



**USAID\BOGOTA
ACTION PLAN
1995-1996**

USAID/COLOMBIA ACTION PLAN

FISCAL YEARS 1995-1996

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**USAID/COLOMBIA ACTION PLAN
FISCAL YEARS 1995-1996**

STRATEGY OVERVIEW

The current USAID/Colombia program has two basic strategic objectives: 1) improvement of the country's criminal justice system; and 2) support for the government's economic liberalization and growth policies. As noted in the FY 1994-95 Action Plan, this program is consistent with the objectives of the U.S. Government set forth in the NSD-18, Andean Counternarcotics Initiative. The Mission's strategic objectives also are directly related to the furtherance of the Agency's goals of building democracy and achieving broad-based economic growth, respectively. Improvement of the criminal justice system is being implemented through the \$36M Justice Sector Reform Project (514-9002). Support for the economic liberalization program is provided by the local currency equivalent of \$77M from the FY 1991 and FY 1992 ESF Economic Stabilization Program grants (514-9001 and 514-9005).

In July, 1991, Colombia adopted a new Constitution, which established an independent judiciary administered by a Superior Judicial Council. The reform also created the Prosecuting Attorney General's Office (PAGO), changed the mode of the criminal legal process from inquisitorial to accusatorial, introduced alternative dispute resolution mechanisms and established a constitutional court. With the creation of PAGO, the Government of Colombia (GOC) sought to improve the criminal justice system dramatically, particularly by the introduction of the accusatorial system. The participation of prosecutors in the investigation of crimes in Colombia represents a significant departure from the pre-1991 inquisitorial procedure in which judges conducted the initial investigation and had sole responsibility for cases during the pre-trial phase. The training needs for PAGO alone are daunting. Some 20,000 new employees will be hired, and the entry of such a large number will have a profound impact on the operations of the country's criminal justice system. Assisting PAGO in the complex and sensitive task of establishing policies, procedures, norms and guidelines for prosecutors, and developing the managerial capacity to supervise and monitor the performance of the system will continue to be one of the major challenges facing the Justice Sector Reform Project (JSRP) in the coming years.

Over the past two years, USAID has been instrumental in assisting the GOC in its efforts to develop a long term plan for restructuring justice sector organizations, improve the effectiveness of the judiciary and prosecutorial functions,

expand access to the judicial system and strengthen judicial protection capabilities. This is being accomplished through pilot or demonstration projects in selected jurisdictions. In addition, the Mission has provided training to magistrates and judges on the provisions of the new (1993) criminal procedures code, and sponsored observation visits to the United States and Argentina for members of the Superior Judicial Council to provide them the opportunity to observe effective court administration and delay reduction programs.

Realizing that improved law enforcement and administration of justice capabilities are only one aspect of its long-standing effort to combat narco-trafficking and coca and poppy production, the GOC continues also to undertake major programs to stimulate legitimate economic activity. The present government's support of economic liberalization and market based policies ("apertura") has begun to pay dividends in growing trade opportunities based in part on negotiation of several bilateral or multilateral free trade agreements with other countries in the region, and reinvigoration of the Pacto Andino with Colombia's Andean neighbors. Also significant has been the multifold increase in exports to, and imports from the United States. The GOC reported 5.2% growth in GDP in 1993.

USAID support for the GOC's broad-based economic growth strategy is in the form of ESF local currency programmed jointly with the National Planning Department (NPD) for agreed upon development priorities, with emphasis on alternative development and export promotion activities. NPD is responsible for project implementation, and submission of periodic reports to the Mission. In a recent Executive Order, President Gaviria tasked NPD with developing and implementing a project design, monitoring and evaluation system to improve the Department's capability to effectively manage development projects. The NPD has requested USAID help in providing technical assistance to comply with the President's order. Also, in 1994, USAID has completed programming of the last of the ESF local currency interest generated by previous year programs.

USAID/Colombia is also active in promoting the Agency goals of protecting the environment and stabilizing population growth, although neither has been developed into a strategic objective. In the former instance, \$42M in local currency is being made available under an Enterprise of the Americas Initiative (EAI) debt reduction agreement. These funds will finance environmental protection and child survival initiatives designed and implemented by local non-governmental organizations (NGOs). The AID Representative is the USG representative on the EAI Administrative Council. The terms of the bilateral agreement require the Council to ensure that the organization designated to manage the "Americas Account" has adequate administrative, financial and project management capacity to effectively carry

out the program for which the funds are being provided. USAID is working closely with the new Ministry of the Environment and Ecofondo, the NGO responsible for program implementation, to establish the required procedures.

In the area of population and reproductive health, the Mission is collaborating with G/R&D/POP in monitoring a three-year, \$15M phase-out program of centrally funded assistance both to Profamilia, the highly successful Colombian family planning NGO, and to the local affiliate of the Association for Voluntary Surgical Contraception (AVSC).

Despite its narrowly focused project portfolio, USAID makes a conscious effort to coordinate with other donors in all areas of mutual interest. The Mini-Dublin Group, for example, provides a regular forum for review of counter-narcotics initiatives with representatives of most OECD countries and the UNDCP. Canada is also providing funding to Ecofondo, and the UK is assisting the Fiscalia. The Mission also maintains regular contact with the U.N. "family" of agencies, as well as with the International Center for Tropical Agriculture (CIAT). Colombia's popularity as a site for international conferences, and Mission involvement in obtaining country clearances for U.S. delegates, has actually resulted in closer contact recently with the UNDP, PAHO and UNICEF than might normally have been the case.

In carrying out its EAI responsibilities, USAID consults with World Wildlife Fund, which maintains a regional office in Colombia, and The Nature Conservancy. Involvement with local environmental and child survival NGOs will increase as EAI funding begins to flow to projects. USAID is also the point of contact for several health related USPVOs, such as Operation Smile, who visit Colombia periodically to provide specialized health services to lower income groups, as well as with the Salesian Missions, Salvation Army, Partners of the Americas and Interamerican Foundation, all of whom support programs in country.

ACHIEVEMENT OF AGENCY GOALS

GOAL: BUILDING DEMOCRACY (Promoting Respect for the Rule of Law by Strengthening Legal Systems)

STRATEGIC OBJECTIVE: Improve the Effectiveness of Colombia's Criminal Justice System, with Emphasis on Regional and Other Selected Prosecutorial Units and Criminal Courts.

LINKAGE BETWEEN GOAL AND OBJECTIVE. There is a general consensus in Colombia that chronic problems in the judicial system have become acute in the last eight years, due in large part to the increase in power of criminal organizations -- particularly narco-traffickers and guerrilla groups -- and the associated escalation in the levels of violence. Colombian courts have been unable to administer justice effectively, systems are weak and the sector, as a whole, lacks adequate training and resources in investigative, prosecutorial and administrative functions. This situation has been exacerbated more recently by allegations of corruption, human rights abuses and laxity in the prosecution and sentencing of drug "kingpins." As a result, public confidence in the judicial system as a basic democratic structure supporting the rule of law continues to be severely questioned

The JSRP is the vehicle through which USAID is assisting the GOC to carry out its reform of the justice sector. The reform program, in turn, is critical to the success of government's effort to reinforce the judicial system and to restore it to its rightful place as one of the country's fundamental democratic institutions.

KEY PROGRAM OUTCOMES. The strategic objective of the JSRP will be achieved through the provision technical assistance, training, commodities and related support to Colombia's judicial sector institutions. Assistance will be provided through five inter-linked and mutually supportive components:

- improved effectiveness of the investigative function;
- improved effectiveness of the prosecutorial function;
- improved effectiveness in the operation and administration of the court system;
- improved access, fairness and public perception of the judicial system; and
- improved capabilities of the overall justice system in sector planning, judicial information systems, judicial security and other selected areas.

PERFORMANCE NARRATIVE. Overall, progress toward achieving this strategic objective has been excellent. Following are selected examples of accomplishments related to attainment of the project outcomes listed above.

The International Criminal Investigative Training Program (ICITAP) and the National Conference of State Courts (NCSC) have provided intensive training, technical assistance and equipment to PAGO and other investigative agencies to increase the number of preliminary investigations reaching the formal stage, and to reduce the time required for progressing from one stage to the other.

Comprehensive criminal data bases and a related, computerized information system and data-sharing network have been developed, installed and are being used by investigators and judges.

The critical role being played by PAGO and its investigative agencies in the investigation and prosecution of narco-traffickers and terrorists has begun to restore public confidence in the legal system. A recent public opinion poll gave PAGO a favorable rating of 73%, the highest given to any GOC institution.

The Special Investigations Unit of the Attorney General's Office (AGO), a beneficiary of ICITAP training, has indicted several prominent public officials on charges of corruption.

In the 20 months since signing a cooperative agreement with USAID, the Foundation for Higher Education (FES) has built a first rate organizational structure capable of planning, developing, managing and implementing the activities envisioned under the agreement. As of October, 1993, FES had reviewed, revised and approved 34 sub-projects submitted by participating agencies. In addition, FES has organized and sponsored a wide range of seminars and training sessions for key judicial sector personnel.

USAID and ICITAP assistance has led to the creation of a Judicial Protection Fund in the Ministry of Justice and a Judicial Services Protection Division in the National Police Directorate.

A PASA with the Justice Department's Office of Professional Development and Training (OPDAT), signed in February, will provide training for prosecutors, and technical assistance in developing manuals of uniform investigative procedures.

USAID anticipates considerable progress during 1994/95 in the area of improved access, fairness and public perception. Expected results include: strengthening the capacity of the AGO to deal with human rights violations; development and implementation of a viable Public Defender program; testing and

strengthening of alternative dispute mechanisms in selected regions; and carrying out a public education program promoting crime prevention and rule of law.

Table 1: Strategic Objective Program "Tree"

COLOMBIA			
Agency Goal: Building Democracy			
Promoting respect for rule of law by strengthening legal systems.			
STRATEGIC OBJECTIVE NO.1: Improve the effectiveness of Colombia's criminal justice system, with emphasis on regional and other selected prosecutorial units and criminal courts.			
PROGRAM OUTCOME NO.1.1: Improved effectiveness of investigative function.	PROGRAM OUTCOME NO.1.2: Improved effectiveness of prosecution of serious crimes.	PROGRAM OUTCOME NO.1.3: Improved effectiveness of operation and administration of the court system.	PROGRAM OUTCOME NO.1.4: Improved access, fairness and public perception of the judicial system.
PROGRAM OUTCOME NO.1.5: Improved capabilities of the system in specific areas such as judicial protection, threat assessment, statistics collection, planning and monitoring.			
Projects (Number\Title)	Projects (Number\Title)	Projects (Number\Title)	Projects (Number\Title)
514-9002\Justice Sector Reform	514-9002\Justice Sector Reform	514-9002\Justice Sector Reform	514-9002\Justice Sector Reform

Table 2: Strategic Objective Performance

COLOMBIA					
STRATEGIC OBJECTIVE No. 1 Improve the effectiveness of the Colombian Criminal Justice System with emphasis on the Regional and other selected prosecutorial units and criminal courts					
Indicator No. 1: Percentage of court findings on serious crimes plus confirmations of the findings by a higher court, if appeals or reviews were made, resulting from the preliminary investigations of such crimes					
Unit:	Percentage	Year	Planned	Actual	
Source:	Superior Judicial Council Prosecutor General's Office	1994	---	***	
Comments:	Sub-project to establish baseline for the Regional and other selected prosecutorial units and criminal courts was approved by the JSRP. Baseline will be in place by June 30, 1994. It will provide indicator data for the period: January 1 - December 30, 1993.	1995		***	
		1996		***	
		1997	Target	***	
Indicator No. 2: Length of time for a case to be completed from the opening of the preliminary investigation to the court finding or to the finding confirmation by a higher court, if appeals are made.					
Unit:	Average months	Year	Planned	Actual	
Source:	Superior Judicial Council Prosecutor General's Office	1994	---	***	
Comments:	Sub-project was approved by the JSRP to conduct Special Case Study by the Superior Judicial Council (SJC) to have baseline data for the Regional and other selected prosecutorial units and criminal courts in place by June, 1994. It will provide indicator data for the period: January - December, 1993	1995		***	
		1996		***	
		1997	Target	***	

Indicator No. 3: Popular perception of effectiveness of and accessibility to the criminal justice system, especially in those areas covered by the Regional Prosecutorial Units and Courts, and in those regions where the selected prosecutorial units and criminal courts operate					
Unit:	Percentage		Year	Planned	Actual
Source:	Poll	Baseline	1994	---	***
Comments:	Baseline poll to track public opinion in the geographical areas covered by the Regional and other selected prosecutorial units and criminal courts will be conducted during 1994		1995		***
			1996		***
		Target	1997		***

COLOMBIA

PROGRAM OUTCOME No 1.1: Improved effectiveness of the investigative function

Indicator No. 1:	Percentage of investigative results (dismissal resolution or resolution to initiate investigation) resulting from the preliminary investigations of such crimes on the Regional and other selected prosecutorial units			
Unit:	Percentage	Year	Planned	Actual
Source:	Prosecutor General's Office	1993	---	7% (Regional) 19.5% (Other)
Comments:	Baseline for the Regional and other selected prosecutorial units and criminal courts was established: in the Regional Courts for January-April 1993 period, and in the ordinary prosecutorial units for July 1992 - June 1993.	1994		***
		1995		***
		1996		***
		1997	55% (for both type of units)	***

Indicator No. 2:	Length of time from opening of a preliminary investigation to achieving an investigative result : dismissal resolution or resolution to initiate formal investigation, in the Regional and other selected prosecutorial units and criminal courts			
Unit:	Average months	Year	Planned	Actual
Source:	Prosecutor General's Office	1994	---	***
Comments:	Sub-project was approved by the JSRP to conduct Special case study by the Superior Judicial Council (SJC) to have baseline data for the Regional and other selected prosecutorial units in place by December, 1993. It will provide baseline data for the period: January-December 1993	1995		***
		1996		***
		1997		***
		Target		***

PROGRAM OUTCOME No. 1.2: Improved effectiveness of the prosecution of serious crimes

Indicator No. 1: Percentage of decisions (dismissal or indictment) plus confirmations of the decisions by a higher prosecutorial unit, if appeals or reviews were made, resulting from formal criminal investigations in the Regional and other selected prosecutorial units.

Unit:	Percentage	Year	Planned	Actual
Source:	Prosecutor General's Office	1993	---	2.1% (Regional) 23% (Other)
Comments:	Baseline for the Regional and other selected prosecutorial units and criminal courts was established: in the Regional Courts for January-April 1993 period, and in the ordinary prosecutorial units for July 1992 - June 1993.	1994		***
		1995		***
		1996		***
		1997	55% (for both types of units)	***

Indicator No. 2: Length of time from the initiation of a formal criminal case investigation to a final case decision (dismissal or indictment) or to a confirmation of the decision by a higher prosecutorial unit, if appeals are made, in the Regional and other selected prosecutorial units and criminal courts

Unit:	Average months	Year	Planned	Actual
Source:	Prosecutor General's Office	1994	---	***
Comments:	Sub-project was approved by the JSRP to conduct Special case study by the Superior Judicial Council (SJC) to have baseline data for the Regional and other selected prosecutorial units in place by December, 1993. It will provide baseline data for the period: January-December 1993	1995		***
		1996		***
		1997		***
		Target		***

PROGRAM OUTCOME No. 1.3: Improved effectiveness of the operation and administration of the court system

Indicator No. 1: Total number of court findings plus confirmations of the findings by a higher court, if appeals or reviews were made, sorted out by type of major crimes and by type of decision (guilty or not guilty) in a six-month period

Unit:	Number of findings	Year	Planned	Actual
Source:	Superior Judicial Council	1994	---	***
Comments:	Sub-project to establish baseline for the Regional and other selected prosecutorial units and criminal courts was approved by the JSRP. Baseline will be in place by June 30, 1994. It will provide indicator data for the period: January 1 - December 30, 1993.			***

	Target	1997		***

Indicator No. 2: Length of time from the presentation of the indictment to the court finding or to the confirmation of the finding by a higher court if appeals were made

Unit:	Average months	Year	Planned	Actual
Source:	Superior Judicial Council Prosecutor General's Office	1994	---	***
Comments:	Sub-project was approved by the JSRP to conduct Special case study by the Superior Judicial Council (SJC) to have baseline data for the Regional and other selected prosecutorial units in place by December, 1993. It will provide baseline data for the period: January-December 1993	1995		***
		1996		***
		1997		***
	Target			***

PROGRAM OUTCOME No. 1.4: Improved access, fairness, and public perception of the judicial system

Indicator No. 1: Number of conflicts resolved in a six-month period by the mediation mechanisms operating in conciliation centers placed at selected regions of the country

Unit:	Number of conflicts	Year	Planned	Actual
Source:	Conciliation Office of the Ministry of Justice	1994	---	***
Comments:	The JSRP sub-project approved to strengthen Alternative Dispute Resolution mechanisms will provide baseline data for the selected regions of the country by June, 1994. It will provide indicator data for the period: January - December 1993.	1995		***
		1996		***
		1997		***
	Target			

Indicator No. 2: Percentage of those requiring defenders' assistance for major crimes' indictments who receive such assistance from public defenders

Unit:	Percentage	Year	Planned	Actual
Source:	Public Defender's Office	1994	---	***
Comments:	The JSRP sub-project approved to enhance pilot units of the Public Defender's Office will provide baseline for the areas where the Regional and other selected prosecutorial units are located by June, 1994. It will provide indicator data for the period: January-December 1993	1995		***
		1996		***
		1997		***
	Target			

Indicator No. 3: Percentage of favorable sentences for the defendants assisted by public defenders in major crimes' indictments of total sentences for defendants assisted by public defenders					
Unit:	Percentage		Year	Planned	Actual
Source:	Public Defender's Office	Baseline	1994	---	***
Comments:	The JSRP sub-project approved to enhance pilot units of the Public Defender's Office will provide baseline for the areas where the Regional and other selected prosecutorial units are located by June, 1994. It will provide indicator data for the period: January-December 1993		1995		***
			1996		***
		Target	1997		***

Indicator No. 4: Percentage of disciplinary actions by the Attorney General's Office against justice sector personnel involved in human rights violations, which result in criminal cases					
Unit:	Percentage		Year	Planned	Actual
Source:	Prosecutor General's Office Attorney General's Office	Baseline	1994	---	***
Comments:	The JSRP sub-project approved to support the work done by the Municipal Attorneys will provide the baseline data by June 1994. It will provide indicator data for the period January-December 1993		1995		***
			1996		***
		Target	1997		***

Indicator No. 5: Percentage of disciplinary actions by the Attorney General's Office against justice sector personnel involved in bribery and illicit enrichment, which result in criminal cases					
Unit:	Percentage	Year	Planned	Actual	
Source:	Prosecutor General's Office Attorney General's Office	1994	---	***	
Comments:	The JSRP sub-project approved to support the work of the Public Ministry Agents will provide baseline by June, 1994. It will provide indicator data for the period: January-December 1993	1995		***	
		1996		***	
		1997	Target	***	
Indicator No. 6: Popular perception of effectiveness of and accessibility to the criminal justice system					
Unit:	Percentage	Year	Planned	Actual	
Source:	Prosecutor General's Office Attorney General's Office	1994	---	***	
Comments:	FES and USAID/Colombia with the support of the GOC participating institutions will conduct a survey during the second semester of 1994 to establish the baseline for this indicator.	1995		***	
		1996		***	
		1997	Target	***	

PROGRAM OUTCOME No. 1.5: Improved capabilities of the overall justice system in specific areas, particularly judicial protection and threat assessment activities, statistics collection, planning and monitoring

Indicator No. 1: Percentage of Justice Sector Institutions which have designed and implemented a information system which provide regularly performance data of the judicial system

Unit:	Percentage	Year	Planned	Actual
Source:	Justice Division of the National Planning Department (NPD)	1994	---	One(1) institution: the PGO
Comments:	Baseline will be in place by December, 1994. It will provide indicator data for the period: July 1, 1993 - June 30, 1994.	1995		***
		1996		***
		1997	Four(4) institutions: PGO, SJC, AGO, and MOJ	***

Indicator No. 2: Number of successful acts of violence against justice sector personnel in a six-month period

Unit:	Number of acts	Year	Planned	Actual
Source:	National Police	1994	---	***
Comments:	Baseline will be in place by December, 1994. It will provide indicator data for the period: July 1, 1993 - June 30, 1994.	1995		***
		1996		***
		1997	Target	***

GOAL: ACHIEVING BROAD-BASED ECONOMIC GROWTH

STRATEGIC OBJECTIVE: Support the Economic Liberalization and Growth Policies of the Government of Colombia.

LINKAGE BETWEEN GOAL AND OBJECTIVE. The GOC continues energetically to pursue economic reform. Its program, called "apertura", is designed to eliminate market distortions, liberalize trade procedures and integrate Colombia into the world economy. Reform measures have already abolished import licensing, simplified export-import procedures, eliminated price controls, consolidated the tariff structure, freed the exchange rate, and strengthened the financial sector. The GOC has also furthered its efforts to reduce the number of state-held monopolies and privatize state-owned enterprises. Successful continuation of the apertura program will decrease dependence on external capital for import financing and stimulate economic growth -- a fact recognized by both leading presidential candidates, who endorse apertura and promise to continue on the path of market based economic policies.

In FY 1991-92, USAID granted \$96M in Economic Support Funds (ESF) to Colombia, of which \$77M was provided in the form of a cash transfer to be used for repayment of official debt. The remaining \$19M was obligated for the JSRP. An additional \$16M of ESF was provided for JSRP in FY 1993, for a total of \$112M, or slightly over half of the planned U.S. contribution of \$200M, over four years, envisioned in the Andean Counternarcotics Initiative.

The local currency (LC) equivalent of the \$77 M attributable to the cash transfer grants has been programmed jointly by USAID and the NPD. Consistent with the NSD-18 Counternarcotics Initiative and the trade and investment provisions of the EAI, these funds have been allocated: 1) to support the counternarcotics program by increasing opportunities for legitimate economic activity, expanding international trade and strengthening economic reform; and 2) to further apertura goals by improving Colombian technical expertise and administrative capacity in areas related to economic liberalization and trade integration. These local currency funded activities are designed to increase economic opportunities for disadvantaged segments of the Colombian population, and, thus, contribute to poverty reduction and more equitable distribution of the benefits of growth.

KEY PROGRAM OUTCOMES. Following are the key outcomes which the Mission expects to achieve through the ESF local currency program:

- increased legitimate employment and investment;
- reduced barriers to bilateral commerce; and
- increased exports, particularly non-traditional, agricultural exports.

PERFORMANCE NARRATIVE. The full \$77M have been disbursed and used for official debt amortization and interest payments. By the end of February 1994, the Banco de la Republica de Colombia (BRC) had used \$27.2M to reduce GOC debt owed to the USG, and \$37.5M, to reduce debt owed to the IBRD and to the IDB. No ESF cash transfer funds were made available to Colombia in FY 1993, nor have any such funds been allocated, at the present time, for FY 1994.

By the end of February, 1994, the GOC had deposited the peso equivalent of approximately \$74M in an interest bearing special account in the BRC. The remaining \$3M has been made available USAID as Operating Expense (OE) and Program Development (PD&S) Trust Funds. By the end of FY 1992, the entire LC equivalent of \$41M from the first Economic Stabilization Program grant (514-9001) had been disbursed for projects supporting the areas designated in the FY 1991 PAAD: viz., trade expansion, regional development and human resources development. The FY 1992 PAAD more narrowly focused the use of the \$36 million LC equivalent provided under the second cash transfer grant (514-9005) to economic liberalization and alternative development activities. As of December 31, 1993, \$27.5M of the FY 1992 funds had been disbursed for these purposes. The remaining FY 1992 funds, plus interest earned on deposits from both grants, are expected to be fully committed and disbursed by the end of CY 1994.

USAID meets periodically with NPD to review project implementation progress and adherence to the program guidelines contained in the Local Currency Use Program Agreement. NPD also supplies sample information on selected projects financed with counterpart funds, and provides quarterly reports to USAID on project achievements and impact. Nevertheless, security restrictions on in-country travel, and NPD inability to report on a timely basis have limited Mission ability to monitor progress on this strategic objective. A break-through, of sorts, occurred recently, however. At the request of NPD, USAID will provide technical assistance to strengthen NPD's department-wide project design, monitoring and evaluation capacity. Two training sessions are tentatively scheduled for late June. Further, USAID's FSN, M&E specialist and the NPD director of the evaluation program will visit five, representative counterpart funded projects to document, first-hand, what progress has been made. These site visits, plus the seminars, will permit the NPD to establish realistic baseline data and a monitoring system for all NPD activities by the end of FY 1994. USAID has also made increasing use of PD&S trust funds to finance relevant short term training, observational travel and conference attendance for public and private sector officials in key positions relative to furtherance of the economic reform program.

Finally, BRC reporting on the use of dollar funds, verified by review of account statements and supplemented by monthly financial reports from the National Treasury, provide USAID with assurance that required fund control systems are in place and being followed.

Table 1: Strategic Objective Program "Tree"

COLOMBIA
Agency Goal: Achieving Broad-Based Economic Growth
STRATEGIC OBJECTIVE NO.2: Support economic liberalization and growth policies of the Government of Colombia (GOC).

PROGRAM OUTCOME NO.	PROGRAM OUTCOME NO.2.1: Increased legitimate employment and investment.	PROGRAM OUTCOME NO.2.2: Reduced barriers to bilateral commerce.	PROGRAM OUTCOME NO.2.3: Increased exports, particularly non-traditional agricultural exports.	Projects (Number\Title)	Projects (Number\Title)	Projects (Number\Title)
				514-9001\Economic Stabilization Program No. 1	514-9001\Economic Stabilization Program No. 1	514-9001\Economic Stabilization Program No. 1
				514-9005\Economic Stabilization Program No.2	514-9005\Economic Stabilization Program No.2	514-9005\Economic Stabilization Program No.2

COLOMBIA

STRATEGIC OBJECTIVE No. 2 Support economic liberalization and growth policies of the Government of Colombia (GOC)

Indicator No. 1: Rate of legitimate employment, specially in those areas where alternative development projects are being implemented

Unit:	Percentage	Year	Planned	Actual
Source:	National Planning Department (NPD)	1994	---	***
Comments:	A pilot Monitoring System is being established during the first semester of 1994 for five selected ESF sub-projects, which include two alternative development ones. As a result of this effort, baseline is expected to be established by September 1994.	1995		***
		1996		***

Indicator No. 2: Growth in exports, particularly non-traditional exports

Unit:	Percentage	Year	Planned	Actual
Source:	National Planning Department (NPD) - Ministry of Foreign Trade	1994	---	***
Comments:	A pilot Monitoring System is being established during the first semester of 1994 for five selected ESF sub-projects, including two export promotion ones. As a result of this effort, baseline is expected to be established by September 1994.	1995		***
		1996		***

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PROGRAM OUTCOME No. 2.1 : Increased legitimate employment and investment

Indicator No. 1: Rate of legitimate employment, particularly in the Departments of Antioquia and Valle del Cauca

Unit:	Percentage	Year	Planned	Actual
Source:	National Planning Department (NPD)	1994	---	***
Comments:	A pilot Monitoring System is being established during the first semester of 1994 for five selected ESF sub-projects. As a result of this effort, baseline is expected to be established by September 1994.	1995		***
		1996		***

Indicator No. 2: Rate of investment, particularly in the Departments of Antioquia and Valle del Cauca

Unit:	Millions of US \$	Year	Planned	Actual
Source:	National Planning Department (NPD)	1994	---	***
Comments:	A pilot Monitoring System is being established during the first semester of 1994 for five selected ESF sub-projects. As a result of this effort, baseline is expected to be established by September 1994.	1995		***
		1996		***

PROGRAM OUTCOME No. 2.2 : Reduced barriers to bilateral commerce

Indicator No. 1: Improvement of intellectual property rights protection

Unit:	Legislation/Bilateral Agreement	Year	Planned	Actual
Source:	National Planning Department (NPD) - Ministry of Foreign Trade	1994	---	***
Comments:	USAID is collaborating with ECON and FCS in the formation of an IPR Working Group, which will also involve private sector and GOC representatives	1995		***
		1996	Target	***

PROGRAM OUTCOME No. 2.3: Increased exports, particularly non-traditional agricultural exports

Indicator No. 1: Growth in exports, particularly non-traditional exports		Year	Planned	Actual
Unit:	Percentage			
Source:	National Planning Department (NPD) - Ministry of Foreign Trade	1994	---	***
Comments:	A pilot Monitoring System is being established during the first semester of 1994 for five selected ESF sub-projects. As a result of this effort, baseline is expected to be established by September 1994.	1995		***
		1996	Target	***

TECHNICAL ANNEX

The following changes have been made in the objective tree and performance measurement system for Strategic Objective No. 2: Support economic liberalization and growth policies of the Government of Colombia.

Program Outcome No. 2.3: Increased privatization of state industries; Program Outcome No. 2.4: Reduced state intervention in economic/commercial activity; and Program Outcome No. 2.6: Reduced incidence of illegal drug use; have been deleted. Former Program Outcome No. 2.5: Growth in exports, particularly non-traditional agricultural exports; now becomes Program Outcome No. 2.3.

Program Outcomes Nos. 2.3 and 2.4 were dropped because of the difficulty in establishing baseline data from projects currently funded with ESF counterpart which could realistically be interpreted as affecting the indicators associated with these two outcomes. As the Mission has worked more closely with NPD in the development of a monitoring system, and toward establishment of baseline data, it has become clear that increased privatization of state-owned enterprises and reduced government intervention in economic/commercial activities are not outcomes which can be easily attributed to achievements of the projects in the present LC financed portfolio. USAID strongly believes that its overall support of the GOC economic reform program does contribute to these program outcomes, but not in a way that can be directly linked to any specific projects.

Program Outcome 2.6 was eliminated because it depended on approval of a proposed, \$4M Narcotics Awareness and Prevention Project to be authorized in FY 1994. In the absence of any possibility for funding this activity in this fiscal year, further project development has been put on hold pending improved funding prospects in FY 1995. (Note: The same holds true for the Mission's planned, \$6.5M Bilateral Trade and Investment Project.)

With respect to Program Outcome No. 2.2: Reduced barriers to bilateral commerce; USAID has retained only one indicator: The introduction of intellectual property rights (IPR) protection. Justification for this change is similar to that presented above. In this instance, however, the Mission is actively involved in assisting the GOC and the Colombian private sector in their efforts to ensure/improve IPR protection. Particular cases in question involve computer software copyrights and motion picture and video tape copyrights, among others. USAID intends to use PD&S trust funds to finance local costs for proposed training and/or seminars dealing with IPR. Regarding the two indicators that have been deleted, the Mission, once again, does not believe it is in a position to demonstrate impact on reduction of tariff or non-tariff barriers from any of its current activities. 2

OTHER ACTIVITIES

A. Centrally Funded Population Program.

USAID is in the process of phasing out support to family planning activities in Colombia. The USAID population program in Colombia, however, was instrumental in the creation of, and has provided for nearly 30 years a substantial level of support to Profamilia, the internationally recognized, Colombian NGO, service delivery organization. Declines in population growth rates in Colombia have been dramatic during that period and can be attributed in a large part to Profamilia's efforts, since the GOC provided little in the way of family planning services. As an example, the fertility rate in 1968 was 6.0, but by 1990 had fallen to 2.9, and the population growth rate to 1.9. However, while Colombia's fertility rate for women with at least one year of secondary education was 1.6, that for women with only primary education or less was 4.9, demonstrating that there are still serious problems for lower socio-economic groups.

Profamilia, is now approaching self-sufficiency, and with the help of USAID transition financing, is diversifying its services into other areas of reproductive health and related medical services, as well as legal counseling for families and women. The three-year transition project, which was approved in September, 1993, is designed to minimize disruption to Profamilia's program, allowing it to continue to provide services to the lowest socio-economic groups. While Profamilia is experiencing some financial problems, USAID continues to assist them both through the Mission and USAID/W in order to meet the goals of the phase-out.

The phase-out program consists of the following four basic components.

1) Endowment

The first part of the phase-out strategy provides an endowment for Profamilia, with endowment income then used to defray operational costs, and close the gap which will remain between projected income and expenditures once USAID support is terminated. The endowment has been approved for \$6M, of which, \$4M has been deposited and is earning interest. The endowment corporation is located in New York State and is managed by an independent, private board of directors. Endowment funds are invested in the United States. Interest income, less modest administrative costs, will be deposited into the capital fund during the first three years. Profamilia will have access to the earnings on the capital at the end of that period.

2) Diversification Program

This component of the strategy assists Profamilia to expand revenue-generating services into other areas related to reproductive health and family planning as a means of assuring self-sufficiency after the end of USAID funding. A recent study, conducted under the centrally funded transition grant managed by International Planned Parenthood Federation/Western Hemisphere (IPPF/WHR) indicated that the diversification program already contributes significantly to Profamilia's self-sufficiency. The study also helped the organization identify those clinics and services which were most suited for inclusion in the plan. At present, Profamilia estimates that it is approximately 70% self-sufficient. Both USAID and Profamilia are encouraged by results of the diversification to date, but both share concern about availability and timing of the balance of the funding budgeted in the approved transition strategy.

3) Service Delivery

During the phase-out period IPPF/WHR and AVSC will continue to support PROFAMILIA family planning service programs, but at a reduced level, and with principal focus on provision of family planning services, including voluntary surgical contraception, to low income populations through clinics in rural and other marginal areas; i.e. to those groups currently least served and with the lowest acceptance rates. Technical and financial assistance to expand male reproductive health services to all Profamilia clinics will be provided, and USAID will also continue to supply contraceptives through IPPF/WHR, but at declining levels.

4) Public-Sector Assistance

The final part of the strategy involves the phase-out of AVSC family planning activities in the public health sector. These activities have been limited, focusing primarily on technical assistance, training and some equipment to help decentralize public sector family planning services. This program is based on the successful AVSC model of working with the Ministry of Health at the state and municipal level, using the same methodology developed in that program. Since AVSC maintains a regional office in Bogota, it has in-country staff capabilities to carry out the planning, implementation and monitoring activities required during the transition program.

Program Monitoring and Evaluation

Monitoring of the phase-out program is a joint effort involving USAID/Colombia, G/R&D/POP, IPPF/WHR and AVSC. Given the fact that only the Mission has an in-country presence, and that security considerations often preclude visits by backstop personnel from the U.S., some USAID/C staff time is still required for activities in the health/population sector.

B. ENVIRONMENT: Tropical Forestry/Biodiversity Update.

Other than participation in the centrally funded, Parks-in-Peril program, and a small, Conservation and Sustainable Resource Use project with World Wildlife Fund USAID does not directly support any tropical forest or biodiversity activities in Colombia.

The implementation of the EAI agreement, signed in June, 1993, however, does give USAID a role in assisting Colombia to deal with its increasingly serious environmental problems. Considerable Mission staff time has been spent during the past six months in activities related to establishment of the EAI Administrative Council, coordination with Ecofondo staff on technical assistance needs, and negotiations with the GOC on the relationships between the Ecofondo Board of Directors and the Council. In addition, the Mission has been using PD&S trust funds to finance environmental training both in the U.S. and third countries, and is in the process of negotiating an agreement with the Fulbright Commission to provide further, graduate level training for selected candidates in environmental fields. USAID/C is also coordinating with the Global and LAC bureaus to provide technical assistance to the newly created Ministry of the Environment, which has been requested directly by the Minister.

In December, 1993, the Ministry of the Environment was officially established. In February, 1994, the Minister was appointed, and actual organization of the new Ministry began. The position of Environmental Attorney General was also created, but has not yet been filled. The new Ministry will be responsible for formulating national environmental policy and coordinating the activities of other agencies involved in environmental issues, such as regional development corporations.

C. TERMINATING ACTIVITIES.

The following projects will in FY 1994

- Fulbright Commission Training Grant
- Fundacion Santafe de Bogota Community Health Grant

RESOURCE REQUIREMENTS

A. Program Funding

As presented in the Summary Funding Table and discussed above, A.I.D./Colombia is requesting \$11 million in counterdrug funding in either FY 1994 or FY 1995, for supplemental justice sector activities. This includes the following activities:

ICITAP

Approximately \$6 million to carry out additional two years of activities by ICITAP for the training of 3,500 national police officers in judicial protection; continued training of academic and institutional instructors in forensics science; and development of a standard operations procedures manual for all investigative police.

OPDAT

\$1.3 million to complete the four year training program for prosecutors and leave a fully functioning training program in the Prosecutors and Investigative Police Academy.

FES

\$3.7 million to fund reorganization and remodeling of additional prosecutorial units and judicial chambers to introduce the oral process and further strengthen administration, improve case management, reduce delay, and systematize additional pilot prosecutorial and judicial units; and to further support a strengthened human rights program in the Procuraduria.

B. OE Funding

Through FY 1993, A.I.D./Colombia relied on prior year cash transfers to generate Trust Funds for approximately 80% of total A.I.D./Colombia operating expense costs. In FYs 1993 and 1994, A.I.D./Colombia did not have an ESF cash transfer program with the Government of Colombia. Existing OE Trust Funds are projected at current levels to be depleted by the end of FY 1995. As a result, A.I.D./Colombia will be require full dollar financing of the OE budget by FY 1996.

C. Staff Resources

A.I.D./Colombia currently has adequate staff to undertake the effective implementation of program activities as discussed above, with appropriate assistance from the RLA, RCO and Controllers Office in Quito. We understand that the RCO and RLA functions will move to La Paz in FY 1995. However, it is unclear what will happen with the Contollers' functions. Experience with the move from Lima to Quito was that we lost nearly six months' of project implementation time due to the change.

A reduction of one USDH is currently scheduled in 1995, at the end of the Deputy AID Rep's first tour in September 1995. Based on planned departure dates of the two resident-hire spouses and one US PSC occupying JSRP support positions, by the end of 1995 USAID/Colombia will have reduced four positions.

The reductions in project funded-staff were planned and can not be altered due to spouse departure dates for all three US PSCs. While some of these positions could be filled, it does not seem worth the time and effort which would be required to train these new employees for approximately one year. A much more reasonable and cost effective solution would be to not fill these three US PSC positions and keep the Deputy Rep at Post through a second tour. At that time, a reduction to one USDH would be reasonable. His knowledge of the program and experience in Colombia would prove invaluable on the departure of the US PSC personnel. At this time, with a continued high level of JSRP anticipated through 1996 and increasing EAI activities, it would not be advisable to not keep him at Post through a second tour.

The composition of A.I.D./Colombia staff is shown in the following Summary Staffing Table.

TABLE 4
USAID/COLOMBIA
SUMMARY PROGRAM FUNDING TABLE
Dollar Program
(\$000)

Funding Category	FY94 Estimated	FY95 Requested	FY96 Requested
Development Assistance			75% FY95 100% FY95
Mission Strategic Objective #1	- 0 -	- 0 -	- 0 -
(Project Numbers and Titles)			
Subtotal	- 0 -	- 0 -	- 0 -
ETC...			
Subtotal DA	- 0 -	- 0 -	- 0 -
Economic Support Fund			
Mission Strategic Objective #1			
514-9002\Justice Sector Reform	1,030	11,000	- 0 -
Subtotal	1,030	11,000	- 0 -
ETC...			
Subtotal ESF	1,030	11,000	- 0 -
P.L. 480 Title III	- 0 -	- 0 -	- 0 -
P.L. 480 Title II			
Subtotal	- 0 -	- 0 -	- 0 -
PROGRAM TOTAL	1,030	11,000	- 0 -

TABLE 5
USAID/COLOMBIA
OE Funding Requirements
(\$000)

OE/TRUST FUNDED LEVELS By Major Function Code:	FY 94	FY 95	FY 96
U100 U.S. Direct Hire	78.7 (23.9)	57.4 (8.0)	48.3 (0.0)
U200 F.N. Direct Hire	79.5 (55.5)	96.5 (64.8)	111.8 (0.0)
U300 Contract Personnel	171.9 (158.4)	209.1 (188.5)	255.2 (0.0)
U400 Housing	82.2 (5.6)	85.0 (0.0)	45.6 (0.0)
U500 Office Operations	174.7 (62.6)	211.0 (153.7)	225.9 (0.0)
U600 NXP Procurement	13.0 (0.0)	15.0 (15.0)	8.0 (0.0)
Sub-Total-Core Costs	600.0 (306.0)	674.0 (430.0)	695.0 (0.0)
Downsizing Cost: U100	- 0 -	- 0 -	- 0 -
U200	- 0 -	- 0 -	- 0 -
U300	- 0 -	- 0 -	- 0 -
Sub-Total Downsizing Costs	- 0 -	- 0 -	- 0 -
Total OE/TF Costs	600.0 (306.0)	674.0 (430.0)	695.0 (0.0)

Notes: Left column represents total estimated OE cost, of which right column () contains amount funded from OE Trust Fund. Total USD requested for FY 94, therefore, is 294,000; for FY95, 274,000. Assume no LC trust fund availability after FY95.

Estimated post assignment travel costs for new AIDREP and dependents included in FY94 budget.

FY96 budget assumes only one USDH position.

Budgets include HL/TRF costs for Deputy AIDREP in FY95, and cumulative severance pay for FSNs. Mission is not aware of other possible downsizing costs.

Mission Staffing Requirements												
	FY 94			FY 95			FY 96					
	USDH	USPSC	Other*	USDH	USPSC	Other*	USDH	USPSC	FSN	Other*		
Total FTEs or Workyear	2	3	12	9	2	2	11	9	1	1	10	9
of which Program funded	-	3	2	9	-	2	3	9	-	1	3	9

* Other = OPDAT AND ICITAP Personnel

OPDAT: (PASA) 1 USDH; 1 USPSC hired locally; 4 FNPSC Total: 6 FTE
 ICITAP: (Sec. 632a Agreement) 2 USDH; 1 FNPSC 3 FTE

NOTE: USAID assumes reduction in USPSC personnel based on planned departure dates of two resident-hire, dependent spouses currently occupying JSRP support positions. Assumption, at this time, is that those vacancies will be filled by FNPSCs, with corresponding reduction in other FNPSC project support personnel. Given the fact that JSRP, the EAI environmental protection/child survival program and ESF local currency monitoring will continue throughout FY 96, the Mission does not foresee further staff reductions, and believes that a strong case can be made for maintaining the second USDH position at least through the end of FY 96.

SUMMARY STAFFING TABLE
USAID/Colombia

USDH

A.I.D. RepresentativeOE
Deputy AID Rep and
Supervisory Program OfficerOE

FSNDH

Financial SpecialistTrust Fund OE
AOJ Program AssistantTrust Fund OE

USPSC

AOJ Project CoordinatorJSRP Funded
(currently vacant)
AOJ Financial AdvisorJSRP Funded
AOJ Administrative AssistantJSRP Funded
AOJ Project AssistantJSRP Funded

FSNPSC

Financial SpecialistTrust Fund/OE
Financial AnalystTrust Fund/OE
POP/Narcotics
Program AssistantTrust Fund/OE
Training/Environment
Program AssistantTrust Fund/OE
SecretaryTrust Fund/OE
SecretaryTrust Fund/OE
DriverTrust Fund/OE
JanitressTrust Fund/OE
Environmental AdvisorTrust Fund/PD&S
MIS SpecialistJSRP Project Funded
(Formerly MIS Project Funded)

Other Staff

ICITAP(USDH)AOJ funds transfer to State
ICITAP(USDH)AOJ funds transfer to State
ICITAP(FSN PSC)AOJ funds transfer to State
OPDAT(USDH)AOJ PASA with Justice
OPDAT(USPSC)AOJ PASA with Justice
OPDAT(FSN PSC)AOJ PASA with Justice

ATTACHMENT 1

UNCLASSIFIED
MEMORANDUM

DATE: April 16, 1994

TO: Ambassador

THRU: DCM

FROM: AID:EKadunc

SUBJECT: FY 1994/1995 Funding Levels

PROBLEM

An additional \$11 million in funding is required in FY 1994 and/or 1995 to complete priority activities to be carried out by ICITAP, OPDAT, and FES.

BACKGROUND

The \$36 million USAID life-of-project funding for the Justice Sector Reform Project will be completed with \$1.030 million to be provided this fiscal year. However, the scope of supporting the reform effort has been much larger than envisioned when planning the project in 1990, and we have undertaken several large additional activities, which have absorbed any reserve which the project had. These included:

Fiscalia

- Remodeling of prosecutorial units required significant additional resources to change judicial offices into work spaces for prosecutorial groups and to implement new administrative and supervisory systems.
- Training of prosecutors, including the activities under the OPDAT \$4.3 million PASA (only \$3 million of the total \$4.3 million is funded) and the University of Puerto Rico's two training activities.

Judicial Protection

ATTACHMENT 1

- \$2.3 million has been obligated for armored vehicles for judicial protection, which although contemplated, was not budgeted at this level in the project. Nevertheless requests by the GOC and continued threats against judicial personnel convinced us that this was an area to which we had to devote additional resources. There was also a high level of interest by our own Congress in this area.

Financing these activities does not leave sufficient funds to carry the ICITAP and OPDAT activities with the police and prosecutorial personnel through to completion, nor additional funds for FES for programs with the judiciary, which we believe are critical to the reform effort, and for assuring that the contribution already made by the USG will be successful and permanent. Without additional funding, we will be forced to curtail these programs in out years, thereby leaving in doubt the permanence of some of these changes. We estimate that we need the following additional funds:

ICITAP

- \$6 million to carry out additional two years of training of 3,500 national police officers in judicial protection; continued training of academic and institutional instructors in forensics science in areas of ballistics, firearms identification, tool mark examination, intermediate serology, medical death investigation, and continued internships in the U.S. in specialized U.S. laboratories; and development of a standard operations procedure manual for all investigative police that have judicial police authority.

OPDAT

- \$1.3 million to complete the four year training program for prosecutors and leave a fully functioning training program in the Prosecutors and Investigative Police Academy;

FES

- \$2.7 million to fund reorganization and remodeling of additional prosecutorial units and judicial chambers to introduce the oral process.

Concejo Superior de la Judicatura

- \$1.0 million for what we hope will be a significant program starting this year for training of judges; introduction of the oral process, including remodeling of

ATTACHMENT 1

pilot court rooms; delay reduction programs; and reforms in judicial administration.

Procuraduría

- Several promising new areas in arbitration, human rights, and public defense, which we would like to pursue.

Other Donors

Based on our discussions in the mini-Dublin Group meetings, we expect only modest inputs from the other bilateral donors over the next few years in the justice sector. Likewise, we do not expect that the World Bank will become involved in a major way because the types of activities to be funded do not fit IFI lending interests. However, the IDB has indicated that it will begin financing activities in the judicial sector in the next year or two. Their assistance, though, once agreed to with the government, normally takes a year or two to come on stream. Additionally, their strength as an institution is in infrastructure, not systems development, training, or technical assistance, for which their high cost loan funds are not particularly appropriate in any case. Finally, for our own national policy reasons, I believe that it is in our interest to assure that appropriate investigative, prosecutorial, and judicial systems and policy are developed and tested on a pilot basis before replication of the system country-wide occurs.

GOC

To date our financial assistance has leveraged significant additional GOC budgetary outlays for the judicial sector. However, indications from one of the major candidate's campaign staff are that there is a belief that the justice sector has received sufficient resources, and that the emphasis, at least under his government, will be in other areas. I expect that whichever party wins the election will probably reach this conclusion, since the reforms have not yet (and realistically could not have) produced the desired qualitative improvements that are the objective of these efforts. Political attention spans are short, and there are many competing demands for scarce resources.

I think that the only way we can hope to maintain the new government's political and policy interest in the justice sector and to assure the availability of additional GOC budgetary resources to deepen and strengthen these reforms, is by continuing to be involved in a substantive, helpful way. This also provides balance to our continued involvement on the enforcement side. To do this there is no substitute for resources.

RECOMMENDATION

If we can provide a modest amount of additional funds now, we will guarantee continued, significant GOC resources and leave the justice sector ready to absorb the IDB funds, with modern and appropriate systems firmly in place. If you concur with this recommendation, we should begin exploring how we assure an additional \$11 million CN funds in FY 1995 (or Fy 1994 and 1995) to complete the USG's support for justice sector reform.