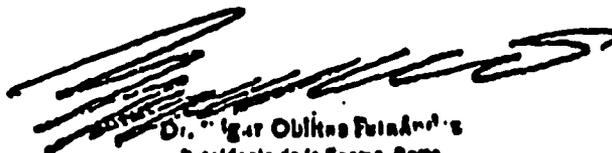
Ref.: Donación AID No. 511-0028

Excelentísimo Embajador:

El propósito de esta carta es formalizar la solicitud de la Excelentísima Corte Suprema de Justicia de la República de Bolivia para el financiamiento de las siguientes actividades bajo el proyecto de Administración de Justicia:

1. Apoyo presupuestario y de asesoramiento especializado para la implementación del proyecto de creación de la Escuela Judicial.
2. Apoyo presupuestario, con igual nivel de asesoramiento especializado, para la ejecución del proyecto sobre la formación de un Centro de Capacitación de Administradores de Tribunales de Justicia sobre la base del proyecto piloto en Tarija.
3. Dotar de infraestructura para la Administración de Tribunales de Justicia.
4. Apoyo presupuestario para el Programa Nacional de Información.
5. Equipamiento de la Editorial Judicial.

Con este motivo, reitero a Ud. mis consideraciones más distinguidas.



Oscar Olinos Fariñas
Presidente de la Excm. Corte
Suprema de Justicia de la Nación

c.c: Carl Leonard, Director de USAID

San Carlos

SECRET

RECEIVED

MAY 28 1982

U.S. DEPARTMENT OF STATE

OFFICE OF THE LEGAL ATTACHE

LA PAZ, BOLIVIA



CONSEJO NACIONAL DE REFORMA Y MODERNIZACION
DEL PODER JUDICIAL

La Paz - Bolivia

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Cite No. 517/92

La Paz, 9 de junio de 1992

Señor
Charles Bowers
EMBAJADOR DE LOS ESTADOS UNIDOS
La Paz.-

Ref.: Donación AID 511-0626

Excelentísimo Embajador:

El propósito de esta carta es formalizar la solicitud del Consejo Nacional de Reforma y Modernización del Poder Judicial para el financiamiento de un programa de capacitación a través del proyecto de Administración de Justicia.

Las actividades programadas y definidas de capacitación son las siguientes:

1. Capacitación de Fiscales a través de las Escuelas Judiciales. Especialmente en procesos de investigación criminal y sistemas de lucha contra el narcotráfico, dotándoles de capacitación para dirigir las funciones de Policía Judicial.
2. Apoyo presupuestario, con igual nivel de asesoramiento especializado, para la ejecución del proyecto sobre la formación de un Centro de Capacitación de Administradores de Tribunales de Justicia sobre la base del proyecto piloto en Tarija.
3. Dotar de infraestructura y medios para la Administración de Tribunales de Justicia. Asimismo apoyo logístico a la puesta en marcha de la Escuela de Jueces y Fiscales a instalarse en la ciudad de Sucre como proyecto conjunto de la Corte Suprema de Justicia, la Fiscalía General de la República y la Universidad de San Francisco Xavier.
4. Apoyo presupuestario para desarrollar alternativas para la resolución de conflictos comerciales - "Arbitraje Comercial".

Con este motivo, reitero a usted mis consideraciones más distinguidas.

Luis Ocaso Sanjinés
VICE-PRESIDENTE CONSTITUCIONAL DE LA REPUBLICA
Y PRESIDENTE DEL CONSEJO NACIONAL DE REFORMA
Y MODERNIZACION DEL PODER JUDICIAL

cc. Carl Leonard. Director de USAID.

13'



Administración Pública
Fiscalía General de la República
Santiago - Chile

Fon (061) 2407
Casilla 837
E. G. L. 1788 - L. 2211

CITE OF. FGR/STRIA/NDIR3/92.
SUCRE, mayo 27 de 1992

Excmo. Señor

Charles Bowers
EMBAJADOR DE LOS ESTADOS UNIDOS

La Paz

Ref.: Donación AID 511-0626

Excmo. Señor Embajador:

En días pasados tuve la oportunidad de conversar con la Dra. Frances Armstrong y los Drs. Mark G. Visnic y Henryk Montygierd-Loybe, a quienes acoramente les hice conocer los Proyectos de Reordenamiento y Modernización del Ministerio Público de la Nación que en la medida de darse los propósitos señalados junto a otros no menos importantes podremos asegurar una más eficiente Administración de Justicia garantizando la vigencia de la Ley como el mejor instrumento de apoyo y consolidación de la vida democrática del País.

Las actividades definidas de capacitación en su primera instancia, podrían puntualizarse en los siguientes aspectos:

1. Capacitación de Fiscales a través de las Escuelas Judiciales. Especialmente en procesos de investigación criminal y sistemas de capacitación para dirigir las funciones de Policía Judicial.
2. Análisis de los resultados de la capacitación de Fiscales.
3. Materiales de enseñanza para los cursos básicos.
4. Profesores capacitados para todos los cursos básicos.
5. Equipamiento de un sistema automático de seguimiento de casos.

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Ministerio Público
Fiscalía General de la República
Sucre - Bolivia

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Form (061) 2167
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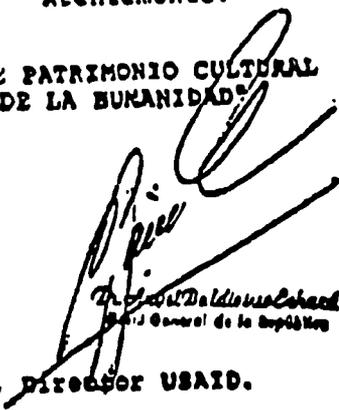
6. Manuales de operación para la investigación de casos penales.
7. Asistencia técnica para que el Fiscal asuma el papel de parte acusadora dentro del proceso penal.

En este sentido, Excmo. Señor Embajador, deseo manifestarle que el propósito de esta carta es formalizar la solicitud de la Fiscalía General de la República de Bolivia, para el financiamiento de los hechos puntuales antes mencionados a través del Proyecto de Administración de Justicia.

Con este motivo y agradeciéndole por su deferente atención, hago propicia la ocasión para renovarle a usted, Excmo. Señor Embajador, el testimonio de mi distinción personal.

Atentamente.

"SUCRE PATRIMONIO CULTURAL
DE LA HUMANIDAD"



Dr. José Baldovino Cochac
Fiscal General de la República

C.C. Arch.
C.C. Carl Leonard, Director USAID.
ABE/mimo.



Manuel J. Zamora Annex B

Residencia de la República
BOLIVIA



DECRETO SUPREMO No. 22793

JAJME PAZ ZAMORA
PRESIDENTE CONSTITUCIONAL DE LA REPUBLICA.

CONSIDERANDO:

Que, en el Diálogo con el Pueblo del 11 de enero de 1990, en oportunidad de suscribir el Decreto Supremo No. 22407 que resume el Programa de Gobierno del Acuerdo Patriótico, el Presidente de la República planteó al país la necesidad de iniciar de inmediato un proceso de reforma estructural del sistema judicial, que afirme su dignidad e independencia y que busque el examen y actualización de los Códigos y Procedimientos en vigencia; la consideración de la creación de nuevas instituciones jurídicas; la revisión de la Ley de Organización Judicial; la unificación y fortalecimiento del Poder Judicial y la asignación de los recursos financieros indispensables para el funcionamiento eficaz de ese Poder del Estado.

Que, los jefes de los partidos políticos con representación parlamentaria suscribieron el pasado 5 de febrero un acuerdo político plenamente coincidente con los objetivos señalados en el considerando anterior.

Que, los Códigos Civil y Penal y sus Procedimientos, puestos en vigencia mediante Decretos Leyes, recogían las exigencias y necesidades de su época.

Que, esos Códigos sustantivos y adjetivos merecieron estudios detallados, a la luz de la experiencia de la comunidad jurídica y de los Poderes del Estado, que aportaron elementos suficientes, aunque dispersos, para actualizar los principales cuerpos de leyes de la República.

Que, es conveniente constitucionar la vigencia y actualizar los Códigos Civil y Penal y sus Procedimientos, sancionando y promulgando las leyes correspondientes.



Presidencia de la República
BOLIVIA



Que, el pasado 26 de febrero de 1991 el Primer Mandatario de la Nación consultó con el Presidente nato del Congreso, el Presidente del Honorable Senado Nacional y el Presidente de la Honorable Cámara de Diputados, la coordinación de las acciones de los Poderes Ejecutivo y Legislativo con el Poder Judicial, para reformar y modernizar el sistema judicial boliviano, en cumplimiento de la coordinación de poderes dispuesta por el Art. 2o. de la Constitución Política del Estado.

Que, es atribución del Poder Ejecutivo concurrir a la formación de Leyes y Códigos, según establece el Art. 96, numeral 4, de la Constitución Política del Estado.

Que, es conveniente a los intereses de la Nación coordinar entre los tres Poderes del Estado la preparación de proyectos de ley en materias tan importantes como las señaladas.

Que, a fin de que las reformas a los Códigos y sus Procedimientos así como a la Ley de Organización Judicial tengan el alcance suficiente y permitan una óptima restructuración, modernización y fortalecimiento del Poder Judicial, es indispensable estudiar y establecer las reformas que correspondan a la Constitución Política del Estado.

Que, se deben proporcionar los medios indispensables para recoger y sistematizar las recomendaciones de instituciones especializadas en estos temas, con objeto de facilitar su tratamiento en el Honorable Congreso Nacional.

EN CONSEJO DE MINISTROS,

DECRETA:

ARTICULO PRIMERO.-Créase el Consejo Nacional de Reforma y Modernización del Poder Judicial, presidido por el señor Vicepresidente de la República e integrado por dos representantes del Poder Ejecutivo y el Fiscal General de la República.

En ejercicio de sus facultades constitucionales y siguiendo sus propios reglamentos y procedimientos, los Poderes Legislativo y Judicial podrán acreditar sus representantes ante dicho Consejo.



Presidencia de la República
BOLIVIA

El Consejo se instalará tan pronto los Poderes Legislativo y Judicial acrediten sus representantes y funcionará en la ciudad de La Paz, con carácter permanente, hasta concluir sus labores.

ARTICULO SEGUNDO.- El Consejo Nacional de Reforma y Modernización del Poder Judicial propondrá las modificaciones que considere necesarias para mejorar la estructura y funciones del Poder Judicial.

ARTICULO TERCERO.- El Consejo presentará un proyecto de ley, con la fundamentación del caso, sobre las reformas a la Ley de Organización Judicial y un Proyecto de Ley del Ministerio Público, hasta el 30 de junio del presente año.

ARTICULO CUARTO.- El Consejo establecerá su propio calendario y plan de trabajo, con objeto de presentar proyectos de ley para la reforma y actualización de los Códigos Civil y Penal y sus respectivos Procedimientos.

ARTICULO QUINTO.- El Consejo podrá sugerir, asimismo, un proyecto de ley sobre la necesidad de reformas constitucionales, en los aspectos relacionados con la estructura y funcionamiento del Poder Judicial.

ARTICULO SEXTO.- Para el cumplimiento de sus funciones, el Consejo podrá consultar con organizaciones profesionales especializadas, como los Colegios de Abogados, Universidades u otras Instituciones. Asimismo, podrá contratar el asesoramiento de los juristas que estime oportuno y estará apoyado por una Secretaría.

ARTICULO SEPTIMO.- El Consejo funcionará con recursos aportados por los Poderes Ejecutivo, Legislativo y Judicial, con cargo a sus respectivos presupuestos y con fondos de cooperación financiera y técnica internacional.

Los señores Ministros de la Presidencia, del Interior y Justicia, Planeamiento y Coordinación y el de Finanzas, quedan encargados de la ejecución y cumplimiento del presente Decreto Supremo.

Es dado en Palacio de Gobierno de la ciudad de La Paz, a los nueve días del mes de mayo del año mil novecientos noventa y uno.

FDO. JAIME PAZ ZAMORA

Fdo. Carlos Iturralde Bellivián
Fdo. Gustavo Fernández Saavedra
Fdo. Guillermo Fortun Suarez
Fdo. Luis Fernando Terrazas
Min. Finanzas u.i.
Fdo. Willy Vargas Vacafior
Fdo. Oscar Zamora Medinacelli
Fdo. Walter Soriano Lea Plaza
Fdo. Mauro Bertero Gutiérrez
Fdo. Elena Velasco de Urresti

Fdo. Carlos A. Saavedra Bruno
Fdo. Héctor Ormachea Peñaranda
Fdo. Marcelo Zalles Barriga
Min. Planeamiento y Coordinación a.i.
Fdo. Mariano Baptista Gumucio
Fdo. Guido Céspedes Argandoña
Fdo. Guillermo Cuentas Yáñez
Min. Prev. Social y Salud Pública a.i.
Fdo. Angel Zamnier Claros
Fdo. Mario Rueda Peña.

SECRETARÍA DE ESTADO

UNCLAS AIDAC SECSTATE 168316

ACTION: AID-1
INFO: ECONO-1 DCM-1 AMB-1

Rec'd 5/29

DISTRIBUTION: AID
CHARGE: AID

File: PD&T

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TO AMEMBASSY LA PAZ PRIORITY 9493
BT
UNCLAS SECTION 01 OF 02 STATE 168316

Action: PD&T
Info: D/DD
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Reply due 6/8

AIDAC

Action tkn NAN

E.O. 12356: N/A

TAGS:
SUBJECT: BOLIVIA - ADMINISTRATION OF JUSTICE PID REVIEW

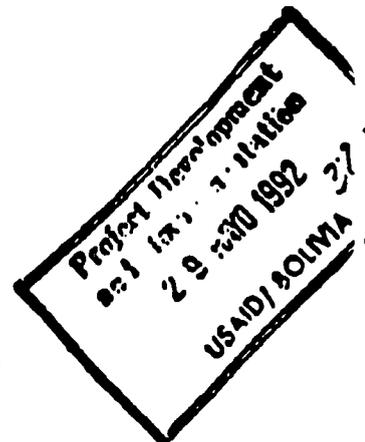
1. THE SUBJECT PID WAS REVIEWED AND APPROVED ON APRIL 6, 1992, IN AN ISSUES MEETING CHAIRED BY LAC/DR JEFF EVANS. LEW LUCKE AND MARK VISNIC REPRESENTED THE MISSION. NO DAEC REVIEW WAS HELD AS ALL CURRENT ISSUES WERE RESOLVED AT THE ISSUES MEETING. THE REVIEW CHAIR DETERMINED THAT, DUE TO THE INTEREST AND INVOLVEMENT OF SEVERAL USG AGENCIES IN JUSTICE REFORM IN BOLIVIA, THE PROJECT PAPER (PP) WOULD COME BACK TO AID/W FOR REVIEW AND APPROVAL. THE ISSUES DISCUSSED AT THE REVIEW ARE OUTLINED BELOW, AND THE FOLLOWING PP DESIGN GUIDANCE WAS PROVIDED:

2. IS THE SCOPE OF THE PROJECT TOO AMBITIOUS?

THE GUIDANCE CABLE FROM THE NPD REVIEW COMMENTED THAT THE PROJECT'S SCOPE APPEARED TO BE TOO AMBITIOUS. WHILE ONLY THREE COMPONENTS ARE PROPOSED IN THE PID, THEY ARE COMPRISED OF WHAT COULD BECOME A SIGNIFICANT NUMBER OF STILL VERY AMBITIOUS PROJECT ACTIVITIES.

IN RESPONSE TO THIS CONCERN, THE MISSION REPRESENTATIVES REPLIED THAT MANY OF THE ACTIVITIES PRESENTED ARE

CONTINGENT UPON PRIOR ACTIONS HAVING BEEN TAKEN, SUCH AS PASSAGE OF LEGISLATION, AND WILL NOT BE UNDERTAKEN IF THE APPROPRIATE CIRCUMSTANCES DO NOT EXIST. MOREOVER, THEY EMPHASIZED THAT THE ENVIRONMENT OF POLITICAL WILL FOR JUSTICE REFORM IN BOLIVIA IS VERY FLUID, AND THE MISSION NEEDS TO REMAIN FLEXIBLE AND READY TO IMPLEMENT THOSE ACTIVITIES THAT HAVE POLITICAL SUPPORT AND THUS RELATIVELY GREATER LIKELIHOOD OF ACHIEVING SUCCESS. THE ACTIVITIES PRESENTED ARE ILLUSTRATIVE; THE MISSION DOES NOT INTEND TO



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IMPLEMENT THEM ALL BUT RATHER GO THROUGH A QUOTE WINNOWING OUT UNQUOTE PROCESS DURING PP DESIGN AND PROJECT IMPLEMENTATION. (THE MISSION WAS ADVISED THAT IT SHOULD ALSO INCLUDE JUDICIAL PROTECTION IN THE LIST OF POSSIBLE ACTIVITIES).

DEPARTMENT OF JUSTICE REPRESENTATIVES ASKED WHERE INVESTIGATION TRAINING/IMPROVEMENT FITS INTO THE PROJECT. THE MISSION RESPONDED THAT THE PID DESCRIBES A.I.D. INTERVENTIONS ONLY, BUT THAT THE A.I.D. PROJECT FITS INTO A BROADER INTER-AGENCY JUSTICE REFORM PROGRAM WHICH INCLUDES ICITAP ACTIVITIES. THE MISSION WAS ADVISED THAT ICITAP ACTIVITIES SHOULD BE DESCRIBED IN THE PP TO PROVIDE A MORE COMPLETE PICTURE OF THE USG JUSTICE REFORM PROGRAM IN BOLIVIA. A QUESTION WAS RAISED ABOUT WHETHER, OF THE USDOLS FIVE MILLION BUDGETED FOR THE PROJECT, FUNDING IS INCLUDED FOR ICITAP. LAC/SAM DIRECTOR NORMA PARKER RESPONDED THAT BETWEEN USDOLS 250-500,000/YEAR OF ADDITIONAL A.I.D. RESOURCES WILL BE ADDED TO THE TOTAL USDOLS FIVE MILLION LOP TO SUPPORT THE ICITAP PROGRAM. STATE (ARA/PPC) SUGGESTED THAT SUCH A LEVEL WOULD BE TOO LOW TO SUPPORT A MEANINGFUL PROGRAM AND URGED THAT THE A.I.D. PROJECT DESIGN PROCESS BE USED AS AN OPPORTUNITY TO ASSESS THE APPROPRIATE LEVEL FOR ICITAP OVER THE NEXT FEW YEARS.

FINALLY, THE MISSION WAS ADVISED THAT IT SHOULD DISCUSS IN THE PP ITS EFFORTS THROUGH POLICY DIALOGUE TO ENCOURAGE THE GOB TO INCREASE ITS JUSTICE SECTOR BUDGET.

3. WHAT WILL BE THE LIKELY IMPLEMENTATION MECHANISM IF USAID DECIDES NOT TO GO WITH ILANUD/BOLIVIA AFTER ITS MEETINGS WITH ILANUD/COSTA RICA LATER THIS WEEK? ARE THERE OTHER GROUPS THAT THE NATIONAL COUNCIL WILL FIND ACCEPTABLE AS A COUNTERPART/EXECUTIVE SECRETARIAT?

SUBSEQUENT TO THE PID REVIEW, THE MISSION REPRESENTATIVES MET WITH ILANUD IN COSTA RICA AND DISCUSSED EXPECTATIONS REGARDING IMPLEMENTATION OF THE JUSTICE REFORM ACTIVITY IN BOLIVIA. MISSION REPS WERE FULLY SATISFIED THAT ILANUD IS

NOW ON BOARD WITH USAID'S APPROACH TO JUSTICE REFORM IN BOLIVIA, AND AFTER CONSIDERING TWO PROPOSALS PRESENTED BY ILANUD, ILANUD'S ROLE IN IMPLEMENTING THE PROJECT WAS CLEARLY DEFINED. THIS ISSUE, THEREFORE, IS NOW RESOLVED.

4. HOW DOES THE MISSION PLAN TO MEASURE PROJECT IMPACT? SHOULD IT INCLUDE A COUNTERNARCOTICS INDICATOR SUCH AS QUOTE INCREASED RATE OF NARCO-TRAFFICKING CONVICTIONS UNQUOTE TO BETTER REFLECT THE PROJECT'S NSD-18 FUNDING SOURCE?

THE MISSION CLARIFIED THAT THE EOPS INDICATORS PRESENTED

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ON PP. 14-15 WERE NOT INTENDED TO MEASURE OVERALL PROJECT PERFORMANCE, BUT RATHER RESPOND TO THE NPD GUIDANCE CABLE ASKING FOR MEASURES OF EFFICIENCY. FINAL EOPS INDICATORS WILL BE DEVELOPED OVER THE COURSE OF PP DESIGN. IN DEVELOPING THE PROJECT INDICATORS, THE MISSION WAS ADVISED UNCLAS SECTION 02 OF 02 STATE 168316

AIDAC

E.O. 12356: N/A

TAGS:

SUBJECT: BOLIVIA - ADMINISTRATION OF JUSTICE PID REVIEW

TO MAKE SURE THEY ARE LINKED TO THE RELEVANT STRATEGIC OBJECTIVE(S). THE MISSION SHOULD ALSO CONSIDER WHETHER/HOW TO INCLUDE INDICATORS THAT MEASURE PROGRESS ON COUNTERNARCOTICS.

5. TO WHAT DEGREE WILL THE PROJECT SUPPORT THE ADOPTION OF AN ACCUSATORIAL BASED SYSTEM IN BOLIVIA AND/OR PURSUE CODE REFORM?

THE MISSION REPS STATED THAT THE PID MAY HAVE BEEN SOMEWHAT MISLEADING IN THIS RESPECT -- SOME ELEMENTS OF AN ACCUSATORIAL MODEL WILL BE TRIED (E.G., ORAL ARGUMENTS) AND SOME CODE REFORM EFFORTS WILL BE SUPPORTED, BUT THE PROJECT WILL NOT ATTEMPT TO PROMOTE A SYSTEMATIC TRANSFORMATION TO AN ACCUSATORIAL BASED SYSTEM OR A COMPLETE REFORM OF THE CRIMINAL CODES. NOTE: THE DOJ HAS INFORMED US THAT THEY ARE INTERESTED IN PARTICIPATING IN ADVICE AND TRAINING ON INCORPORATION OF ASPECTS OF AN ACCUSATORIAL BASED SYSTEM AND ON CODE REFORM, AS APPROPRIATE.

6. HOW WILL THE PROJECT ENCOURAGE PUBLIC DEMAND FOR JUSTICE SECTOR IMPROVEMENTS? DOES THE MISSION PLAN ANY ACTIVITIES INVOLVING PUBLIC OUTREACH/SUPPORT FOR JUDICIAL REFORM?

THE MISSION REPS STATED THAT NOTHING IS PLANNED AS YET IN THIS AREA, ALTHOUGH THEY DO PLAN TO WORK WITH SOME INTERMEDIARY INSTITUTIONS THAT INTERFACE WITH GOB INSTITUTIONS AND THE PUBLIC (E.G., UNIVERSITIES). THE MISSION IS URGED TO CONSIDER FOR AOJ, SOMETHING ALONG THE LINES OF ITS SUCCESSFUL DEMOCRATIC INITIATIVES PUBLIC

EDUCATION PROGRAM DURING THE PP DESIGN PHASE.

7. STATE/HA QUERIED THE MISSION REPS ABOUT WHETHER ANY ANTI-CORRUPTION OR HUMAN RIGHTS CONVENTION TRAINING ACTIVITIES WERE PLANNED AS PART OF THE PROJECT. THE REVIEW CHAIR ADVISED THE MISSION TO ADD THESE TO THE LIST OF POSSIBLE ACTIVITIES, BUT COMMENTED THAT AS THE ORIGINAL CONCERN WAS THAT THE PROJECT WAS TOO BROAD, IT MAY NOT BE

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ANNEX D: LOGFRAME

D. LOGICAL FRAMEWORK

LOGICAL FRAMEWORK
BOLIVIA ADMINISTRATION OF JUSTICE

Project	Objective	Objectively Verifiable Indicators	Means of Verification	Assumptions
<p>GOAL To improve the effectiveness, efficiency, and accessibility of the Bolivian justice system.</p>		<ol style="list-style-type: none"> 1. Pending Cases to Total Cases Reduced (district). 2. Narcotics/Terrorist - related crimes - convictions of total of such crimes investigated. 3. Serious felonies - convictions of total of uch crimes investigated. 4. Average time of all criminal cases (investigation to final disposition). 5. Decreased case processing time. 6. Expanded public access to government-sanctioned forums for conflict resolution. 7. Number of cases resolved through arbitration, mediation, and conciliation. 8. Public opinion regarding fairness and accessibility of the justice system. 	<p>Each indicator identified for measuring performance towards the GOAL also is identified for measuring performance towards the PROJECT PURPOSE and the three pilot jurisdiction OUTPUTS. Because these measures of performance have not been used previously to measure performance in the justice sector in Bolivia, their selection is not regarded as definitive. Only after data is available, may these indicators be analyzed for appropriateness.</p> <p>Presently none of the data is available nor is there agreement with the GOB that these are appropriate indicators. In every instance data collection mechanisms in the executing institutions for the pilot areas will have to be developed to collect the data for the identified indicators. For the most part mechanisms for collecting the data will have to be established with funding under the Project. A realistic expectation or indicator data being available to establish a baseline against which to measure performance is 24 months.</p>	<ol style="list-style-type: none"> 1. The GOB supports the pilot jurisdiction model and the idea of replicating the model in additional jurisdictions. 2. The GOB provides adequate financial support to the justice sector. 3. The GOB continues and increases support for justice sector reform and modernization. 4. Political consensus can be reached on needed policy and law reform.

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Narrative	Objectively Verifiable Indicators	Means of Verification	Assumptions
<p>PROJECT PURPOSE</p> <p>To improve the effectiveness of the judicial systems in Tarija and Santa Cruz Departments and the Controlled Substances Courts in La Paz.</p>	<ol style="list-style-type: none"> 1. Pending cases to total cases reduced. 2. Narco-trafficking/terrorist and related crimes convictions of total of such crimes investigated. 3. Serious felonies convictions of total of such crimes investigated. 4. Average time of all criminal cases (investigation to sentence). 5. Decreased case processing time. 6. Expanded public access to government-sanctioned forums for conflict resolution. 7. Percent of cases resolved through conciliation and similar mechanisms. 8. Public opinion regarding fairness and accessibility of justice system. 	<p>Data collection systems must be developed in the pilot jurisdictions. The USAID will have as an activity to help the pilot jurisdiction to institutionalize data gather and analysis capacity.</p>	<p>* Justice sector personnel in the three pilots are provided adequate incentives to encourage them to remain in the pilot areas</p>

Narrative	Objectively Verifiable Indicators	Means of Verification	Assumptions
<p>1. C. Enhanced criminal investigative capability.</p> <p>1. D. Enhanced criminal case prosecution.</p> <p>2.⁴ Endorsement of a pilot judicial system program by policymakers in the GOB and a national plan to implement the prototype is adapted and supported.</p> <p>3. Institutionalized training programs or judges and judicial administrators at the national level.</p> <p>4. Institutionalized training program or prosecutors at the national level.</p> <p>5. Institutionalized training programs for police investigators at the national level.</p> <p>6. Institutional Commercial Arbitration for Domestic Disputes.</p>	<p>1. Serious felony convictions of total of such crimes investigated.</p> <p>1. Serious felony convictions of total of such crimes investigated.</p> <p>1. The GOB creates an inter-institutional coordinating committee to monitor the pilot projects.</p> <p>2. Local policy measures are adopted to authorize the pilot experiences.</p> <p>3. The Supreme Court endorses the pilot actions as a national model for reform.</p> <p>4. Legal authority is created to institutionalize the tested pilot project judicial system.</p> <p>1. Training needs assessment completed.</p> <p>2. Permanent, professional training staff established.</p> <p>3. Basic training materials established.</p> <p>4. Training center established.</p> <p>1. Training needs assessment completed.</p> <p>2. Permanent, professional training staff established.</p> <p>3. Basic training materials established.</p> <p>4. Training center established.</p> <p>1. Training needs assessment completed.</p> <p>2. Permanent, professional training staff established.</p> <p>3. Basic training materials established.</p> <p>4. Training center established.</p> <p>1. ### Cases resolved by commercial arbitration.</p>	<p>* Judicial statistics.</p> <p>* Contractor and Grantee reports.</p> <p>* Document containing the law.</p>	<p>* Training orientation remains independent and not motivated politically.</p>

⁴ Each of the remaining outputs are expected to contribute to achieving output one.

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Narrative	Objectively Verifiable Indicators	Means of Verification	Assumptions
<p>7. Judicial protection program developed.</p> <p>8. Work manuals on criminal case operations and investigative procedures for judges, prosecutors, and police being utilized.</p> <p>9. National plan for institutionalized forensic capability being implemented.</p> <p>10. An independent Public Ministry that leads criminal investigations and prosecutions.</p> <p>11. GOB establishes a public integrity enforcement division in the Public Ministry and procedures for prosecuting SAFCO violations.</p> <p>12. Institutionalization of the National Council for Reform and Modernization of the Federal Power.</p> <p>13. Development of local, private organization to manage judicial reform process.</p>	<p>1. Needs assessment completed; 2. Program developed. 3. Program implemented.</p> <p>1. Work manuals developed and in use.</p> <p>1. Assessment undertaken. 2. Plan developed. 3. Plan implemented.</p> <p>1. Public Ministry internal regulations established. 2. Analysis of obstacles to prosecuting criminal cases completed. 3. Long-term development plan for Public Ministry established. 4. Functioning Public Ministry with authority to set investigation and prosecution priorities. 5. A planning, monitoring, and evaluation system is in place for the judicial system in the Public Ministry.</p> <p>1. Criminal or disciplinary actions by the Attorney General's Office against public sector personnel involved in corruption and illicit enrichment (including judges, prosecutors, investigators, etc.) as a percent of total actions.</p> <p>To be developed.</p> <p>To be developed.</p>		<p>* A modern organic law for the Public Ministry is adopted.</p> <p>* Continuing growth in political support for reform and modernization through a pilot strategy.</p>

E. ECONOMIC ANALYSIS

1. The Economic Benefits of Democracy:

The economic benefits of a functioning democracy -- with a reliable administration of justice system, a representative and policy oriented legislature, and periodic, orderly, credible and well-managed elections -- are difficult to quantify. They are, nevertheless, substantial and real. The following discussion suggests a rough cost/benefit framework of the overall impact of the project on Bolivian society.

2. The Efficiency of a Democratic System:

In economic terms, the transition to democracy was a costly enterprise for Bolivian society. The economic crisis of the 1980s, coupled with the significant decline in standards of living, was the product of the torturous process of transition. Clearly, the costs of consolidating democracy are much higher still. Yet, economic costs can be reduced through the proper administrative tools. In Bolivia many of those tools are missing.

Although the AOJ Project cannot quantify the savings/efficiency gains over the life of the project, it is reasonable to assume that both savings and gains in efficiency will be achieved. Significant to Bolivian society are the benefits that will flow from an institutionalized system of governance, including a judicial branch that is efficient and accessible to increasing numbers of Bolivians.

3. Investor Confidence:

The most immediate economic impact that a functioning democracy can have is upon the level of confidence of both domestic and foreign investors to make long-term commitments of capital. As secretive, personalized, and self-interested processes are replaced by the rule of law -- with transparent and expeditious administrative decisions and fair dispute resolutions through the courts -- investment costs and time lost in doing business are greatly reduced. Often promising business opportunities in Bolivia have been foregone because of costs such as: the transferring of a property title; establishing a new corporate entity, or the fear of corrupt civil action from a hostile competitor.

4. The Sanctity of Contracts:

Societies where the formal system of penal and civil justice is influenced by the highest bidder contracts are often enforced not by the rule of law but by closed social groupings. In such societies these closed elite groups set the limits of acceptable

behavior; thus, the system works only for those within who may even find ostracism by their social equals an acceptable price to pay to obtain economic advantage. Clearly the system does not work for those outside close elite groups. Not only is it acceptable to manipulate the formal system to their advantage against non-group members but few effective legal sanctions exist to penalize these privileged sectors. As a result the sanctity of contracts works well only within one social class where they, and not universal and impartial law, rule.

In Bolivia not surprisingly, most successful foreign entrepreneurs in such societies, and even new entrants into the most successful business class, have married into the elite group to insure their access to the only functioning system of contract enforcement. The marriage may not bring wealth, but it does bring membership in the "club" where the rules of conducting business and gaining wealth are made and enforced. A functioning democracy must provide guarantees of access to opportunity, a fair and impartial law, to assure confidence in the system. This project proposes several basic steps toward achieving that objective.

5. The Collection of Debts:

Debt collection in Bolivia is especially difficult outside the system of privileges enforcement described above. This is particularly true for small claims such as recoveries for bad checks in medium to small transactions.

When just debts cannot be collected through small claims courts and other legal measures of relatively low transaction cost such as through arbitration, the negative impact on business growth, entrepreneurial behavior, and all but cash-transaction commerce is high. As instruments are instituted to legally reduce these problems through appropriate civil and criminal penalties, the collection of just debts and a corresponding level of confidence in non-cash commerce can be expanded. Increases in public confidence can be obtained only if the system is made more responsive to the needs of society for marketplace justice.

6. Economic Impact of Penal Detention—An Illustration

Although the AOJ does not include penal reform, the following provides an illustration of the economic benefits that can be obtained by reforms of the criminal justice system, in this instance, involving the practice of arbitrary pretrial detention. It is reliably estimated that, due to current practices, of the 1,400 prisoners now held just in the men's prison in La Paz, at least 800 are uncharged, pretrial detainees. Probably at least half of these prisoners have been detained for one year or longer. With the adoption of a conditional pretrial release program, many of the 800 now in detention would be conditionally released.

A rough idea of the potential economic impact of such a program, and only for illustrative purposes, can be obtained through the following calculation: if one-half of the 800 prisoners held in the La Paz prison facility were released, the state could save approximately \$5.00 in daily custodial costs. The release of 400 released prisoners would amount to \$2,000 daily or \$730,000 per year. If these men were to be gainfully employed and earn about \$1,000 per year, their total earning power would approximate \$400,000. This calculation illustrates how such a reform, applied only to a central prison facility, could yield an annual economic return of \$1,130,000. Over a period of four years this reform would yield a return of \$4,520,000 to the Bolivian economy. If the same reform were to be applied throughout the penal system in Bolivia, the annual return would be in the range of \$8.0 to \$10.0 million.

7. The Costs of Litigation in the Economy:

The litigation costs in Bolivia are considerable. More important is the establishment of a less costly, reliable, and fair system of dispute resolution that would raise the confidence level of potential investors. The introduction of alternative methods of dispute resolution proposed by the AOJ Project would have the effect of introducing reliable, low cost methods for peaceful resolution of disputes and would also have the benefit of "decongesting" the courts by eliminating these disputes from their dockets.

8. Democracy and the Economics of Corruption:

Bolivian society pays a high price for patronage practices that reinforce party loyalty and facilitate both normal and "special" administrative services provided by state agencies. It pays an even higher price when private resources are used to alter the outcomes of formal legal processes. No method exists to quantify and compare the costs of patronage to the cost of new sanctions, higher legal pay scales, and the associated system reforms. However, the price of not addressing the issue may be much higher in the long run.

Although the AOJ project does not propose reforms aimed specifically at eliminating or reducing corruption, the introduction of more rational administrative systems and procedures will certainly have the effect of eliminating patronage and other forms of corruption. At this stage in the reestablishment of democracy in Bolivia, the spoils of an open political system, long coveted by those out of power during military regimes, have not been adequately curbed by social and legal sanction. Only when such sanctions become part of the accepted rules of the game and when non-salary incomes for "services rendered" are proscribed by effective action and rejected by social moral values will the the situation change. Over the life of this project, and in large part due to its influence, progress toward this objective will attained.

F. SOCIAL SOUNDNESS CONSIDERATIONS

This section examines the impact of various socio-political forces on the AOJ Project and makes recommendations for its implementation.

1. The AOJ Project in the Context of Bolivia's Social-Political Background

In the current political climate, the AOJ Project's success will depend on understanding, acceptance, and support of its goals and objectives by key leaders in the justice sector as well as by influential political actors; its ability to avoid partisan issues; and acceptance and support by other socio-political actors in Bolivia.

At present, major party representation in the National Council for Legal Reform and Modernization provides considerable support for the AOJ Project by all major party elements in Bolivia. However, principal opposition parties might demonstrate an interest in the Project, particularly as pilot activities assume more visibility and perhaps even national significance in the latter stages of the Project. At that point, these parties could raise issues of national sovereignty, and turn the issue into one with major and adverse political implications for the Project. Moreover, as patronage is the lifeblood of the political system, possible changes that might result from the reforms introduced by the Project could affect the manner in which political parties and their followers assess the Project. If the Project threatens to eliminate jobs through rationalization and increasingly successful judicial reforms, support from the key present ruling elements could be lost.

The Project should avoid the appearance of dictating solutions or moralizing about the virtues of other systems. Although they may be reform-minded, judges are proud of their institution and believe they have worked very hard to reach their current positions. Suggestions for reform should represent initiatives promoted by judges and prosecutors themselves. Any appearance of foreign intervention, especially from the United States, must be carefully avoided or at least minimized. Consequently, the use of institutions such as ILANUD will make the Project more attractive to politicians likely to reject any U.S.-type approaches and solution to the problems of the judiciary. ILANUD is a reputable institution with a track record in the region and a considerable degree of acceptability in Bolivia. Although currently in the process of re-organization, it will continue to operate with a core of respected Bolivian professionals.

Because the Project aims to assist in establishing an efficient and accessible judiciary, it must avoid becoming identified with the fortunes of any particular element or faction of the present ruling alliance. The fact that Project initiatives and

activities are strongly supported by the Vice President and the National Council (with its diverse, multi-party membership) confers considerable protection as well as support for the achievement of Project goals and objectives.

If the Project is successful, there will be winners and losers. The establishment of an effective and more accessible administration of justice implies a weakening, if not elimination, of patronage structures developed over many years. Thus, the success of the Project could well create a great deal of discontent. Clearly, the Project should complement other efforts to provide alternative employment to Bolivia's dependent middle class. Also, efforts to establish an independent, apolitical career will have a high partisan cost at every level of the judicial system. Moreover, with the sensitivity of the narcotics issue, the likelihood is great that the Project will raise questions about national sovereignty and foreign intervention.

Finally, it is possible that the Project could draw the close scrutiny of other groups in society. Public presentations involving information about the Project, particularly information resulting from the workshops and seminars to be sponsored by the Project, should be carefully presented and disseminated to avoid distortions or the manipulation of Project goals and objectives.

2. Recommendations for Project Implementation

a. There is consensus in Bolivia on the need to modernize and strengthen the judicial system. Bolivians in general agree that democracy may not be too efficient but it is preferable to the authoritarian experiments of the past.

b. The Project must avoid any attempt to recreate U.S. institutions in Bolivia. Many concepts and terms used in every day American politics, such as countervailing powers, checks and balances, and the like should be carefully used. In fact, Bolivian democracy would probably be served best by examining other Latin American countries that have recently undergone transition processes and are facing similar problems of democratic consolidation.

c. Bolivian leadership should be relied upon at every stage of the Project, and an attempt should be made to utilize Bolivian institutions. The use of institutions like ILANUD are adequate alternatives to Bolivian institutions; however, Bolivian leadership is essential to the success of the Project.

d. The Project does not take into account a basic elements in Bolivian society such as the importance of patronage to the overall political process, and to the judiciary in particular. To the extent that the Project begins to make serious inroads into this aspect of the political system, it will

undoubtedly run into opposition from all sides of the political spectrum.

e. The Project does not deal with the pervasiveness of regional, ethnic, or class conflict that may hinder its success. No mention is made of the importance of the armed forces and the role that the military may play in a strengthened democratic system.

f. Involvement of members of the private sector is a positive element in the Project given the importance of the private sector in the political system. Their involvement in the development of alternative dispute resolution mechanisms and the training of arbiters is especially welcome.

g. The AOJ Project does not deal with the eventuality of electoral defeat for the incumbents even though this has been the case in the last two general elections. Electoral turnover could be a serious problem and the Project should allow for continuity in the event of an electoral defeat of the incumbents in the 1993 general elections.

h. The AOJ Project should attempt to maintain a clear line of demarcation between its activities and those involving narcotics control efforts. Failure to differentiate between the two programs places the AOJ Project at risk of being perceived by Bolivian public opinion as subordinate to narcotics control programs, thus eroding public confidence in the Project and possibly raising serious political complications for it.

ANNEX G: PROJECT CHECKLIST

SC(2) - ASSISTANCE CHECKLIST

Listed below are statutory criteria applicable to the assistance resources themselves, rather than to the eligibility of a country to receive assistance. This section is divided into three parts. Part A includes criteria applicable to both Development Assistance and Economic Support Fund resources. Part B includes criteria applicable only to Development Assistance resources. Part C includes criteria applicable only to Economic Support Funds.

CROSS REFERENCE: IS COUNTRY CHECKLIST UP TO DATE?

A. CRITERIA APPLICABLE TO BOTH DEVELOPMENT ASSISTANCE AND ECONOMIC SUPPORT FUNDS

1. Host Country Development Efforts (FAA Sec. 601(a)): Information and conclusions on whether assistance will encourage efforts of the country to: (a) increase the flow of international trade; (b) foster private initiative and competition; (c) encourage development and use of cooperatives, credit unions, and savings and loan associations; (d) discourage monopolistic practices; (e) improve technical efficiency of industry, agriculture, and commerce; and (f) strengthen free labor unions.

2. U.S. Private Trade and Investment (FAA Sec. 601(b)): Information and conclusions on how assistance will encourage U.S. private trade and investment abroad and encourage private U.S. participation in foreign assistance programs (including use of private trade channels and the services of U.S. private enterprise).

A.1 The goal of this project is to improve the effectiveness and accessibility of key Democratic Institutions and thereby promote and support law and policy reforms and structure adjustments to key judicial and law enforcement institutions, thus enhancing a, b, d and e.

The Inter-American Bar Association, a private U.S. organization, will provide technical assistance to the Project. U.S. firms will also provide commodities, supplies and other technical assistance.

3. Congressional Notification

a. General requirement (FY 1991 Appropriations Act Secs. 523 and 591; FAA Sec. 614A): If money is to be obligated for an activity not previously justified to Congress, or for an amount in excess of amount previously justified to Congress, has Congress been properly notified (unless the notification requirement has been waived because of substantial risk to human health or welfare)?

a) A Congressional Notification (CN) has been prepared for the A0J Project (511-0026) and has been sent to AID/Washington for submission to Congress. No funds will be obligated until AID/Washington advises USAID/Bolivia that the CN has expired without objection.

b. Notice of new account obligation (FY 1991 Appropriations Act Sec. 514): If funds are being obligated under an appropriation account to which they were not appropriated, has the President consulted with and provided a written justification to the House and Senate Appropriations Committees and has such obligation been subject to regular notification procedures?

N/A

c. Cash transfers and nonproject sector assistance (FY 1991 Appropriations Act Sec. 575(b)(3)): If funds are to be made available in the form of cash transfer or nonproject sector assistance, has the Congressional notice included a detailed description of how the funds will be used, with a discussion of U.S. interests to be served and a description of any economic policy reforms to be promoted?

N/A

4. Engineering and Financial Plans (FAA Sec. 611(a)): Prior to an obligation in excess of \$500,000, will there be: (a) engineering, financial or other plans necessary to carry out the assistance; and (b) a reasonably firm estimate of the cost to the U.S. of the assistance?

a) YES
b) YES

5. Legislative Action (FAA Sec. 611(a)(2)): If legislative action is required within recipient country with respect to an obligation in excess of \$500,000, what is the basis for a reasonable expectation that such action will be completed in time to permit orderly accomplishment of the purpose of the assistance?

Not Required

6. Water Resources (FAA Sec. 611(b); FY 1991 Appropriations Act Sec. 501): If project is for water or water-related land resource construction, have benefits and costs been computed to the extent practicable in accordance with the principles, standards, and procedures established pursuant to the Water Resources Planning Act (42 U.S.C. 1962, et seq.)? (See A.I.D. Handbook for guidelines.)

N/A

7. Cash Transfer and Sector Assistance (FY 1991 Appropriations Act Sec. 575(b)): Will cash transfer or nonproject sector assistance be maintained in a separate account and not commingled with other funds (unless such requirements are waived by Congressional notice for nonproject sector assistance)?

N/A

8. Capital Assistance (FAA Sec. 611(a)): If project is capital assistance (e.g., construction), and total U.S. assistance for it will exceed \$1 million, has Mission Director certified and Regional Assistant Administrator taken into consideration the country's capability to maintain and utilize the project effectively?

N/A

9. Multiple Country Objectives (FAA Sec. 601(a)): Information and conclusions on whether projects will encourage efforts of the country to: (a) increase the flow of international trade; (b) foster private initiative and competition; (c) encourage development and use of cooperatives, credit unions, and savings and loan associations; (d) discourage monopolistic practices; (e) improve technical efficiency of industry, agriculture and commerce; and (f) strengthen free labor unions.

The purpose of this project is to improve the effectiveness and accessibility of key Democratic Institutions and thereby promote and support law enforcement institutions and thus will indirectly encourage points a,b,d, and e.

10. U.S. Private Trade (FAA Sec. 601(b)): Information and conclusions on how project will encourage U.S. private trade and investment abroad and encourage private U.S. participation in foreign assistance programs (including use of private trade channels and the services of U.S. private enterprise).

The Inter-American Bar Association, a private U.S. organization will provide technical assistance to the Project. U.S. firms will also provide commodities, supplies and technical assistance.

11. Local Currencies

a. Recipient Contributions (FAA Secs. 612(b), 636(h)): Describe steps taken to assure that, to the maximum extent possible, the country is contributing local currencies to meet the cost of contractual and other services, and foreign currencies owned by the U.S. are utilized in lieu of dollars.

A \$ 5 million local currency contribution by the GOB is anticipated under the project. The U.S. does not own Bolivian local currency.

b. U.S.-Owned Currency (FAA Sec. 612(d)): Does the U.S. own excess foreign currency of the country and, if so, what arrangements have been made for its release?

No

c. Separate Account (FY 1991 Appropriations Act Sec. 575). If assistance is furnished to a foreign government under arrangements which result in the generation of local currencies:

(1) Has A.I.D. (a) required that local currencies be deposited in a separate account established by the recipient government, (b) entered into an agreement with that government providing the amount of local currencies to be generated and the terms and conditions under which the currencies so deposited may be utilized, and (c) established by agreement the responsibilities of A.I.D. and that government to monitor and account for deposits into and disbursements from the separate account?

1. Yes, the 1992 ESF agreements and procedures approved by USAID comply with all these requirements.

(2) Will such local currencies, or an equivalent amount of local currencies, be used only to carry out the purposes of the DA or ESF chapters of the FAA (depending on which chapter is the source of the assistance) or for the administrative requirements of the United States Government?

YES

(3) Has A.I.D. taken all appropriate steps to ensure that the equivalent of local currencies disbursed from the separate account are used for the agreed purposes?

YES

(4) If assistance is terminated to a country, will any unencumbered balances of funds remaining in a separate account be disposed of for purposes agreed to by the recipient government and the United States Government?

N/A

12. Trade Restrictions

a. Surplus Commodities (FY 1991 Appropriations Act Sec. 521(a)): If assistance is for the production of any commodity for export, is the commodity likely to be in surplus on world markets at the time the resulting productive capacity becomes operative, and is such assistance likely to cause substantial injury to U.S. producers of the same, similar or competing commodity?

a)N/A

b. Textiles (Lautenberg Amendment) (FY 1991 Appropriations Act Sec. 521(c)): Will the assistance (except for programs in Caribbean Basin Initiative countries under U.S. Tariff Schedule "Section 807," which allows reduced tariffs on articles assembled abroad from U.S.-made components) be used directly to procure feasibility studies, prefeasibility studies, or project profiles of potential investment in, or to assist the establishment of facilities specifically designed for, the manufacture for export to the United States or to third country markets in direct competition with U.S. exports, of textiles, apparel, footwear, handbags, flat goods (such as wallets or coin purses worn on the person), work gloves or leather wearing apparel?

b)N/A

13. Tropical Forests (FY 1991 Appropriations Act Sec. 533(c)(3)): Will funds be used for any program, project or activity which would (a) result in any significant loss of tropical forests, or (b) involve industrial timber extraction in primary tropical forest areas?

a)N/A

14. **Sahel Accounting (FAA Sec. 121(d)):** If a Sahel project, has a determination been made that the host government has an adequate system for accounting for and controlling receipt and expenditure of project funds (either dollars or local currency generated therefrom)?

N/A

15. **PVO Assistance**

a. **Auditing and registration (FY 1991 Appropriations Act Sec. 537):** If assistance is being made available to a PVO, has that organization provided upon timely request any document, file, or record necessary to the auditing requirements of A.I.D., and is the PVO registered with A.I.D.?

a) N/A

b. **Funding sources (FY 1991 Appropriations Act, Title II, under heading "Private and Voluntary Organizations"):** If assistance is to be made to a United States PVO (other than a cooperative development organization), does it obtain at least 20 percent of its total annual funding for international activities from sources other than the United States Government?

b) N/A

16. **Project Agreement Documentation (State Authorization Sec. 139 (as interpreted by conference report)):** Has confirmation of the date of signing of the project agreement, including the amount involved, been cabled to State L/T and A.I.D. L&G within 60 days of the agreement's entry into force with respect to the United States, and has the full text of the agreement been pouched to those same offices? (See Handbook 3, Appendix 6G for agreements covered by this provision).

YES

YES

17. **Metric System (Omnibus Trade and Competitiveness Act of 1988 Sec. 5164, as interpreted by conference report, amending Metric Conversion Act of 1975 Sec. 2, and as implemented through A.I.D. policy):** Does the assistance activity use the metric system of measurement in its procurements, grants, and other business-related activities, except to the

extent that such use is impractical or is likely to cause significant inefficiencies or loss of markets to United States firms? Are bulk purchases usually to be made in metric, and are components, subassemblies, and semi-fabricated materials to be specified in metric units when economically available and technically adequate? Will A.I.D. specifications use metric units of measure from the earliest programmatic stages, and from the earliest documentation of the assistance processes (for example, project papers) involving quantifiable measurements (length, area, volume, capacity, mass and weight), through the implementation stage?

18. Women in Development (FY 1991 Appropriations Act, Title II, under heading "Women in Development"): Will assistance be designed so that the percentage of women participants will be demonstrably increased?

YES

19. Regional and Multilateral Assistance (FAA Sec. 209): Is assistance more efficiently and effectively provided through regional or multilateral organizations? If so, why is assistance not so provided? Information and conclusions on whether assistance will encourage developing countries to cooperate in regional development programs.

No, though multilateral assistance will be encouraged and coordinated through the Project.

20. Abortions (FY 1991 Appropriations Act, Title II, under heading "Population, DA," and Sec. 525):

N/A

a. Will assistance be made available to any organization or program which, as determined by the President, supports or participates in the management of a program of coercive abortion or involuntary sterilization?

b. Will any funds be used to lobby for abortion?

21. Cooperatives (FAA Sec. 111): Will assistance help develop cooperatives, especially by technical assistance, to assist rural and urban poor to help themselves toward a better life?

N/A

22. U.S.-Owned Foreign Currencies

N/A

a. Use of currencies (FAA Secs. 612(b), 636(h); FY 1991 Appropriations Act Secs. 507, 509): Describe steps taken to assure that, to the maximum extent possible, foreign currencies owned by the U.S. are utilized in lieu of dollars to meet the cost of contractual and other services.

b. Release of currencies (FAA Sec. 612(d)): Does the U.S. own excess foreign currency of the country and, if so, what arrangements have been made for its release?

23. Procurement

N/A

a. Small business (FAA Sec. 602(a)): Are there arrangements to permit U.S. small business to participate equitably in the furnishing of commodities and services financed?

b. U.S. procurement (FAA Sec. 604(a)): Will all procurement be from the U.S. except as otherwise determined by the President or determined under delegation from him?

N/A

c. Marine insurance (FAA Sec. 604(d)): If the cooperating country discriminates against marine insurance companies authorized to do business in the U.S., will commodities be insured in the United States against marine risk with such a company?

N/A

d. Non-U.S. agricultural procurement (FAA Sec. 604(e)): If non-U.S. procurement of agricultural commodity or product thereof is to be financed, is there provision against such procurement when the domestic price of such commodity is less than parity? (Exception where commodity financed could not reasonably be procured in U.S.)

N/A

e. Construction or engineering services (FAA Sec. 604(g)): Will construction or engineering services be procured from firms of advanced developing countries which are otherwise eligible

N/A

under Code 941 and which have attained a competitive capability in international markets in one of these areas? (Exception for those countries which receive direct economic assistance under the FAA and permit United States firms to compete for construction or engineering services financed from assistance programs of these countries.)

f. Cargo preference shipping (FAA Sec. 603): Is the shipping excluded from compliance with the requirement in section 901(b) of the Merchant Marine Act of 1936, as amended, that at least 50 percent of the gross tonnage of commodities (computed separately for dry bulk carriers, dry cargo liners, and tankers) financed shall be transported on privately owned U.S. flag commercial vessels to the extent such vessels are available at fair and reasonable rates?

N/A

g. Technical assistance (FAA Sec. 621(a)): If technical assistance is financed, will such assistance be furnished by private enterprise on a contract basis to the fullest extent practicable? Will the facilities and resources of other Federal agencies be utilized, when they are particularly suitable, not competitive with private enterprise, and made available without undue interference with domestic programs?

YES

h. U.S. air carriers (International Air Transportation Fair Competitive Practices Act, 1974): If air transportation of persons or property is financed on grant basis, will U.S. carriers be used to the extent such service is available?

YES

i. Termination for convenience of U.S. Government (FY 1991 Appropriations Act Sec. 504): If the U.S. Government is a party to a contract for procurement, does the contract contain a provision authorizing termination of such contract for the convenience of the United States?

YES

j. Consulting services
(FY 1991 Appropriations Act Sec. 524): If assistance is for consulting service through procurement contract pursuant to 5 U.S.C. 3109, are contract expenditures a matter of public record and available for public inspection (unless otherwise provided by law or Executive order)?

YES

k. Metric conversion
(Omnibus Trade and Competitiveness Act of 1988, as interpreted by conference report, amending Metric Conversion Act of 1975 Sec. 2, and as implemented through A.I.D. policy): Does the assistance program use the metric system of measurement in its procurements, grants, and other business-related activities, except to the extent that such use is impractical or is likely to cause significant inefficiencies or loss of markets to United States firms? Are bulk purchases usually to be made in metric, and are components, subassemblies, and semi-fabricated materials to be specified in metric units when economically available and technically adequate? Will A.I.D. specifications use metric units of measure from the earliest programmatic stages, and from the earliest documentation of the assistance processes (for example, project papers) involving quantifiable measurements (length, area, volume, capacity, mass and weight), through the implementation stage?

YES

l. Competitive Selection
Procedures (FAA Sec. 601(e)): Will the assistance utilize competitive selection procedures for the awarding of contracts, except where applicable procurement rules allow otherwise?

YES

24. Construction

N/A

a. Capital project (FAA Sec. 601(d)): If capital (e.g., construction) project, will U.S. engineering and professional services be used?

N/A

b. Construction contract (FAA Sec. 611(c)): If contracts for construction are to be financed, will they be let on a competitive basis to maximum extent practicable?

N/A

C. Large projects, Congressional approval (FAA Sec. 620(k)): If for construction of productive enterprise, will aggregate value of assistance to be furnished by the U.S. not exceed \$100 million (except for productive enterprises in Egypt that were described in the Congressional Presentation), or does assistance have the express approval of Congress?

N/A

25. U.S. Audit Rights (FAA Sec. 301(d)): If fund is established solely by U.S. contributions and administered by an international organization, does Comptroller General have audit rights?

N/A

26. Communist Assistance (FAA Sec. 620(h)). Do arrangements exist to insure that United States foreign aid is not used in a manner which, contrary to the best interests of the United States, promotes or assists the foreign aid projects or activities of the Communist-bloc countries?

N/A

27. Narcotics

N/A

N/A

a. Cash reimbursements (FAA Sec. 483): Will arrangements preclude use of financing to make reimbursements, in the form of cash payments, to persons whose illicit drug crops are eradicated?

b. Assistance to narcotics traffickers (FAA Sec. 487): Will arrangements take "all reasonable steps" to preclude use of financing to or through individuals or entities which we know or have reason to believe have either: (1) been convicted of a violation of any law or regulation of the United States or a foreign country relating to narcotics (or other controlled substances); or (2) been an illicit trafficker in, or otherwise involved in the illicit trafficking of, any such controlled substance?

YES

28. Expropriation and Land Reform (FAA Sec. 620(g)): Will assistance preclude use of financing to compensate owners for expropriated or nationalized property, except to compensate foreign nationals in accordance with a land reform program certified by the President?

N/A

29. Police and Prisons (FAA Sec. 660): Will assistance preclude use of financing to provide training, advice, or any financial support for police, prisons, or other law enforcement forces, except for narcotics programs?

YES

30. CIA Activities (FAA Sec. 662): Will assistance preclude use of financing for CIA activities?

YES

31. Motor Vehicles (FAA Sec. 636(i)): Will assistance preclude use of financing for purchase, sale, long-term lease, exchange or guaranty of the sale of motor vehicles manufactured outside U.S., unless a waiver is obtained?

YES

32. Military Personnel (FY 1991 Appropriations Act Sec. 503): Will assistance preclude use of financing to pay pensions, annuities, retirement pay, or adjusted service compensation for prior or current military personnel?

N/A

33. Payment of U.N. Assessments (FY 1991 Appropriations Act Sec. 505): Will assistance preclude use of financing to pay U.N. assessments, arrearages or dues?

N/A

34. Multilateral Organization Lending (FY 1991 Appropriations Act Sec. 506): Will assistance preclude use of financing to carry out provisions of FAA section 209(d) (transfer of FAA funds to multilateral organizations for lending)?

N/A

35. Export of Nuclear Resources (FY 1991 Appropriations Act Sec. 510): Will assistance preclude use of financing to finance the export of nuclear equipment, fuel, or technology?

N/A

36. Repression of Population (FY 1991 Appropriations Act Sec. 511): Will assistance preclude use of financing for the purpose of aiding the efforts of the government of such country to repress the legitimate rights of the population of such country contrary to the Universal Declaration of Human Rights?

N/A

37. Publicity or Propaganda (FY 1991 Appropriations Act Sec. 516): Will assistance be used for publicity or propaganda purposes designed to support or defeat legislation pending before Congress, to influence in any way the outcome of a political election in the United States, or for any publicity or propaganda purposes not authorized by Congress?

N/A

38. Marine Insurance (FY 1991 Appropriations Act Sec. 563): Will any A.I.D. contract and solicitation, and subcontract entered into under such contract, include a clause requiring that U.S. marine insurance companies have a fair opportunity to bid for marine insurance when such insurance is necessary or appropriate?

N/A

39. Exchange for Prohibited Act (FY 1991 Appropriations Act Sec. 569): Will any assistance be provided to any foreign government (including any instrumentality or agency thereof), foreign person, or United States person in exchange for that foreign government or person undertaking any action which is, if carried out by the United States Government, a United States official or employee, expressly prohibited by a provision of United States law?

N/A

2. CRITERIA APPLICABLE TO ECONOMIC SUPPORT FUNDS ONLY

1. Economic and Political Stability (FAA Sec. 531(a)): Will this assistance promote economic and political stability? To the maximum extent feasible, is this assistance consistent with the policy directions, purposes, and programs of Part I of the FAA? YNS

2. Military Purposes (FAA Sec. 531(e)): Will this assistance be used for military or paramilitary purposes? NO

3. Commodity Grants/Separate Accounts (FAA Sec. 609): If commodities are to be granted so that sale proceeds will accrue to the recipient country, have Special Account (counterpart) arrangements been made? N/A

4. Generation and Use of Local Currencies (FAA Sec. 531(d)): Will ESF funds made available for commodity import programs or other program assistance be used to generate local currencies? If so, will at least 50 percent of such local currencies be available to support activities consistent with the objectives of FAA sections 103 through 106? N/A

5. Cash Transfer Requirements (FY 1991 Appropriations Act, Title II, under heading "Economic Support Fund," and Sec. 575(b)). If assistance is in the form of a cash transfer:

a. Separate account: Are all such cash payments to be maintained by the country in a separate account and not to be commingled with any other funds? N/A

b. Local currencies: Will all local currencies that may be generated with funds provided as a cash transfer to such a country also be deposited in a special account, and has A.I.D. entered into an agreement with that government setting forth the amount of the local currencies to be generated, the terms and conditions under which they are to be used, and the responsibilities of A.I.D. And that government to monitor and account for deposits and disbursements? YES

c. U.S. Government use of local currencies: Will all such local currencies also be used in accordance with FAA Section 609, which requires such local currencies to be made available to the U.S. government as the U.S. determines necessary for the requirements of the U.S. Government, and which requires the remainder to be used for programs agreed to by the U.S. Government to carry out the purposes for which new funds authorized by the FAA would themselves be available? YES

d. Congressional notice: Has Congress received prior notification providing in detail how the funds will be used, including the U.S. interests that will be served by the assistance, and, as appropriate, the economic policy reforms that will be promoted by the cash transfer assistance? YES

PROJECT GOAL

Improve the effectiveness and accessibility of the judicial system

PROJECT PURPOSE

"Improve the effectiveness" of the Central Sub-Forum Courts in La Paz & the judicial system in "Departments of Tarija and Santa Cruz"

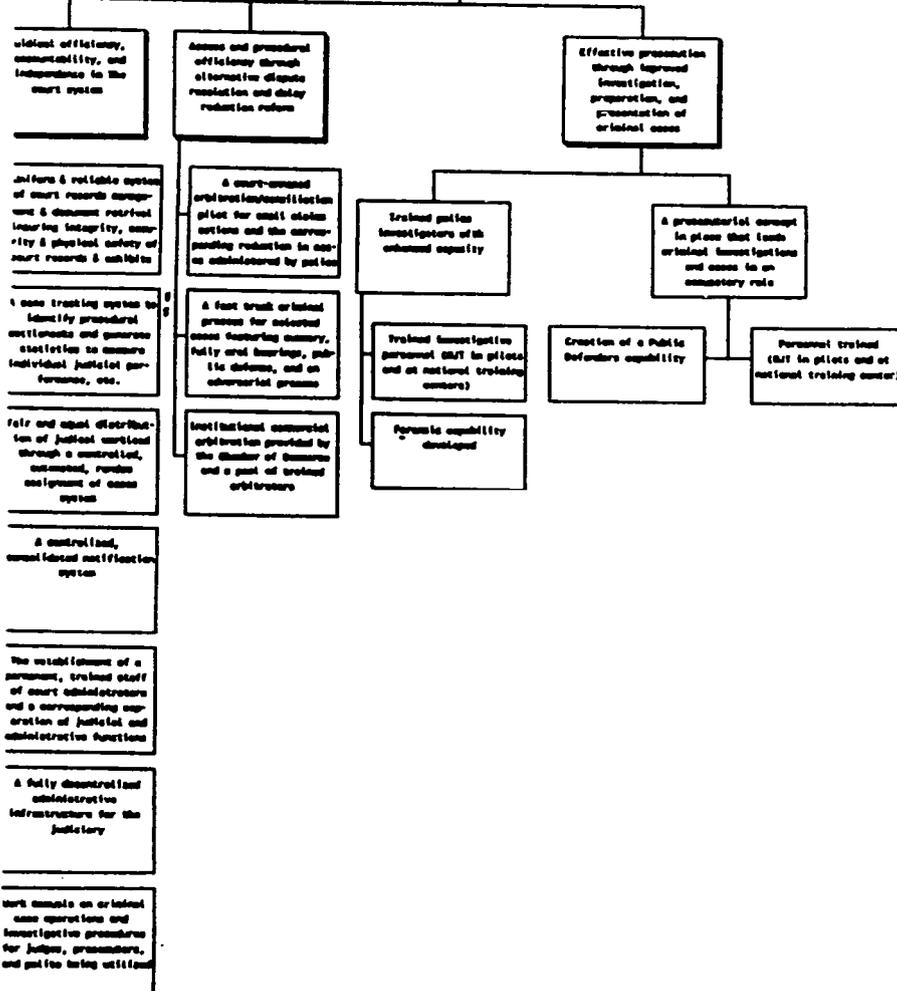
PROJECT PURPOSE INDICATORS TO BE MONITORED

1. Pending cases to total cases reduced
2. Court-staffing/server loss coefficients increased
3. Average delay coefficients increased
4. Average time of processing criminal cases reduced
5. Expanded public access to gov.-sponsored forms for conflict resolution
6. Increased percent of cases resolved through conciliation & other alternatives
7. Public opinion regarding fairness and accessibility of justice system is improving

NOTE: These indicators are also appropriate for goal measurement. The data for these indicators will have to be gathered in the 3 pilot jurisdictions.

Refer Outputs #1,2,3	Output #4	Outputs #5,6,7	Output #8	Output #9	Output #10	Output #11	Output #12	Output #13	Output #14	Output #15	
<ul style="list-style-type: none"> Effective Controlled substance Cases in La Paz Judicial system Tarija Judicial system in Santa Cruz 	Assessment of a pilot court system program by policy makers in the judiciary & a national plan to implement the prototype is adopted	Institutionalized training program for judges, judicial administrators, prosecutors, and police investigators at national centers	Judicial protection program developed	Work manuals on criminal case operations and investigative procedures for prosecutors, judges, and the police being utilized	National plan for institutionalized forensic capability being implemented	An independent Public Ministry that leads criminal investigations and prosecutions	OJD establishes a public integrity enforcement division in the Public Ministry and prosecutes for processing BAPB violations	Institutionalized commercial arbitration provided by the Chamber of Commerce and a panel of trained arbitrators	Institutionalized function of the National Council for Before and Reformation of the Federal Power	Sectionalized function of the National Council for Before and Reformation of the Federal Power	Development private best manage justice projects on public case support just

OUTPUTS CRITICAL TO ACHIEVING MORE EFFECTIVE PERFORMANCE IN THE 3 MODEL PILAR JURISDICTIONS



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ANNEX I

OFFICE OF PROFESSIONAL DEVELOPMENT AND TRAINING
CRIMINAL DIVISION, U.S. DEPARTMENT OF JUSTICE

A PROPOSAL FOR PROSECUTORIAL DEVELOPMENT
PROGRAM DESCRIPTION FOR BOLIVIA

FISCAL YEARS 1993-1997

August 1992

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I. BACKGROUND

It is anticipated that there will be fundamental changes in the role and functions of the Bolivian prosecutor. There is recent Bolivian legislation that defines a new prosecutorial function. Bolivia is in the process of adopting new criminal procedures and seeks to professionalize the role of the prosecutor. USAID/Bolivia has received requests from the Government of Bolivia (GOB) for support in this area.

II. PROGRAM OVERVIEW

With the full support of the U.S. Mission, USAID/Bolivia has proposed the Bolivian Administration of Justice Project (Number 511-0626) with the project purpose to "Improve the effectiveness of the Controlled Substance Courts in La Paz Department and the judicial systems in the Departments of Santa Cruz de la Sierra and Tarija." At the core of these pilot activities there will be a planning and implementation effort integrating the court administration, prosecutorial, and investigative functions.

USAID/Bolivia has invited the Office of Professional Development and Training (OPDAT) of the Criminal Division, Department of Justice (DOJ), to participate in this multi-year effort focused on strengthening the prosecutorial dimension of the pilot activities. This central effort will be reinforced by core activities designed to promote the strengthening of a national prosecutorial training capacity; the development and institutionalization of operations manuals for prosecutors; and the provision of guidance promoting policy reform and the institutionalization of this reform in the justice sector particularly as it relates to the prosecutorial function.

III. DESCRIPTION OF COMPONENTS

A. Pilot Justice Systems Development

OPDAT will play a major role in pilot justice systems development to be undertaken in the jurisdictions of La Paz, Sucre, and Tarija. These pilot efforts will represent integrated efforts involving court administration, prosecutorial and investigative components of the project. The initial effort by OPDAT in this component will be to develop a plan of action in consultation with all the USG entities working in the pilot jurisdictions. OPDAT, by providing technical assistance and training support, will develop model operational procedures relating to the role of the prosecutor. It is anticipated that as these model procedures evolve, they will be introduced into the training curriculum being developed by OPDAT as a means of accelerating the replication of these procedures in other jurisdictions. Each subsequent component described in this section will be implemented to support pilot justice systems

development. The development of a national prosecutorial training capacity will directly contribute to trained participants in these pilot jurisdictions enhancing the effectiveness of the judicial systems. Operations procedures manuals for prosecutors will be tested, refined, and institutionalized in the pilot jurisdictions.

ASSUMPTION:

- o It is a critical assumption that the GOB leadership in the justice sector will participate in formulating and implementing recommendations structuring a new role for the prosecutor in the Bolivian justice system that develop out of the pilot experience. This assumption must be monitored throughout the life of the project.

INPUTS:

- o **Technical Assistance:** The OPDAT resident advisor will work directly with the pilot jurisdictions providing on-the-job training to facilitate the identification, installation, and testing of procedures that will strengthen the effectiveness of the pilot jurisdictions.
- o **Training:** Training of personnel from the pilot jurisdictions. The number and type of participants to be trained from each jurisdiction will be determined during the planning phase of this component.

OUTPUTS:

- o Integrated plan for undertaking activities in pilot jurisdictions.
- o Trained prosecutors in the pilot jurisdictions.
- o Procedures defining the role of the prosecutor institutionalized in the pilot jurisdictions.

END OF PROJECT STATUS:

- o Improved and sustained effectiveness in terms of the prosecutorial component in the Controlled Substance Courts in La Paz Department and the judicial systems in the Departments of Santa Cruz de la Sierra and Tarija.

B. Development of a National Prosecutorial Training Capacity

This component involves the development and institutionalization of a national training capacity for Bolivian

prosecutors. The staffing and equipping of a training center in Sucre will be the key to institutionalizing training for prosecutors. A site for prosecutorial training has been selected, but it is neither equipped nor staffed at present. OPDAT has substantial experience in training site development, and after the completion of a needs assessment, OPDAT will begin of advising on and supervising the establishment of the training institution at the site selected in Sucre.

A major aspect of this component will be activities to develop Bolivian trainers. Their training will take place in both the United States and Bolivia. The training-of-trainers activities will focus on defining and teaching the prosecution skills that the anticipated new Bolivian legislation will mandate.

Training of prosecution skills and substantive legal topics will require employing different techniques of instruction. The training of oral advocacy can only be effectively instructed in a "learn-by-doing" format, that is, through the use of simulations and instruction using video replay and individual critique. Substantive legal matters (investigation skills, task forces, narcotics, money laundering and public corruption) can be presented in the lecture format as well as written and video formats.

All training will require translation into Spanish of training materials presently available only in English and the dubbing of Spanish onto existing training videos.

Careful organization and sequencing of training is a must in order to have the flow of the training follow the new procedures in Bolivia, that is, case (investigation) organization and task force concepts would be presented before oral advocacy. Such organization would accommodate the urgency of Bolivia's request for training and allow the concurrent development of oral advocacy training in a newly designed prosecutors' training center.

Hosted trips to the U.S. to observe U.S. prosecutions and procedures will be an important feature of the OPDAT training program for prosecutors. The probable site for this training will be Puerto Rico because of the Spanish-speaking court system (local non-federal). These trips would be programmed into the overall training endeavor and coordinated with the United States Attorney's Office in Puerto Rico. Basic knowledge of U.S. procedures is necessary before meaningful observations occur. Therefore, fundamentals of U.S. law, presented in a "learn by doing" training format, will be given to the participants before their visits to Puerto Rico.

This training endeavor will be carefully coordinated with the training provided by ICITAP and DEA whose training efforts will be mainly concerned with investigative agents and police whereas the OPDAT effort will assist Bolivia in the enhancement of professional skills of its prosecutors.

INPUTS:

- o The OPDAT staff and the resident advisor will furnish technical assistance to develop a comprehensive training plan, establish criteria for developing curricula, and identify and prepare administrative and training staff. The focus will be on curricula which emphasize the role of the prosecutor in the justice system.
- o OPDAT will select prospective training center instructors/trainers to attend OPDAT instructor and curriculum development courses.
- o OPDAT will provide technical assistance, as appropriate, to the targeted jurisdictions identified in the AID Project Paper to assist in developing on-the-job training activities for prosecutors.
- o OPDAT will provide necessary educational, audio-visual, other classroom equipment and materials for the prosecutor training center in Sucre.

OUTPUTS:

- o The development of professional staff at the national prosecutor training center in Sucre.
- o The development of a cadre of fully functional Bolivian instructors versed in the proper preparation of curricula and the delivery of quality instruction for the prosecutor training center.
- o The development of an in-service training plan for prosecutors.
- o The execution of pilot projects as a step in institutionalizing a continuing education capacity for prosecutors.

END OF PROJECT STATUS:

- o The curricula of the prosecutors training center in Sucre will include training of prosecution skills in oral advocacy which will be taught in a "learn-by-

doing" format through the use of simulations and instruction using video replay and individual critique and substantive legal topics. The training of substantive legal matters (investigation skills, task forces, narcotics, money laundering and public corruption) will be presented in the lecture format as well as written and video formats.

- o A permanent in-service training capability for prosecutors.
- o An independently-functioning prosecutorial training program that meets long term GOB training needs.

C. Development and Institutionalisation of Operations Procedures for Prosecutors

The Public Ministry law (expected to pass before the end of 1992), provides the Attorney General with the authority to promulgate regulations permitting prosecutors to direct investigations of criminal cases and make presentations of findings before the Courts. Without additional criminal investigations training (legal and technical) and clarity on the role of the prosecutors, investigators, and judges, they will continue to make mistakes of the most basic kind and jeopardize the outcome of important criminal cases. To obviate this situation, law enforcement officials require training and reference manuals on the new law.

These manuals must cover not only basic legal matters but technical and operational procedures relevant to each of the participants in the criminal investigation process and should be developed and tested within the pilot areas for effectiveness. Such a manual will be necessary for uniform application of the new Bolivian procedures in the proposed pilot projects and will provide uniformity in the application of the new Bolivian procedures, case management, office management, internal guidance for investigations, policy and related matters. Upon testing and evaluation (and modification, as required) the manuals will be disseminated throughout the country.

INPUTS:

- o OPDAT will provide technical assistance to the inter-agency coordinating committee for the development of administrative, operational and investigative policies; procedures and manuals; administrative controls; as well as rules and regulations.
- o OPDAT will develop and implement with ICITAP a plan for operations training and dissemination of field manuals to all appropriate personnel.

OUTPUTS:

- o The creation of a committee to be formed by the Attorney General include the judiciary, the police, and the National Council for Reform and Modernization of the Judicial Power to develop guidelines and recommendations for medium and long term issues of common concern.
- o Technical operations manuals which systematize internal regulations for law enforcement officials.
- o A criminal process handbook for use by law enforcement officials.

END OF PROJECT STATUS:

- o Law enforcement officials will be trained on their specific investigative roles, thus enabling them to be more effective in the prosecution of crimes.
 - o Procedures in manuals and operations handbooks will be institutionalized in pilot jurisdictions and these procedures and the process to replicate these procedures nationally will be underway.
- D. **The Provision of Guidance Promoting Policy Reform and the Institutionalization of this Reform in the Justice Sector.**

The OPDAT residential advisor will, on a sustained basis, provide advice and guidance on the role of the prosecutor in the Bolivian justice system. An important dimension of the assistance provided by this advisor is a commitment to improving inter-institutional coordination which is critical for defining the appropriate role of the prosecutor in the administration of justice process. This is but one of the problems that the OPDAT advisor will address in providing policy guidance and promoting reform in the justice sector. Another critical area is the promotion of standard procedures in the justice process by the various agencies involved in the prosecutorial process.

IV. IMPLEMENTATION PLAN

At the heart of OPDAT's participation will be its technical assistance and training effort to support the pilot projects in the Controlled Substance Courts in the La Paz Department and justice systems development in the Departments of Santa Cruz de la Sierra and Tarija.

Activities in first year of project implementation will be devoted to developing a plan integrating all aspects of the USG

effort as a critical prologue to implementing activities in the pilot jurisdictions. For this effort to be successful, it must be pursued in the context of the Country Team effort designed to support the GOB effort to effect reform in the justice sector. An important OPDAT contribution in support of the pilot activities will be to identify appropriate participants who will perform the prosecutorial function in the Bolivian justice system. Other first year activities will be concerned with planning the life of other project aspects concerned with the development and institutionalization of operations procedures manuals and the development of a national training center for prosecutors.

OPDAT's work in successive years will be dedicated to implementing, monitoring, and assessing performance of the four components described in Section III, "Description of Components."

Annual implementation plans will be developed by OPDAT detailing specific actions to be undertaken. The first annual implementation plan will be prepared 90 days after the arrival of the OPDAT resident project manager. Thereafter, the annual implementation plan will be prepared in the last quarter prior to the new fiscal year. These work-plans will be reviewed by OPDAT Washington.

A more detailed proposal is not possible at this time. A preliminary assessment of Bolivia's needs must first be undertaken. The needs of the prosecutors and the infrastructure necessary to present training including the availability, in Bolivia, of equipment, training facilities, and printing capacity for materials to be developed must be determined. Additionally, curricula will be developed, and the team participate in the selection of the site for the first pilot project. The needs-assessment team will visit Bolivia for two weeks in the very near future to perform this preliminary assessment task.

V. MONITORING

OPDAT will develop indicators for each output and end of project status items identified in conjunction with the development of annual work-plans. OPDAT will periodically report on the status of output realization.

Quarterly reports will be prepared by the OPDAT resident project manager and submitted to OPDAT Washington and the USAID/Bolivia AOJ project manager. The quarterly report reviewed by OPDAT Washington will be submitted to the Director of the South American and Mexican Office (SAM) of the Latin American and Caribbean Bureau. The quarterly report will discuss performance to date and problems to achieving the agreed upon objectives.

VI. STAFFING

OPDAT anticipates the assignment of one project manager to La Paz over the first three years of the project with review of the necessity for the remaining two years. The resident OPDAT project manager will provide technical and administrative guidance for each of the four components described in detail in Section "Component Descriptions". The OPDAT project manager will be concerned with monitoring and reporting on OPDAT performance, evaluate real versus anticipated outcomes, and coordinate OPDAT activities with other USG entities in achieving overall project purpose objectives. This position will be filled by a skilled Spanish-speaking litigator from the Criminal Division or a United States Attorney's Office.

The OPDAT project manager will be supported by staff from OPDAT and the Criminal Division in Washington, D.C. headquarters who will provide such assistance as required in the form of TDY visits. The Washington OPDAT staff will assume responsibility for procurement, and instructors, and accounting of funds. It is also contemplated that DOJ/OPDAT overhead costs, in support of the project, incurred by the Criminal Division are to be included as costs. It is further contemplated that a Bolivian secretary will be employed by the OPDAT project manager. All costs associated with this arrangement will be borne by OPDAT out of requested funds provided by AID.

Short term technical assistance will be a continuing element of the OPDAT involvement in Bolivia. It is anticipated that the presence of the Criminal Division's Office of International Affairs, the Narcotics and Dangerous Drug Section and the Public Integrity Section will be required. The skills of U.S. prosecutors involving task force investigations, electronic surveillance, case organization, use of informants, forensic capabilities as well as other prosecution management techniques will most certainly be included. Spanish-speaking Criminal Division attorneys providing short term technical assistance will be utilized to the greatest extent possible.

VII. FINANCIAL PLAN

The total cost to carry out the OPDAT Bolivian project would be \$750,000 for FY 1993 and \$550,000 for FY 1994 and FY 1995, \$450,00 for FY 1996, and \$400,000 FY 1997. A detailed budget will be prepared for the first year's budget after OPDAT has completed its initial assessment which is to take place in 1992.

It is anticipated that the funding required will be greater at the project's beginning due to the vast amount of translation required and the establishment of the infrastructure necessary to establish an equipped prosecutors' training center.

ANNEX J

U.S. DEPARTMENT OF JUSTICE
INTERNATIONAL CRIMINAL INVESTIGATIVE TRAINING
ASSISTANCE PROGRAM (ICITAP)

PROGRAM DESCRIPTION FOR BOLIVIA
FISCAL YEARS 1993-1997

July 1992

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 - C. Development of a National Investigative Training Capacity**
 - D. Operations Procedures Manuals Development**
 - E. Development of National Forensic Sciences Capability**
- V. IMPLEMENTATION PLAN**
- VI. MONITORING PLAN**
- VII. STAFFING**
- VIII. FINANCIAL PLAN**

I. THE PROBLEM

The Bolivian criminal justice system is generally recognized as cumbersome and inefficient. The various justice sector components (police, prosecutors and judges) are stymied by a lack of coordination, little confidence in the system demonstrated by the public and poor training with minimal technical expertise in conducting criminal investigations. The depressed state of the economy has made it impossible to pay law enforcement and judicial personnel salaries commensurate with their responsibilities. Low salaries do little to discourage officials at all levels from engaging in corruption, thereby further undermining public confidence.

The Bolivian National Police (PNB) is a para-military force. Police academies and training centers generally teach minimal criminal investigations techniques, and the investigator is required to acquire what few skills he can perform on the job. Bolivia has only rudimentary forensic capabilities. Until recently the PNB had not demonstrated the ability or commitment to effectively use foreign assistance. However, with the recent consolidation of forensic laboratories under a single command and the appointment of some laboratory staff, the PNB has shown an increased commitment to self-improvement which should be encouraged.

Judges and prosecutors receive no criminal investigations training in law school or in post-graduate training; this exacerbates the inherent mistrust between police and judicial personnel. Prosecutors and judges argue that the police fail to conduct competent investigations, while the police allege that many prosecutors and judges lack the ability to evaluate whether investigations are thorough and complete.

II. PROGRAM OVERVIEW

Since the restoration of constitutional government in 1982, the Government of Bolivia (GOB) has improved the stability and effectiveness of its institutions as an emerging democracy. To continue to promote these efforts, the U.S. Embassy in La Paz has stated that U.S. policy in Bolivia has three fundamental, interrelated goals:

- o Consolidation of the democratic system;
- o Economic stabilization and recovery; and,
- o Control of illegal drug production and trafficking.

In support of these goals, the Agency for International Development (AID) has proposed to initiate the Bolivian Administration of Justice Project (Number 511-0626) with the project purpose to "Improve the effectiveness of the Controlled Substance Courts in La Paz Department and the judicial systems in the Departments of Santa Cruz de la Sierra and Tarija." At the core of these pilot activities will be a planning and implementation effort integrating the court administration, prosecutorial, and investigative functions. A.I.D. has invited ICITAP to participate in this multi-year effort focused on strengthening the investigative dimension of the

pilot activities. This central effort will be reinforced by core activities designed to provide guidance promoting inter-institutional coordination in the justice sector, to promote the strengthening of a national investigative training capacity; the development and institutionalization of operations procedures manuals; and the strengthening of national forensic capabilities.

III. ICITAP ACTIVITY TO DATE

ICITAP initiated activities in Bolivia in July 1990. To date nine courses have been provided to a total of 235 law enforcement professionals. A hallmark of ICITAP activities has been the inclusion of members from the three criminal justice components in all courses, seminars and conferences. These activities have stressed the various aspects of criminal investigative skills and include courses designed for judges and prosecutors involved in directing or prosecuting criminal cases. In addition, ICITAP sponsored an in-country conference with senior GOB justice sector executives, to address on-going needs and issues related to the performance of their duties. A major recommendation of the conference called for the establishment of a Coordinating Commission and Liaison Office to promote long-term cooperation within GOB entities.

A survey of police training procedures produced recommendations for changes in the administration, curricula and programs of the police training institutions and academies. The Police Commandant and Director of the Police Training Directorate (DNIE) were highly receptive to the suggestions made in the survey and have requested ICITAP's medium term assistance in implementing substantive changes in police training, strengthening the components dedicated to criminal investigative procedures and police management.

The selection of participants for every ICITAP activity has been undertaken with special consideration given to Embassy-supported anti-narcotics and anti-terrorism units. In the forensics area, a preliminary forensic assessment of Bolivia has been conducted that has guided ICITAP in conducting some modest activities. These consist of laboratory technical assistance, a Legal Medicine Seminar for 24 forensic pathologists, and the provision of four comprehensive yet transportable crime scene processing kits for use throughout Bolivia.

IV. DESCRIPTION OF COMPONENTS

A. Pilot Criminal Justice Systems Development

ICITAP will play a major role in pilot criminal justice systems development to be undertaken in the jurisdictions of La Paz, Santa Cruz, and Tarija. These pilot efforts will represent integrated efforts involving the court administration, prosecutorial and investigative components of the project. The initial effort by ICITAP in this component will be to develop a plan of action in consultation with USG entities working in the pilot jurisdictions. ICITAP, by providing technical assistance and training support, will develop model operational procedures. It is anticipated that as these model investigative procedures evolve, they will be introduced into the training curriculum being developed by ICITAP as a means of accelerating the replication of these procedures in other jurisdictions. Each subsequent component described in this section will be implemented to support pilot criminal justice systems development. The strengthening of a national investigative training capacity will directly contribute to training participants in these pilot jurisdictions, enhancing the effectiveness of the judicial systems. Operations procedures manuals will be tested, refined, and institutionalized in the pilot jurisdictions, and forensic capacity will be targeted primarily on the pilot jurisdictions.

ASSUMPTION:

- o It is a critical assumption that the Bolivian National Police (PNB) will participate in formulating and implementing recommendations for criminal investigative institutional innovations that develop out of the pilot experience and are candidates for replication in jurisdictions throughout Bolivia.

INPUTS:

- o **Technical Assistance:** The ICITAP resident advisor will work directly with the pilot jurisdictions to facilitate the identification, installation, and testing of procedures that will strengthen the effectiveness of the pilot jurisdictions.
- o **Training:** Training of personnel from the pilot jurisdictions. The number and type of participants to be trained from each jurisdiction will be determined during the planning phase of this component.

OUTPUTS:

- o Integrated plan for undertaking activities in pilot jurisdictions.
- o Trained investigators in the model jurisdictions.
- o Appropriate investigative procedures institutionalized in the model jurisdictions.

- o **Forensic capacity strengthened in the pilot jurisdictions.**

END OF PROJECT STATUS:

- o **Improved effectiveness in terms of the investigative component in the Controlled Substance Courts in La Paz Department and the judicial systems in the Departments of Santa Cruz de la Sierra and Tarija.**
- o **Investigative innovations, that have been tested and successfully institutionalized in pilot jurisdictions, being replicated in other jurisdictions.**

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B. Promotion of Inter-institutional Coordination in the Justice Sector

Commitment to improving inter-institutional coordination is critical for the enhancement of administrative and case management effectiveness and accessibility of law enforcement agencies. Problematic areas include, but are not limited to, lack of coordination in response to major crimes, the roles of the various agencies at the crime scene, collection of evidence, use of forensic laboratories, and submission of prosecutive reports. ICITAP will address this myriad of problems on a sustained basis in the course of working with the institutions that constitute the criminal justice sector.

INPUTS:

- o The identification of candidates from the Public Ministry, police, and court entities designated to participate as members of the project.
- o ICITAP will assist in the design, coordination, and implementation of operational policies and procedures among the various agencies involved in the investigative process.

Projected First Year Training:

<i>Course Name #</i>	<i>Students Per Course</i>
Coordination of Criminal Investigations 1	25
Police Management 1	29
Invest. Oversight for Prosecutors 1	29
Case Management 1	29
TOTAL =	4

OUTPUT:

- o Creation of an inter-agency coordinating commission to enhance coordination and cooperation among law enforcement entities.

END OF PROJECT STATUS:

- o A functioning, effective inter-agency coordinating commission will be in place by the end of project.

C. Development of a National Investigative Training Capacity

Effective criminal investigation involves the application of a combination of investigative techniques, forensic activities, and coordinated administration, all based upon recognized legal procedure. The result should be an improved quality of investigation which will be useful for prosecutors and judges. This dynamic requires existing PNB academies to prepare instructors and to design and adopt comprehensive training curricula which inculcate techniques and guidelines consistent with teaching methodology in a modern criminal investigative context. Upon the creation, staffing, and funding of training programs for prosecutors and judges, technical assistance can be provided as part of or separate from efforts dedicated to the PNB.

INPUTS:

- o ICITAP consultants will furnish technical assistance to strengthen DNIE capabilities to develop a comprehensive training plan, establish criteria for developing curricula, and identify and prepare administrative and training staff. The focus will be on curricula which emphasize requirements for conducting criminal investigations.
- o ICITAP will select from current and prospective academy instructors to attend ICITAP instructor and curriculum development courses.
- o Based on experience from PNB training activities, ICITAP will provide technical assistance, as appropriate, to the targeted jurisdictions identified in the AID Project Paper to assist in developing training components for judges and prosecutors.
- o ICITAP will provide necessary educational, audio-visual, and other classroom equipment materials for the DNIE Academy and schools as required for ICITAP training. The schools are currently operating with limited resources and are unable to provide this material.
- o ICITAP will sponsor one DNIE administrative official to intern with a U.S. Criminal Justice entity or a police academy within the initial 12 months of the project.
- o ICITAP will recommend a candidate(s) to the FBI National Academy, and if selected by the FBI, will sponsor participation at the 12-week program.
- o ICITAP will sponsor one candidate to the Commission on Accreditation for Law Enforcement Agencies (CALEA) Conference or other professional conference.

Projected First Year Training

<i>Course Name</i>		<i>Students Per Course</i>
Instructor Development	1	16
Curriculum Development	1	16
Human Dignity	1	29
TOTAL =	3	

OUTPUTS:

- o The development of professional staff in the PNB National Training Directorate (DNIE) to implement the objective of reforming PNB training which was approved by the PNB Commandant in June 1992.
- o The development of a cadre of fully functional Bolivian instructors versed in the proper preparation of curricula and the delivery of quality instruction for 15 criminal investigations courses taught at the PNB schools.
- o The development and integration of an in-service training plan to be applied throughout the PNB, pursuant to the revised PNB national education plan.
- o The development of pilot projects for continuing education of prosecutors and judges to improve investigation, preparation, and presentation of criminal cases.

END OF PROJECT STATUS:

- o The curricula of the PNB Academy and schools will include effective investigative, forensic, administrative, and legal components which produce investigators responsive to the needs of judges and prosecutors, thereby contributing to the improved quality of investigations leading to an anticipated decline in cases dismissed for poor or incomplete investigation.
- o A permanent in-service training capability for the continued development of investigators and curricula in all the criminal investigations courses taught in the PNB schools.
- o An independently-functioning prosecutorial training program that meets long term GOB training needs.

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D. Operations Procedures Manuals Development

The Public Ministry law (expected to pass mid-1992), provides the Attorney General with the authority to promulgate regulations permitting prosecutors to direct investigations of criminal cases and make presentations of findings before the Courts. Without additional criminal investigations training (legal and technical) and clarity on their specific roles, police, prosecutors, and judges will continue to make mistakes of the most basic kind and jeopardize the outcome of important criminal cases. To obviate this situation, law enforcement officials require training and reference manuals on the new law. These manuals must cover not only basic legal matters but technical and operational procedures relevant to each of the participants in the criminal investigations process and should be developed and tested within the pilot areas for effectiveness. Upon testing and evaluation (and modification, as required) the manuals will be disseminated throughout the country.

INPUTS:

- o ICITAP will sponsor National Conferences to bring together the leadership of appropriate components to address issues of common concern, and identify qualified members for appointment to a formal inter-agency coordinating commission.

- o ICITAP will provide technical assistance to the inter-agency coordinating committee for the development of administrative, operational and investigative policies; procedures and manuals; administrative controls; as well as rules and regulations.

- o ICITAP, in conjunction with other USG entities, will develop and implement a plan for operations training and dissemination of field manuals to all appropriate personnel.

Projected First Year Training

<i>Course Name</i>	<i>#</i>	<i>Students Per Course</i>
Coordination of Criminal Investigations	1	25
Investigative Oversight	1	29
TOTAL =	2	6

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OUTPUTS:

- o **The creation of a committee to be formed by the Attorney General to include the judiciary, the police, and the National Council for Reform and Modernization of the Judicial Power to develop guidelines and recommendations for medium and long term issues of common concern.**
- o **Technical operations manuals which systemize internal regulations for law enforcement officials.**
- o **A Criminal process handbook for use by law enforcement officials.**

END OF PROJECT STATUS:

- o **Law enforcement officials will be trained on their specific investigative roles, thus enabling them to be more effective in the prosecution of crimes.**
- o **Procedures in manuals and operations handbooks will be institutionalized in pilot jurisdictions and these procedures and the process to replicate these procedures nationally will be underway.**

E. Developing a National Forensic Sciences Capability

The coordinated detection, collection, and processing of physical evidence is basic to the criminal investigative process. Consequently ICITAP and other foreign donors have collectively provided modest amounts of technical assistance, courses, and equipment to assist the PNB in improving their rudimentary forensic capacities. While some of these resources have been put to good use, the PNB laboratories remain under-funded by the GOB and under-utilized by law enforcement agencies for the analysis of physical evidence.

The draft Public Ministry Law mandates the creation of forensic laboratories to be operated by the police under the supervision of the Public Ministry, but provides no specific instruction on the division of responsibilities between the Public Ministry and the police on the function of these laboratories or the relationship of the two entities with the Supreme Court on legal medicine matters. The Attorney General has stated to USG officials that he will seek to form an inter-agency task force on forensic investigation. In order to further the development process it will be necessary to obtain the political will of the GOB and subsequently, conduct an assessment of forensic capabilities and needs in the areas of new roles, staff, facility, equipment, and training. The assessment would be vital to setting development goals and priorities and establishing a national forensic plan.

INPUTS:

- o ICITAP will sponsor a Coordination of Forensic Services Workshop bringing together members of the forensic inter-agency commission to develop guidelines and recommendations for the division of forensic responsibilities between the three entities and to create a national forensic development plan.
- o ICITAP will sponsor annual national inter-agency commission conferences to resolve common issues and coordinate activities that involve delivery of forensic services.
- o ICITAP will provide equipment, supplies, training (courses and internships), and technical assistance to enhance capabilities in: 1) crime scene processing; 2) fingerprint repository; 3) crime laboratory; and 4) forensic medicine.

Projected First Year Training

<i>Course Name</i>	<i>#</i>	<i>Students Per Course</i>
Coordination of Forensic Services	1	25
Crime Scene Specialist	2	24
Forensic Pathology Course	2	24
TOTAL =	5	

OUTPUTS:

- 0 A national forensic plan that includes technical assistance, training, and equipment to create a full-service forensic capacity.
- o The creation of national inter-agency commission advocated by the Attorney General, which includes membership from the police, the Public Ministry, and the Court (legal medicine) to develop guidelines and recommendations for the division of forensic responsibilities between the three entities and a national forensic development plan for implementation of policy decisions.
- o Protocols for the division of responsibilities between the criminal justice entities and the delivery of services under a national forensic plan.
- o Decentralized crime-scene-processing resource centers where legal medicine and criminalistic units have been developed, trained, and equipped to process crime scenes.
- o An increased number of trained and equipped forensic pathologists.

END OF PROJECT STATUS:

- o A permanent, national inter-agency commission, representing the Public Ministry, the police, and the court that assists in developing a national forensic plan and provides continuing advice for resolving issues that involve delivery of forensic services.
- o A national criminalistic laboratory as called for in the draft law is operational.

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V. IMPLEMENTATION PLAN

At the heart of the ICITAP effort will be its technical assistance and training effort to support the pilot efforts in the Controlled Substance Courts in the La Paz Department and justice systems development in the Departments of Santa Cruz de la Sierra and Tarija. Activities in first year of project implementation will be devoted to developing a plan integrating all aspects of the USG effort to the greatest extent that is feasible as a critical prologue to implementing activities in the pilot jurisdictions. For this effort to be successful, it must be pursued in the context of the County Team effort designed to support the GOB initiative to effect reform in the justice sector. An important ICITAP effort in support of the pilot activities will be to identify appropriate participants who can effect change in the judiciary, fiscalia, and National Police and commence activities concerned with strengthening of a national criminal investigative training capacity. Other first year activities will be concerned with planning life of project efforts concerned with the development and institutionalization of operations procedures manuals and the strengthening a national forensic capacity.

ICITAP efforts in successive years will be dedicated to implementing, monitoring, and assessing performance of the five components described above in Section IV, "Description of Components." It is anticipated that as the judiciary becomes increasingly effective in convicting criminals, there will be a need to develop a judicial protection program. As the project develops, ICITAP and other project participants will make ongoing assessments for the need to initiate such a program.

Annual implementation plans will be developed by ICITAP, in conjunction with the Bolivia Country Team, detailing specific actions to be undertaken. The first annual implementation plan will be prepared 90 days after the arrival of the ICITAP resident project manager. Thereafter the annual implementation plan will be prepared in conjunction with ICITAP's overall program description with input from ICITAP, Washington.

VI. MONITORING

ICITAP will develop indicators for each output and end of project status items identified in conjunction with the development of annual work plans. ICITAP will periodically report on the status of output realization.

Quarterly reports will be prepared by the ICITAP resident project manager and submitted to ICITAP Washington and the Bolivia Country Team. The consolidated quarterly report prepared by ICITAP Washington will be submitted to all interested parties including the AID Assistant Administrator for Latin American and the Caribbean. The quarterly report will discuss performance to date and problems in achieving the agreed upon objectives.

VII. STAFFING

ICITAP anticipates the assignment of one project manager to La Paz over the five year life of the project. The resident ICITAP project manager will provide technical and administrative guidance for each of the five components described in detail in Section IV "ICITAP Component Descriptions". The ICITAP project manager will be concerned with monitoring and reporting on ICITAP performance, evaluating real versus anticipated outcomes, and coordinating ICITAP activities with other USG entities in achieving overall project purpose objectives. The ICITAP project manager will be supported by staff assigned to Washington, D.C. headquarters who will provide such assistance as required in the form of TDY visits. The Washington ICITAP staff will assume responsibility for procurement, contractual arrangements with consultants and instructors, and accounting of funds. All costs associated with this arrangement will be borne by ICITAP out of requested funds provided by AID.

VIII. FINANCIAL PLAN

The total cost to carry out the ICITAP Bolivian project would be \$1 million in each of the project years FY93, FY94, FY95, FY96, and FY97. A detailed budget will be prepared for the second through the fifth years at the time each annual ICITAP overall Program Description is prepared.

ANNEX K: TIMELINE FOR PROJECT OUTPUTS

END OF PROJECT OUTPUT

Events to Achieve Outputs

1. EFFECTIVE JUDICIAL SYSTEMS IN THE DEPARTMENT OF TARIJA, SANTA CRUZ, AND THE LA PAZ CONTROLLED SUBSTANCES COURTS

a. Coordinate Strategy with GOS and Participating U.S. Government Agencies for Developing the Three Plans

b. Improved Judicial Administration and Case Management at the Departmental Level

1. Establishment of a Permanent, Trained Staff of Court Administration

- Organize Legal Authority

- Phase 1
Phase 2
Phase 3

- Train Personnel in the Use of the System

- Phase 1
Phase 2
Phase 3

2. Implementation of a Case Tracking System to Identify Delinquents and to Enhance Performance Statistics

- Design System

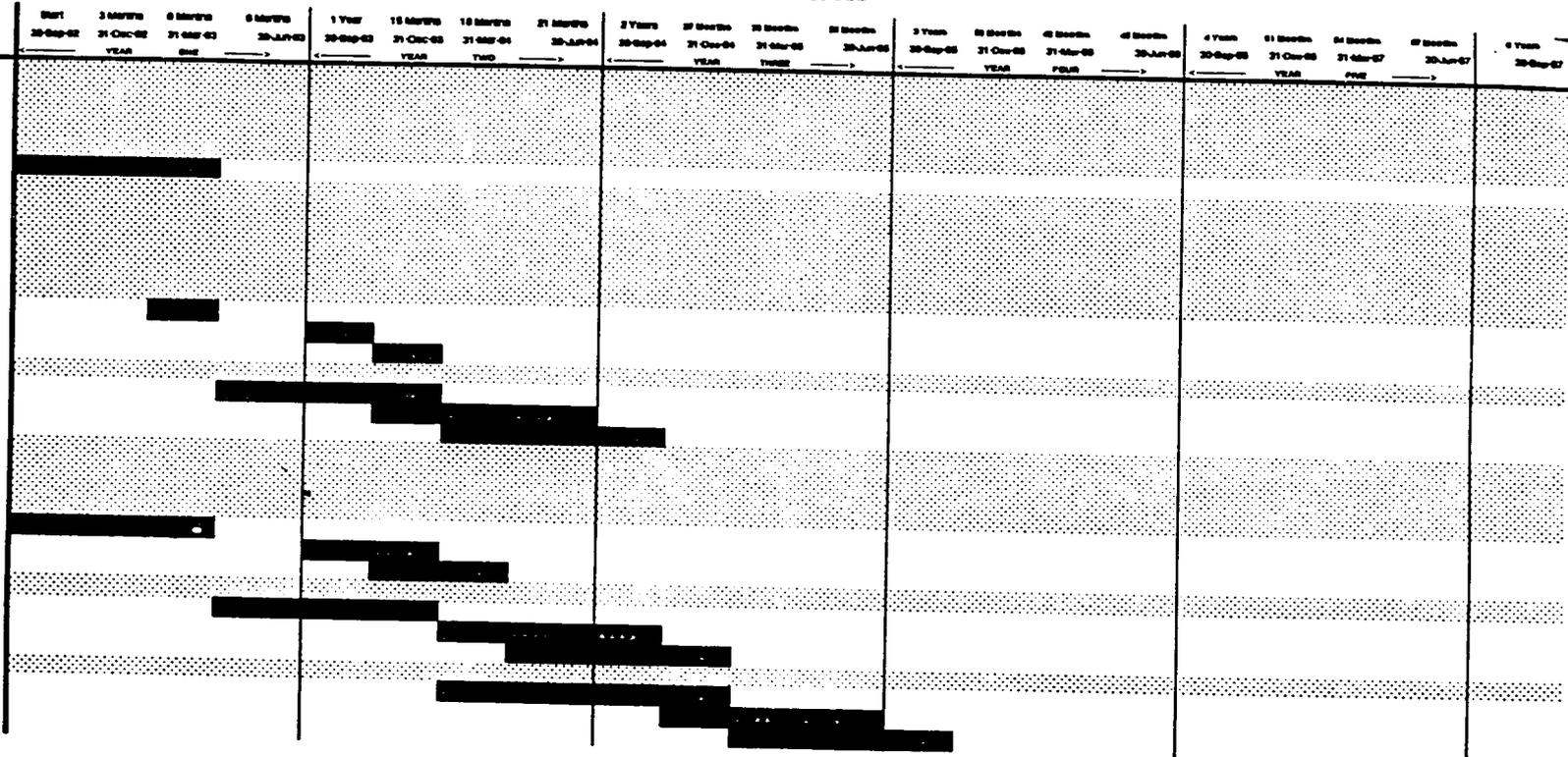
- Phase 1
Phase 2
Phase 3

- Train Personnel in the Use of the System

- Phase 1
Phase 2
Phase 3

- Test System

- Phase 1
Phase 2
Phase 3



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END OF PROJECT OUTPUT

Expected to Achieve Outputs

Year

2. INSTITUTIONALIZED TRAINING FOR JUDGES AND COURT ADMINISTRATORS AT THE NATIONAL LEVEL

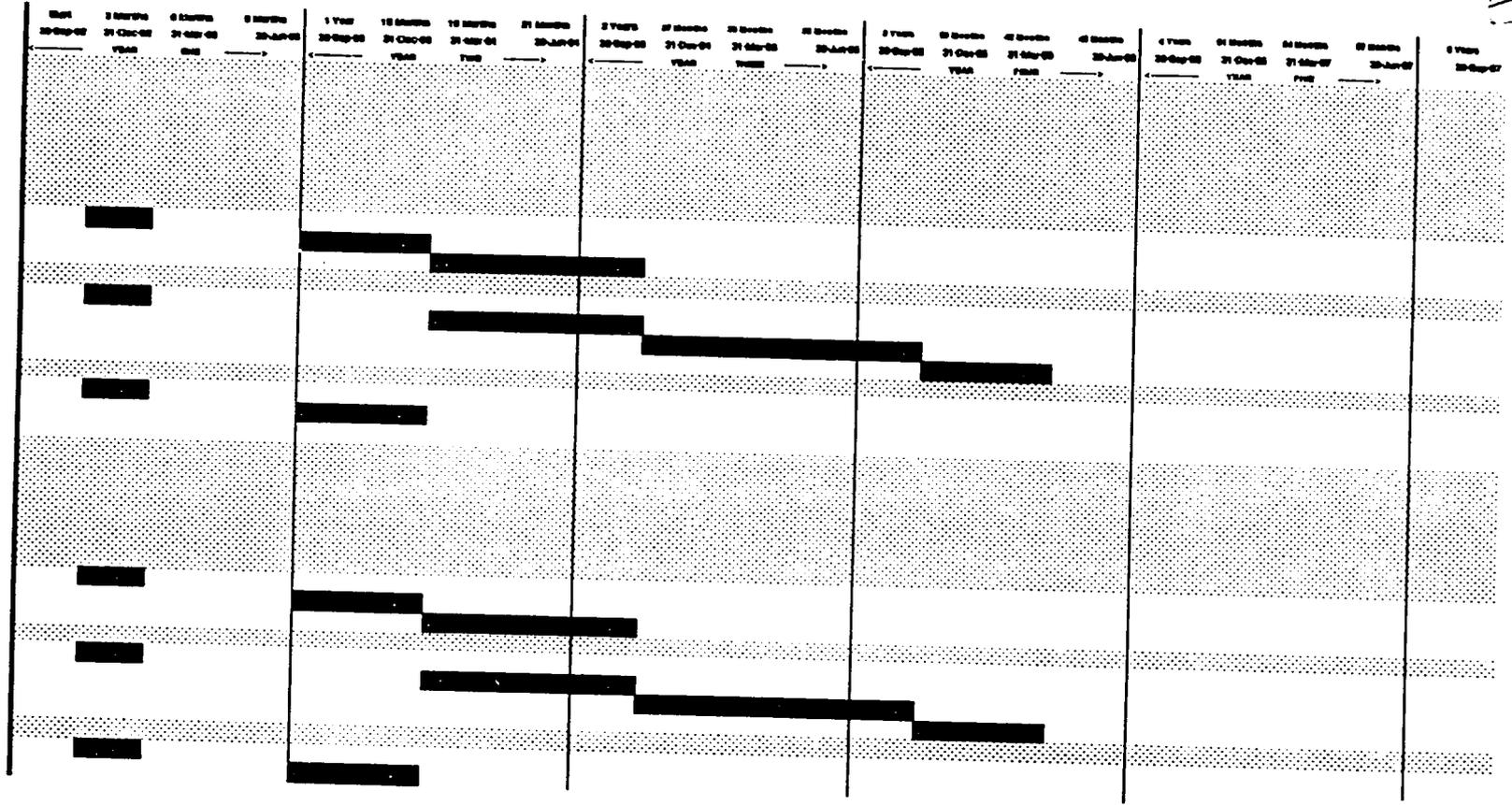
2.1 Develop a Permanent Continuing Training Program for Judges and Court Administrators under the GOE's New Training Institute

- a. Develop a Curriculum
 - Assess Training Needs (Workshop)
 - Formulate a Curriculum
 - Approve Training Materials
- b. Formulate a Training Methodology and Test Instruction
 - Determine Appropriate Methodology (Workshop)
 - Test Instruction
 - Design Training Program
 - Assess Training Program Effectiveness
- c. Establish an Administrative Structure
 - Determine Administrative Requirements (Workshop)
 - Develop Steps of Work

3. INSTITUTIONALIZED TRAINING FOR PROSECUTORS AT THE NATIONAL LEVEL

3.1 Develop a Permanent Continuing Training Program for Prosecutors under the GOE's New Training Institute

- a. Develop a Curriculum
 - Assess Training Needs (Workshop)
 - Formulate a Curriculum
 - Approve Training Materials
- b. Formulate a Training Methodology and Test Instruction
 - Determine Appropriate Methodology (Workshop)
 - Test Instruction
 - Design Training Program
 - Assess Training Program Effectiveness
- c. Establish an Administrative Structure
 - Determine Administrative Requirements (Workshop)
 - Develop Steps of Work



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END OF PROJECT OUTPUT

Timeline to Achieve Outputs

4. INSTITUTIONALIZED TRAINING FOR POLICE INVESTIGATORS AT THE NATIONAL LEVEL

a. Develop a Permanent Continuing Training Program for Police under the GOB's Police Academy

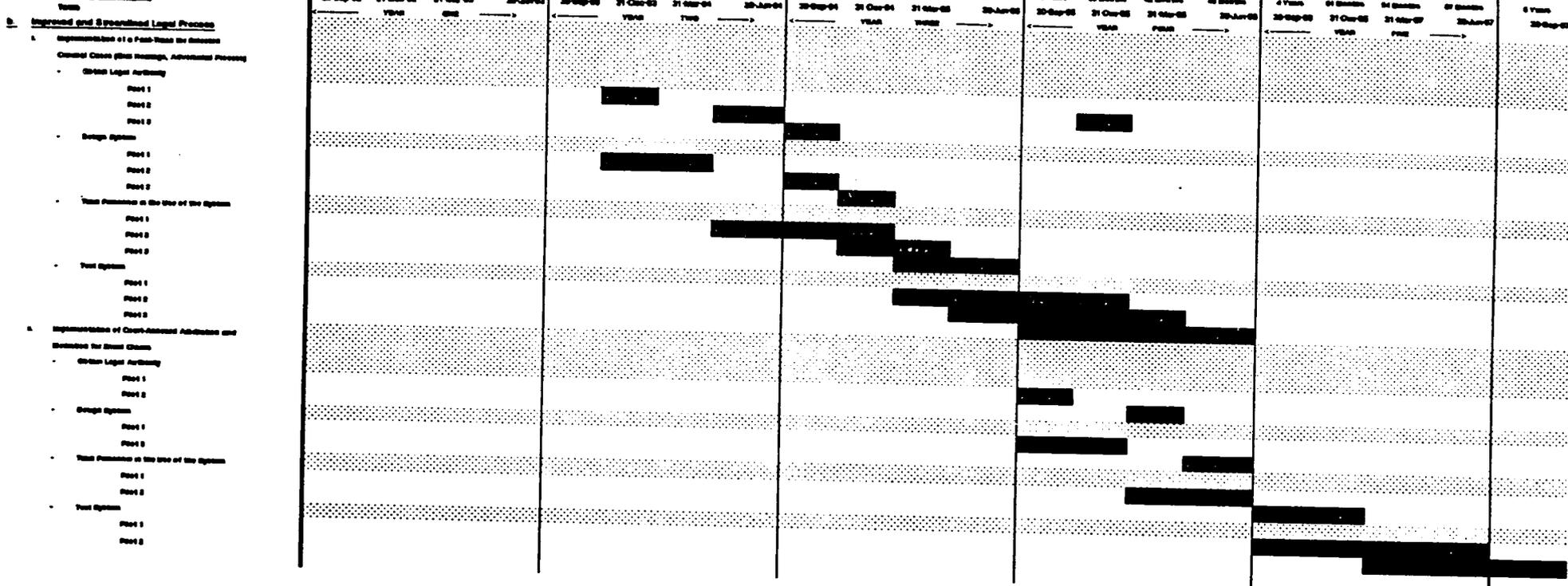
- 1. Develop a Curriculum
 - Assess Training Needs (Workshop)
 - Formulate a Curriculum
 - Assign Training Materials
- 2. Prepare a Training Methodology and Train Instructors
 - Determine Appropriate Methodology (Workshop)
 - Train Instructors
 - Begin Training Program
 - Assess Training Program Effectiveness
- 3. Establish an Administrative Structure
 - Determine Administrative Requirements
 - Develop Program of Work

	06/01 20-Sep-02	3 Months 21-Oct-02	6 Months 21-Feb-03	9 Months 20-Jun-03	1 Year 20-Sep-03	18 Months 31-Dec-03	18 Months 31-Mar-04	21 Months 20-Jul-04	2 Years 20-Sep-04	27 Months 31-Dec-04	36 Months 31-Mar-05	36 Months 20-Jul-05	3 Years 20-Sep-05	36 Months 21-Dec-05	48 Months 21-Mar-06	48 Months 20-Jul-06	4 Years 20-Sep-06	61 Months 21-Dec-06	64 Months 21-Mar-07	67 Months 20-Jul-07	6 Years 20-Sep-07
1. Develop a Curriculum																					
2. Prepare a Training Methodology and Train Instructors																					
3. Establish an Administrative Structure																					
4. Develop a Permanent Continuing Training Program for Police under the GOB's Police Academy																					
5. TECHNICAL OPERATIONS MANUALS FOR PROSECUTORS and POLICE INVESTIGATORS																					
6. INSTITUTIONAL COMMERCIAL ARBITRATION FOR DOMESTIC DISPUTES																					

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END OF PROJECT OUTPUT

System to Address Outcry



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END OF PROJECT OUTPUT

Events to Achieve Outputs

Tasks

C. Enhanced Public Prosecution

1. Prosecution Review & Investigation

Case Management, Case Advisory

Obtain Legal Authority / Generate Design

Part 1

Part 2

Part 3

Generate Training Issues Assessment

Part 1, 2, and 3

Team Personnel

Part 1

Part 2

Part 3

Monitor Personnel

Part 1

Part 2

Part 3

2. Create Police Business Plan Program

Obtain Legal Authority / Generate Design

Part 1

Part 2

Part 3

Team Personnel

Part 1

Part 2

Part 3

Monitor Personnel

Part 1

Part 2

Part 3

D. Enhanced Police Investigation and Coordination

1. Police Units Trained in Modern Investigation

Techniques, Operational Case Management, and

Personnel Business Management

Team Personnel

Part 1

Part 2

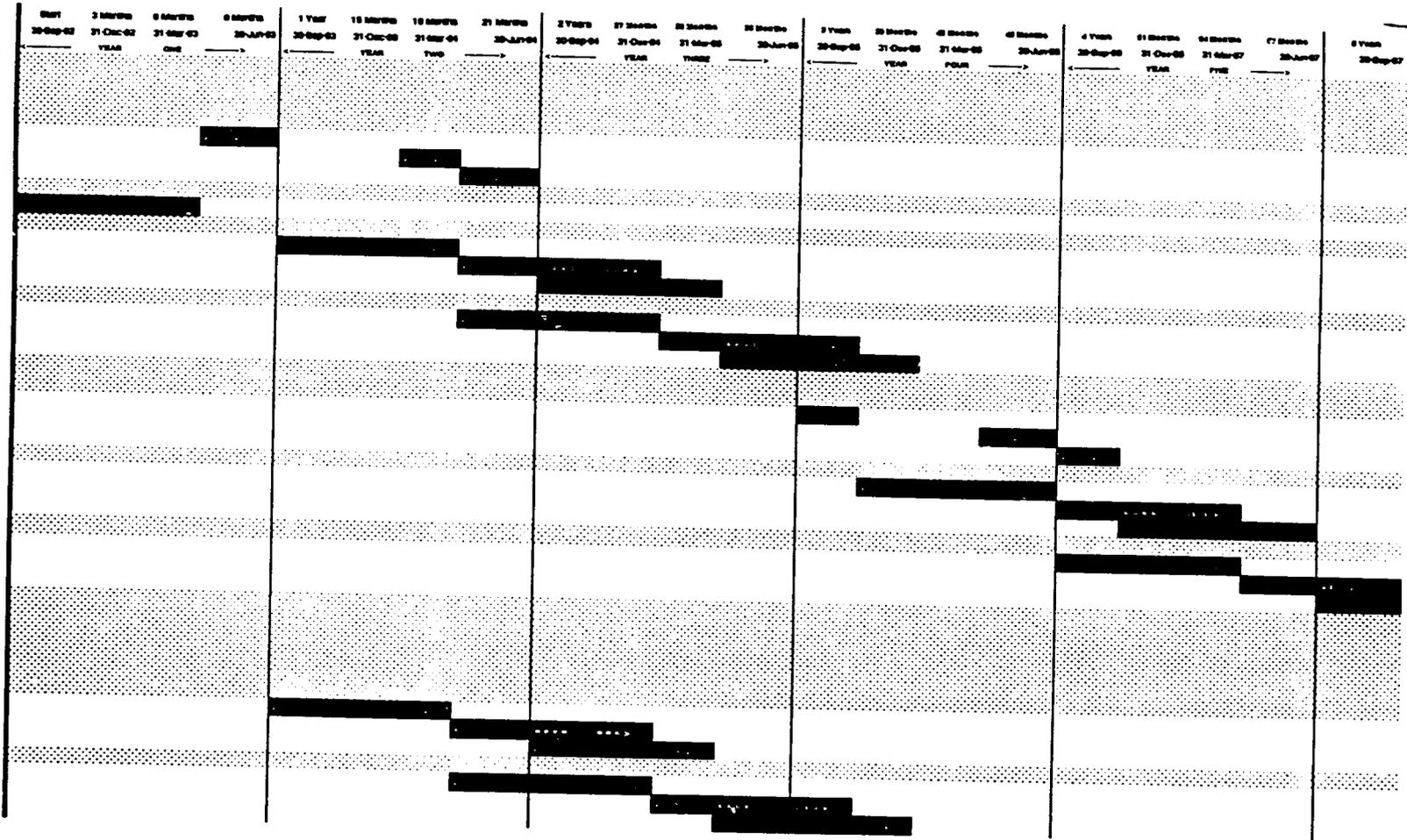
Part 3

Monitor Personnel

Part 1

Part 2

Part 3



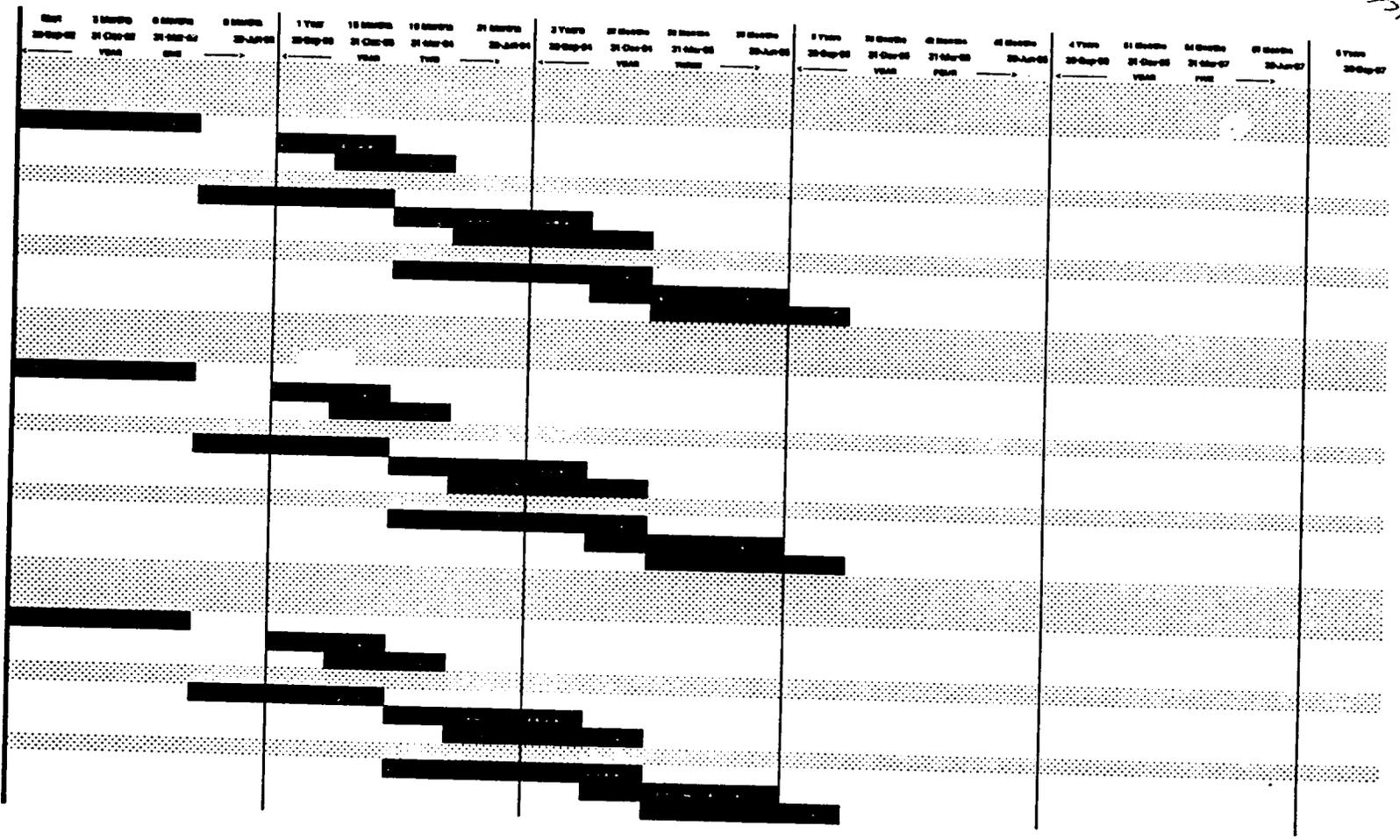
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END OF PROJECT OUTPUT

System to Address Outage

- System
- Implementation of Operational Procedures and Controls, Integrated Case Assignments
 - Design System
 - Phase 1
 - Phase 2
 - Phase 3
 - Test Personnel in the Use of the System
 - Phase 1
 - Phase 2
 - Phase 3
 - Test System
 - Phase 1
 - Phase 2
 - Phase 3
- Implementation of a System Records and Database Management System
 - Design System
 - Phase 1
 - Phase 2
 - Phase 3
 - Test Personnel in the Use of the System
 - Phase 1
 - Phase 2
 - Phase 3
 - Test System
 - Phase 1
 - Phase 2
 - Phase 3
- Implementation of Support Journal Database Reporting
 - Design System
 - Phase 1
 - Phase 2
 - Phase 3
 - Test Personnel in the Use of the System
 - Phase 1
 - Phase 2
 - Phase 3
 - Test System
 - Phase 1
 - Phase 2
 - Phase 3



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END OF PROJECT OUTPUT

Events to Achieve Outputs

7. **INSTITUTIONALIZATION OF THE NATIONAL COUNCIL FOR REFORM AND MODERNIZATION OF THE JUDICIAL POWER**
- a. Assist the Development of the National Council into a Permanent Institutional Reform Office**
1. Provide Training and Support for a Technical Staff
 2. Provide Technical Assistance to the Council to Review the Codes of Criminal and Civil Procedure
 3. Develop Litigants Interest the National Council, Congress, and Private Order Groups Supporting Judicial Modernization and Reform
 4. Support a Scheme using the Council a Permanent Office
8. **CREATION OF LOCAL PRIVATE INSTITUTION TO MANAGE JUDICIAL REPAIRS PROJECTS AND TO PROMOTE CIVIC EDUCATION AND SUPPORT FOR LEGAL REFORM**
- a. Support the Organization of a Local Office to Promote and Implement Judicial Modernization and Reform**
1. Assess Staff
 2. Provide for Organizational Legal Studies
 3. Organize an Executive Steering Committee
 4. Train Local Staff to Implement Projects
 5. Develop Litigants Interest the Office, the National Council, and Private Order Groups Supporting Reform
9. **IMPROVE FORENSIC EVIDENCE MANAGEMENT**
- a. Support the GOJ's Development of a National Forensic Evidence Plan**
1. Assess the Forensic Evidence Needs in Cities
 2. Provide Forensic Evidence Training in the Field Courts
 3. Provide U.S. and Host Country Training
 4. Carry out Policy Dialogue to Encourage Inter-Agency Cooperation to Develop Implementation of Forensic Evidence Management
 5. Equip Forensic Labs

Start	3 Months	6 Months	9 Months	1 Year	18 Months	18 Months	21 Months	2 Years	27 Months	30 Months	33 Months	3 Year	36 Months	42 Months	48 Months	4 Year	51 Months	54 Months	57 Months	6 Year
20-Sep-02	31-Oct-02	31-Mar-03	30-Jun-03	20-Sep-03	31-Oct-03	31-Mar-04	20-Jun-04	20-Sep-04	31-Oct-04	31-Mar-05	20-Jun-05	20-Sep-05	31-Oct-05	31-Mar-06	20-Jun-06	20-Sep-06	31-Oct-06	31-Mar-07	20-Jun-07	20-Sep-07
YEAR																				

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