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

ROCAP

PROJECT PAPER

REGIONAL ADMINISTRATION OF JUSTICE

AID/LAC/P-219

Project Number:596-0133

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PROJECT DATA SHEET

1. TRANSACTION CODE

A = Add
 C = Change
 D = Delete

Amendment Number

DOCUMENT CODE

3

COUNTRY/ENTITY: Regional Central America & Caribbean
 3. PROJECT NUMBER: 596-0133
 4. BUREAU/OFFICE: Latin America and the Caribbean 05
 5. PROJECT TITLE: Regional Administration of Justice
 6. PROJECT ASSISTANCE COMPLETION DATE (PACD): MM DD YY 01 33 19 01
 7. ESTIMATED DATE OF OBLIGATION: A. Initial FY 85 B. Quarter 2 C. Final FY 89

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	10,000		10,000	10,000		10,000
(Grant)	(10,000)	()	(10,000)	(10,000)	()	(10,000)
(Loan)	()	()	()	()	()	()
Other L						
U.S. 2						
Host Country						
Other Donor(s)						
TOTALS	10,000		10,000	10,000		10,000

9. SCHEDULE OF AID FUNDING (\$000)

A. APPROPRIATION	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	980				10,000		10,000	
(2)									
(3)									
(4)									
TOTALS						10,000		10,000	

10. SECONDARY TECHNICAL CODES (maximum 5 codes of 3 positions each): 910
 11. SECONDARY PURPOSE CODE
 12. SPECIAL CONCERNS CODES (maximum 7 codes of 4 positions each):
 A. Code: TNG TECH DEL
 B. Amount

13. PROJECT PURPOSE (maximum 480 characters):

To strengthen regional and national institutions in order to provide services necessary for the improvement of administrative, technical and legal performance of national justice systems with major emphasis on criminal justice system improvement.

14. SCHEDULED EVALUATIONS: Interim MM YY 06 87 | 1 28 9 | Final MM YY 12 89
 15. SOURCE/ORIGIN OF GOODS AND SERVICES: 000 941 Local Other (Specify) 035

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

17. APPROVED BY: Signature: Thomas J. Deigan
 Title: Director, LAC/AJDD
 Date Signed: MM DD YY 02 13 85
 18. DATE DOCUMENT RECEIVED IN AID/W, OR FOR AID/W DOCUMENTS, DATE OF DISTRIBUTION: MM DD YY 02 13 85

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

PROJECT AUTHORIZATION

Name of Country: Central America and Caribbean Region
Name of Project: Regional Administration of Justice
Number of Project: 596-0133

1. Pursuant to Section 531 of the Foreign Assistance Act of 1961, as amended, I hereby authorize the Regional Administration of Justice project for the Central America and Caribbean Region, involving planned obligations of not to exceed Ten Million United States Dollars (US\$10,000,000) in grant funds ("Grant") over a five (5) 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.

2. The project ("Project") consists of financing training, advisory services, institutional support, and an extension facility to improve the performance of national justice systems.

3. The Project Agreements, 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:

a. Source and Origin of Goods and Services

Goods and services, except for ocean shipping, financed by A.I.D. under the Grant shall have their source and origin in the United States and participating countries, except as A.I.D. may otherwise agree in writing. Ocean shipping financed by A.I.D. under the Grant shall be financed only on flag vessels of the United States, except as A.I.D. may otherwise agree in writing.

4. Waivers required:

(a) Source, origin and nationality requirements are hereby waived to allow procurement of services from any country included in AID Geographic Code 935 because no suppliers from countries included in the required Geographic Code are able to provide the necessary services.

(b) Payment from Grant funds of the cost of international travel of selected personnel for training is authorized if approved by the Mission Director in the country from which such travel originates because the cost of this travel to other sources would be a significant burden.

5. Certification

The interests of the United States are best served by permitting the procurement of services from Free World countries other than the cooperating countries and countries included in Code 941.

6. Approval is given to invite an application for a Cooperative Grant Agreement from a single entity (Florida International University).

Victor M. Rivera

Victor M. Rivera
Assistant Administrator
Bureau for Latin America and
the Caribbean

3/20/85

Date

Clearances:

GC/LAC:RBMeighan *RM* date 3/8/85
LAC/DR:ILevy *IL* date _____
LAC/DR:DJJohnson *DJ* date _____
LAC/CEN:OLustig *OL* date 3/12/85

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ADMINISTRATION OF JUSTICE

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I. PROJECT SUMMARY AND RECOMMENDATIONS

A. Recommendations

The Office for Administration of Justice and Democratic Development (LAC/AJDD) recommends that a \$10,000,000 grant be authorized to implement a Regional Administration of Justice Project for Central America and the Caribbean. AID and ILANUD (The Latin American Institute for the Prevention of Crime and Treatment of the Offender) will enter a Project Agreement for \$9.5 million, and AID will enter a series of Grant Agreements with U.S. and international entities totalling \$0.5 million. The life of this Project will be five years. Five small Spanish speaking democracies are recommended to be the initial focal points of this effort - Panama, El Salvador, Costa Rica, the Dominican Republic and Honduras. (Guatemala also may participate if political developments warrant).

B. Summary Description

1. Goal and Purpose

The Administration of Justice initiative is part of the U.S. government's continuing commitment to support the efforts of governments throughout the hemisphere to strengthen and invigorate democratic institutions. The implementation of democratic principles requires the peaceful and orderly resolution of disputes through a fair, independent, accessible and efficient system for the administration of justice.

The goal of this Project to foster the transformation of national justice systems in the region into systems based upon independent and strengthened judiciaries which will increase popular confidence in the fair and impartial application of law, and will support democratic institutions.

The purpose of this Project is to strengthen regional and national institutions in order to provide services necessary for the improvement of administrative, technical and legal performance of national justice systems in the region with major emphasis on criminal justice system improvement. The Project will support national initiatives now underway as well as assist in the stimulation and development of new initiatives.

2. Background and Project Activities

The preliminary studies which have been conducted under the auspices of USAID and ILANUD indicate that the justice systems in the region are encountering serious difficulties in meeting the caseload demands imposed by growing populations. The studies also indicate growing social discontent with the administration of criminal justice and with the management and processing of legal disputes in general.

A strong, autonomous judicial system is a cornerstone of

democracy, and the region's imperfect systems must not be allowed to collapse under the strain of the social, political, and economic problems which face the region.

The complexity of the problems facing these justice systems should not be underestimated in the search for early solutions. Immediate basic changes will not be forthcoming in the five year life of this Project. Any changes produced will be incremental.

This Project will encounter the serious historical and political obstacles to change present in the socio-political landscape of the targeted countries. These are small nations where most important social, economic and political activity is usually concentrated in one key city. In general, elite groups with links to the colonial past traditionally have controlled economic and political life, and have used government, including the courts, as an instrument to help them maintain their privileges.

The justice sector in all of the countries except Costa Rica suffers from inadequate government budgets, the instability of public sector tenure and a serious lack of trained personnel. The court systems usually fare the worst of any public sector institution in the degree of resource impoverishment. One long-time observer called the court system "the ashtray of the central government."

The situation obviously lends itself to political interference with the judicial process and to corruption of the justice sector officials. Because of the precarious position of the individual office-holder as well as the institution itself, such interference is hard to resist. As with many other elements of the region's political systems, the legal systems, their laws, and the courts are often merely formal caricatures of what they might be. Thus, citizens generally have little faith in the utility, efficacy or fairness of their justice systems.

The current regional resurgence of democratic tendencies has both highlighted these defects and fostered some significant justice reform activities in these countries, a number of which are well beyond incipiency. The time is opportune for a strong AID assistance effort to support and expand the considerable regional and national law reform movement already underway. By adopting limited objectives, being conscious of limitations, and placing primary implementation responsibility on regional and local institutions, this Project enhances the possibilities for steady incremental gains. Nevertheless, the present effort must be viewed as a preliminary effort in a long-term assistance commitment which could lead to more fundamental reforms.

ILANUD has been accorded primary responsibility for implementing this Project. ILANUD is an international organization, established in 1975 under an agreement between the government of Costa Rica and the United Nations, with broad regional experience to draw upon in carrying out the assigned tasks. Support assistance provided in this Project will enable it to assume a continuing leadership position in justice reform which will be sustained upon Project termination.

The Project has four components: Training, Advisory Services, Support Services for ILANUD and an Extension Facility to meet country-specific needs. Finally a Grant Fund to finance expected grant agreements with other regional, international, and U.S. institutions, public and private, is included.

a) Training

The training component will involve an expanding number of seminars and workshops, short courses, study tours and longer-term training, as well as support for popular education efforts in human rights and legal rights and guarantees. Training in regional level issues will take place both in Costa Rica, or another host country where appropriate. National level training will take place within individual countries. Training efforts will concentrate on the practical aspects of the administration of justice and on bringing together key judges, administrators, bar representatives and prosecutors to exchange views on technical, administrative and legal issues.

b) Advisory Services

This component will provide technical expertise to ILANUD, national institutions, USAIDs and other donors, and will build an in-house capacity at ILANUD to offer such assistance after the Project ends. Major advisory services elements will include: justice sector assessments for each participating country, pilot projects to improve criminal justice statistics, bibliographic assistance, and assistance to reform cataloguing and reporting of legislation and jurisprudence.

A central objective of this component is the development of a capability within ILANUD to respond to requests for short-term technical assistance from the countries. These short-term activities will be provided in an orderly and planned manner consistent with Project purposes. In addition, technical assistance will also be provided by many of the same specialists who will be teaching the training courses. They will be assisted by short-term and long-term consultants who will work with national institutions and USAIDs to define needs and provide specific technical assistance.

c) Institutional Development and Support for
ILANUD and Other Regional Institutions

The support services consist largely of facilities that will be added by ILANUD to support training and advisory services. The purpose of this component is to strengthen ILANUD as an indigenous regional institution committed to Project goals. Inputs include: design of Project management to facilitate a harmonious introduction into the ILANUD structure; advisors contracted by AID to provide technical assistance; and, material and equipment provided to ILANUD. Some assistance will also be given to strengthen the Interamerican Institute for Human Rights.

d) Extension Facility

Many of the problems identified during the design phase of this Project are country-specific. An office will be established at ILANUD to channel immediate direct funding to national institutions to meet these specific needs. The administering office will also channel training and technical assistance to country-specific activities. It will also fund Resident Program Coordinators to be employed by AID, with the concurrence of ILANUD, to coordinate national justice reform efforts, to assist in development of bilateral projects, to assist the AID mission in determining development strategies and monitoring national activities funded, and to assist ILANUD in coordinating regional activities. Additionally, it will support other country-specific activities including sector assessments, design of bilateral projects, assistance to national justice reform commissions, and commodity assistance.

e) Grants to Other Institutions

In addition, AID will enter a series of Grant Agreements with U.S. and international institutions such as the ABA, IABA, the American Society of International Law, American University, Fordham University, Temple University, and the Interamerican Bar Foundation to finance activities that support and complement the efforts of ILANUD and the goal and purpose of the Project. These grants will be based on specific proposals that will be submitted and reviewed by LAC before obligation.

3) Summary Financial Plan

SUMMARY FINANCIAL PLAN

<u>INPUT</u>	<u>\$000</u>	<u>% OF TOTAL PROJECT COST</u>
<u>I. ILANUD Grant</u>		
1. Training	2074.00	20.74
2. Advisory Serv.	1814.30	18.14
3. Institutional Support	2093.80	20.94
4. Extension Facility*	2218.50	22.19
5. Evaluations & Audits	300.00	3.00
• Contingencies & Inflation	999.40	9.99
SUBTOTAL	9500.00	95.00

II. Fund For Grants

Fund For US Grants	500.00	5.00
TOTAL	10000.00	100.00

* Includes \$500.0 allotted for expected national requests.

C. Summary Findings

The Project Committee has reviewed all aspects of the proposed Regional Administration of Justice Project and finds that it is technically, financially, socially and economically sound, and consistent with those objectives set forth in the recommendations of the National Bipartisan Commission on Central America and AID policy guidance. The Committee has further found that ILANUD is institutionally capable of administering their respective components of the Project.

The USAIDs have been consulted during the development of the Project Proposal and there have been several site visits to the countries and USAIDs to discuss the goals and objectives of this Project. Subsequently, a summary description of the Project Paper was distributed to the USAIDs for review on January 18, 1985 with a request that they cable comments prior to final submission of the Project Paper. Their comments and recommendations have been taken into account in this paper.

II. PROJECT BACKGROUND

A. Regional Overview

The Kissinger Commission report aptly called the people of Central America "sorely beleaguered." A combination of historic impoverishment and unfavorable economic factors has placed terrific strain on the region's often antiquated and autocratic political institutions over the past ten years.

Much of the crisis is due to forces external to the region. Among them are the enormous increases in imported energy costs, the drop in world prices for most of the staple exports of the region, such as sugar, coffee and bananas; the world recession and the resultant international debt burden on these fragile economies.

Despite the economic crisis and attendant social dislocations, there has been a continuing trend toward democracy in the region. Costa Rica continues to be an example to the region, and the recent elections of new democratic governments in Honduras and Panama, replacing prior military rule, are further evidence of democratic progress in the face of serious socio-economic difficulties. The Salvadoran elections are also remarkable evidence that democratic,

pluralistic solutions can be viable even under conditions of insurgency and guerrilla warfare. Finally, recent developments in Guatemala may presage the return to a popularly elected government there in the near term.

Democracy depends on a popular consensus intimately linked to respect for and confidence in institutions of government by the general populace. The cultural and social history of Central America has largely reflected the absence of such popular respect and confidence in government. Individuals have preferred to solve problems and conflicts personally rather than through legal process, with the first recourse usually being the strongest authority figure or most influential friend available. Or, the aggrieved person simply takes vengeance upon the person, family or friend of the individual who wronged him.

This resort to individual solutions reflects traditional strong executive branch power, whether civilian or military, and the traditionally weak judicial systems. Negative societal realities have often been reflected in these institutions, with cronyism and corruption being present, to varying degrees, in all of the region's police, prosecutive and judicial systems.

Thus, apart from Costa Rica, there appears to be a low level of public confidence in the judicial system as a useful or fair way to resolve disputes.

B. Recommendations of the National Bipartisan Commission on Central America and the Rationale for Project Focus on Criminal Justice Systems

The Kissinger Commission on Central America found the situation of the justice systems in the region so critical that it included specific recommendations for assistance within its proposals.

The Commission's report noted that "in the absence of strong legal institutions, political, security and economic crises are magnified", citing El Salvador, where the "virtual collapse of the national criminal justice system" has occurred. While no other country now approaches the crisis level there, in our estimation, the systems of Honduras, the Dominican Republic, and to a lesser extent, Panama, present such significant administrative problems and such low levels of public confidence that the preconditions for institutional crisis and eventual collapse are present. The Commission specifically recommended that the United States help strengthen Central American judicial systems to:

"- Enhance the training and resources of judges, judicial staff, and public prosecutors' offices.

- Support modern and professional means of criminal investigation.

- Promote availability of legal materials, assistance to law faculties, and support for local bar associations." (Report at p. 74)

Judicial systems throughout the region operate under physical, financial and personnel conditions which range from severely inadequate to virtually neglected. Specific examination of the situation has convinced AID that the assistance needs, as recommended by the Kissinger Commission, are particularly urgent.

This project will focus its efforts in major part on improving the criminal justice systems of the participant nations. The reasons are twofold. First, as noted above, the NBCCA, after intensive scrutiny, recommended assistance to the region's legal systems, with pointed emphasis on the criminal justice subsector. Second, the criminal justice system is the most frequent point of encounter with the coercive power of government for the bulk of the region's disadvantaged populations. The degree to which the bulk of the populace considers the justice system to be fair and impartial depends upon impressions made during these encounters and is a crucial reflection of popular confidence in any democratic government. Thus, in keeping with the overall thrust of U.S. policy in the region, we seek to buttress regional tendencies toward more democratic criminal justice systems. Among the activities which our efforts will seek to promote are faster and fairer legal processes, modern court management practices, and better professional preparation for judges, prosecutors, administrators and public defenders.

C. Description of the Judicial System and Its Problems

Organization of Courts

The Constitutions of Central American countries all provide for an independent judicial branch with a pyramidal organizational structure. Normally there is a supreme court, an intermediate court of appeals, a trial court of first recourse for serious cases, and an inferior court, akin to justices of the peace, for resolution of minor disputes. These Constitutions have been especially influenced by the United States and contain exemplary guarantees for the autonomy of the courts and the safety of individual rights. However, as in many other instances, practice has very little to do with constitutional or legal principles. In most of the countries, the presence of a strong executive has made true judicial independence a rarity.

In all project countries of the region, except Costa Rica, the judicial branch is constitutionally independent, but lacks such autonomy in practice. It is usually the worst organized, poorest equipped, and most underfunded branch of government.

The de facto judicial branch subservience to the executive is most pronounced in the Dominican Republic, where the courts have no control over their own budget or its administration. The Dominican judiciary is charged by law with administration of its own budget; yet, in practice, the Procurator General, an arm of the executive, acts as the management agency with the sole discretion to authorize expenditure of appropriated funds, hiring of judicial employees, payment of salaries, purchasing, maintenance, etc. This administrative dependency upon the executive branch effectively blocks the development of an independent judiciary.

In addition to traditional legal roles, supreme courts also play a critical management role since they are the supreme administrative body for the courts, theoretically exercising almost total

disciplinary power over all lower tribunals and their members.

Depending on the administrative scheme, supreme courts also supervise a number of diverse functions, often not considered to be judicial in nature in the United States: 1) administration of judicial lay staffs, which in some cases may be quite numerous; 2) supervision of the judicial police (presently extant in Costa Rica only); 3) management of judicial budgets (though the judiciary's budget may be controlled by the executive even though set by the Constitution as a fixed percentage of the national budget); 4) selection of lower court judges, often without any voice from the other branches of government; 5) promulgation of procedural rules for the administration of courts; and, 6) management of statistical collection of the court system.

While some supreme courts attempt to exert their disciplinary powers over lower court judges, they seldom possess the resources or skill to correctly supervise judicial discipline. Ideally this supervisory role should not be limited solely to disciplinary matters, but should also extend to evaluation of the factors which contribute to defects, such as delay, and provide solutions to these problems.

Though most members of the judiciary are professionals in terms of their legal training, they are totally unprepared to carry out the administrative functions assigned to them. Thus, these duties are primarily delegated to subordinates who are often lawyers themselves, and suffer the same lack of administrative training and interest. The US judiciary has recognized this problem and instituted reforms designed to develop a professional administrative cadre. Counterparts to court administrators or clerks of the court, however, are virtually unknown in Central America. Thus, in most cases, judges do not exercise their administrative responsibilities efficiently. This is due to a lack of human and financial resources, administrative experience, and/or the perception that administrative matters are not part of the judicial function.

This administrative disorganization is reflected at all procedural stages. In virtually every court, including some of the supreme courts, the filing systems range from unorganized to chaotic. There may be no filing folders, cabinets, typewriters, photocopiers or file retrieval systems. In some cases, files are simply piled on the floor. A constant source of delay is the loss or disappearance of files and in some cases, evidence.

While one may conclude that administrative duties are secondary to legal roles, and thus caseloads prevent the adequate development of supervisory duties, the legal output of many supreme courts is not extensive. In El Salvador, for example, the Supreme Court only reviewed forty to fifty appeals per year. Hence, members of that court would appear to have sufficient time to supervise the administration of Salvadoran lower courts.

Judicial Selection

Judges are selected in several ways in the targeted countries: 1)

selection by the executive with the approval of the legislative branch; 2) selection by the legislative branch; 3) selection of supreme court only by legislature with supreme court naming lower court judges. In Honduras, the lower court judges name the justices of the peace. While in most of the countries judges are prevented from other employment, this is not the case in El Salvador where they may act as notaries even while exercising judicial authority.

Judicial terms vary, leading to judicial instability and political interference. The absence of civil service security contributes to judicial instability and political interference for all judicial personnel. The most extreme cases of such interference are Honduras and the Dominican Republic since judicial terms end with those of the legislative and executive branches, resulting in massive personnel changes upon the election of an opposition party.

In all of the countries, laws require that judges above the lowest levels be legal professionals. In many countries the lowest level judge is frequently not a lawyer, nor even a university graduate, and in some instances lacks even an elementary education. In rural areas these judges (juez de paz or de municipio) handle most disputes and complaints. Yet they are the least educated, lowest paid and most neglected in the system, despite their power to punish minor crimes, hear minor civil cases, and settle disputes by mediation. They also have the discretion to jail or release criminal suspects, and investigate major crimes for forwarding to the next level trial court.

Training of Justice Personnel

Training of judges is very limited in the region. The only formal judicial school is operated by the Costa Rican judiciary but serves mainly as a training mechanism for administrative support personnel. In few instances does it provide legal education for judges. All of the other countries have expressed a desire to form judicial schools which would provide training for judges, prosecutors and public defenders as well as administrative personnel. Financial and other constraints have delayed implementation of such training programs. Honduras, for example, possesses the enabling legislation, but the Supreme Court has not promulgated the requisite administrative regulations to establish such a training vehicle.

Training of other judicial branch personnel has been a duty of the judicial branch, since in most countries civil service protection for judicial employees has never been established. Panama, for example, abandoned this system in 1969. This lack of a judicial career has led to the abandonment of minimum hiring criteria, lack of job security, lack of a system for promotions or guaranteeing wage levels and has compelled the judiciary to devote what little training resources it possesses to the training of subordinate personnel.

While law schools could also provide this training, legal education is tradition-bound and has also been seriously affected by the economic crisis. Library facilities have been curtailed by economic and personnel scarcity, and in many of the law libraries

there are serious deficiencies in maintaining even minimal collections. While some faculties are interested in establishing special course concentrations for judicial training, nothing has developed thus far. Most law schools continue to rely on part-time faculty who rarely possess the advanced degrees considered essential to a strong law faculty. The deanship is often viewed as reserved for those who can afford to give up their private practices.

Lack of Data

A problem common to all the countries is the lack of reliable data on which to plan or evaluate the system. Costa Rica has developed a fairly sophisticated statistical system in recent years but it is still maintained by hand and does not provide immediate information. The other countries are much farther behind, and it is impossible to plan for any reforms without including this important subsector.

An area which is commonly deficient is the maintenance of criminal history data. This information is critical in making sentencing decisions and a point of procedural blockage in those cases in which an inefficient system already produces delays, errors and the potential for corruption. This is sometimes administered by the courts and in other countries it is maintained by the police (Honduras).

Information on size of caseloads is essential to planning court and prosecutor staffing, budgets and administrative functions. In these countries, such information is usually not collected or reported, much less used to plan.

Lack of Systematic Compilation of Legislative Changes and Court Rulings

The endemic unavailability of basic legal materials in the region affects all aspects of the administration of justice. Adequate legislative and case reporting systems are currently absent in these countries. Typically, courts, judges, and prosecutors have no law libraries, and often operate from outdated legal texts. Trial judges have virtually no access to the collected jurisprudence or recent decisions of higher courts for guidance, usually because such essential research tools do not exist or are hopelessly outdated. The result is that untrained and untenured judges often decide cases on the basis of incorrect legal principles, after delays of more than two years. These poor conditions are the norm in national capitals and are magnified in the provinces. In turn, the confidence in the court system among lawyers and ordinary citizens is lessened.

Judicial Autonomy

Apart from Costa Rica, a strong independent judiciary does not exist in the countries of the region. The strength of Costa Rica's judiciary is largely due to three factors: first, there is a historical tradition of independence and popular support for such a status; secondly, Supreme Court judges are appointed to eight year terms and may be reappointed; and, thirdly, their budget is guaranteed

by the Constitution at 6% of the national budget. In order to maintain their independence they have always asked for this budget even though they may later return some portion to the executive.

While the constitutions of some other countries also provide a mandatory fixed percentage for the judiciary, it is rarely obtained in practice. Honduras, for example, provides for 3% of the national budget to be allocated to the judiciary but the Supreme Court has never requested nor received the amount it is entitled to by law. Panama's judiciary has a 2% guarantee, under the new 1984 Constitution, and did receive a substantial budgetary increase, but not the allotted 2%.

Panama's new Constitution also provided for ten year terms for Supreme Court judges, with staggered appointments to assure continuity, an important step toward judicial independence. There is clearly a recognition through the region of the need to make judicial independence real. Some important steps have been taken, but a strong political will and a shared perception of the fundamental importance of independent judiciaries to true democracies are scarce commodities.

Procedure

The general design of a civil law system also provides judges with some functions unknown in the United States. Trials are divided into two stages: an instructional stage and a trial stage. The first involves all those actions which are taken in preparation of the charges against the defendant and is carried out by an instructional magistrate, or a public prosecutor.

Once a report of a crime is made, the instructional judge assumes control over the investigation of the offense. He/she determines the nature of the crime, supervises the questioning of witnesses, inspects the scene of the crime, appoints experts and identifies suspects. The potential defendant is then called to testify before this magistrate who takes a statement and enters it into the record. If an arrest is necessary, only this magistrate is empowered to order it. Once the suspect is in custody, the magistrate determines whether to release this defendant or to hold him/her in custody. All matters reviewed during this stage are set down in writing and placed in a case file which eventually embodies the case against the defendant. Upon completion of the investigatory stage, the instructional magistrate will forward the complete file to the prosecutor for review and thereupon the criminal action will be instituted on the basis of a filing document.

While the foregoing is an accurate general description of the instructional phase in civil law systems, each country in the region has assigned that function differently. The Dominican Republic has judges of instruction. Honduras, Panama and Costa Rica do not, having either merged that function with the trial judge or having assigned it to the prosecutor. But regardless of which functionary has the task, the near total lack of investigative resources and personnel makes effective investigation extremely difficult and often impossible. In

most instances, the national police, often a part of the military, are the only investigative forces available. The police may or may not cooperate with the investigating judge.

The evidence gathered by the investigating magistrate is referred to the appropriate trial court. This material is admissible at the trial but may be rebutted by the defendant.

While in three of the targeted countries oral hearings are standard features of some trials, at least for serious crimes, Honduras and El Salvador follow an exclusively written system in which criminal cases become "documentary contests- with each case being narrowed to sewn volumes in which the court is totally isolated from the accused and his background, and in which the judicial function is delegated to employees and minor functionaries (if not in the police)..." (Zaffaroni, 1982: 79). This feature, derived from the old inquisitorial system, still predominates in these countries.

Another feature common to these countries is the ability of the judiciary to proceed against absent defendants and for the accused to be questioned before the judge without the presence of his defense attorney.

Delay and Preventive Detention

The requisite intervention of the judiciary in so many procedural stages, together with the paperwork required in this system gives rise to one of the most serious problems facing Central American justice: delay in the processing of judicial matters.

The procedural delay, combined with a legal presumption favoring preventive detention, results in an inordinate percentage of the jail population being held in prison prior to trial. In a major study of all Latin American and Caribbean nations for which figures were available, Carranza et al found that the percentage of inmates awaiting trial ranges from 2.18% in the Cayman Islands to 94.25% in Paraguay, with a total average of 67.28% for the eighteen countries studied (Carranza, et al, 1983).

The following features reveal the latest figures on numbers of prisoners being detained prior to trial:

TABLE 1

Country	Year	Total Number of Prisoners	Percentage Not Sentenced
Costa Rica	1981	2407	47.40
Dominican Republic	1982	5355	79.88
El Salvador	1981	3402	82.57
Honduras	1981	1016	58.36
Panama	1981	2339	66.52

Source: Elias Carranza, Mario Houed, Luis Paulino Mora, Eugenio Raul Zaffaroni (1983) El Preso sin Condena en America Latina y el Caribe. San Jose, Costa Rica: United Nations: 22.

Generally the Latin American systems make excessive use of preventive detention and after trial, harsh sentences are the norm with prison and fines being the two most prevalent forms of punishment. Probation is virtually unknown. In some instances the code presumes the dangerousness of all detainees with prior criminal records, disallowing any judicial review of circumstances (El Salvador). In others even if the codes allow such pretrial release, it is seldom applied by the judiciary who seem to prefer routine denial to in-depth pretrial review.

Prosecutors (Ministerio Publico)

The Public Ministry is a civil law institution common to all of the countries. The term describes a function rather than an entity. Its main task is to assure compliance with all laws as the prosecutorial branch of government. As such, its duty is both to protect society from law violators as well as to guarantee that the citizen is protected from governmental abuse.

The public ministry is exercised by law-trained persons (usually called a "fiscal") who may be a part of the judicial or executive branch, or both. In the Dominican Republic, the fiscales (prosecutors) are an arm of the executive, are administratively and politically dominant, and have more effective control over the criminal process than the judges, who operate almost exclusively without administrative staffs beyond a secretary. In Honduras, the reverse appears to be true. There the public ministry is exercised by fiscales within the

judicial and executive branches. However, those under the judicial branch have the only day to day role in the criminal courts, and even this is much reduced. The Honduran judiciary's fiscal is basically a woefully underpaid administrative assistant to the judge, who shuffles paper and rubber stamps judicial decisions. The fiscales attached to the executive perform almost exclusively as the defenders of the government in civil cases. Many fiscales are law students, working part-time. Thus in Honduras, while the judiciary is weak and inefficient, the judge still dominates criminal proceedings and due to the debility of the public ministry there appears to be less executive-judicial conflict than in other countries, at least after a case is begun.

In Panama another variant appears. The public ministry's prosecution function is actively exercised by fiscales assigned to each court by the Procurator General. This official is the rough equivalent of the US Attorney General. A unique feature of Panama's system is the elimination (since 1941) of the judge of instruction (investigating magistrate) and the assignment of those investigating functions to the fiscales, rather than merging the function with the first level trial court's duties. Thus, Panamanian fiscales exercise both the investigative and prosecutorial functions, making them the strongest in the region both legally and functionally.

Costa Rica, as might be expected, incorporates the public ministry under its uniquely dominant and well financed judiciary. However, even here there are problems of conflicting functions and unclear lines of supervision. There is no law describing and limiting the functions of the Costa Rican public ministry or fixing its position within the judicial branch hierarchy. Costa Rica has recognized this problem and is currently seeking AID assistance in this area.

Generally, throughout the region the prosecutorial function of the public ministry as the protector of society from criminals has been emphasized over its duty as guarantor of individual legal rights. Its resources are seriously lacking for either function, particularly in the Dominican Republic and Honduras, and it is unlikely that it will prioritize the latter function when it cannot perform its prosecutorial role adequately. Persons interviewed by the Project design team emphasized the need to incorporate study, reform and training of this sector within any planned reform of the judiciary.

Public Defenders

While this function exists in the region, it is virtually undeveloped. A 1980 Honduras law providing for a free public defender system, for example, has never been implemented. Panama has five public defenders for the entire country. They are underpaid and completely swamped with gigantic caseloads.

In some instances, judges may and do appoint private lawyers to defend indigents, but often the lawyer is diverted from the task by his own private practice and neglects pro bono cases. Court dates are missed, and the accused remains in jail. Another lawyer may be

appointed or the judge may simply decide the case on what is in the file. Though the codes of ethics of the bar associations often impose an obligation to represent indigents, this is not commonly enforced.

The only other source of legal assistance is programs within the law faculties of some of the region's universities. These are of limited reach and concentrate mainly on civil and family disputes rather than criminal cases, although some are now beginning to focus toward student representation of criminal defendants under the supervision of a law faculty member or other member of the bar.

It is thus not uncommon for a defendant to be unrepresented by counsel throughout the judicial process. The absolute right to counsel has not been legally established in the region. The public defender area is one of extreme and obvious need. Honduras, for example has identified it as a priority and asked for funds to activate its 1980 legislation and organize a functioning public defender system. The law faculty at the University of Panama is also interested in developing this area.

Bar Associations

Bar associations (colegios de abogados) have been slowly evolving in the region from social groups providing benefits to members toward greater public issue involvement. In some cases, there have been rival lawyers groups, usually having a particular political orientation. The concept of a compulsory integrated bar is of recent origin in most of the region. It exists in Costa Rica and Panama and has been achieved recently in the Dominican Republic. In the D.R. the proceeds of the fees for notarizing documents go to the bar association. Honduras has a single association, but membership is not compulsory and its only resources are members' dues. El Salvador has five separate and highly politicized associations.

While bar associations have not traditionally played a strong role in support of the judiciary or as pressure groups for law reform, that is changing in positive ways.

The Dominican Republic is a case in point. In the two years since passage of the law making membership in a national integrated bar mandatory, the resultant entity has evolved rapidly into a significant pressure group and is actively backing President Salvador Jorge Blanco's efforts to enact a judicial civil service system. As part of the effort, the Dominican association has recently sponsored a National Congress on the Judiciary, which produced a detailed set of recommendations for achieving and assuring judicial independence.

While less focused in their goals than the Dominicans, the Panamanian bar is now publicly demanding judicial reform. In Honduras, the bar association is neither very active nor very strong. The Costa Rican bar association is the strongest in the region, but there, most of the basic reforms needed elsewhere have already been achieved.

National Reform Efforts

The Central American judiciaries have been cognizant of many of the deficiencies demonstrated by their systems and have initiated reform efforts to correct them. Honduras has just enacted a major revision of its criminal code as a result of recommendations by a law reform commission and has a Judicial Career Law passed and awaiting implementation. El Salvador has created a commission to review legal codes and make recommendations on the administration of justice. The Dominican Republic established a review team which has suggested major reforms in the administrative structure of the judicial system. Panama has re-established its Judicial Career Law, provided for ten year appointments to the Supreme Court, and doubled the judiciary's budget. Finally, Costa Rica has continually reviewed its system of justice and maintains a permanent commission composed of principal actors from the legal community.

D. Past Legal Assistance Efforts (Law and Development)

Legal assistance to Third World nations is not a new concept within AID, and it is important to review the successes and failures of past programs prior to initiating any new ventures. This section will review what came to be known as the "law and development" program in Latin America.

American legal assistance to developing countries began immediately after World War Two and reached its zenith during the 1960s. All of these efforts were centered on notions of the superiority of the American legal model as the best means of reaching a democratic solution to development in the emerging nations (Gardner, 1980). The approach became operational in Latin America in the mid-1960s with the introduction of legal education reform projects in Costa Rica, Brazil, Chile, Colombia and Peru.

In Latin America, the law and development movement encountered an entrenched legal culture, peopled by a large and powerful legal profession, trained in formalism and bound to national laws and legal institutions based on European principles of rationality, philosophy and separation of powers. The final obstacle to the American Model was the type of legal education being offered in Latin American universities. Latin American legal education dates back to 1553, centuries before American law schools appeared on the scene. These law schools introduce law through a lecture system, during a five year period, immediately upon graduation from secondary studies. Their approach to law is comprehensive and highly academic, placing emphasis on philosophy and history of the law rather than the practical aspects of the profession, in sharp contrast to American legal education. American scholars attempted to shift the emphasis from this lecture method to Socratic principles, so prevalent in American law schools, with very little success.

By the beginning of the seventies the optimistic projections of the innovators were reevaluated and they tended to move away from basic reform of legal education to practical applications aimed at

utilizing existing structures. In Costa Rica, for example, a comprehensive indexing system for existing legislative materials was introduced (Wroe, 1973).

Although it is difficult to summarize in a few words the basic flaws in the earlier effort, the following may be pointed out:

1. Most, if not all of these projects were conceived and arose in the United States and not in the receiving countries. As such, many of these efforts were ethnocentric.

2. Most projects were overly ambitious in their assumption that changes in the legal systems would translate into instant democratic models.

3. Perhaps the most basic flaw of these programs was the failure to appreciate that the institutions and principles which they sought to change were at the cultural core of the societies which they were seeking to alter.

4. The programs were often based on erroneous information, primarily resulting from the lack of empirical data available on the operation of the legal system.

5. They mistook the willingness of Latin Americans to receive funding for a willingness to accept the principles being exported.

E. ILANUD

In light of the foregoing discussion, it has been clear from the outset of this effort that chances of success would depend in large part on involving regional and national institutions in the planning and execution of justice sector assistance. ILANUD has been chosen as the main indigenous institution to assist in the design and implementation of this Project. ILANUD is an international organization formed as a result of an agreement between the government of Costa Rica and the United Nations. The primary purpose of the Institute is to provide assistance to Latin American and Caribbean governments in developing strategies for crime prevention and criminal justice planning. Since its inception, the Institute's activities have been focused in three areas: research, training, and technical assistance. It has carried out the following activities:

Research

The Institute has carried out research in diverse areas resulting in thirty-four publications. The major study has been research into the status of pretrial detention in Latin America. The results of this study have received a great deal of attention and implementation of its recommendations are being considered by at least two governments. This was an AID funded research effort.

Training

During the period 1980-1983, the Institute carried out eleven

training courses attended by 245 persons from eighteen countries. The following areas were covered: juvenile delinquency, parole, corrections (juvenile and adult), library science, criminal law and procedure. These courses were directed at middle and upper level employees of the criminal justice system and were taught by part-time faculty, most of whom were from other civil law countries. While the courses have been praised as effective preliminary training ventures, ILANUD would benefit from technical and commodity assistance in this area. AID has recently financed ILANUD regional courses for prosecutors and judges.

Technical Assistance

The two most significant achievements in this area have been the development of a manual of criminal justice statistics for Latin American and Caribbean countries and the creation of a documentation center at ILANUD.

The statistics project grew out of an initial Law Enforcement Assistance Administration grant. Since the award of this grant, eight years ago, ILANUD has published a report on existing statistics and developed a technical manual on uniform statistical guidelines. ILANUD has recognized the need for current technical information and established a documentation center at its San Jose headquarters. They have collected and catalogued over 12,000 documents, making them available to their own personnel, trainees and library users. The technical assistance efforts, while praiseworthy, have been hampered by a lack of adequate funding to fully implement, develop and disseminate their results.

All of these activities place ILANUD at the forefront of justice reform in the region. It has demonstrated, over time, the capacity to administer and carry out modest grants from the U.S. and other donors, but has been limited by the inadequacy of the funding provided.

F. Interamerican Institute of Human Rights

The IIHR, headquartered in San Jose, in Cooperation with ILANUD, will also provide training and some technical assistance. It is a well known and active hemispheric institution, established in 1980 by an agreement between the Government of Costa Rica and the Interamerican Court of Human Rights which was ratified by the Costa Rican National Assembly. Its efforts have produced a constant output of research, workshops and short courses, and publications, all centered around the theme of the promotion of human rights progress in the region.

Support for IIHR has come from Ford Foundation, International Committee of the Red Cross, Nauman Foundation, MacArthur Foundation, Canadian International Development Agency, as well as AID. Much of the IIHR's work has focused on the juridical protection of human rights and the need to advance judicial branch autonomy as a means of assuring human rights. Presently, IIHR is conducting a major study of the legal impediments to human rights in the legal codes of Latin

America. This project is funded by a three year AID grant which ends at the end of 1985. Since 1983, IIHR has conducted an annual interdisciplinary course in human rights. A significant number of attendees have been lawyers and government officials involved in public and private sector activity relating to the protection of human rights.

In the Regional Administration of Justice Project, IIHR, in cooperation with ILANUD, will conduct certain of the training courses and seminars on a contract basis. They will also serve as a resource for technical assistance, particularly in locating appropriate personnel to carry out sector assessments.

IIHR brings to the Project a wider scope than ILANUD, but one which complements ILANUD's focus. IIHR has conducted seminars on issues of human rights and democracy, including a very successful effort on transition from military to civilian rule and has attracted participation from a wide spectrum of Latin American political, academic and governmental circles.

G. Other Cooperating Institutions

Other institutions, both U.S. and non-U.S., will present proposals for funding under the Project. These may be sources of joint efforts with ILANUD or self-contained activities related to project purposes. While none of these is now sufficiently advanced to allow description herein, LAC/AJDD expects to receive proposals from several sources in the next four months.

The possible sources active in Latin America include, but are not limited to, the Interamerican Institute for Human Rights, INCAE, INCAP, the Interamerican Bar Association and the Interamerican Bar Foundation at the regional and international level. For example, INCAE may be able to cooperate with ILANUD and AID in training on court administration, and the IABA has expressed interest in sponsoring conferences on the state of the judiciary during its annual meetings. Among the likely U.S. entities are: the American Bar Association, American Society for International Law and several U.S. universities and institutes including Temple University, American University and the International Law Institute affiliated with Georgetown University.

Among universities in the region, the universities of Costa Rica, Honduras and Panama, and the Universidad Catolica Madre y Maestra (UCMM) in Santo Domingo are capable of collaborative efforts.

These and other institutions will have unique roles to play. While discussions have been ongoing with a number of these, and their proposals are being worked upon, we have received only one concrete proposal as of this writing. Accordingly, we are reserving a portion of the Project funds in anticipation of other relevant proposals. Should the full amount reserved ultimately not be obligated, we would expect to reprogram the funds for use via ILANUD in the main Regional Project.

III. PROJECT RATIONALE

A. Justification and Strategy

The Project will attack each of the following four broad problem areas, although some more directly and with greater emphasis than others.

-- Attitudinal patterns which inhibit change in a dependent and inefficient system of justice.

-- Weak justice institutions with insufficient qualified staff and budgets in relation to their responsibilities.

-- Inadequate, often conflicting, justice policies without clear planning or assignment for their execution among justice sector agencies.

-- Inadequate methods of technology transfer and delivery systems to review, implement and disseminate the results of experiences elsewhere.

Early emphasis on criminal justice reform is necessary because this subsector has the most severe and direct impact on the citizenry and has primary responsibility for safeguarding human rights. However, it is expected that the experiences learned in focusing on this subsector will be transferable to other subsectors within the justice system.

This Project is a highly innovative development initiative. The problems encountered by the legal system have existed for more than a hundred years and are closely linked to other social, economic, and political national issues. It is not realistic to expect immediate changes in the legal culture as a result of this preliminary initiative.

In designing this Project a number of preliminary planning activities have taken place: 1) a needs assessment study carried out by ILANUD; 2) organization and meetings of national reform commissions in each of the countries to identify problem areas and solutions; 3) site visits by AID and State personnel to each of the countries; 4) grant awards to ILANUD, the Interamerican Institute of Human Rights, and the University of Costa Rica to test possible Project components; 5) a grant to Florida International University and employment of experts in this field to assist in the design of this Project.

Primary implementation responsibility has been awarded to ILANUD (Instituto Latinoamericano para la Prevencion del Delito y el Tratamiento del Delincuente). AID has a dual purpose in selecting ILANUD. ILANUD has played a central role in providing the leadership in justice reform in the region through its training, research and technical assistance activities. In the field of justice, ILANUD is unique in the region in terms of quality, scope and relevance. Apart from the above, AID support is warranted because ILANUD is willing to

embark on a number of new initiatives to promote democratic institutional reform and the observance of human rights in the administration of justice.

The Project proposes a four-pronged strategy for assistance. A training component shall address training of justice personnel in two areas: legal education and administrative training. New training modalities are being introduced to insure that the training shall address the real needs of the system. An advisory services component is also being proposed to buttress the institutional capacity of these organizations to effect reforms. A support service component is also being provided to strengthen regional and national institutions, and to prepare them for the delivery of necessary services. An extension facility component is also being provided to meet country-specific needs. All of these components are closely linked and all seek to buttress justice institutions.

Limitations under the Foreign Assistance Act prohibit us from addressing the needs of correctional and police personnel, as those institutions relate to the functioning of the courts. This limits the possibility of developing judicially controlled professional investigative units or prison reform efforts. All of these subsectors have historically acted as isolated components, suspicious of each other and jealous of their own prerogatives. We have limited our focus to the court systems and ancillary entities due to the U.S. legal constraints.

We have selected five countries for assistance. The primary criterion has been to provide assistance to Spanish-speaking democracies in Central America and the Caribbean which have demonstrated some national commitment to the principle of judicial autonomy. Consequently we have selected Panama, Costa Rica, Honduras, El Salvador and the Dominican Republic. Though not part of Central America, the Dominican Republic is included because it is a civil law, Spanish-speaking democracy that is a small country with problems similar to those of the Central American democracies. ILANUD has worked closely with the Dominican Republic over the years and has usually included it in programs directed toward Central America. This does not prevent the future inclusion of other countries, depending on availability of funding. For example, if the AA/LAC determines that Guatemala has established a civilian, democratic government, then Guatemala would be permitted to join the Project.

It is expected that some appropriate strategies will emerge and evolve as the Project progresses. In order to minimize potential risks of failures due to inapposite methods we have included within the Project a substantial evaluation component to provide current information on immediate and long-term impact of activities. This will allow us to modify or redirect Project components to meet unexpected results.

Past AID efforts at legal reform in this region have taught that attempts at major legal changes transposed from other cultures encounter stiff opposition from the entrenched legal culture. Thus, we have proceeded on the basis of national committees which worked

with ILANUD in priorities for reform efforts. We have studied their recommendations and met with national representatives in each country. Additionally, we have provided for significant further investigation and research capacity within each of the activities to allow appropriate study to take place before initiating an activity. All of our planning has assumed that reforms cannot take place without the national will to effect them. Thus, national and regional institutions have been accorded primary implementation responsibility and have been consulted closely in Project design.

B. Relationship to Bilateral AID Programs

AID is currently financing a related bilateral project in El Salvador with a total LOP cost of \$9.0 million. The present Project is designed to support this and any future bilateral efforts.

El Salvador

The AID "Judicial Reform Project" in El Salvador supports assistance to: 1) the "Revisory Commission for Legislation" in coordinating the judicial reform effort; 2) the Judicial Protection Unit" which will provide protection for courts and personnel; 3) the "Institute for Criminal Investigation and Forensic Sciences"; and, 4) general assistance to the justice sector. All of these components provide training, technical assistance and commodity assistance.

The Regional Project will be coordinated closely with the El Salvador Project to eliminate duplication and insure cooperation. El Salvador will be a direct beneficiary of the Regional Project, and regional activities are designed to complement their efforts.

C. Advantages of a Regional Approach and the Role of ILANUD

The major reasons for a regional approach are economies and cost-effectiveness of installing a comprehensive training program at ILANUD instead of five national levels and relatedly, the cost-effectiveness of providing technical assistance at a lower rate using the resources of ILANUD and its contacts instead of more expensive U.S. or other foreign sources. The approach of providing a mix of training and technical assistance also ensures the continuity of the reform efforts that will be established or developed.

The regional approach is also advantageous because it will benefit from ILANUD's many years of technical experience in the region. ILANUD's experience extends over ten years and its staff has ongoing activities which involve all of the countries. The regional approach will promote the sharing of this experience among participating countries.

The components of the proposed Project have been designed to ensure broad regional application. Experience in numerous past regional training efforts has given ILANUD the capacity for working with national institutions. To ensure that neither duplication of effort nor by-passing of national institutions occurs, all operations

in the countries will be carried out through the national institutions and USAIDs will be directly involved through Resident Program Coordinators attached to each USAID Mission.

D. Relationship of the Project to AID Policy, Mission Strategy and Other Donor Activities

1. Relationship to AID Policy

AID has carried out very limited activities in the justice field since the 1970's. The current initiatives are an outgrowth of the recommendations of the National Bipartisan Commission on Central America which proposed that the United States "help strengthen Central American judicial systems". On the basis of the recommendations, legislation was proposed to provide the funds for this assistance. These efforts are based on the premise that "in the absence of strong legal institutions, political and economic crises are magnified".

2. Other Donor Efforts in Justice Reform in Central America

Very little assistance in this field is currently being provided by other donors. The only one directly targeting its funds toward reform of the justice system is the United Nations. The United Nations Development Program has provided on-going assistance to ILANUD, approximately \$150,000 annually, to carry on research, training and technical assistance in areas of interest to the United Nations.

Additionally, the United Nations Fund for Drug Abuse (UNFDAC), UNESCO and the United Nations University (Tokyo) have made awards to ILANUD for research in criminal justice areas.

Private foundations have had limited activity in related areas. The Ford Foundation has made grant awards to the Interamerican Institute for Human Rights, in the LOP amount of \$300,000, for research into human rights and criminal justice. This program has been jointly funded with AID. It has also made a similar grant, in the LOP amount of \$50,000, to the Honduran Human Rights Commission. The Naumann Foundation of Germany has also awarded grants for conferences on human rights.

The proposed Project should be welcomed by other donors because it will strengthen regional and national institutions through technical and management assistance, encourage interest in the concept of administration of justice, and complement other donor activities. At no point is the proposed Project redundant or in conflict with other donor efforts; on the contrary, it is in complete support of them.

IV. PROJECT DESCRIPTION

A. Goal, Purpose and Beneficiaries

The Administration of Justice initiative is part of the U.S. government's continuing commitment to support the efforts of

governments throughout the hemisphere to strengthen and invigorate democratic institutions. The implementation of democratic principles requires the peaceful and orderly resolution of disputes through a fair, independent, accessible and efficient system for the administration of justice.

The goal of this Project is to foster the transformation of national justice systems in the region into systems based upon independent and strengthened judiciaries which will increase popular confidence in the fair and impartial application of law and will support democratic institutions.

The purpose of this Project is to strengthen regional and national institutions in order to provide services necessary for the improvement of administrative, technical and legal performance of justice systems in the region with major emphasis on criminal justice system improvement. The Project will support national initiatives now underway and assist in the development of new initiatives.

Due to its institution-building character, the Project will have direct and indirect beneficiaries. ILANUD will improve its ability for providing short and long term training in this critical field and will have the technical assistance outreach capacity to respond to country and donor needs. National institutions will benefit from the expanded pool of expertise they can call on, as well as from an improved information base. National justice professionals will benefit directly from the major training component of the Project, which is targeted at them. To a lesser but equally important extent the Project targets training at decision makers and senior professionals. Litigants, defendants, and the population at large will derive direct benefits from the development of a speedier, fairer, and more accessible judicial system.

Benefits which will accrue to the region in an indirect fashion are expected to result from and to outweigh the direct benefits in the economic sense. Almost every sector in the nation will be an indirect beneficiary because by improving the judicial sector, more resolutions of legal disputes will result and a better system of government will be achieved.

B. Project Components

Introduction

As described in the Project Background, the planning efforts have revealed needs for more reliable basic information for planning of criminal justice policies, for long and short-term training, improvement of the criminal justice statistical system, more and better legal documentation, assistance to bar associations, technical assistance in these areas, and for raising the awareness of judicial reform needs among decision makers.

Four basic Project components are designed to address these needs: training, advisory services, a support component, and an

extension facility. The first two components include activities which address national and regional problems while the third provides assistance to buttress the institutional capacity of ILANUD to support training and advisory services, and the fourth provides assistance to meet country-specific needs. These components make up an outreach effort to address the needs of national institutions discussed in previous sections.

1. Training Component

a. Description

The training component has four objectives:

1. To reinforce and expand the judicial role in deciding cases and administering the courts, and to establish systems of judicial accountability throughout the judicial sector;

2. To develop the technical capacity of national court staffs in areas such as court planning, case processing, statistical systems, budgeting, and paperflow management;

3. To reinforce the progressive elements in national justice systems and the national bar associations in furthering reforms of their justice systems, particularly in the areas of judicial independence and career security;

4. To increase popular awareness of the human and legal rights guaranteed under their constitutions and laws, to encourage popular recourse to courts for vindication of such rights, and to enhance popular respect for the rule of law.

Because of the modest size of the judiciary and court staffs in the nations of the Central American and Caribbean region, much of the training in legal skills, court management and other common problem areas will be carried out most efficiently by regional institutions. The best option is to build on the training capacity of ILANUD, and through ILANUD, slowly create small units of skilled trainers and administrators in each country. Major emphasis in the early years must be on changing attitudes on the roles of the judiciary in developing democratic societies, and in providing a thorough grounding in criminal law procedures. By incorporating members of the executive and legislative branches in all activities, their support for court reform may also be obtained.

Thereafter, more sophisticated court management skills involving court planning, delay reduction, court information systems, and budgeting and financial management concepts can slowly be integrated into national justice systems.

Legal education in Latin America has followed a consistent and rigid pattern which is largely unchanged since colonial times. The Law and Development program attempted to introduce new educational modalities in law school education and encountered strong local

opposition to such reform efforts. Rather than introducing a single alternative to traditional educational methodology, the Project seeks to present different training modalities and to measure their results in determining successful approaches.

In addition to emphasizing short-term, issue-focused training, the Project is innovative in that it will introduce a new course development and evaluation strategy for all training activities. Any training effort must be preceded by thorough needs assessments and tracked closely thereafter to learn from the outcomes. Additionally, the Project seeks to target diverse populations, from popular court judges to supreme court judges. Finally, the Project seeks to incorporate educational components into training activities to insure that trainees will, in turn, become trainers in their local settings.

Table 2 presents a summary of the training component.

TABLE 2

SUMMARY OF TRAINING COMPONENT

Activity	Outputs
<u>Short Term Training</u>	
1. Workshops and Seminars (50% regional for high level officials; 50% in country for high and mid-level officials)	<ul style="list-style-type: none"> . 20 Seminars/workshops developed, tested, and improved . 300 national senior level justice system and bar association representatives trained
2. Short Courses	<ul style="list-style-type: none"> . 12 short course modules developed, tested and improved . 250 national personnel trained
3. Study Tours	<ul style="list-style-type: none"> . 45 national personnel complete study tours
<u>Long-Term Education</u>	
4. Assistance for the development of a specialization program in Criminal Justice Administration	<ul style="list-style-type: none"> . Recommendations on the cost, benefits to be derived and type of program to be instituted which would train specialists in criminal justice administration . Implementation of a pilot program if warranted
5. University of Costa Rica Graduate Program	<ul style="list-style-type: none"> . Postgraduate specialization in penal or agricultural law as part of existing postgraduate law program . 32 attorneys complete specialization at the University of Costa Rica
6. Assistance for the Development of Postgraduate Programs at the University of Honduras	<ul style="list-style-type: none"> . A postgraduate program at the University of Honduras to train their law faculty. Support for the program will terminate upon the award of degrees.

1) Workshops and Seminars

These three to four-day training sessions on specific justice administration and criminal law topics will be used to impact the largest number of justice professionals, especially judges and fiscales (prosecutors). Upper level judges and justice officials will attend senior judicial seminars in Costa Rica and other host countries. National officials including mid-level personnel will attend workshops on cross-system problems at central training points in their own countries. Topics such as routine case management skills, paperflow management, budgeting and court planning skills will be emphasized. Critical criminal law or criminal procedure issues and the role of bar associations will be handled in special seminars. Course scheduling will attempt to obtain the greatest possible participation with minimal disruption to court operations.

Workshops will also be used to bring together diverse actors within the justice system to discuss issues of common concern (i.e., delay). Some training will include members of the executive and legislative branches so that all decision-makers are included. The following specialized seminars are suggestive only.

Example 1, Senior Judicial Seminars

Special workshops will be directed at the judicial leadership and senior judges of all the countries. Because of the centralized nature of the formal judicial structure, judicial leadership committed to change will be crucial. Topics will include: the role of an independent judiciary; relationship of the judiciary to the other branches of government; professionalization of the judiciary; improvement of criminal and civil process and reducing delay; and, popular reaction to the judicial system.

Example 2, Bar Association Seminars

Training and interchanges between representatives of the national bar associations will be an important part of this component, and will help create the cross-currents necessary for court reform. Seminar topics might include the role of the legal profession in the administration of justice, relationship between bar and judiciary, the unification of bar associations, and the provision of legal defense services for the indigent.

Bar associations will be encouraged to develop and expand training activities in cooperation with the court leadership, local universities, or other appropriate institutions, and the Resident Coordinators. It is projected that the more progressive representatives of national bar associations would meet semi-annually during the early years of the Project.

2) Short Courses

These one to four-week courses are at the heart of ILANUD's attempts to improve criminal law, criminal procedure, human rights and

court administration. The emphasis shall be on judicial responsibilities ranging from the functions and relationships within the criminal justice agencies to issues of court administration and court information systems. Some courses will include prosecutors, procurators, defense attorneys, and clerks/administrators of the justice sector. Table 3 presents a range of proposed topics.

The short courses will also promote the objective of developing a cadre of national trainers and change agents who can, with some support, repeat the training in their home countries. Different training curricula will have to be developed for non-lawyer magistrates. Short-term faculty will be contracted for most of the training based on qualifications and prior experience. Course content will generally be divided into three parts:

- basic concepts and principles of the subject
- basic techniques for treating problems
- application: studies of cases proposing solutions

TABLE 3

SUMMARY OF PROJECTED SHORT COURSES

<u>Title</u>	<u>Outline of Topics</u>	<u>Participants</u>
1. Modern problems of criminal justice	Overview of modern tendencies in criminal justice	National Professionals and Judges
2. The Criminal Justice System	A review of the functions and relationships between the different sectors of the criminal justice system	National Professionals and Judges
3. The rule of law and the administration of justice	Organization of courts, human rights	National Professionals and judges
4. Criminal Law	Developments in traditional criminal law concepts	National Professionals and Judges
5. Sentencing	Purpose of sanctions, types of sanctions, mitigating and aggravating factors, alternatives, new sentencing patterns	National Professionals and Judges
6. Criminal Procedure	Defendants' rights, innocence, pretrial release, new trends in criminal procedure, evidence	National Professionals and Judges
7. Human Rights and the administration of justice	Basic documents of human rights and practice in this field	National Professionals and Judges
8. Principles of Court administration	Introduction to court organization with special emphasis on benefits of administrative professionalization	Judges, Prosecutors, Administrators
9. Issues in court administration	Organization theory, management principles, personnel, budgeting, etc.	Judges, Prosecutors, Administrators
10. Information Systems	The purpose and nature of information systems in court management, selection and contracting services.	Judges, Prosecutors, Administrators, Others

TABLE 3

SUMMARY OF PROJECTED SHORT COURSES
(CONTINUED)

<u>Title</u>	<u>Outline of Topics</u>	<u>Participants</u>
11. Basic practice for lower court judges	Basic procedural and constitutional law for lower court judges	Lower Court Judges
12. Basic criminal law	Basic criminal law for lower court judges	Lower Court Judges
13. Others		

3) Study Tours

Key national court and bar leaders will be sponsored to attend international meetings and other legal institutes dealing with the administration of justice and national bar responsibilities. It is estimated that up to 45 such trips will be sponsored. These activities should be closely coordinated with the USAID missions. There may also be some short-term fellowships to train ILANUD or national court staffs at other Latin American, European and United States institutions. ILANUD will also host and arrange for trainers, statisticians, and other court staffs on a fellowship basis where appropriate.

4) Long-Term Training

Long-term training will support three separate activities. The first is the development of a pilot court administration curriculum (possibly a certificate program), utilizing such institutions as the University of Costa Rica (public administration and law school), and private/graduate institutions such as INCAE (Instituto Centroamericano de Administracion de Empresas), and INCAP (Instituto Centroamericano de Administracion Publica). After a study of the job market potential and the interest of the institutions, a special faculty would be created to implement the training.

A second activity is the professionalization of the law faculty at the University of Honduras. The University is proposing entering into a contract with the University of Buenos Aires law school to provide graduate training to the Honduran law faculty. A strong law faculty in Honduras will provide numerous direct and indirect benefits to the Project.

A third activity is continuation of A.I.D.'s commitment to finance scholarships for graduate law students in criminal law and agrarian law at the University of Costa Rica. These officials are then committed to using their expertise in key public institutions of their respective countries. The Project will support a limited number of scholarships for students from the targeted countries to attend such postgraduate training.

5) New Training Modalities

While ILANUD possesses a great deal of training experience, the Project will allow and encourage ILANUD to experiment with new training modalities. Current training is heavily directed toward theory and imparted in a lecture setting--consistent with most Latin American legal education. This component will emphasize shorter term, practical training which will have an impact on juridical and managerial skills. For example, a significant short term training opportunity is presented by the need for increased knowledge of the criminal law and criminal law procedures, particularly in those countries (Honduras and Panama) in which major legislative revisions have been enacted very recently.

In designing courses, ILANUD planners would:

- identify needs and resources;
- develop course outline, and materials and select faculty;
- conduct pilot training sessions, and evaluate impact;
- review outcomes and modify courses as needed;

A number of critical issues will have to be resolved by ILANUD, national representatives, and USAIDs in the early months of planning. Some of the critical issues concern:

- Specific areas of criminal law and procedure which should be emphasized during the early years of the Project;
- Courses which should be directed at a single professional group as opposed to courses which require a cross-system or "team" from each jurisdiction to have meaning (for example, eliminating criminal case delay);
- Training at a centralized location versus training on a rotating basis to each country-- there will probably be a of both;
- Special needs of lower court judges (justices of the peace, alcaldes, etc.) as compared with upper trial and appellate court judges;
- The evolving role of "training the trainers" for the gradual development of national training programs versus the role of training operating court staffs at ILANUD.

A planning outline of a new court administration course is summarized in Table 4, and is an example of the process that should be followed in the development of each new training activity.

TABLE 4

JUDICIAL ADMINISTRATION COURSE DEVELOPMENT EXAMPLE

Purpose: To develop a basic two-week training course on the concepts of court administration at the national level.

Trainees: Appellate and senior judges.

Proposed Phases:

Needs	Model	Pilot	
Assessment	Building	Training	Operation

Proposed Steps in Process:

- | | |
|--|--|
| <p>A. NEEDS ASSESSMENT</p> <ol style="list-style-type: none"> 1. Gather data on current organization & functioning of judicial systems from court sector surveys or other reviews. 2. Identify appellate/trial judges and key administrative staffs that would be the proposed audience. 3. Identify key persons and institutions currently involved in similar ventures in Latin America, and gather information on curricula from these sources. 4. Complete sample survey of potential audience to determine general interest in training, and priorities 5. Develop a rough outline of training course based on above findings & available materials. | <p>B. MODEL BUILDING</p> <ol style="list-style-type: none"> 6. Select an advisory board of judges, educators and experienced lawyers to assist in planning and development of a model curriculum. Divide into committees or taskforces if necessary. 7. Develop 2 or 3 alternative models for training programs in selected countries. Select faculty & secure commitments. 8. Select best training model, and develop Curriculum and hand-out materials. Review with faculty and outline each component 9. Develop evaluation package |
|--|--|

C. PILOT TRAINING

10. Select training site and make administrative arrangements for 2 week training module.
15. Revise course outline and materials based on evaluations.

D. OPERATION

11. Invite proposed audience (preferably through Court Presidents) and national contacts.
12. Brief faculty on course purposes, agenda, and administrative arrangements. Iron out problem areas.
13. Select student body for course based on responses and consultations with USAIDs. Notify students
14. Conduct pilot training course. Complete evaluation package with faculty and students.
16. Conduct second training session and fine-tune course as determined by evaluations.
17. Conduct course in second country and distribute course materials to other interested institutions

Some training activities will require innovative techniques to address the needs of specialized populations. An example of the problems of training lower court judges follows:

Specialized Training for Lower Court Judges (Country-Specific Activities)

Lower court judges (justices of the peace and alcaldes) impart justice to the majority of the population and may be the only government representatives in some remote areas. They often conduct the initial investigation of crimes and initiate criminal proceedings. In general we know least about the tasks they perform and their training needs. This is possibly the area in which the most innovative training effort is required. To make matters even more complex, the background, education, and functions of these judges vary greatly, with some countries requiring law graduates, while others might require little more than elementary education.

Past experience demonstrates the difficulty of bringing together lower court judges from remote areas where they may be the only representatives of the judicial system and where there are no replacements.

Factors that will have to be considered in training lower court judges will include:

- An assesment of the current duties and responsibilities of lower court judges (versus the duties designated in the codes);
- Methods of delivering training to lower court judges in different areas of the country, including length of training since long-term training is impractical;
- Targeting those countries most in need of training, and developing country-specific modules;

Training packages for at least two countries will be developed during the course of this Project.

The first year will be largely devoted to planning and preparing training courses, developing ILANUD staff, screening and orienting adjunct faculties, and improving ILANUD administration to coordinate the larger number of professionals to be trained.

b. Inputs

The Project will fund personnel costs of \$656,100 including short-term consultants, primarily from participating countries and third countries. The Project will also finance travel and per diem costs for short courses, workshops and seminars, study tours and scholarships for thirty graduate degrees, and the feasibility studies. Equipment to be funded specifically under this component include office equipment, and training materials. Details on component inputs, totaling \$2,074,000 are presented in the Financial Plan and Annex.

2. Advisory Services

A. Description

The objectives of this component are to provide technical assistance: 1) in the design of activities relating to major issues of regional concern; 2) to the Training Division in the development of courses and their evaluation; 3) to national organizations in dealing with country-specific technical problems.

Sources of technical assistance in judicial management and law are insufficient in the region. Since ILANUD does not have adequate technical expertise currently, much of the assistance will be subcontracted to other regional, U.S., and third country institutions and individuals through long-term and short-term advisory services. Since there is no history of systematically providing technical assistance to justice sector institutions, ILANUD expects to proceed with caution. A primary outcome of this process will be the development and growth of an in-house capacity at ILANUD to offer expeditious and focused technical assistance.

The component has been divided into three activities: 1) technical assistance in support of activities designed to address major problems of region-wide concern; 2) short-term technical assistance in response to country-specific requests; and, 3) instructional design materials and training development assistance. The activities are interrelated. For example, information developed in response to country requests will enhance the other technical assistance activities as well as the training component. A summary of this component is presented in Table 5.

Although generally conceived of as short-term, one time, limited cost services, a more accurate conception of technical assistance would be specialized services, selectively applied, at reasonable cost to support the Project goals and the needs of the clients served. In designing its Advisory Services Division, ILANUD expects to analyze with care the functions which the technical assistance capability should serve, the objectives which the technical assistance activity should support, the level and type of resources which can be made available to the client agencies served by the program, and the staging of these resources.

The nature and mix of the technical assistance to be provided will be based on factors such as: overall activity goals and objectives, range of constituencies to be served; specific needs which the technical assistance component should address; longer term uses and purposes which the technical assistance component will serve; the range of resources which might be provided and the demand likely for each.

In addition to developing this conceptual framework, the technical assistance staff should also devise an administrative structure which will: 1) foster development and delivery of a comprehensive technical assistance program rather than ad hoc responses to individual requests; 2) assure the objectivity of the technical assistance being provided; 3) provide for adequate day to day management, follow-up and evaluation of technical assistance activities, and; 4) permit periodic modification of the technical assistance program to meet changing needs.

Three broad ranges of activities are planned: 1) development of technical assistance efforts to address major issues and areas of concern to most countries; 2) responses to requests for specific assistance from the countries; 3) instructional design materials and training development assistance.

1) Major Technical Assistance

While specific information on common problems is not complete, prior investigative activities have identified some major region-wide problems which must be addressed by the Project. At a minimum, the following activities should be accomplished:

a. Justice Sector Assessments

The need for some in-depth study of the justice sector of each participating country at an early date is clear. One of the main concerns of the design team has been the absence of adequate data, both country by country, and regionally, for the most informed planning and evaluation of this Project. The central purpose of these sector assessments is to provide such baseline data on the justice sector. While the main focus of justice sector assessments is the judicial system, it cannot be isolated from other components of the system (such as the conduct of investigations and the state of the prison system) and these shall be considered in the study insofar as they affect delivery of expeditious results by criminal courts.

Sector assessments may be carried out in each participating country, with completion expected six months after starting work. A general format will be developed in cooperation with AID and ILANUD. Thereafter work will be undertaken by teams directed by up to four experts with up to 120 days of field work per assessment expected. Work will be organized as follows: 1) gathering of sufficient data and information from government agencies, courts and experienced persons to permit description of the sector; 2) analysis of the data and model building; 3) analysis of the findings by ILANUD, nationals and USAID, and production of a final report. Due to economic and time constraints, the staff will avoid field generation of data whenever possible, but make judgements as to the reliability of existing data. Nevertheless, it is expected that much existing data will be insufficient and incomplete, and new data will be required in order to do adequate assessments. Sector assessments will be funded under the Extension Facility component.

b. Criminal Justice Statistics

The purpose of this activity is to assist in the improvement of the gathering and analysis of statistical information used in planning and evaluating judicial decision making. ILANUD has a great deal of expertise in the area of criminal justice statistics and has recommended the adoption of uniform guidelines for the collection and reporting of such data.

Statistics are collected at many points during the judicial process. This program cannot expect to implement a massive reform of the entire system. Rather, ILANUD will review the results of the sector assessments, make an independent evaluation of points at which decisions to gather statistics are made and determine an operational point at which reform may have the greatest impact relative to costs. For example, registries of prior criminal conduct are maintained by all countries. These registries are used in making sentencing decisions, but are usually maintained manually and inefficiently, contributing to delay in judicial processing. ILANUD shall, in consultation with receptive national officials, design and implement a pilot project to test suggested reforms in at least one of the participant countries, evaluate the findings, and disseminate them to the appropriate officials in the participating countries. The implementation of similar efforts would be part of bilateral projects.

During this activity, ILANUD would bring together a group of national officials from the selected pilot country composed of users and suppliers of criminal justice data. The group would review the progress of the experiment and assess its utility. From such efforts an overall implementation plan for the eventual incorporation of all sectors of the judicial system into an integrated statistical system could develop.

c. Reporting of Legislation and Jurisprudence.

Central American legal systems rely on a very rudimentary system of reporting judicial decisions and legislative actions which affect litigation. Normally a complete code is enacted by the legislative branch and this basic document survives for a long period of time. For example, the recently revised Honduran criminal code of procedure was enacted at the turn of the century. All new legislation and decrees are published in a national publication, usually called a "gaceta oficial" (Official Gazette - similar to our Congressional Record). Jurisprudence is similarly reported, either in this publication or a parallel one of the Supreme Court. Both of these publications appear with different levels of regularity. It is then up to the attorneys and the judiciary to read the gaceta, update their own copies of the codes to reflect changes, or to rely on occasionally compiled treatises which contain the bulk of such changes.

The results of this haphazard reporting system are that legal advice and judicial decisions are often outdated, resulting in incorrect judicial decisions. This problem is especially acute in remote areas of the country and among lower court judges.

Most civil law countries rely on a similar system and rather than effect basic changes in the reporting mechanisms, many have chosen to adapt modern reporting and classification systems to their schemes. Some of the most promising innovations have taken place in Italy, Argentina and Spain. The Spanish system may be the most interesting since it is an integral component of a judicial information system. Central American judicial representatives have expressed interest in developing a similar system for Central America and linking it with similar systems in Europe and Argentina, on whose laws much of their legislation is based.

The purpose of this activity is to design a system for collecting and reporting legislation and jurisprudence in the countries. This would involve the design of an automated database, a classification system and a method for inexpensive distribution of the information.

d. Bibliographic Needs

All of the available information, including an outside evaluation conducted by a consultant during the design effort, indicates that there is a serious lack of available bibliographic materials in the region.

In order to provide immediate assistance in this area, ILANUD would provide sets of basic legal materials to central libraries in each of the countries. ILANUD would review its own previous evaluations, those of the consultant in the design team and effect short site visits if necessary. It would then develop a master set of basic legal reference materials in the fields of criminal justice and court administration which every competent law library should have. This list would be reviewed by outside experts in the field. The list should not include many materials which require maintenance beyond the term of the Project.

ILANUD shall select central libraries in each of the countries for assistance in cooperation with USAIDs and national officials. These libraries shall be selected on the basis of need, prior demonstrated commitment to this field, available staffing and resources for maintenance of the collection and commitment to make the collection available to judicial officials, attorneys and law students.

ILANUD shall consult with said libraries and reach agreements to provide them with the bibliographic materials.

e. Data Base Information and Assistance

The objective of this advisory service is twofold: to provide national institutions with information affecting judicial planning and management; and to provide national institutions with technical assistance in the creation of legislative and jurisprudential databanks.

The first task would be the development of a central bibliographic database at ILANUD which will provide to the countries the following services: access to ILANUD's holdings; bibliographic searches; and periodic abstracting services of major publications in the field. ILANUD shall provide these services on the basis of demand by national users. Additionally, the Advisory Services staff shall develop a database of experts who are available to provide assistance to Project activities.

The second task would be to provide technical assistance to those countries which desire to modernize their system of legislative and jurisprudential collection and reporting. To accomplish this task, ILANUD will review prior experiences within the participant country and elsewhere, linkages with relevant organizations and provide or channel technical assistance to those countries desirous of effecting reforms.

2) Country-specific Short-Term Technical Assistance- Based on Annual Country Plans

Technical assistance under the auspices of ILANUD will be provided to participating countries on the basis of annual Country Operation Plans for the justice sector. These plans, updated annually for the life of the Project, will articulate the strategy expected to be followed in justice sector reforms and improvements.

The plans will be developed through the joint efforts of national commissions or their equivalent, the USAIDs, the Resident Program Coordinators, and ILANUD, and will draw upon the sector assessments when those are completed. The Country Operation Plans are incorporated into a condition precedent described in the section on Conditions, Covenants, and Negotiating Status.

Prior to completion of sector assessments, technical assistance under the Project will be based on the prior analytic efforts of the ILANUD/AID country committees, the design team visits, and ILANUD analysis. Those efforts have identified several possible activities in each country which can be supported in the immediate future via ILANUD, with LAC/AJDD concurrence and can form the basis of an Interim Country Operation Outline. Once sector assessments are completed, the annual country plans would draw heavily on them for justice sector strategy. We expect all sector assessments to be completed within the first year of Project operation, so that the Country Plans for the second through the fifth Project years will be based on a thorough in-depth analysis of the justice sector.

The technical assistance group will provide country-specific services. These may be site visits to local courts by the technical assistance staff and/or consultants, preparation of technical papers on issues of concern to technical assistance clients, exchange of information on programs and experiences of other jurisdictions, and responses to specific inquiries from technical assistance clients.

The mix of possible technical assistance requests by national institutions includes: information on organization and operation of similar institutions in other countries; assistance in the design of national training activities; assistance in the design and development of technical guidelines and handbooks; advice to improve the organization and management of national judicial institutions; assistance for specific policy and/or legal studies requested by national institutions and governments.

The ILANUD decision as to the type of service appropriate for a given request will depend upon a number of factors, including the nature of the assistance requested, the resources available to the technical assistance team, the impact which the requested assistance will have upon the justice system in the requesting country, the potential utility of the requested assistance to other countries in the Project, whether similar assistance already has been provided on the subject, either by the technical assistance team or by another organization, and the likelihood that technical assistance services provided will be utilized.

Each request for technical assistance will be carefully screened in accordance with established criteria of the Advisory Services staff. Before determining how best to respond to a request, the technical assistance team would work closely with the host country's Resident Program Coordinator and the AID Regional Administration of Justice Officer to assure that the request comports with a defined justice sector strategy. In reviewing requests

for technical assistance, the technical assistance team should remain flexible to accommodate unique situations which do not fit clearly into established procedures for evaluating technical assistance needs and providing technical assistance services.

All technical assistance will be followed-up after each assignment. Such follow-up serves several purposes. It can help to maintain the momentum for improvement generated during the technical assistance effort. It can stimulate local officials to act on the recommendations submitted. It can uncover a problem encountered by the agency with the services provided. It can discover unanticipated problems which develop following the technical assistance effort. Finally, it provides essential planning and management information to the Advisory Services team on what works and what doesn't work for use in further assignment and project planning.

3) Instructional Design/Materials and Training Development Assistance

The function of this activity will be to provide technical assistance in curriculum design to the ILANUD training component, and to national institutions such as universities, judicial systems, prosecutorial offices, bar associations and other organizations interested in improvement in the administration of justice. When appropriate, training materials developed for short courses shall be provided to those national institutions for use in their training programs.

Assistance in developing popular education campaign materials will also be provided. UCMM in the Dominican Republic, which has a successful history of popular education work with AID on a project to diffuse information on the role and function of the legislature may be subcontracted by ILANUD to provide assistance in such efforts region-wide.

B. Inputs

This component will fund personnel costs in the LOP amount of \$278,400 and short-term consultant costs of \$998,900. Additionally, the Project funds for this component will finance travel and per diem, acquisition of bibliographic materials, computer and office equipment and special technical assistance inputs. For a description of the Project inputs, totaling \$1,814,300, see the Financial Plan Annex.

TABLE 5

SUMMARY OF ADVISORY SERVICES COMPONENT

Activity	Outputs
1) Major Technical Assistance	
a. Sector Assessments	<ul style="list-style-type: none"> . Sector studies and reports completed on the judicial systems of five countries
b. Criminal Justice Statistics	<ul style="list-style-type: none"> . Design and implement a pilot project to modernize data gathering and analysis in at least one of the countries . Formation of a working group in the selected country to plan for an integrated statistical system
c. Reporting of Legislation and Jurisprudence	<ul style="list-style-type: none"> . Evaluation of legal reporting systems in the countries, determination of compatible more efficient systems . Design of an integrated reporting system . Dissemination of recommendations leading to regional application
d. Bibliographic Assistance	<ul style="list-style-type: none"> . Formulation of an inventory of library resources and provision of a basic set of books to one central law library in each country . Training and assistance to law librarians
e. Data Base	<ul style="list-style-type: none"> . Development of regional databases . Bibliographic assistance provided to users
2) Limited Technical Assistance	<ul style="list-style-type: none"> . 45 T. A. assignments completed
3) Instructional Design	<ul style="list-style-type: none"> . Training/Curriculum Development of national institutions in several countries . Plans for long-term curriculum development . National popular education campaign materials

3. Institutional Development and Support for
ILANUD and Other Regional Institutions

A. ILANUD Support

The purposes of this component are twofold: to strengthen ILANUD's capacity to carry out the activities which are proposed; and, to insure that ILANUD's permanent resources will be strengthened so that it may continue providing administration of justice leadership to the region beyond the life of this Project.

The scope of activities proposed in this Project will strain the current administrative, financial management and technical support capacity of ILANUD. ILANUD plans to continue its regular criminological activities in addition to the proposed program. Since the Project components require a different programmatic orientation, as well as additional activities and services beyond those currently offered by ILANUD, a substantial amount of assistance will be provided to insure that institutional development is phased and adequate. Intensive support and upgrading of ILANUD will be necessary in the first three years of this Project.

The following assistance is deemed necessary.

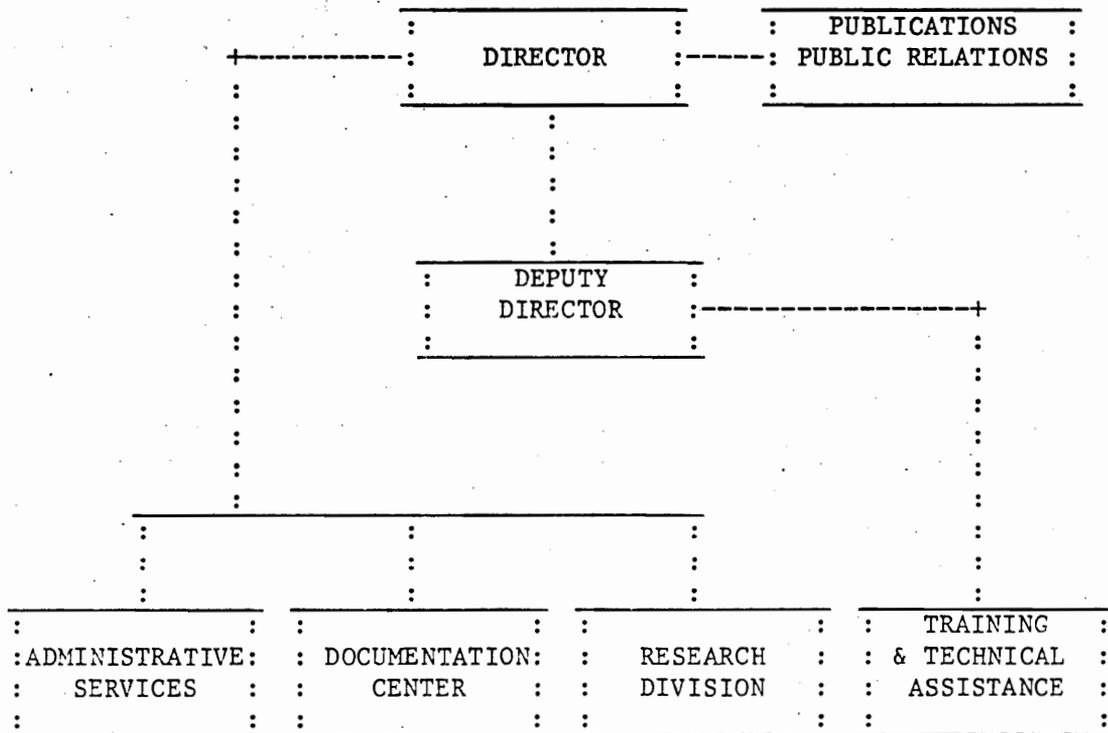
1) Organizational Development

Current Structure

ILANUD is governed by a Director who is chosen by the government of Costa Rica, with the approval of the United Nations. This Director is the only ILANUD staff person who holds ILANUD and United Nations status. The majority of the other employees are civil servants, contracted by ILANUD, but employed by the government of Costa Rica as part of its financial contribution to the Institute.

At the operating level, there are four Divisions: the Administrative Division, the Training and Technical Assistance Division, the Research Division, and the Documentation Center. The following organization chart describes the ILANUD structure.

PRESENT ILANUD ORGANIZATION



The Publications and Public Relations staff are directly under the supervision of the Director of ILANUD as support for his office. Additionally, due to a lack of staff the Director of ILANUD also directly supervises the research division. The directors of the other departments also respond directly to him.

While formally the administrative head of the Institute, his primary role is determination of policy and relations with the governments in the area. The role of the Deputy Director is presently flexible and undefined. Currently, the Deputy Director serves as Director in the absence of the Director. The bulk of her time is spent supervising the training division which due to a lack of staff does not have a full-time director.

The Training and Technical Assistance Division has been able to carry out a surprising number of activities with a very small staff. Its primary activity is in the area of training. A staff of two persons, under the direction of the Deputy Director, carries out these activities. This Division does no direct technical assistance, but coordinates some limited assistance which is primarily provided by the Research Division.

The Research Division is under the direct supervision of the Director of the Institute and has carried out research tasks which have resulted in over thirty publications. Most of these activities follow a criminological orientation. The staff is composed of two lawyers, two sociologists, one economist, and one psychologist.

The Documentation Center was established with the support of a United Nations Development Program award. The purposes are to: collect and catalogue significant Latin American and major foreign publications in the criminal justice field; to publish and distribute abstracts of its holdings to national and international users; and, to provide support for the training activities of the Institute.

The Center has holdings of approximately 12,000 documents, some of which are duplicates or unimportant so that an exact figure is difficult to estimate. Nevertheless, it is the most important such collection in Latin America. It is supervised by a director-librarian and has four librarians on its staff.

The Administrative Services Division provides administrative and support services for the Institute with eleven persons on its staff. It provides all accounting, travel, grant management, secretarial assistance, telephone service, photocopying, transportation, and maintenance support for the other Institute activities. The present financial management and accounting procedures are inadequate for the increased activities under the Project and their reorganization is an immediate priority of this Project. See the Financial Analysis attached as Annex F, for details of the current situation and the personnel and administrative changes required.

Project Organization

One of the most difficult tasks in introducing a project of this magnitude into an organization structure with a different orientation and limited resources is insuring a harmonious relationship between the current staff and divisions and the new structure introduced by the Project.

To facilitate a harmonious relationship between the new Project and the current ILANUD structure, ILANUD has suggested as Project Director, Lic. Jorge Arturo Montero. Lic. Montero is the founding Director of ILANUD and served in that capacity until 1984, when he was appointed Costa Rican ambassador to the United Nations. Lic. Montero is a former Deputy in the Costa Rican National Assembly, a former Minister of Justice and chairman of the Costa Rican law reform commission for a number of years. He is well known throughout the region. His presence in the Project will improve the introduction of the Project into ILANUD, provide the necessary leadership and experience and give credibility to the Project among participating countries.

The formal relationship of the Project to existing ILANUD activities shall be as follows. Lic. Montero will return to his post as Director of ILANUD and also assume the role of Project Director. His role as ILANUD Director will be largely honorary with the Deputy Director assuming most of the administrative duties of operating the ILANUD program. Transferring ILANUD administrative duties to the Deputy Director is consistent with the original ILANUD administrative scheme (which had not been carried out previously due to budgetary factors) and frees Lic. Montero to assume direct supervision of this Project.

Divisions and Offices

Extension Facility Office

The Extension Facility Office serves as a liaison between ILANUD and the countries in facilitating assistance to the countries and in assisting ILANUD in its in-country activities. It also serves as the link between ILANUD and the Resident Program Coordinators and USAIDs.

The Office will be staffed by two professionals: one to serve as a technical liaison and the other to facilitate contacts between the Project Director and the countries. Ricardo Ulate, who is currently the assistant to the ILANUD Director, and who has a great deal of experience in regional activities shall serve as the lead person in that office. A young professional with a public relations background shall be employed for the other position. Local staff is available. Both of these persons shall respond directly to the Project Director.

Administrative Services Division

This Division will be strengthened by adding a controller, an accountant and two assistants as well as support personnel to carry out administrative tasks. The installation of adequate accounting, budgeting and financial administration procedures, as recommended by a Price Waterhouse special evaluation contracted by the design team, will be the immediate priority. Work is already proceeding on this aspect. Sonia Brenes, the current director of this division, will supervise these new staff persons. In turn, she will be responsible to the Project Director for their activities. A substantial amount of commodity assistance will be provided to buttress ILANUD's accounting administrative, and word processing capability.

Documentation Center

The Documentation Center shall provide assistance to the Training and Advisory Services Divisions to carry out their tasks. Additionally they shall supervise acquisition and delivery of bibliographic materials and provide bibliographic services to the countries. In order to carry out their program they shall be provided with one librarian, a part-time programmer and receive commodity assistance to develop databases and provide services as needed.

Research Division

The Research Division will be largely unaffected by the Project and will continue to carry out criminological research. Their staff will cooperate in statistics assistance and any other research as needed. It is contemplated that most Project related research activities will be carried out by experts and advisory services staff funded via the EF or under the Advisory Services budget.

Training Division

The Training Division, which will have one of the most important roles in the Project, currently is the most understaffed division in

ILANUD. Lic. Emilia Gonzales, who holds a degree in economics, with a special concentration in international organizations, will supervise this office, stepping down as Deputy Director of ILANUD. Her experience in training and her status within ILANUD, as well as her knowledge of the region will ensure a harmonious integration of this activity.

Four training specialists will be added to this Division. Specialists in adult education are preferred for these positions. Curriculum and audio-visual specialists may also be desirable.

Advisory Services Division

The Advisory Services Division is a key component of this Project and will require the development of an interdisciplinary team. Since ILANUD has not previously carried out this activity using in-house staff, totally new staff will be employed. It is essential that this team be directed by a lawyer.

The director of this Division should be a lawyer with a substantial regional reputation, since justice system officials are unaccustomed to this service and hold lawyers in greater repute than other professionals. The director should have some methodological training, but it is unlikely that many suitable candidates in the region also will possess empirical research or public administration backgrounds, although this would be desirable. The director shall report directly to the Project Director but keep close contacts with the other Project Divisions.

Cultural imperatives make it necessary that this Division always be directed by a lawyer. It also is highly desirable that a lawyer be employed in the division so that an experienced person would always be available to substitute for or to replace the Division director, and to assist in legal related assistance activities. The following additional personnel should compose this team: a systems analyst with a strong background in organizational theory; a financial management specialist with experience in budgeting, accounting, and developing financial accountability systems; a court administrator or a specialist in public administration.

2) Long Term Advisors to ILANUD

ILANUD does not now have the needed expertise to carry out all of the Project tasks. Accordingly, AID will contract directly to provide senior advisors to ILANUD. These senior advisors will assist ILANUD in technical and management areas. Three persons will be employed: a technical advisor to assist the project director in overall organization, a training specialist to assist in the development of courses and delivery systems, and a criminal justice administration specialist who can assist in program design and evaluation.

They should be either Latin Americans or persons with a strong background in Latin America and able to deal with the cultural subtleties.

Their role shall be:

1. To provide technical and management assistance to the Directors of the Training and Advisory Services Divisions, and the Director of ILANUD. They shall also be available to other divisions within ILANUD as requested by the Directors of the Divisions to which they are attached;

2. To train staff members and assist them in the development of their functions;

3. To assist ILANUD in developing skills in project design and management.

4. To act as trainers in ILANUD courses as requested.

5. To facilitate contacts with other U.S. and foreign institutions as needed;

6. To identify other potential donors and assist ILANUD in diversifying its funding sources.

This Advisory team shall be led by a Senior Advisor and Chief of Party who shall assist the Project Director in the organization and implementation of the project. The Senior Advisor will coordinate the activities of the other Advisors and assist Lic. Montero in technical areas of the project. This Senior Advisor should be an attorney with experience in Latin American criminal justice systems and knowledge of the region. Prior experience with AID projects would be extremely beneficial as well as technical knowledge in the areas to be developed by the Advisory Services Division and the Training Division.

The Training Advisor shall work closely with the Director of Training in the selection of staff members, assist in the development of technical assistance strategies, and provide training to staff persons by serving as a resource. He/she should be an educational specialist with substantial experience in course development and delivery systems. Since several different methodologies, targeted at different populations, will be employed, it is essential that the Training Advisor have a broad range of experience. Since ILANUD has substantive experience in the training area, it is contemplated that this Advisor serve during the first two years of operations, and that thereafter short-term consultants be employed as needed.

An Administration Advisor shall also be employed to assist in the development of the Advisory Services component. This is an activity in which ILANUD has little experience, and there is no known similar effort in the justice field in Latin America. It is therefore unlikely

that experienced personnel may be employed from the region.

This Administration Advisor shall work closely with the Director of the Advisory Services Division in the selection of staff members, assist in the development of technical assistance strategies, and train staff. Ideally this Advisor should have broad criminological experience with a strong background in public administration, research and evaluation methodology. Experience in the development of technical assistance activities is essential.

These Advisory Services will be provided during the course of the Project by resident advisors who shall be contracted by LAC/AJDD with the agreement of ILANUD.

Short-term technical assistance to support ILANUD's functions shall also be available under this activity. This assistance shall be provided in areas outside the scope of expertise of the Advisors and based upon ILANUD or LAC/AJDD requests.

3) National Justice Reform Commissions

In connection with the ILANUD/AID project design effort, all of the countries have formed a formal or informal committee, whose operations and Project design efforts were funded via an AID grant to ILANUD for that purpose. In constituting these groups, headed by a national coordinator, ILANUD sought politically important or politically neutral persons active in justice reform efforts. These committees have representation from the executive, judicial, and legislative branches, bar associations, and law schools. These entities are in different stages of development, towards the emergence of a national justice reform commission, and the project will encourage their further development and participation in this project. Through the Extension Facility, the Project may fund certain support and assistance to them. For further discussion of their role and possible evolution see the Extension Facility section herein.

The purposes of these committees are: to determine national priorities and to demonstrate and nurture the political will of the country to effect reform; to have direct input from responsible officials; and, to give to national leaders a sense of personal stake in the outcome of this project. The chairpersons of these committees shall meet once a year, together with the national Resident Program Coordinators to review the progress of the regional project and to consider the project plan for the forthcoming year. Their role with regard to the regional project is advisory to the Project Director.

4) Long-Term Development Strategy for ILANUD

One of the principal concerns of the design team has been to insure that ILANUD continue to provide services and regional leadership after the termination of AID assistance. Steps have been taken within this component to strengthen ILANUD's institutional capacity but this does not address the issue of the funding necessary to continue with activities begun under this Project.

ILANUD does not currently have sufficient funds to continue with this effort upon Project termination. Its limited operating budget has compelled it to make organizational compromises, such as duality of personnel roles, to carry out a region-wide Latin American program. It is unlikely that it will be able to continue with the expanded regional role created through this Project without a future funding strategy.

ILANUD has previously sought to enter into agreements with member states to assure on-going contributions for support of its activities. Of the targeted countries, only Panama has signed such an agreement and paid its assessment. Countries will be encouraged to enter into such agreements using their own funds, and to agree on incremental funding beginning in the second year of the Project.

Additionally, ILANUD will be assisted in the development of skills necessary to identify and obtain assistance from other donors. ILANUD has received such grants in the past but it has usually been limited assistance in which ILANUD is a subcontractor under a larger grant award.

B. Other Regional Institutions

1) Institutional Support - Interamerican Institute for Human Rights

Under this project facet, an institutional management analysis by an outside contractor funded via the ILANUD grant will be contracted. This contractor will develop a plan for long term stabilization of IIHR through diversification of its funding sources. IIHR presently subsists on a mix of grants for short-term projects from sources including AID, Ford Foundation, and others.

We seek to strengthen IIHR in-house program management capacity, particularly its financial management, which has been weak in the past. We expect to fund three staff positions for three years to accomplish the goal. Positions to be added are one accountant, one program planner and one publications and public relations specialist. These persons, working according to the recommendations of the management analysis which the consultant will produce, will implement a financial and program planning structure capable of attracting significant long-term donor support. Such support is needed to achieve institutionalization of IIHR as a strong and permanent presence in human rights activity in the region and in the hemisphere.

As earlier stated, IIHR is expected to handle a portion of the training development and implementation as a sub-contractor of ILANUD. The two agencies are already close collaborators and IIHR's training and research resources are well-suited to the goal and purpose of this Project.

The efforts of IIHR dovetail well with the purposes of this project. They have sponsored a workshop on the Independence of the Judiciary and expect to continue to focus on this subject making the

workshop an annual event. They have a close working relationship with the International Commission of Jurists which produces an annual survey report on the independence of the judiciary. Through a strengthened IIHR, a higher level of regional awareness of the key importance of an independent and fair judiciary as a guarantor of human rights is expected to be achieved.

C. Inputs

The LOP project funds for personnel under this component are \$1,315,700. In addition to the staff already described under the training component, the project funds for this component will finance travel and per diem, acquisition of bibliographic materials, computer and office equipment and special technical assistance inputs, for a total cost of \$2,093,800. A full description of the project inputs is contained in the Financial Plan Annex.

TABLE 6
SUMMARY OF SUPPORT COMPONENT
(AT ILANUD)

Activity	Outputs
1. Organizational Development	<ul style="list-style-type: none"> . Personnel (long-term and short-term) . Commodity Assistance . New ILANUD administrative structure . Increased efficiency in the management of the project and its own activities . Sub contract for IIHR strengthening
2. Long-Term Resident Advisors	<ul style="list-style-type: none"> . Three long-term consultants . Short-Term technical assistance . Trained permanent staff . Participation as trainers in courses
3. National Justice Reform Commissions	<ul style="list-style-type: none"> . Facilitation of relationships between ILANUD and national political and technical leaders . Advisory role to ILANUD . National representation in ILANUD decisionmaking
4. Long-Term Development Strategy	<ul style="list-style-type: none"> . Agreements with all of the countries assuring incremental funding from the countries . Awards from other Donors

4. Extension Facility (Support for Country-Specific Activities)

A. General Description

This component consists of an Extension Facility (EF) to allow the direct and immediate provision of funds and services from the regional resource pool to projects generated from and operating within a single country to meet needs specific to that country. The EF services will consist of 1) identification and provision of human resource aid via ILANUD's regional resource bank and 2) direct funding of country specific activities.

A Resident Program Coordinator for each participating country will be funded under this component, and, working with host country counterparts, will serve as the catalyst for identification of national activities appropriately funded or supported under the EF component. This component will also fund individual justice sector assessments for each participating country, project design services for bilateral projects in each country, and local cost support to National Justice Reform Commissions including a limited amount of appropriate commodity assistance.

Assistance from the Extension Facility will be provided only in accordance with a Country Operation Plan, which each participant country must update annually. This requirement will be implemented beginning with the second year of the Project, when sector assessments are expected to be available to aid in planning. Extension Facility assistance in the first Project year will be based upon an Interim Country Operational Outline, incorporating needs identified during the project design phase by national commissions, ILANUD, AID Missions and AID/AJDD. Upon commencement of the Project, production of the Interim Country Operational Outline will be the first substantive task of national Committees, and Resident Coordinators or AID Missions in each participant country. LAC/AJDD and the Regional Administration of Justice Officer in San Jose will assist.

The short-term goal of this component is the early encouragement and facilitation of national activities in administration of justice improvement that can meet unique national needs while at the same time drawing upon the services that ILANUD itself is building in its broader regionally focused program. The medium term goal (two to four years) of the EF is the development of separate bilateral programs in each country to improve the administration of justice over the long term.

This facility will allow the perceived immediate country-specific needs of each nation to be addressed before the establishment of full scale bilateral programs. Each country can proceed at its own pace, both in taking early advantage of the directly available support for country specific projects, as well as in working as appropriate and possible toward a separately funded AID bilateral administration of justice project.

In several cases, feasible country-specific activities, already identified by the ILANUD/AID committee for each country or during the

LAC/AJTF State team visit, can get underway, thus preserving the momentum of the country committee, demonstrating tangible evidence of USG commitment, and achieving some early results. A full bilateral program design would await the completion of a sector assessment, which would begin as soon as possible. In the interim, based on Interim Country Operation Outlines and Country Operation Plans, the Extension Facility would draw services from either of the ILANUD regional project components (training services or advisory services) or would simply use funding from the EF to implement activities completely designed and staffed by the efforts of the Resident Program Coordinator, the USAID Mission, and involved host nationals.

An Extension Facility Office within ILANUD staffed by two professionals would be the contact point for access to the EF. This Office will report directly to the Project Director and maintain awareness of current ILANUD resources in training and technical assistance, both in-house and on ILANUD's external talent roster. Upon receipt of a program assistance request, this Office would work to assemble appropriate and available ILANUD human resources and apportion funds from the EF. The Office would maintain close liaison with the AID Regional Administration of Justice Officer, the Resident Program Coordinator in each participating country, and the formal or informal national reform commissions or other active national reform groups.

B. Elements Funded or Facilitated Under the EF

1) Resident Program Coordinators

The USAID Mission in each participating country will recruit and contract, with funding provided herein, a person with professional qualifications to serve as coordinator of administration of justice activities on behalf of the AID Mission with the host government and as liaison officer to broker the services of ILANUD, IIHR, and the other regionally funded sources of training and technical services made available under this Project.

This individual will be operationally responsible to a Direct Hire AID Officer named by the Mission Director, and will receive technical support and program guidance from the LAC/AJDD Regional Administration of Justice Officer, an AID direct-hire staff person resident in San Jose, Costa Rica. Thus, Regional Program Coordinators will be concurrently responsive to the technical and program guidance of the ILANUD Project Director and LAC/AJDD. The position responsibilities will be the following:

a) Based on a careful orientation at ILANUD and in AID/W LAC/AJDD, provide timely and correct information on all training programs, informational services and conferences, and technical assistance that can be made available to support host country administration of justice improvement activities;

b) Under the guidance of the USAID Mission and the Regional Administration of Justice Officer, work directly with appropriate institutions of the host government to develop action plans that will

take advantage of services available under the regional project on a systematic basis, including a program for the selection of candidates for training and conference or workshop attendance and a program of technical services that will assist in setting an action agenda for improving specific aspects of the host country's justice system;

c) Assist the USAID, ILANUD, and the host government in planning and executing a justice sector assessment that will provide reliable base-line information as well as a needs analysis for improvements in the sector;

d) Utilizing the results of the sector assessment, assist the USAID and the host government in designing a bilateral assistance project that will address the specific needs of the host government while taking maximum advantage of regional resources to support that program;

e) Coordinate with the USIA to maximize the impact of International Visitor Grants and other U.S.G. sponsored programs to develop leadership and technical skills in the justice field;

f) Upon approval of a bilateral project, by joint agreement between the USAID and ILANUD-LAC/AJDD, the Coordinator may be converted to being contract funded within the new project and would then become solely responsible to the USAID Mission while still maintaining the liaison function initiated under this Regional Project.

2) Country-Specific Activity Funding

The EF would have a line of funding for specific technical and financial assistance required to meet unique country needs in the short term (of approximately the first eighteen months to two years of the Project).

Current examples of possible needs run the full gamut of activities to be undertaken regionally and include:

- training needs analysis and the design of training services,
- provision of consultants, trainers and lecturers,
- law reform research aid,
- court administration systems analysis and systems design services,
- pilot computer applications to areas such as case flow, records management, administration and personnel control, jurisprudence compilation, etc.,
- technical assistance in drafting of judicial career laws and implementing regulations,

- support for formally authorized law reform commissions,
- initial funding for country specific efforts.

This element of the EF would provide or locate personnel for national projects and fund them. It is estimated that as many as six consultancies for up to six weeks each may be required to meet unique country needs for each country under the EF component. Such funds are provided hereunder. In-country coordination of their activities will be the responsibility of the Resident Program Coordinator who will assure the effective use of their services, and that the USAID Mission is fully informed of their activities and recommendations to the host government. It could also provide funds for activities for which little or no outside technical assistance were necessary.

Specific projects which LAC/AJDD team has identified as early candidates for EF assistance and possible inclusion in the Interim Country Operation Outlines include:

*Dominican Republic

- Court Organization Study and Design Project

The study would produce a new administrative and organizational structure for the court system. It would identify personnel needs, set qualifications and training requirements and recommend implementation strategy, including production of draft laws, regulations and budgets.

- In-service Training Seminars and Workshops

Several Dominican national institutions are prepared to collaborate on such training efforts at present. The focus would be lower court judges and prosecutors. There is already a group of several persons who have attended ILANUD courses at San Jose as well as a private university (UCMM) which has given a highly successful AID-funded course for Dominican legislators, and are prepared to plan and implement such training.

- Other D.R. Projects

These include: the design of an administrative and management structure for the assumption of responsibility for and management of the judiciary's budget by the Supreme Court; the computerization of case intake and flow through the courts; and the reform of the Land Courts and their linkage to the national land statistical record office.

*Honduras

- Technical Assistance for the Implementation of Judicial Career Law

The Supreme Court needs the immediate help of legal experts to draft several implementing regulations which it would then promulgate

to activate the 1980 Ley de Carrera Judicial. This effort includes a judicial selection system, qualifications, disciplinary structure and definition of causes for removal etc.

- In-service Training Seminars and Workshops

There is an immediate need for orientation of judges and justices of the peace in the operation of the new Honduran Criminal Code which is effective early this year. There is interest in mounting such short courses by the University law faculty, the Supreme Court and lower court judges.

- Other Honduras Projects

These include: study for a unified ministerio publico; draft of structure and budget for implementation of existing public defender law; assistance to University's efforts to collect and publish jurisprudence; and direct financial help to the legal aid programs at the University.

*Panama

- Seminars on New Codes

Panama has three new codes on judicial organization, criminal procedure and civil procedure all taking effect in mid-1985. A modest effort has been underway to design training materials and short courses for the criminal code. This effort would benefit from augmented technical and organizational assistance.

- Other Panama Projects

These include: design of a pilot program for the judicial school and assistance in its organization; design of a structure and budget for augmenting the handful of existing public defenders in the Ministry of Government and Justice; direct financial help to legal aid to indigents programs at the two universities.

*Costa Rica

- Study for Expansion and Automation of Legislative and Jurisprudence Compilation

There is an existing effort and updating is done; however, this is done manually and is available only at the Supreme Court library in San Jose. Full automation is feasible in Costa Rica and could serve as a regional model.

- Technical Assistance to Judicial School

This is the only such facility in the region. A study is needed to develop a plan to expand its courses to judicial and prosecuting officials. Its present focus is orientation of incoming administrative personnel in routine tasks such as preparing requisition forms.

*El Salvador

El Salvador activities would be funded under the El Salvador project rather than the EF. However, Salvador would participate in the regional training and technical assistance components through funding provided under the existing bilateral project.

*Guatemala

Guatemala may participate in the Project at a later date if AA/LAC concludes that political developments so warrant.

3) Sector Assessments

The EF would be the funding source for these crucial studies. The USAIDs through the Resident Program Coordinator would work with ILANUD and the coordinators of this activity to mount these efforts. The technical assistance for these assessments ideally would be provided or recruited through the contractor providing the long-term advisors to ILANUD.

See the description of sector assessments in section IV B 2 above.

Funding for justice sector assessments in each participating country is provided assuming an average level of effort involving a team of four experts for up to ninety days of service per expert. Recruitment of experts will be done by a long term institutional contractor with the collaboration of ILANUD, LAC/AJDD, and each USAID mission.

4) Support for Design of Bilateral Projects

The EF will also provide the follow on funds to support studies and design teams for anticipated AID bilateral administration of justice projects. Such national design efforts would begin upon completion of a sector assessment, and would be facilitated and supported by the Resident Program Coordinator.

Present assumption of the design team is that bilateral projects will eventuate in all of the participating countries, however, where a full scale bilateral project is not yet feasible, discrete national activities could continue to be supported under the EF. It is expected that the first bilateral projects will be designed and their implementation begun within twelve months of the completion of the sector assessment in each country. These projects will be late FY86 or FY87 obligations.

5) Assistance to National Justice Reform Commissions

While many reforms necessary to produce positive changes in a national justice system will not require legislative reform, some will. For purposes of the ILANUD/AID project design effort, all of the countries have formed an informal committee, whose operations and project design efforts were funded via an AID grant to ILANUD for that purpose. In constituting these advisory groups, headed by a national

coordinator, ILANUD sought politically important or politically neutral persons active in justice reform efforts. The ILANUD committees, to varying degrees, have representation from the judiciary, the executive, the law faculties, and the private bar. They have maintained contact with ILANUD and have produced preliminary diagnostic reports for each country, identifying and prioritizing several reform projects. All of these bodies continue to function, though none is a legally constituted formal law reform commission.

Two of the countries have taken steps to formalize National Justice Reform Commissions (El Salvador, Costa Rica) and others have ongoing efforts underway. ILANUD shall maintain linkages with all national reform bodies, whether or not formally constituted, and provide technical, material, and financial assistance as requested and appropriate.

The EF would also provide, as appropriate and necessary, local cost support to a national reform commission or equivalent advisory body constituted by the host government to coordinate with the administration of justice program. Such support could be continued, if appropriate, under the subsequent bilateral projects.

6) Commodity Assistance

In every country participating in the Project (except for Costa Rica), there is a critical shortage of basic materials and equipment especially at the trial court level. Frequently trial court judges do not have the necessary logistical support to carry out their duties with even a minimum of efficiency and decorum. In some countries the situation is desperate.

To relieve these short term urgent needs, the Extension Facility will provide minimal immediate support in the form of equipment, furniture, and supplies for the offices of trial judges and other officials of the justice sector (prosecutors and public defenders would also be eligible for support). The law reform commission in each country, or, if such a commission is not constituted, the Supreme Court, would be responsible for making a survey of the most urgent, critical needs for logistical support at the trial court level. The commission or Court would also prepare a comprehensive plan for procurement and distribution of the commodities needed. To the extent necessary, ILANUD will provide short-term technical assistance to the commission or Court in the conduct of the needs survey and the preparation of the procurement and distribution plans. The Resident Program Coordinator in each country also will provide assistance in the survey and plans. The exact nature of the commodities will vary depending on the needs of each country, but it is anticipated that they may include items such as typewriters, desks, chairs, file cabinets, and some office supplies (typewriter ribbons, paper, and miscellaneous items).

The budget for this support will provide up to US \$ 50,000 per country under the Extension Facility. Obviously this amount is small in comparison with the needs of those countries. To the extent that greater assistance is needed in this area, it will have to be provided under future bilateral projects. The rationale for this support in this Project is twofold. First it will provide some relief in the short run in an area of critical need. In every country that the State AID team visited last year (except Costa Rica) the need for basic equipment was patent. The second reason for this assistance is that it will demonstrate at the outset AID's commitment to improve the performance of national court systems at the lower court level. It will also motivate and promote interest and support for the Project among judges and other court officials in participating countries. For these reasons this support will be provided in the first year of the Project.

Commodity assistance may also be provided on a pilot program basis in order to demonstrate specific technical improvements being proposed for more general adoption. Among such assistance could be a low-cost personal computer application for case docketing, jury rosters and selection procedures, court records management and filing systems; a modern office system including micro-film records and document retrieval/duplication systems; an office supply system to test and demonstrate procurement and distribution methodologies for courts administration; etc. With reasonable flexibility, significant permanent changes in a system that would require major commodity support should be provided for under a bilateral agreement with an appropriate mix between host country funding and USAID project funding.

C. Inputs

The funds allocated for the Extension Facility are \$1,069,200 for personnel services. The total costs are approximately \$2,218,500. Full description of this component is contained in the Financial Annex.

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TABLE 7

Summary of Extension Facility Component

Activity	Outputs
1. Resident Program Coordinators	. Five AID direct hire positions funded for a minimum of 18 months to two years.
2. Sector Assessment Funding	. Five justice sector assessments funded assuming four experts per assessment for up to 90 days service per expert.
3. Bilateral Project Design	. Design of up to five bilateral projects based upon sector assessment results.
4. National Justice Reform Committees/Commissions	. Technical assistance, travel and some staff support needs of five committees.
5. Commodity Assistance	. Office equipment, small computers, office systems, and the like for countries to meet immediate needs directly related to facilitation of reform activity.
6. Country Specific Activity Funding	
a) Training	. Ten country-specific training designs and/or courses (two per country per year)
b) Technical Assistance	. Six consultancies of up to six weeks for each country (30 consultancies or 220 consultant days)
c) Direct Funding	<ul style="list-style-type: none"> . reform studies, . administrative reform planning . personnel for national commissions . scholarships, study tours . training courses, workshops seminars . aid to public defenders and law schools . legal aid groups . other

5. Grants to other International and United States Institutions

Under this component, \$500,000 is authorized for use in projects expected to be proposed by U.S. and non-U.S. institutions. Activities would be funded as proposed by such organizations as the Interamerican and the American Bar Associations, the Interamerican Bar Foundation, the American Society for International Law, and several U.S. universities and related institutes, including Temple University, SUNY at Albany, American University and the International Law Institute, affiliated with Georgetown University.

Other non-U.S. sources of possible relevant projects would be INCAE, IIHR, the Nauman Foundation, universities in other countries, and perhaps other governments (ie. Spain re computerizing of jurisprudence).

Among the expected activities would be:

- Aid to national bar associations
- Funding of conferences, seminars and study tours
- Mounting of continuing legal education programs
- Specialized graduate training

Authorized funds would be obligated only for grants after a determination that they offer significant benefits to the region and the individual national legal system or the individual host nationals expected to attend or participate. Further, all grant proposals will be examined in the light of the ILANUD/AID regional project to assure compatibility with regional project goals, complementation of regional efforts and avoidance of scheduling conflicts.

This element of the project assures that funding will be available for U.S. and other entities which can present programs genuinely relevant to the project goals. The building of institutional and personal ties, especially between U.S. institutions and those of the region, will help to produce long-term benefits flowing in both directions.

V. IMPLEMENTATION PLAN AND ARRANGEMENTS

A. Administrative Arrangements

ILANUD and AID will enter into a project agreement under which AID will have substantial involvement in the implementation of the Project. ILANUD's Project Director will have overall responsibility for administering the major Project components: Training, Advisory Services, and the Extension Facility. The earlier description of the support services component in the Project Description provides details concerning ILANUD's additional staff, their duties, and its new organizational structure.

ILANUD will submit semi-annual reports on the status of the Project describing activities under each major component and progress toward achievement of the objectives of each component and the goal and purpose of the Project.

The LAC/AJDD Regional Administration of Justice Officer in San Jose, Costa Rica will have primary responsibility for overall supervision of Project implementation in a manner consistent with the objectives described herein. The Regional Administration of Justice Officer will be on the staff of USAID/Costa Rica and report to the Mission Director and to LAC/AJDD in AID/W. His or her status within the mission shall be similar to that of an RLA. The Regional Administration of Justice Officer will coordinate and monitor the work of the Resident Program Coordinator in each participating country. In turn, the Resident Program Coordinator will be responsible for managing and coordinating all Project activities in their respective countries, including providing semi-annual progress reports for country-specific activities. They will be contracted by the USAID Missions in their participating countries and will accordingly be under the direct supervision of Mission management but will be responsive to program guidance provided by the Regional Administration of Justice Officer. As Project implementation requirements necessitate, the Regional Administration of Justice Officer will utilize the services and support of USAID/Costa Rica's staff offices and LAC/AJDD to insure that Project resources described herein are provided in an adequate and timely manner.

The Regional Administration of Justice Officer, with the participation of LAC/AJDD as necessary, will conduct Project review meetings quarterly, or more frequently if conditions warrant. These reviews will be done in conjunction with the ILANUD Project Director, representatives of the technical assistance contractor, and one or more of the Resident Program Coordinators as appropriate. In preparation for these meetings, the Senior Advisor and Chief of Party will submit a report describing the progress made and problems encountered by the advisors. These reports plus ILANUD's semi-annual report will be the basis for a semi-annual progress report by the Regional Administration of Justice Officer to LAC/AJDD and USAID/Costa Rica.

B. Implementation Plan

PROJECT IMPLEMENTATION PLAN

Key:

- indicates a continuing major activity.
- 0 indicates a single event which occurs at specific times.
- ... indicates an activity which may occur at times which cannot be specified.

	<u>'85</u>	<u>'86</u>	<u>'87</u>	<u>'88</u>	<u>'89</u>
COMPONENT	:	:	:	:	:
A. <u>INSTITUTIONAL DEVELOPMENT & SUPPORT</u>	:	:	:	:	:
<u>OF ILANUD AND OTHER REGIONAL</u>	:	:	:	:	:
<u>ORGANIZATIONS</u>	:	:	:	:	:
ACTIVITIES:	:	:	:	:	:
1. Organizational Development	:	:	:	:	:
- Administrative Services	:	-----:	:	:	:
- Documentation Center	:	-----:	:	:	:
- Research Division	:	-----:	:	:	:
- Training Division	:	-----:	:	:	:
- Advisory Services Division	:	-----:	:	:	:
- Extension Facility Office	:	-----:	:	:	:
2. Provision of long-term advisors to ILANUD	:	:	:	:	:
- Advisor to Director, ILANUD	:	0-----:	:	:	:
- Advisor to Training Division	:	0---	:	:	:
- Advisor to Advisory Services Division:	:	0---	:	:	:
3. Creating an Advisory Board of the Nation Justice Reform Coordinators	:	:	:	:	:
	:	0.....:	:	:	:
4. Development of long-term strategy for ILANUD	:	:	:	:	:
5. Institutional Support - IIHR	:	:	:	:	:
- Accountant	:	0-----:	:	:	:
- Program Planner	:	0-----:	:	:	:
- Publications Specialist	:	0-----:	:	:	:
	:	:	:	:	:

PROJECT IMPLEMENTATION PLAN continued

Key:

- indicates a continuing major activity.
- 0 indicates a single event which occurs at specific times.
- ... indicates an activity which may occur at times which cannot be specified.

	'85	'86	'87	'88	'89
2. Short-term Technical Assistance Efforts	:	:	:	:	:
a. Develop procedures for screening TA requests & report format	:--	:	:	:	:
b. Develop roster of TA consultants	-----	:	:	:	:
c. Develop TA delivery process-- pilot test	----	:	:	:	:
d. Deliver 45 TA assignments & evaluate impact	:	-----	:	:	:
3. Instructional Design/Materials and Training development	:	:	:	:	:
a. Review judicial education materials & formats from other countries	:--	:	:	:	:
b. Develop training modules for core courses for judges/administrators/prosecutors	----	:	:	:	:
c. Market training courses and materials to national organizations & provide TA.	:	-----	:	:	:
<u>D. EXTENSION SERVICES/COUNTRY SPECIFIC PROJECTS</u>	:	:	:	:	:
ACTIVITIES:	:	:	:	:	:
1. Recruit resident USAID Program Coordinators in four countries (C.R., Pan, Hond, Dom Rep.)	:00	:	:	:	:
2. Complete sector assessments, analyze critical needs and priorities	:--	:	:	:	:
3. Develop bi-lateral projects	-----	:	:	:	:
4. Assist National Justice Reform Commissions	:	-----	:	:	:
5. Fund range of national projects & monitor performance.	:	:	:	:
<u>E. EVALUATION</u>	:	:	:	:	:
ACTIVITIES:	:	:	:	:	:
1. Develop evaluation format	:--	:	:	:	:
2. RFP & contract evaluation services	:--	:	:	:	:
3. Interim evaluation findings	..0.....0.:0.0:0.0:	:	:	:	:
4. Final evaluation report on project activities	:	:	:	:	0:

C. Evaluation Plan

Integral to its over-all project implementation plan, ILANUD will include a program for both continuous and periodic evaluations: establishing base-line data, setting measurable targets, and providing for appropriate means of appraisal.

1. In depth-evaluation plan

Early in the project, and periodically thereafter, an advisor will work with ILANUD to formulate its evaluation methodology and start its data collection and maintenance program. The program strategies proposed will be broken out into various impact models. These will identify: 1) anticipated outcomes; 2) anticipated outputs; 3) operational activities; 4) inputs (material, human, fiscal); and 5) assumptions of causal relationships.

2. Approach

To provide management with the disciplined feed-back necessary to make on-going program corrections, the continuous evaluation approach will be integrated into an annual evaluation report. The first will be due mid-1986. In addition, an outside evaluation will be contracted by AID at mid-course (at approximately the end of the second year of implementation) and again during the last year of implementation (but well before the PACD). By these means the primary emphasis will be upon evaluation as a tool of responsible management by ILANUD with the two outside evaluations providing both ILANUD and AID a separate look at measurable impacts as indications of progress against direct and indirect achievement of purpose and goal level objectives.

3. Impact Criteria

Examples of the major criteria that would be part of the evaluations include: 1) individual competencies of people trained; 2) utilization efforts of new techniques; 3) performance assessments; 4) networking, both within country and regionally; 5) improvements in data systems; 6) planning initiated; 7) staff and fiscal support for institutions; 8) trends in professionalization of the judiciaries; 9) specific improvements in the administration of justice.

EVALUATING ILANUD

Evaluation of ILANUD's institutional development would include: ability to maintain a high level of participating country demand for services; ability to expand staff and facilities to meet program demands; integration of staff and advisory resources; sound strategic planning, including new resource mobilization as well as program development; and efficient financial and human resource management.

Extension Services

The efficiency of the Extension Facility and its impacts will be evaluated jointly by ILANUD and the USAIDs, with key inputs from the Country Coordinators. National program plans and strategies and completed sector assessments will be used to form the key evaluation criteria.

4. Suggestive Schedule of Reviews and Evaluations

- a. Mid 1986 First Annual Evaluation Report by ILANUD
- b. Mid 1987 Second Annual Evaluation Report by ILANUD to include review of Extension Facility operations jointly with USAIDs.
- c. Mid 1987 Outside evaluation scope developed by LAC/AJDD with ILANUD and contract let
- d. End 1987 Outside mid-course evaluation completed. Intensive review of findings by LAC/AJDD and ILANUD: mid-course project adjustments may be reflected in revised agreement
- e. Mid 1988; 1989 Third and fourth annual ILANUD evaluations
- f. Mid 1989 Outside evaluation scope developed by LAC/AJDD with ILANUD and contract let
- g. End 1989 Outside evaluation report completed. LAC/AJDD reviews findings with ILANUD, USAIDs and AID/W for decisions on future program assistance.

D. Procurement Plan and Waivers

ILANUD will directly procure most of the goods and services required for the project. Naturally ILANUD will follow all the AID regulations applicable to international organizations that are recipients of grants under a project agreement. AID will assist ILANUD by handling the contracting of the Resident Program Coordinators as well as institutional arrangements described below for long-term and short-term technical assistance to ILANUD. With ILANUD's concurrence, the AID Mission in each participating country will utilize project grant funds to enter into a personal services contract with a Resident Program Coordinator who will probably be a local attorney or other appropriate professional.

AID Washington will enter a cooperative agreement with a US institution to help develop a US capability for technical assistance in administration of justice in Central America. This institution could provide technical assistance such as long term advisors: Senior Advisor (and Chief of Party) to the Project Director for three years; Training Advisor for two years; and Administration advisor for two years. Under the cooperative agreement,

the institution would also provide short term technical assistance to ILANUD in fields such as the following: judicial selection; judicial career development; curriculum development; educational extension services; court administration; popular education; and criminal case processing. The institution would also be responsible for designing and carrying out justice sector assessments and assisting in procurement. It is estimated that the cooperative agreement for these services will be approximately \$2.0 million.

LAC/AJDD recommends that AA/LAC approve the entering of a cooperative agreement with Florida International University (FIU) to strengthen FIU as an institution capable of providing technical assistance and support for administration of justice in Central America, including technical assistance to ILANUD. FIU desires to have a long term role in strengthening justice in Central America and the Caribbean.

The administration of justice initiative is at a critical stage. During the past year, there have been numerous activities that have generated momentum and interest in the initiative: two meetings of representatives from participating countries under ILANUD auspices; the development of country specific subprojects by those representatives; the participation of prominent Central American jurists and lawyers in the ABA meeting in San Antonio, Texas last November; the provision of scholarship funds for post-graduate law study at the University of Costa Rica; and the visit of a State/AID team to each country. These activities combined with local initiatives that were already underway launching this regional Project.

At the same time, it is clear that ILANUD will require substantial assistance, especially at the outset, in order to organize and prepare itself for Project implementation. During the first year, ILANUD must recruit and organize a new staff of professionals and support personnel, design new modes of training, carry out its regular ongoing training, research, publication, and documentation program, provide bibliographic assistance to affiliate law libraries in participating countries, assist in carrying out justice sector assessments, establish the roster of qualified consultants for providing TA, make operational the Extension Facility component as well as locate suitable office space and acquire necessary equipment and furnishings for its expanded operations. In short ILANUD has an enormous task ahead during the start-up phase of the Project. Technical assistance during this phase is critical if the Project is to capitalize on current momentum and satisfy the reasonable expectations of the participating countries. ILANUD, without adequate technical assistance and a cooperative relationship with a US institution, will not be able to meet the implementation schedule for the first year, and accordingly the expectations of supportive

jurists, educators and lawyers in each country will not be realized leading to frustration and waning enthusiasm.

FIU personnel have been working with ILANUD since 1980. The Director of FIU's Criminal Justice Department in the School of Public Affairs and Services was the coordinator for a UNDP grant to ILANUD during 1980 and 1981. Later, in 1983, FIU and ILANUD personnel collaborated in the design and publication of a manual for criminal justice statistics. FIU has also been the primary contractor in the design and development of this project. In addition, other departments in FIU have a long history of study and involvement in Central America. Approximately eleven members of the FIU faculty from various disciplines (political science, economics, business and others) specialize in Central America. FIU's Latin America and Caribbean Center is now coordinating grants from Ford Foundation, Tinker Foundation, AID and Esso dealing with Latin America and the Caribbean. Under an Esso grant, the Center provides orientation courses for members of US Congress on Latin America and the Caribbean.

The current AID grant permits FIU to coordinate scholarships, travel arrangements and related matters for Latin American and Caribbean students who are AID participant trainees. Also FIU has collaborated with INCAE in offering an MA degree in business administration in Ecuador. ILANUD has specifically requested FIU's continued participation in the Project. FIU's relations with ILANUD are excellent, and ILANUD desires to strengthen these ties to the mutual benefit of both institutions.

For the above reasons, LAC/AJDD recommends approval of FIU's continued role as a cooperating institution providing technical assistance in this field. FIU's participation through a cooperative agreement is critical to the attainment of the objectives of this Project and is accordingly in the best interests of the US foreign assistance.

In addition, LAC/AJDD recommends waiver of source, origin and nationality requirements to permit ILANUD to contract advisors and training personnel and procure commodities (if necessary) in any country included in AID Geographic Code 935 (basically the Free World). This is essential in order to assure that the project avoids exclusive or primary reliance on ethnocentric U.S. advice and experience a prime cause of past failures in this field. Many of the leading experts in code or civil law systems similar to those in Central America are from European countries, particularly Spain, Italy, and Germany. Spain has recently developed a highly sophisticated information system for the justice sector, and this model for automation has already generated widespread attention and interest in Latin America.

E. Disbursement Procedures

AID Washington will be the principal accounting station for the Project. The primary mechanism for disbursement will be periodic advances as explained in Financial Analysis section. The Regional

Administration of Justice Officer in San Jose will serve as project manager for purposes of review and approval of ILANUD's vouchers which will then be forwarded to LAC/AJDD for review and transmittal to FM for payment or credit as appropriate. LAC/AJDD will work closely with LAC/CONT and FM to assure that practical, expeditious procedures are established. The Program Specialist in LAC/AJDD will serve as project manager for purposes of review and approval of vouchers from the other grantees.

Except as described above, no deviation from established AID disbursement procedures is anticipated. AID will require ILANUD to submit annual work plans that will serve as a basic guide to control the flow of project funds. For further details, see the discussion in the section entitled Financial Analysis and Plan.

F. Conditions, Covenants, and Negotiating Status

There are two major conditions precedent that will be necessary to include in the Project Agreement with ILANUD. The first is a requirement that prior to any disbursement under the Grant, ILANUD must hire the personnel necessary to establish the financial management capability to manage and account for all Grant funds and enter a contract satisfactory in form and substance to AID for technical assistance in organizing and implementing financial management systems adequate for the Project. Disbursements for these purposes are the only exception.

The second condition precedent is that, beginning with the second year of the Project, prior to disbursement from the Extension Facility for a specific country, ILANUD must receive and approve a country-specific operation plan prepared by the Resident Program Coordinator in cooperation with the local national law reform commission or other appropriate body. For the first year of the Project disbursement may be made under Interim Operational Plans to be prepared prior to the completion of the sector assessments.

The only major covenant will be that ILANUD must assure that the operational plans for each country are reviewed and updated on an annual basis. This activity will require the support and assistance of the Resident Program Coordinators, USAID Missions in each country, the long-term technical advisors and such short-term advisors as necessary, as well as the regional Project Manager in San Jose.

The draft Project Paper has been reviewed and discussed at length with the acting Director of ILANUD, the Director in absentia who is now the Costa Rican Ambassador to the UN in New York, and the Deputy Director of ILANUD. Members of ILANUD's top management staff are in complete agreement with the general outlines of the Project Paper, and no major issues of disagreement are anticipated in the negotiation of the Project Agreement.

VI. PROJECT ANALYSES SUMMARIES

A. Technical Analysis

Improving the administration of justice in Central America must take into account three competing interests and traditions: (1) civil law legal traditions dating back more than 2,000 years to early Roman civil law; (2) Latin American traditions of autocratic rule in which legal rights were often abused and manipulated; and (3) current Western concepts of modern court management and the independence of the judiciary within a democratic government. The Project aims at strengthening one of the branches of government, recognizing that it operates within a framework of often tenuous political stability and competing socio-economic ideologies. While the Project may be viewed as a high risk venture, it is one which we no longer can ignore and on which further social and economic progress may depend.

The structure of this Project is an adaptation to Central American/Caribbean nations of the post-war court reform efforts of the United States and to a lesser extent, of Italy and Germany (code reform ventures), and more recently of the Spanish experience. It is based on the notion that national and regional policy on the role of courts in a democratic society will achieve more than relying on a deteriorating status quo. It seeks to reverse a trend of institutionally weak, fragmented and politically manipulated court structures with a cross-current of concentrated reforms: legal, structural, financial, and administrative.

Lastly, the Project will draw on the widest political base possible in each country in implementing the reforms--recognizing the importance of executive support, new legislation, and a revitalized judiciary. It also presupposes increasing pressure on the military in most of these nations to restrict past abuses and increasingly operate within the rule of law.

1. Operating Principles

The Project begins with the assumption that improvement in the administration of justice can be achieved through a regional approach, where common problems and successes can be shared, and a national approach, where incremental changes in the operations of the courts and allied justice institutions can be effected. It builds institutions at the regional level--ILANUD and IIHR -- to support the change process within each country. It provides support for sector assessments of the justice sector in each country, so that we might begin from a base of facts and knowledge rather than suppositions. It emphasizes the changing of attitudes about the way courts should operate before trying to implement changes. Lastly, it builds in detailed planning and support services through local funding and technical assistance.

The following principles were followed in developing this project:

- Juridical Base--Regional acceptance of the principles developed in the draft Universal Declaration of the Independence of Justice (Toronto, June 9, 1983), particularly the chapter dealing with national judges.
- Regional approach--Strengthening of regional institutes for judicial education and training, research, and support to national criminal justice reform efforts.
- Lead states concept--Implementing the most ambitious or sophisticated reforms in a "model" national court system first, and then expanding from the base to the courts of other nations.
- Peer pressure--Effecting changes through interactions of professional groupings both on a regional level and within each nation; judge to judge; prosecutor to prosecutor; lawyer to lawyer; administrator to administrator.
- Networking--Spreading reforms through existing or created legal institutions and key judicial/executive/legislative leadership in each country.
- Strategy development--Preparation of explicit goals and objectives for the courts and allied agencies of each country based on the sector assessments and detailed analyses of legal institutions.
- Comprehensive planning--Detailed preparation of projects with continuous follow-up at every stage, and review of contingencies and options; policy setting by a high-level reform commission or coordinating council in each country; system-wide coordination & planning at the local level.

The Project will require the support and cooperation of many sectors and institutions in each country, including: the courts, individual judges and the judicial leadership; national and local bar associations; the Public Ministries; law schools; schools of public administration and business administration. It will undoubtedly require the support of the media and civic groups including commercial interests, human rights groups, and influential politicians. Public education on the court reform efforts and the rule of law must be part of the on-going process.

2. Basis in Previous Studies and Surveys

This Project has taken shape from a series of surveys and reports initiated by both host country officials, State/AID initiatives, and USAID studies of the past two years. Some of these materials are summarized below:

1. A preliminary survey of administration of justice issues in Central America was completed in early 1984 and summarized in the Meighan-Costello trip report.

2. ILANUD hosted two conferences of national representatives concerning the administration of justice in 1984. National representatives included supreme court justices, ministers of justice, prosecutors, law school professors, bar leaders, and representatives or judicial reform commissions. The conferences dealt with themes related to selection and training of judges, responsibilities of national bar associations, criminal law procedures, legal defense, information systems, role of the Public Ministry, and statistical systems.

3. ILANUD completed a series of studies highlighting problems of national criminal justice systems, and summarized field trips to some of the countries. In addition, an overall regional administration of justice report was completed with recommendations for: judicial training program; prosecutor training program; investigation of official corruption; use of fines in sentencing; pilot projects to reduce the number of pretrial jail inmates; criminal statistics project; and information system. National studies of varying qualities were completed for: El Salvador; Honduras; Costa Rica; Panama; and Dominican Republic.

4. A Department of State/AID team visited each of the four countries to be funded under this Project to emphasize the high level of U.S. commitment to the Administration of Justice Program, and to identify the level of host country support and assess possible projects within each country. That team visit is summarized in the Report of Project Identification Visits to Dominican Republic, Honduras, Panama and Costa Rica, November 25 - December 2, 1984. Each visit was coordinated by appropriate State/USAID officials, and meetings were held with the full range of judicial, executive, legal, and law school officials in each country. Many officials highlighted the weak judiciary as the weak point in emerging democratic governments.

5. A review was made of the U.S. experience in improving the administration of justice through the multi-faceted programs of the Law Enforcement Assistance Administration (U.S. Dept. of Justice) over the past decade, and the applicability of that experience for developing nations, including various national and state judicial training models, court technical assistance concepts, and strengthening judicial administration.

6. A project design team from Florida International University (contractor) reviewed many of the above reports and documents and, drawing on their own experience, assisted AID staff in designing the project.

3. Project Structure

The result of the above efforts is a project that has a number of interfacing elements that should insure the systematic strengthening of the judiciary as an independent branch of government, improved organization and management of courts and other justice agencies, and more efficient processing of criminal cases. Project elements include:

--Strengthening of regional institutes for criminal justice and human rights training.

--Creation of a technical assistance capacity for national court systems, so that both long-range and short-term problems can be addressed at minimal cost.

--Supporting judicial reform commissions or coordinating committees within each country to act as the political and policy focus for change;

--Establishing both regional and local data banks and information on the operations of the justice system, with improved law libraries and interchanges of information within the region;

--Support for continuous planning coordination in each country through Resident Program Coordinators who will work with the Supreme Court, Public Ministry, prosecutors, bar associations, and law schools of each country to develop joint host country-USAID projects for separate funding;

--country specific activities to demonstrate automated case management, information systems, judicial career systems, and modern court administration concepts.

4. Summary

This project can be viewed as a specialized administrative reform process dealing with the legal institutions of the Central American/Caribbean nations cited. It accepts Latin American civil law traditions imported from Spain and European nations, and carefully grafts onto them modern concepts of an independent judiciary, efficient case processing, constitutional guarantees, and court administration.

B. Institutional Analysis

1. History

The Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD) was established as a regional United Nations Institute, in 1975, in support of governmental activities in the field of crime prevention and penology. The charter was executed as an agreement between the government of Costa Rica and the United Nations and was signed on July 11, 1975 for a five year period. This agreement is subject to renegotiation every five years and is automatically renewed if no objection is made. The next renegotiation date is 1985.

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".

The charter provides for a basic organization for the Institute with a Director, to be named by the government of Costa Rica with the agreement of the United Nations; and a Primary Advisor, to be named by the Director, again with U.N. approval, and to act as the administrator of the Institute.

Even though the United Nations had agreed to provide financial assistance to the Institute, it has never contributed to its operating budget. The government of Costa Rica provides annual assistance of approximately \$150,000, in the form of salaries furnished by the Ministry of Justice and the use of facilities owned by the Supreme Court.

In 1979, the United Nations, through the U.N. Development Program, awarded grants to the Institute, in the approximate amount of \$150,000 to carry out certain designated activities and to assist them in institutional development.

In addition to this assistance, the Institute has entered into agreements with the governments of Brazil, Colombia, Chile, Ecuador, Panama, and Peru whereby it receives annual dues in the total amount of \$36,000 annually. Negotiations are currently under way to enter into similar agreements with the governments of the Dominican Republic and Argentina.

2. Organization of the Institute

As noted earlier, ILANUD is governed by a Director who is chosen by the government of Costa Rica, with the approval of the United Nations. This Director is the only ILANUD staff person who holds ILANUD and United Nations status. The majority of the other employees are civil servants, contracted by ILANUD, but employed by the government of Costa Rica as part of its financial contribution to the Institute.

At the operating level, there are currently four divisions: the Administrative Division, the Training Division, the Research Division, and the Documentation Center. For a detailed description of the current structure and activities and an organization chart, see pp 43-45, above.

Recent ILANUD activities have been as follows:

Training and Technical Assistance

The Training and Technical Assistance Division has been active primarily in training. During the period 1980-1983, ILANUD offered training to 245 participants from eighteen countries with the assistance of twelve short-term consultants. Courses were offered in the following areas: training for personnel of juvenile detention institutions, parole supervision, training for directors and personnel of correctional institutions, training for librarians in information systems, correctional administration and criminal policy, planning for criminal policy as part of development planning, and training for planners of the justice system.

The training is conducted primarily by short-term consultants with no full-time faculty on staff. The majority of courses were offered in San Jose, using facilities of the Supreme Court of Costa Rica. Only one course, in the Dominican Republic, was offered outside of San Jose. Students are usually public employees who are selected by the national institutions. They are offered travel, limited per diem (\$20 per day), and training materials. Students follow a grueling schedule of eight hours a day training during thirty day periods. Approximately three courses are offered per year. A staff of two persons, under the direction of the Deputy Director, carries out these activities.

This Division does not carry out any direct technical assistance but coordinates some limited assistance which is primarily provided by the Research Division.

Research

This Division is under the direct supervision of the Director of the Institute and has carried out a number of research tasks which have resulted in over thirty publications. Most of these activities follow a criminological orientation. The staff is composed of: two lawyers, two sociologists, one economist, and one psychologist.

The two most successful research activities have been the development of a manual for criminal justice statistics and research into pretrial detention in Latin America and the Caribbean.

The statistics effort began under a preliminary grant from the Law Enforcement Assistance Administration. ILANUD has published a compilation of all official statistics in the area and a subsequent analysis of the data. They concluded that a systematic scheme for the collection of criminal justice data was required and have published a Latin American and Caribbean manual for the collection and analysis of statistics. The manual has been discussed at OAS meetings and may eventually be adopted by that body. This is an ongoing effort of the Institute.

ILANUD was awarded a grant from AID to conduct a study into the status of pretrial detention in Latin America and the Caribbean. ILANUD completed the study in 1983 and made a series of recommendations to address this serious problem. The recommendations are currently under review by several area governments.

Documentation Center

The Documentation Center was established with the support of a United Nations Development Program award. The purposes are: to collect and catalogue all Latin American, and major foreign publications in the criminal justice field; publish and distribute abstracts of its holdings to national and international users; and, to provide support for the training activities of the Institute.

In addition to its other functions, the Center has developed a thesaurus of criminological terms and provided some limited technical assistance to librarians in the region.

The Center's holdings of approximately 12,000 documents represents the most important such collection in Latin America. It is supervised by four librarians and one director who is also a librarian.

Administrative Services Division

This Division provides administrative and support services for the Institute with eleven persons on its staff. It provides all accounting, travel, grant management, secretarial assistance, telephone service, photocopying, transportation, and maintenance support for the other Institute activities.

3. ILANUD's Experience with AID Projects

ILANUD has received four AID regional grants to carry out: 1) research into pretrial detention; 2) develop a pilot training course for judges; 3) develop a pilot training course for prosecutors; and, 4) perform preliminary studies to determine regional problems in the administration of justice. The latter three awards involved the countries targeted by this project. These grants have totalled approximately \$500,000.

While ILANUD's knowledge of AID is substantial as a result of these previous project experiences, without substantial technical support ILANUD is not capable of carrying out the personnel, administrative, financial, and other types of management functions necessary to implement a project of the magnitude of this proposed Regional Administration of Justice project. Such assistance will be provided as part of the Project inputs.

4. ILANUD's Linkages to National Institutions

Under this Project, ILANUD will have the opportunity to build linkages with several regional and national institutions. Panama has signed a memorandum of understanding with ILANUD, and the Dominican Republic soon will enter a similar agreement. The other countries will be encouraged under the project to enter into similar agreements.

While ILANUD already has considerable regional experience, it expects to work closely with the Resident Program Coordinators and the USAID missions in the region to develop these relationships. A fuller description of this relationship may be found in the discussion of the Extension Facility. Additionally, ILANUD is to work with national justice reform commissions in the targeted countries.

5. USAID Capability

Since the termination of the Law and Development Program in the early seventies, USAID has not engaged in legal assistance programs. A new Office for the Administration of Justice and Democratic Development has recently been established in AID/Washington, but has limited resources to meet all programmatic needs. The USAID missions do not have experienced personnel in this field and have indicated that specialized personnel will be needed in each country to supervise Project activities.

Under the Extension Facility component, the Project shall provide for local hire contract staff in each of the USAID missions to provide the requisite competence to administer this project adequately. This staff shall be selected by the local mission, with the concurrence of ILANUD, and shall be directly responsible to the USAID mission but responsive to ILANUD and the Regional Administration of Justice Officer, attached to the AID Mission in Costa Rica.

C. Financial Analysis and Plan

This Project has an estimated total cost of \$10 million that will be funded by an AID Economic Support Fund (ESF) grant. The life of Project is five years; and the terminal commitment date under the Project Agreement will be March 31, 1990. Annex F contains detailed financial tables for the Project which state projected costs by inputs and by cost estimates within those inputs. There is no breakdown between local currency and foreign exchange costs because for this Project all costs will be paid from AID grant funds during the first three years. Afterwards the participating countries will begin contributing to the costs of courses and technical assistance on an increasing basis during the last two years of the Project. These contributions will be in dollars, and thus there are no local currency contributions to the Project. The following is a summary of the financial plan by specific inputs:

SUMMARY FINANCIAL PLAN

<u>INPUT</u>	<u>\$000</u>	<u>% OF TOTAL PROJECT COST</u>
<u>I. ILANUD Grant</u>		
1. Training	2074.00	20.74
2. Advisory Services	1814.30	18.14
3. Institutional Support	2093.80	20.94
4. Extension Facility*	2218.50	22.18
5. Evaluations	300.00	3.00
. Contingencies & Inflation	999.40	9.99
SUBTOTAL	9500.00	95.00

II. Fund For Grants

Fund For US Grants	500.00	5.00
TOTAL	10000.00	100.00

* Includes \$500.0 allotted for expected national requests.

Funds for coordination and management of this Project are included in the line item for Institutional Support for ILANUD that is described in detail in that section of this Project Paper. These funds will provide ILANUD with equipment, supplies and personnel required to ensure the smooth operation of the Project, including all its components. The resources specified in this Project Paper comport with the recommendations of the Price Waterhouse firm that carried out an analysis of the financial management capability of ILANUD. Their report proposed support for ILANUD's financial management systems and controls, additional personnel in its financial department, logistic resources for financial operations, and support for ILANUD's procurement and human resources capabilities. The Institutional Support component meets these specified needs.

There will be major annual and periodic evaluations during the life of the Project beginning in 1986. These evaluations will assist ILANUD and LAC/AJDD in determining any necessary changes in the Project as a whole, individual components and management procedures. These evaluations will also be useful to Missions in the participating countries in their efforts to design bilateral projects and programs. LAC/AJDD, with ILANUD's consent, will contract for the evaluations using funds made available under the Project Agreement with ILANUD. The evaluations are described in detail in other sections of this Project Paper.

Expenditures under the Project will occur in the following manner:

SUMMARY BALANCE BY ACTIVITY						
(In U.S. \$000)						
	1985	1986	1987	1988	1989	TOTAL
TRAINING						
1. Short Courses Workshops	517.1	332.0	223.5	223.5	223.5	1519.6
2. Study Tours	36.5	36.5	36.5	36.5	36.5	182.5
3. CCJ Acad Program	26.5	58.3	58.3			143.1
4. Univ. of Costa R. Gr. Prog.	4.4	56.1	56.1	56.1	56.1	228.8
5. Univ. of Honduras Gr. Prog.						
ADVISORY SERVICES						
1. Major Tech. Assis.	111.1	77.7	111.1			299.9
2. Report Legis. & Jurisprudence	41.3	54.4	54.4			150.1
3. Biblio. Assis.	129.4	25.0	25.0	25.0	25.0	229.4
4. Data Base	43.4	16.6	16.6	16.6	16.6	109.8
5. Limited Tech Assis.	254.5	228.9	251.5	145.1	145.1	1025.1
INSTITUTIONAL SUPPORT						
1. ILANUD	345.3	295.8	295.8	295.8	295.8	1528.5
2. Long Term Advisors	172.0	111.0	132.1			415.1
3. IIHR	63.4	43.4	43.4			150.2
EXTENSION FACILITY						
1. Res. Prog. Coord.	201.9	201.9				403.8
2. Sector Assessments	840.5					840.5
3. Bilateral Proj. Design	18.4					18.4
4. Nat. Jus. Ref. Com.	147.3	132.9				280.2

Summary Balance By Activity (continued)

5. ILANUD Extens. Off.	36.0	34.9	34.9	34.9	34.9	175.6
6. Extension Fund	100.0	100.0	100.0	100.0	100.0	500.0
SUBTOTAL	3089.0	1805.4	1439.2	933.5	933.5	8200.6
U.S. GRANTS	500.0					500.0
EVALUATION	60.0	60.0	60.0	60.0	60.0	300.0
SUBTOTAL	3649.0	1865.4	1499.2	993.5	993.5	9000.6
CONTINGENCIES	199.9	199.9	199.9	199.9	199.9	999.4
TOTAL	3848.9	2065.3	1699.1	1193.4	1193.4	10000.0

AID/W FM will be the primary accounting station for the project. In accordance with the standard provisions in Handbooks 13 and 14, FM will advance funds periodically to ILANUD's U.S. bank. ILANUD will liquidate its advances by submitting its vouchers monthly to the AID Regional Project Officer in San Jose, who will review them, thus verifying payments for the goods and services procured in accordance with the project agreement and certifying to AID/W FM the appropriateness of each new advance requested. ILANUD will require similar procedures in the financial administration of its subgrants to participating country institutions, consolidating into its monthly vouchers to AID all approved subgrantee disbursements.

AID/W, SER/CM will, with ILANUD's concurrence as provided for in the Project Agreement, and in consultation with LAC/AJDD negotiate a cooperative agreement with an eligible U.S. institution for collaboration with ILANUD in long and short-term technical assistance services and for the design and execution of justice-sector assessments in each of the participating countries. (For further detail see Section V, D. "Procurement Plan and Waivers.") The AID Regional Project Officer will monitor the performance of the institution and will review periodic vouchers for services before forwarding them to AID/W FM.

In order to meet conditions precedent regarding its financial management capacity, ILANUD will--immediately upon signing the project agreement---contract with an AID approved local accounting firm to assist in the design and installation of an appropriate accounting and budgeting system, a personnel compensation plan and system, and a procurement system. The local accounting firm will assist with the development of the operating manuals for these systems and remain available for follow-up advice that may be required from time to time. AID/W FM will review these systems to determine that the CPs have been met and that they are consistent with AID's requirements for financial integrity, responsibility and accountability.

Having met this CP, ILANUD will be able to review subgrant proposals under the extension facility arrangement so as to determine the financial capability of a participating country subgrantee, and to assure that it has sufficient technical assistance to properly carry out its proposed procurements of goods and services. Each subgrant will include appropriate requirements for the electronic transfer of funds by ILANUD to a designated grantee bank account in that country and all necessary accounting requirements for receipts and disbursements under the grant.

There will be significant recurrent costs for ILANUD upon termination of this Project, since ILANUD anticipates it will continue to offer the type of training program developed under the Project. There will be no need for an Extension Facility program because participating countries will have developed their own bilateral and/or multilateral programs with other donors by the end of the Project. Nor will long-term advisors to ILANUD be needed after the Project ends. The expanded training and advisory services programs as well as the bibliographic programs represent recurrent costs that ILANUD is not now incurring and presumably will want to continue funding after the Project formally terminates.

Our estimate is that ILANUD's recurrent costs for Project related activities that will be continued amount to U.S. \$250,000 annually. This includes basic personnel and operating costs. Since each country will have developed individual national plans supported by bilateral projects, the demand for regional-level services will be diminished by Project termination time. For this reason the Project will provide ILANUD with technical assistance in long term planning for its future sources of income, particularly contributions from participating countries and other sources of grants for its work. Nonetheless, it is unlikely that during the life of this Project ILANUD will achieve complete financial self-sufficiency, and future AID assistance will be necessary to continue ILANUD's growth and development. ILANUD has the potential of becoming an institution in the legal field of the calibre, stature, and reputation that INCAE now enjoys in the field of business and public administration. Further AID assistance will probably be necessary if ILANUD is to achieve its potential.

D. Social Soundness

Analysis of the social soundness of this project will address three fundamental questions: the general limitations found in the societies and cultures where the reforms are to be implemented; how these limitations have an impact on the justice systems in the respective countries; and the feasibility of the proposed reforms within those societies and cultures.

It should be noted however, that the countries involved in the study each have their respective histories and cultural attributes which make generalization across the five countries difficult. For example, Costa Rica has established a truly independent judiciary which enjoys high autonomy within the political system and which is respected within the polity and the society as a whole. Cultural factors (a largely homogeneous population), political factors (a weak but civic minded oligarchy coupled with a lack of a strong military establishment) and educational factors (the highly literate populace has a general sense of its obligations and rights under the law) serve to differentiate it from the others in the Project. Racial factors also influence the societal attitudes which are so important in determining civic consciousness and how the rule of law can be strengthened. Finally, cultural factors and the extent to which citizens are used to solving their own problems in private ways (through vengeance, acts of violence, etc.) differ among the countries. Thus, generalizations about social soundness of the Project must bear these caveats in mind.

1. General Limitations

While each of the countries under study have their own respective history and cultural attributes, their pattern of socio-political development has been similar. All of the countries have relatively small populations and are characterized by primacy of the capital. This has, in many ways, defined their pattern of development.

Social stratification patterns are well defined and a clearly identifiable small social class, with links to the colonial past, dominates national affairs. Their disdain for constitutional authority and the rule of law is rarely disguised and they have traditionally used government as a convenient tool to further their own ends.

Opportunities for social mobility are limited since most movement takes place on the basis of personal relationships and not merit. Government has traditionally been viewed by the population as representing and safeguarding the interests of the dominant class. The military have played a crucial role in this regard. In several of the countries, the primary role of the military has been internal order maintenance rather than safeguarding national security from external threats. The military therefore, has become the primary instrument for maintaining the elites in power and delaying national decisions on serious political and economic issues. In the process, the military has become a semi-autonomous institution, and like the ruling class, disrespectful of constitutional authority.

Some political characteristics are common to many of the countries. First, most governments do not command much legitimacy. Secondly, they are preoccupied by maintaining the power positions of the ruling class and ignore the long-term effects of their policies. Thirdly, conflict tends to dominate their terms of office and consensus politics do not play a major role. Fourth, public service is held in low esteem and considered a primary vehicle for personal enrichment. Fifth, primacy of the executive over the other branches of government is dictated by the limited goals of those in power.

The fragile political environments and the executive preoccupation with power maintenance is a serious barrier to any reform effort. The political climate may be changing however, with signs of democratic reforms being evident in many of the countries. These however, are hampered by serious economic problems, large population growth, and popular discontent among the excluded classes. Many of the countries are at a critical period of their histories in which they either accept major reforms or face serious internal crisis.

2. Impact on Justice

Disrespect for the justice sector is a common historical factor of most of the countries. This is influenced by a number of factors. While strong central authority has existed there is still a prevailing cultural resistance to authority characterized by the phrase "obedezco pero no cumplo" (I obey but do not execute). Disputes are viewed as personal matters to be settled individually without resort to formal authority.

While political skill may be well developed in the region, the skill of governing is not. Both human and material resources are in short supply and the demands on the public sector are seemingly unending. The political preoccupation of governing parties with staying in power takes on a logic of its own, and coupled with the lack of a tradition of public service, low and inadequate government budgets, and the instability of public sector tenure, creates a high degree of insecurity in public administration. The court systems usually fare the worst of any public sector institution in the degree of resource impoverishment.

The concentration of political, social and economic power in many of these countries undermines the development of a strong legal tradition bound to uphold democratic principles expressed through their constitutions. Privileged groups exert pressure at all levels. Techniques of persuasion are primarily directed at administrative agencies which directly relate to their area of interest. The chief executive himself is the subject of much pressure. In order to overcome the necessity of subjecting his actions to legislative scrutiny, many actions are legitimized by executive decree which, in turn, undermines legislative power. Thus decisions involving power interests are usually made outside the political structure.

The prevailing regional societal values reflect themselves faithfully in the region's criminal justice systems. Criteria for determining judgeships are exclusively functions of the prevailing patronage and political networks. As with other formal structures of authority, material resources are usually inadequate even to sustain the rudiments of the judicial system's formal existence, much less allow the instrument to work as it was designed. Such an arrangement obviously lends itself to political and other forms of interference. The rule then is that the mechanism cannot resist external interference because of the precariousness of existence both for the individual office holder as well as for the institution itself. And as with so many other aspects of institutional life in their countries, citizens have little faith in the efficacy of their judiciary.

3. Feasibility of the Proposed Reforms

There are at least three obstacles to the initiative's success: the differing legal traditions of the United States and the targeted countries; the deep and inherent politicization of the court systems in all but one of the targeted countries; and the intransigence of groups with vested interests to maintain the current system, particularly the military.

While these factors may appear to present huge obstacles to judicial reform efforts, a cautious strategy based upon support for the ongoing regional reform efforts is an effective course. The Project design team is conscious that basic flaws cannot be overcome through this initial limited effort at improvement in the justice system. By adopting limited objectives, being conscious of limitations, and placing primary implementation responsibility on regional and local institutions the project seeks incremental gains in the short-term and provides a basis for future activities and projects leading toward more basic reforms.

E. Economic Analysis

1. The Usual Economic Analysis Is Not Appropriate

The project is designed to improve an essential part of each country's infrastructure set. An improved judicial system will lead to more efficient use of country resources, and ultimately, to greater, and more equitably distributed economic growth. The economic benefits are very real, but difficult to measure, thus precluding the rigorous rate of return analysis usually applied to projects. Furthermore, the lack of meaningful alternatives to the activities included in the design prevents the application of cost effectiveness analysis.

2. The Cost Savings Benefits Are Considerable, But Difficult To Quantify

Although the economic costs of the present judicial systems may be difficult to quantify, they are considerable. The improved systems will reduce these costs and, thereby, provide substantial benefits to the various economies. For example, in El Salvador, and to a lesser extent in the other countries, the lack of personal security inherent in the existing judicial system has led to inefficient allocation of resources and to the loss of millions of dollars in scarce foreign exchange used to purchase firearms and other weapons for self-defense and for the improvement of the defenses of private homes, business establishments, and public buildings.

In all countries, entrepreneurial spirit, and investment and business decisions have been inhibited and distorted by such inequities as the lack of judicial fairness, the prevalence of judicial capriciousness, and the inability to obtain quick and responsible redress of economic and social grievances. The thousands of individual reactions to these judicial inequities and deficient law enforcement have had a disastrous cumulative impact on the economic growth rates in each country. Many people, who otherwise would have stayed, have emigrated, taking their skills and wealth with them. And, of those who have remained, many have shifted much of their wealth to foreign banks overseas. Approximately \$1 billion is estimated to have left El Salvador alone in the past five years.

3. If the Benefits Were Measured, The Rate of Return
For the Project Would Be Quite High

The judicial system improvements likely to result from this project should relieve many of the pressures that have produced the negative economic consequences discussed above: capital flight should be reversed; foreign investors should once again be attracted; and the willingness of local business people and entrepreneurs to undertake risk should rise. All of these changes should lead to increased, and more equitably distributed, economic growth.

If the project restores public faith and confidence in the judicial systems, and if this renewed confidence diverts just a small fraction of the resources currently devoted to security measures or held in foreign banks into activities that contribute to each nation's economic development, the project will produce an extremely high rate of return.

PROJECT DESIGN SUMMARY
LOGICAL FRAMEWORK

NARRATIVE SUMMARY	OBJECTIVELY VERIFIABLE INDICATORS	MEANS OF VERIFICATION	ASSUMPTIONS
<p><u>GOAL</u> To foster transformation of national justice systems into systems based upon independent and strengthened judiciaries which will command popular confidence in the fair and impartial application of law and support democratic institutions</p>	<p>1. Increase in public's confidence in the justice system. 2. Higher levels of judicial branch training and education 3. Judiciaries become progressively more independent from executive</p>	<p>-Public opinion surveys -National statistics/periodic reports and evaluations -Periodic reports and evaluations</p>	<p>-Political stability and political will to achieve independent judicial power. -Increased portion of national resources for justice systems.</p>
<p><u>PURPOSE</u> To strengthen regional and national institutions to provide services necessary for improvement of administrative, technical and legal performance, of justice systems in the region</p>	<p>1. ILANUD capability to serve as regional resource of training and technical assistance upgraded 2. I!HR capacity to serve as regional resource for human rights information, workshops and conferences upgraded</p>	<p>-Periodic reports and evaluations -Periodic reports and evaluations</p>	<p>-ILANUD will act quickly and efficiently to implement project. -National institutions and governments will continue to support and accept ILANUD regional role. -National institutions will devote sufficient human and material resources to address problems and use ILANUD resources.</p>

NARRATIVE SUMMARY	OBJECTIVELY VERIFIABLE INDICATORS	MEANS OF VERIFICATION	ASSUMPTIONS
	3. Supreme Courts control budget for court system	Periodic reports and evaluations	-Each country provides supportive policy framework.
	4. Supreme Courts functioning effectively as administrators of national court systems	Periodic reports and evaluations	-Governments provide adequate resources from national budget.

OUTPUTS:

A. TRAINING

1. <u>Regional workshops and seminars</u>	-20 seminars/workshops developed, tested and improved -300 national senior level judicial and bar association representatives trained	Periodic reports and evaluations	-Regional level training most appropriate for senior levels of justice system. -Strong national commitments will allow judges' and prosecutors' workloads to be adjusted to permit participation.
2. <u>Short Courses</u>	-12 short course modules, developed, tested and improved -250 national personnel trained	Periodic reports and evaluations	
3. <u>Study Tours</u>	-45 national personnel complete study tours	Periodic reports and evaluations	-Study tours will be more appropriate for personnel with management functions than for others.



NARRATIVE SUMMARY	OBJECTIVELY VERIFIABLE INDICATORS	MEANS OF VERIFICATION	ASSUMPTIONS
<u>4. Undergraduate Program in Criminal Justice Administration</u>	-Recommendations produced on content and appropriate national or regional institution to conduct program	Periodic reports and evaluations	-A significant unmet demand exists for trained administrators in region's justice systems.
<u>5. University of Costa Rica Graduate Program</u>	-30 attorneys complete specialization in criminal or agrarian law under existing UCR graduate program	Periodic reports and evaluations	-Persons selected to attend should be oriented toward teaching and training in their own country. Preference should be accorded among applicants on that basis.
<u>6. Development of post graduate programs at National Autonomous University of Honduras</u>	-Graduate program to train faculty established at UNAH	Periodic reports and evaluations	-Regional project support will terminate upon award of degrees to first graduating class. Any subsequent funding needed would be justified under bilateral project.

B. ADVISORY SERVICES

1. Major Technical Assistance

a) Sector Assessments -studies undertaken under ILANUD coordination in five countries	-Five sector assessment reports completed within first year of project	Periodic reports and evaluations	-Sufficient qualified personnel available on a timely basis to work on sector assessments. -National governments provide support and cooperation to expedite process.
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NARRATIVE SUMMARY	OBJECTIVELY VERIFIABLE INDICATORS	MEANS OF VERIFICATION	ASSUMPTIONS
<u>b) Criminal Justice Statistics</u>			
-assistance to governments in development of statistical collection capacity and in planning based on information so gathered	-Pilot projects developed in each participating country after ILANUD review of sector assessment -Improved national capacity to collect and use appropriate statistics in justice system management	Periodic reports and evaluations Periodic reports and evaluations	-National governments provide support and cooperation in design and implementation and devote sufficient budget to permit institutionalization of new systems.
<u>c) Reporting of Legislation and Jurisprudence</u>			
-assistance to governments to develop capacity to compile, publish and distribute information on legislative and juridical developments on a timely basis	-Model system for region developed, with automated data base, classification system, and method for inexpensive distribution of information -Workshops conducted in each country on model system -Implementation of model system in two countries in LOP	Periodic reports and evaluations	-Rapidly of model development depends on adaptability of Spain's new system. -National governments provide support and cooperation in project design. -National governments devote sufficient budget to achieve institutionalization of model system in their country.

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NARRATIVE SUMMARY	OBJECTIVELY VERIFIABLE INDICATORS	MEANS OF VERIFICATION	ASSUMPTIONS
<u>d) Bibliographic Needs</u>	<ul style="list-style-type: none"> -ILANUD develops basic core collection list for criminal justice and court administration -ILANUD and AID select central library in each country to receive core collection 	Periodic reports and evaluations	<ul style="list-style-type: none"> -National systems are sufficiently alike to allow a uniform basic library to be useful. -National government or recipient institution commits to staffing and budget to maintain collection and agrees to make it available to justice sector.
<u>e) Data Base Information and Assistance</u>	<ul style="list-style-type: none"> -ILANUD develops central bibliographic data base and makes available to users in region -ILANUD compiles data base of experts available for TA services to Project activities 	Periodic reports and evaluations	
<u>2. Country-Specific Technical Assistance</u>	<ul style="list-style-type: none"> -45 technical assistance assignments carried out (average two weeks) 	Periodic reports and evaluations	-National resources are insufficient or non-existent.
<u>3. Instructional Design/Materials and Training Development Assistance</u>	<ul style="list-style-type: none"> -Ten TA assignments in course or materials design completed 	Periodic reports and evaluations	-National resources are insufficient or non-existent.

NARRATIVE SUMMARY	OBJECTIVELY VERIFIABLE INDICATORS	MEANS OF VERIFICATION	ASSUMPTIONS
<u>C. INSTITUTIONAL DEVELOPMENT AND SUPPORT FOR ILANUD AND OTHER REGIONAL INSTITUTIONS</u>			
<u>1. Organizational development of ILANUD</u>	-ILANUD administrative structure reorganized to implement Project -New offices, divisions established and staffed, AID commodity assistance provided for start-up	Periodic reports and evaluations	-ILANUD is the chief vehicle for regional justice reform efforts. -ILANUD is fully committed to Project implementation. -ILANUD is capable of implementation with external TA.
<u>2. Long Term Advisors to ILANUD</u>	-Three full time senior advisors to ILANUD contracted -ILANUD staff trained in new functions	Periodic reports and evaluations	-Present ILANUD staff has insufficient experience and background to implement project fully.
<u>3. National Justice Commissions</u> -support for establishment via ILANUD	-Commissions established as permanent government organs in each country -Funding for staffs and periodic travel to ILANUD provided as necessary	Periodic reports and evaluations	-A national reform commission or equivalent body is necessary in each country to assure legitimacy of project and commitment of national government to reform.

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NARRATIVE SUMMARY	OBJECTIVELY VERIFIABLE INDICATORS	MEANS OF VERIFICATION	ASSUMPTIONS
<u>4. Long-term Development Strategy for ILANUD</u> -assistance to enable ILANUD to continue project activities after LOP	-Formal long term strategic plan developed with assistance of Senior Advisors within one year -Contributions of continuing financial or other material support committed to by start of last year of Project	Periodic reports and evaluations	-Reform process will require at least ten years of consistent region-wide effort. -National governments will commit to ILANUD sufficient funding to continue Project initiated activities.
<u>a) Other Regional Institutions</u> <u>1. Institutional Support - Interamerican Institute for Human Rights</u>	-Management analysis completed -Three new positions added and staffed (one accountant, one program planner, one publications/public relations specialist)	Periodic reports and evaluations	-Other relevant regional institutions must be strengthened and IIHR will continue to focus on judicial independence and related issues regionally.
<u>D. EXTENSION FACILITY</u> -provides facilitation and/or funding for country-specific activities			
<u>1. Resident Program Coordinators</u>	Five Resident Program Coordinators hired (one per participant country)	Periodic reports and evaluations	-Each AID mission will require a technically trained local hire person to effectively carry out project activities even absent a bilateral project.

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NARRATIVE SUMMARY	OBJECTIVELY VERIFIABLE INDICATORS	MEANS OF VERIFICATION	ASSUMPTIONS
<p>2. Country-specific Activity Funding</p> <p>-to permit each participating country to begin activities prior to development of bilateral programs</p>	<p>-Fifteen discrete national activities funded region-wide within eighteen months to two years.</p> <p>-Possibilities include:</p> <ul style="list-style-type: none">.Law reform studies.Administrative reform planning.personnel for national commissions.scholarships, study tours.training courses, workshops, seminars.aid to public defenders, law schools, and legal aid groups	<p>Periodic reports and evaluations</p> <p>(It is not possible to identify precisely the mix of program requests which will be received by the Extension Facility Office)</p>	<p>-Countries are prepared to begin some activities immediately.</p> <p>-Funding for country-specific activities should be coordinated with ILANUD priorities.</p>
<p>3. Sector Assessment Funding</p>	<p>-Five sector assessments completed</p>	<p>Periodic reports and evaluations</p>	<p>-ILANUD should coordinate sector assessments after developing format.</p>
<p>4. Bilateral Project Design Funding and Support</p>	<p>-Bilateral Project Papers completed for each participant country as appropriate within six weeks after completion of sector assessments</p> <p>-TA in project design provided as requested</p>	<p>Periodic reports and evaluations</p>	<p>-Each participant country will present sufficient national level need to justify a bilateral project.</p>

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NARRATIVE SUMMARY	OBJECTIVELY VERIFIABLE INDICATORS	MEANS OF VERIFICATION	ASSUMPTIONS
5. Assistance to National Justice Reform Commissions	Material aid and staff funding provided as necessary to legally constituted reform organ.	Periodic reports and evaluations	-Some governments will require funding to allow effective operation of a Reform Commission.
6. Commodity Assistance -to assist individual countries on a modest basis prior to bilateral projects	-Commodity assistance funds provided to country-specific activities with demonstration value for project.	Periodic reports and evaluations	-Only minor support would be provided in absence of a full bilateral project.

PROJECT INPUTS	\$000	% of TOTAL PROJECT COST	
1. Training	2074.00	20.74	Accounting records of AID/Costa Rica, ILANUD and AID/LAC
2. Advisory Services	1814.30	18.14	
3. Institutional Support	2093.80	20.94	
4. Extension Facility*	2218.50	22.18	
5. Evaluations	300.00	3.00	
6. Fund for US Grants	500.00	5.00	
.Contingencies & Inflation	999.40	9.99	
TOTAL	10000.00	100.00	

*Includes \$500.0 allotted for expected national requests.

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5C(2) PROJECT CHECKLIST

Listed below are statutory criteria applicable to projects. This section is divided into two parts. Part A. includes criteria applicable to all projects. Part B. applies to projects funded from specific sources only:
 B.1. applies to all projects funded with Development Assistance loans, and
 B.3. applies to projects funded from ESF.

CROSS REFERENCES: IS COUNTRY CHECKLIST UP TO DATE? HAS STANDARD ITEM CHECKLIST BEEN REVIEWED FOR THIS PROJECT?

A. GENERAL CRITERIA FOR PROJECT

1. FY 1985 Continuing Resolution Sec. 525; FAA Sec. 634A; Sec. 653(b).

(a) Congress will be notified according to standard procedures.

(a) Describe how authorizing and appropriations committees of Senate and House have been or will be notified concerning the project; (b) is assistance within (Operational Year Budget) country or international organization allocation reported to Congress (or not more than \$1 million over that amount)?

(b) YES.

2. FAA Sec. 611(a)(1). Prior to obligation in excess of \$100,000, 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.

3. FAA Sec. 611(a)(2). If further legislative action is required within recipient country, what is basis for reasonable expectation that such action will be completed in time to permit orderly accomplishment of purpose of the assistance?

None is required.

4. FAA Sec. 611(b); FY 1985 Continuing Resolution Sec. 501. If for water or water-related land resource construction, has project met the standards and criteria as set forth in the Principles and Standards for Planning Water and Related Land Resources, dated October 25, 1973, or the Water Resources Planning Act (42 U.S.C. 1962, et seq.)? (See AID Handbook 3 for new guidelines.)

N/A

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

N/A

6. FAA Sec. 209. Is project susceptible to execution as part of regional or multilateral project? If so, why is project not so executed? Information and conclusion whether assistance will encourage regional development programs.

This is a regional project, specifically designed to develop and encourage regional programs to implement judicial reform in the Central America and Caribbean region.

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7. FAA Sec. 601(a). Information and conclusions whether projects will encourage efforts of the country to: (a) increase the flow of international trade; (b) foster private initiative and competition; and (c) encourage development and use of cooperatives, and 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.
- By fostering the development of strengthened and independent judiciaries, the project will provide support for democratic institutions including cooperatives, credit unions, and labor unions and, therefore, improve the climate for private investment in the region.
8. 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).
- By enhancing the strength and independence of the judiciary and, as a result thereof, of the democratic institutions, the project will improve the climate for private trade and investment by U.S. enterprises.
9. FAA Sec. 612(b), 636(h); FY 1985 Continuing Resolution Sec. 507. 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.
- Participating Countries will be requested to share costs of country specific activities.
10. 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.

11. FAA Sec. 601(e). Will the project utilize competitive selection procedures for the awarding of contracts, except where applicable procurement rules allow otherwise? YES.
12. FY 1985 Continuing Resolution Sec. 522. 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? N/A.
13. FAA 118(c) and (d). Does the project comply with the environmental procedures set forth in AID Regulation 16. Does the project or program taken into consideration the problem of the destruction of tropical forests? YES.
14. FAA 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 (dollars or local currency generated therefrom)? N/A.

15. FY 1985 Continuing Resolution Sec. 536. Is disbursement of the assistance conditioned solely on the basis of the policies of any multilateral institution?

NO.

B. FUNDING CRITERIA FOR PROJECT

1. Development Assistance Project Criteria

N/A.

- a. FAA Sec. 102(b), 111, 113, 281(a). Extent to which activity will (a) effectively involve the poor in development, by extending access to economy at local level, increasing labor-intensive production and the use of appropriate technology, spreading investment out from cities to small towns and rural areas, and insuring wide participation of the poor in the benefits of development on a sustained basis, using the appropriate U.S. institutions; (b) help develop cooperatives, especially by technical assistance, to assist rural and urban poor to help themselves toward better life, and otherwise encourage democratic private and local governmental institutions; (c) support the self-help efforts of developing countries; (d) promote

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the participation of women in the national economies of developing countries and the improvement of women's status, (e) utilize and encourage regional cooperation by developing countries?

- b. FAA Sec. 103, 103A, 104, 105, 106. Does the project fit the criteria for the type of funds (functional account) being used?
- c. FAA Sec. 107. Is emphasis on use of appropriate technology (relatively smaller, cost-saving, labor-using technologies that are generally most appropriate for the small farms, small businesses, and small incomes of the poor)?
- d. FAA Sec. 110(a). Will the recipient country provide at least 25% of the costs of the program, project, or activity with respect to which the assistance is to be furnished (or is the latter cost-sharing requirement being waived for a "relatively least developed country)?
- e. FAA Sec. 110(b). Will grant capital assistance be disbursed for project for more than 3 years? If so, has justification satisfactory to Congress been made, and efforts for other financing, or is the recipient country

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"relatively least developed"? (M.O. 1232.1 defined a capital project as "the construction, expansion, equipping or alteration of a physical facility or facilities financed by AID dollar assistance of not less than \$100,000, including related advisory, managerial and training services, and not undertaken as part of a project of a predominantly technical assistance character."

- f. FAA Sec. 122(b). Does the activity give reasonable promise of contributing to the development of economic resources, or to the increase of productive capacities and self-sustaining economic growth?
- g. FAA Sec. 281(b). Describe extent to which program recognizes the particular needs, desires, and capacities of the people of the country; utilizes the country's intellectual resources to encourage institutional development; and supports civil education and training in skills required for effective participation in governmental processes essential to self-government.

2. Development Assistance Project
Criteria (Loans Only)

- a. FAA Sec. 122(b).
Information an conclusion on capacity of the country to repay the loan, at a reasonable rate of interest.
- b. FAA Sec. 620(d). If assistance is for any productive enterprise which will compete with U.S. enterprises, is there an agreement by the recipient country to prevent export to the U.S. of more than 20% of the enterprise's annual production during the life of the loan?

3. Economic Support Fund Project
Criteria

- a. FAA Sec. 531(a). Will this assistance promote economic and political stability? To the extent possible, does it reflect the policy directions of FAA Section 102?
- b. FAA Sec. 531(c). Will assistance under this chapter be used for military, or paramilitary activities?
- c. FAA Sec. 534. Will ESF funds be used to finance the construction of, or the operation or maintenance of, or the supplying of fuel for, a nuclear facility? If so, has the President certified that such use of funds is indispensable to nonproliferation objectives?

YES.

The primary target of this project is the judicial systems in five Central America and Caribbean countries, the strengthening of which is intended to redound to the benefit of other democratic institutions in these countries, thus promoting economic and political stability.

NO

NO

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d. 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.

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INITIAL ENVIRONMENTAL EXAMINATIONI. Basic Project Data

Project Location: Central America, Panama, Dominican Republic

Project Title: Regional Administration of Justice Improvement

Project Number: 596-0133

Funding: FY 84 - \$10,000,000

Life of Project: 3 Years

IEE Prepared by: Thomas Geiger, Director
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Date: January 29, 1985

Action Recommended: Negative Determination

II Description of the Project

The purpose of this project is to strengthen regional and national institutions to provide services necessary for improvement of the administrative, technical and legal performance of justice systems in the region. The project is aimed at institution building and expansion of the cooperating agency, ILANUD, to increase its ability to act as a source of training, technical assistance and advisory services for national institutions in the region. Through ILANUD, the project will also provide direct assistance to national government and non-government justice sector activities aimed at improved human and institutional capacity in the field.

The project's long term goal is the development of justice systems based upon strong independent judiciaries commanding popular confidence in their fairness and impartiality.

The AID contribution to this project over three years will be \$10.0 million.

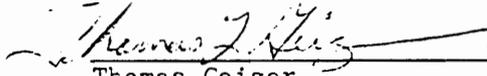
III Impact and Evaluation

Project resources will be used primarily for technical assistance, training and development of library collections and data bases to be made available region-wide.

Support for reform-oriented activities will place particular emphasis on those tending to promote judicial independence and upgrading of educational and skill levels in the administration of criminal justice. None of the project activities will have adverse effects on the environment.

IV Environmental Determination

The proposed project is not one which will have a significant environmental effect. In view of the nature of the project, a negative threshold determination is recommended.



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SOCIAL SOUNDNESS ANALYSIS

Analysis of the social soundness of the project to provide regional assistance to countries in the Caribbean and Central America to strengthen their criminal justice systems will address three fundamental questions: the general limitations found in the environments where the reforms are to be implemented; how these limitations concretely have an impact on the current justice systems in the respective countries; and the feasibility of the proposed reforms within the socio-political contexts described.

It should be noted that the countries involved in the project (Costa Rica, Honduras, El Salvador, Panama, and the Dominican Republic) each have their respective histories and cultural attributes which make generalization across the five countries difficult. For instance, only Costa Rica has established a truly independent judiciary which enjoys relatively high autonomy from the on-going political system and which is respected within the polity. Cultural factors (a homogeneous population with little racism), political factors (a weak but civically minded oligarchy coupled with the lack of a strong military establishment) and educational factors (the highly literate populace has a general sense of its obligations and rights under the law) serve to differentiate it from the others in the project. Racial factors influence the fabric of sociability which is so important in determining civic consciousness and how the rule of law can be strengthened. Finally, cultural factors and the extent to which citizens are used to solving their own problems in private ways (through vengeance, acts of violence etc.) differ across the countries. Thus, generalizations about social soundness of the proposed project must bear these caveats in mind.

1. General Limitations

The Administration of Justice effort will confront serious obstacles which are ever-present in the social-political landscapes of the targeted countries. These obstacles are a function of the particular fashion in which each of the countries under study developed. The best way to understand this development is to conceive of the region as being composed of a series of "city-states" rather than nation-states. The "city-state" form of development is one in which all important social, economic and political activity is concentrated in one key primate city. While there are deviations from this pattern (Honduras has both Tegucigalpa and San Pedro Sula and the Dominican Republic has both Santo Domingo and Santiago), it generally holds for all five countries.

Because of the small size of the city-state, personal ties are critical elements of communication, security and protection. Family and extended-family power is based on "who you know" rather than what you know, and merit as a determinant of rewards is far less important than "personalismo" and more traditional "patron-client" relations. Favors are regularly exchanged and the political culture is such that there is a reciprocal exchange relationship built around social relations which extends from the top to the bottom of the social hierarchy.

This reciprocal exchange relationship is encouraged by the nature of the economy in small, developing states. Internal markets are weak and limited, economic scarcity is common and surplus, particularly at the lower end of the social stratum, is rare. Vertical networks, based upon reciprocal exchange are quite common and a rational adaptation to scarcity. Because of the weak and limited nature of the economy, opportunities for mobility are rare and personal insecurity is great. In this context, structures of authority and government in general are often perceived to be hostile and threatening, particularly where there is no personal relationship.

The social and economic nature of the city-state have an inevitable impact on politics and governance. Because of elite power and the dependence of government on the surplus generated through elite owned and controlled enterprises, government has rarely served mass interests. Indeed, in the post-war era, government has been an important instrument in the conscious exclusion of masses from wider participation. The region's military establishments have played a critical role in this regard. In a number of the countries, the military's role is less related to national security defined in the traditional sense of the concept than in security defined as internal order. The military helped to keep the fragile state intact and helped to insulate elites from the pressing social problems occasioned by urbanization, modernization, and the growing marginalization of the masses. In the process, the military has itself become a highly autonomous organization, and like the respective country's elites, disdainful of civic authority.

While politics and political competition are important modes of public expression in the five countries under study, the art of governance is fraught with a series of problems. First, governments rarely come to power with much legitimacy and usually discredit themselves early in their administration. While political skill may be well developed in the region, the skill of governance is not. Both human and material resources are in short supply and the demands on the public sector are unending. Political elites inevitably spend much of their time in office attempting to maintain their political power and position, leaving little time to address issues of importance to the wider populace. Their emphasis is usually on conflict and competition rather than on problem solving. The political preoccupation with staying in power takes on a logic of its own and coupled with the lack of a tradition of public service, low and inadequate government budgets, and the instability of tenure among those who do occupy government positions, creates a high degree of insecurity in public administration. In this system, pay-offs are usually related back to groups jockeying for power, not forward to the consequences for society. Thus, there are few incentives and far fewer rewards for performing well. And there is precious little respect deriving to the occupant of a government position.

Corruption is often a response. This corruption is the result of differential levels of resource availability among client groups as well as the non-formal pattern of patron-client relations which ultimately penetrate far beyond political loyalties. There are few penalties for public malfeasance. Dominant elite values reinforce the prevailing norms, political authority is usually distracted or equally involved, legal systems

are not serious deterrents, and resource scarcity creates a general ambience of tolerance if not understanding.

The fragile political climate of the city-state is a constant of the environment and is a powerful deterrent to the meaningful implementation of any reform-oriented projects suggested by external powers. Moreover, while the region in general is now witnessing a new interest in democracy, prospects for the long term success of democratization must be weighed against the following. Each of the countries under study will double its population in the next 20 years (with perhaps the exception of Costa Rica). Each of the countries is now experiencing serious economic difficulties which differ in magnitude from those encountered during the last sustained period of economic turbulence, the depression of the 1930s. Each of the countries now has a significant foreign debt which will drain needed surplus economic resources for years to come. Investor confidence in the five countries has significantly deteriorated and employment generation is inadequate to accommodate the expanding work force. Political mobilization will grow as increasingly frustrated groups direct their attention to attractive political alternatives. The struggle over state power will become more intense over the next two decades, promising much greater strain on already weak political institutions. This sobering reality should temper the belief among many that the emergence of democracy, in and of itself, will help the region. Without parallel developments in how governments can more effectively respond to growing mass needs, the euphoria over democracy will quickly fade.

2. Political Limitations and their Impact on Criminal Justice Systems

The general disrespect for government which exists in the five states under study includes a particular disdain for the justice system. This situation is an outgrowth of the colonial administrative tradition in Latin America of "obedezco pero no cumplo," which roughly translates into "I obey but I do not execute." This formula symbolizes the contradictions throughout the region of a high degree of formal centralization, statism and government intervention juxtaposed against localism, patronage, lack of effective government penetration throughout the national territory and resistance to legally constituted authority. While urbanization and technology have helped to erode the conditions supporting the behavioral ethos articulated above, it is nonetheless present, particularly in non-urban areas. Since over half of the region's population still lives in rural areas, this is not an insignificant environment determinant.

The concentration of social, economic and political power in the "city-state" also undermines the significance of constitutions as instruments for order and justice. Privileged groups often organized in associations exert tremendous influence at all levels of government to ensure that their arguments and preferences are known. Techniques of persuasion are primarily directed at the administrative agencies which directly relate to their area of interest. Beyond these agencies, the chief executive himself and/or the dominant military leader in the country are the subjects of pressure and/or influence. Extensive use by chief executives of

the decree power effectively undermines the power and effectiveness of other branches of the government and tends to give the executive inordinate power. Thus, the legislature, like the courts, often serves the latent function of providing access for groups outside the dominant power structure. This in part helps to explain the fact that legislatures rarely deliberate over important issues and the reality of criminal justice systems which are seriously short of both the human and material resources to make them function. Important decisions involving those who have power are made elsewhere. Perhaps this is one of the basic reasons why Costa Rica's criminal justice system is so different from the others under study. The elite, which is quite diffuse and competitive, must rely on the courts to resolve many of its problems, while this is done through outright executive intervention in other nearby countries.

The prevailing societal scarcities in the city-state reflect themselves faithfully in the regions' criminal justice systems. A hierarchical system is designed to ensure that criteria for determining judgeships is a function of the prevailing patronage and political networks. This is quite rational in an environment where there are far more aspirants than positions and where the extant exchange mechanisms encourage the delivery of favors based upon privilege. And like other formal structures of authority in the respective countries, there are usually few material resources to sustain the rudiments of formal existence, much less make the instrument work as it was designed. Such an arrangement obviously lends itself to political and other forms of interference. The rule then is that the mechanism can not resist external intervention because of the precariousness of existence both for the individual office holder as well as the institution itself. The legal system, its rules and the courts which were designed to sustain them, like so many other elements of the city-states' political system, are merely formal caricatures of what they might be. And like so many other aspects of institutional life in their countries, citizens have little faith in the efficacy of their judiciary.

3. Feasibility of the Proposed Reforms

As proposed, the administration of justice initiative carries with it a sober appreciation for the realities of the judicial environment in the five countries under study. While there is a common general scope and emphasis for the five countries, the initiative recognizes that local specialists will be key to the success of the project and that each country will have different needs and priorities. Moreover, the initiative does not intend to bypass the major regional agency involved in criminal justice issues; but rather to work with it. And the manner in which reforms are proposed, through a multiplicity of specific interventions, can incrementally enhance the overall performance of the criminal justice systems in the five countries.

There are at least three obstacles to the initiative's success: the differing legal traditions of the United States and the targeted countries; the deep and inherent politicization of the court systems in all but one of the targeted countries; and the intransigence of groups with vested interests in maintaining the current system, including the most important

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political actor in four of the five countries, the military. While the project proposal shows a great deal of sensitivity to the first obstacle, a convincing strategy for dealing with the latter two remains to be articulated.

The initiative is careful to distinguish between the common law tradition of the United States and the Roman law tradition of the Latin American legal system. It recognizes that the failures of earlier legal reform efforts were in part a function of the lack of appreciation for differences between the two traditions. Thus, the initiative declares that "judicial reform efforts must respect national historical and cultural factors" and that "US legal experiences are not easily transferable to Latin American settings." As such, the proposed initiative is designed to strengthen and reinforce what exists.

Since every country involved in the project is executive-dominant, a strategy needs to be developed to gain the highest national level support for the initiative. This strategy should be sensitive to the process of reciprocal exchange which takes place through the legal system and to the importance of patronage for the maintenance of political support. It should also self-consciously develop support from a wide group of the society's notables and not just the particular targeted group of judges, lawyers and court administrators involved in the project. Despite the compatibility of the project with the socio-cultural environment and its likelihood for success in helping to strengthen judicial training, recruitment, administration, investigation, information system and record management, the body of law and public information about the efforts, the initiative will be still-born without the decided, firm and continual support of the respective country's chief executive.

A third and equally important obstacle to the project's success is the military establishment. With the exception of Costa Rica, the military in every other country is virtually an autonomous power unto itself, above the reach of civil law. It must be convinced that a strengthened legal system is to the advantage of everyone, most of all the military. Indeed, the military might be asked to strengthen its own internal system of adjudication, but as a strategy for enlisting support for the civilian oriented reform and as a message that the military as leaders must be willing to strengthen their own institutions as a pre-condition for civilian institution-building. Like the chief executive's support for the initiative, the military's role is decisive. Without military support for the initiative, its moral and political foundations are undermined.

A related aspect of the proposed initiative relates to the efforts made by political elites to raise the level of legitimacy of their governance efforts. Any project which attempts to strengthen the judiciary and court administrators without emphasizing the importance of presidential and cabinet level probity will ultimately not be taken seriously by the wider population. Thus, the US government, through its various officials and branches, must emphasize to country-level chief executives and their officials the importance of clean and honest government. Citizens must develop over time a greater faith in the honesty and public spiritedness of

their institutions. Given the nature of the region's socio-cultural environment, the emergence of this faith must be catalyzed by exemplary behavior at the top. However, because citizens have such low level expectations about their legal systems, public education is critical as a means by which to create a generalized constituency for the maintenance and support of reforms. While this effort could be a double-edged sword, potentially creating expectations that are not easily fulfilled, it must first start in specialized constituency groups and then permeate into the primary and secondary education systems. Without demand for better and more efficient judicial systems, the supply will be harder to maintain.

E. Evaluation Plan

With all forms of planned interventions it is useful to recognize that efforts to change existing conditions usually involve rather complicated developmental models. These models are based- whether implicitly or explicitly- on a rationale concerning perceptions about the causes of the existing state of affairs, articulation of desired (or desirable) future conditions, and the means necessary to change the existing state of affairs to achieve the desired conditions. The rationale for this Project includes both historical and/or cultural considerations and administrative and resource deficiencies. The Project focuses on the issues of administrative and resource deficiencies with a special emphasis on a number of interrelated obstacles to system improvement. These obstacles include:

-- Attitudinal patterns which demonstrate a lack of appreciation of the consequences of a dependent and inefficient system of justice.

-- Weak justice institutions with insufficient qualified staff and budgets in relation to their responsibilities.

-- Inadequate, often conflicting, justice policies without clear planning or assignment for their execution.

In formal terms, intervention rationales may be identified as impact models. The development of an impact model requires the identification of:

1. Anticipated outcomes (ultimate term effects): the goals of the Project in terms of its impact on the capability of a system(s) to achieve its mission.

2. Anticipated outputs (intermediate effects): the objectives of the Project. That is the means through which the project will act on individuals and/or organizations to achieve the desired outcome.

3. Activities: The expected operational activities associated with the Project which are conducted in order to achieve the Project objectives/outputs.

4. Inputs: The existing conditions and initial resources- material, human and fiscal.

5. The critical assumptions concerning the relationships- usually causal- between program activities and the desired effects of the project.

The Training component of the Project will improve staff capabilities by helping to 1) improve policy development and planning; 2) strengthen institutions such as ILANUD and national institutions; 3) enhance the administration of justice. There is a great deal of interdependency between the various Project components, their operational activities, and effects. For example, support of ILANUD in terms of the development of data bases and instructional materials

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will contribute to both education-training, and advisory services. In turn, both of these components will contribute to the ongoing institutional development of ILANUD. Moreover, all four Project components will contribute to increased networking among members of the field, both within and between countries.

The evaluation workplan and design will be discussed separately for the four Project components: education-training, advisory services, institutional development and support for ILANUD, and extension services. Details concerning a number of operational factors are not currently available. This includes specifications concerning: 1) detailed objectives for project sub-components; 2) operational activities for Project subcomponents; 3) evaluation priorities. Although the lack of specificity may appear to be a Project limitation it is actually an advantage because it will allow Project evaluators to participate in the final phases of Project development. Such participation not only aids in the development of the evaluation but often contributes to goal clarification efforts and actual Project implementation.

The primary approach to the Project evaluation will be decision-oriented. Within this framework it is recognized that: 1) programmatic decisions are based on the goal(s) and objectives which decision-makers have for program/projects; 2) decision-makers may have more than one (even conflicting) goal for a program; 3) more than one individual or group may have a vested interest and even competing interests in a program and its evaluation. It is also recognized that a useful evaluation requires intensive involvement within the early stages of project development and implementation, not just at the close of the project.

a. Formative vs. Summative Evaluations

There are at least three reasons why projects may fail- or at least appear to fail- in achieving their goals and objectives. The first reason may be identified as programmatic over-expectation. That is, expectations for the project's success may be excessive. Thus the results, particularly in cost-benefit terms, are probably going to be lower than the dramatic effects usually anticipated. The second reason is because of implementation failure. That is, the ideas- the impact model- upon which the project was developed were never put into operation as intended. It hardly needs to be pointed out that it may be a lesson in futility to evaluate a project for effects if that project has not been implemented as intended, or if one does not know how it was implemented.

One way to deal with the possibility of implementation failure is to include a "formative" evaluation component in the overall evaluation design. Briefly, formative evaluations perform two functions: First, they provide the basis for the ongoing monitoring of implementation activities and ultimately data on the degree to which project implementation adhered to the intended design. Second, and more importantly, they provide the basis for short-term feedback on project activities, problems and successes which can be utilized by administrators to improve the project during early implementation

stages. In order to provide this feedback system, formative evaluations will be built into the overall evaluation design for this Project and its various components.

The third reason projects may appear to fail is because they do not produce the results expected of them- conceptual failure. That is, projects may fail because the ideas- assumptions, theories, concerning causation and the assumed relationships upon which the project goals and activities were based were inaccurate or incomplete.

Evaluation efforts which focus on project results- effects- may be identified as "summative" evaluations. In order to provide information concerning effectiveness, summative evaluations will be developed for the various components of the Project.

b. General Workplan

The material in Table 8 provides a general workplan that will be followed for the development and implementation of the evaluation. Emphasis will be placed on consultations with appropriate ILANUD and country officials.

TABLE 8

GENERAL EVALUATIVE WORKPLAN

I. Project Initiation

A. Objectives:

To obtain additional specifications concerning project goals, objectives and activities from project sponsors and administrators;

To obtain additional guidance objectives for evaluation from project sponsors and administrators.

B. Products:

Detailed impact models for the Project subcomponents, initial identification of important measures and operational problems.

Decision-making framework to guide the on-going development of the evaluation.

C. Activities:

Meet with appropriate AID officials, Project administrators, and other designated individuals;

Review existing background materials concerning need and obstacles.

TABLE 8
GENERAL EVALUATIVE WORKPLAN
(continued)

II. Project Definition

A. Objectives:

To finalize specifications concerning: Project goals, objectives, and activities; evaluation goals and objectives.

B. Products:

Written document concerning project impact models and evaluation framework.

C. Activities:

Meetings with designated individuals to review impact models, etc. resulting from stage I.

Preparation of written documents concerning project impact models and evaluation priorities.

III. Establishing an Evaluation Strategy

A. Objectives:

To develop a framework which will facilitate the selection of specific evaluation designs for the various sub-components.

B. Products:

Evaluation models- what could be evaluated- for the various sub-components of the Project;

Documentation of the utility and feasibility of one alternative evaluation design.

C. Activities:

Verification of Project impact models with designated officials, administrators, etc.

Development of alternative evaluation models:

1. Preliminary efforts:

Identification of measurable factors for goals, objectives, etc;

Identification of data sources;

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TABLE 8
GENERAL EVALUATIVE WORKPLAN
(continued)

- Identification of testable linkages-hypotheses.
2. Development of evaluation models based on measurable factors, obtainable sources, testable linkages.
 3. Examination of alternative designs for: data issues, methodological issues, feasibility issues.
 4. Selection of the preferred evaluation design.

IV. Development of Evaluation Specifications

A. Objectives:

To develop the specific details (research designs, data collection instruments and procedures, implementation schedules, etc.) for the selected evaluation designs both formative and summative efforts.

B. Products:

Evaluation status report- written documentation of evaluation design, data collection instruments, analytic techniques, implementation schedule.

C. Activities:

Specification of evaluation design components.

Consultation with designated officials, administrators, etc.

V. Implementation of Evaluation

A. Objectives:

To initiate and complete evaluation activities.

B. Products:

Interim project reports to officials and administrators focused on formative evaluations and progress on the summative evaluation (Year 1 and Year 2).

Summative evaluation report.

TABLE 8
GENERAL EVALUATIVE WORKPLAN
(continued)

C. Activities:

Preliminary efforts- data collection, analysis, etc.

Preparation of reports on formative evaluations and an interim report on the summative evaluations;

On-going efforts;

Preparation and dissemination of evaluation report.

VI. Dissemination and Utilization Efforts

A. Objectives:

To provide evaluation products to appropriate decision-makers and try to maximize their use in decision-making processes.

B. Products:

Report on dissemination and utilization efforts;

Final evaluation report (Year 3).

C. Activities:

Dissemination of evaluation reports to designated individuals and organizations.

Interviews with designated officials concerning: their understanding of the report(s); identification of weaknesses and additional issues they would have preferred the report (or future reports) to cover; plans for the use of the report;

Modification of the evaluation report- where appropriate and feasible- in response to critique.

Submission of final reports.

c. Evaluation Components

Both formative and summative evaluations will be conducted for each of the four and sample sub-components.

Education-Training

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There are four distinct activities associated with this component. These are: 1) workshops and seminars; 2) short courses; 3) study tours; 4) long-term training. Each of these activities is

intended to make incremental improvements in the competencies - knowledge, attitudes and skills- of individuals associated with the justice systems of the participating countries. In turn, it is expected that these improved competencies will over time result in improved staff capacities and an increased awareness of the need for independent and professional judiciaries.

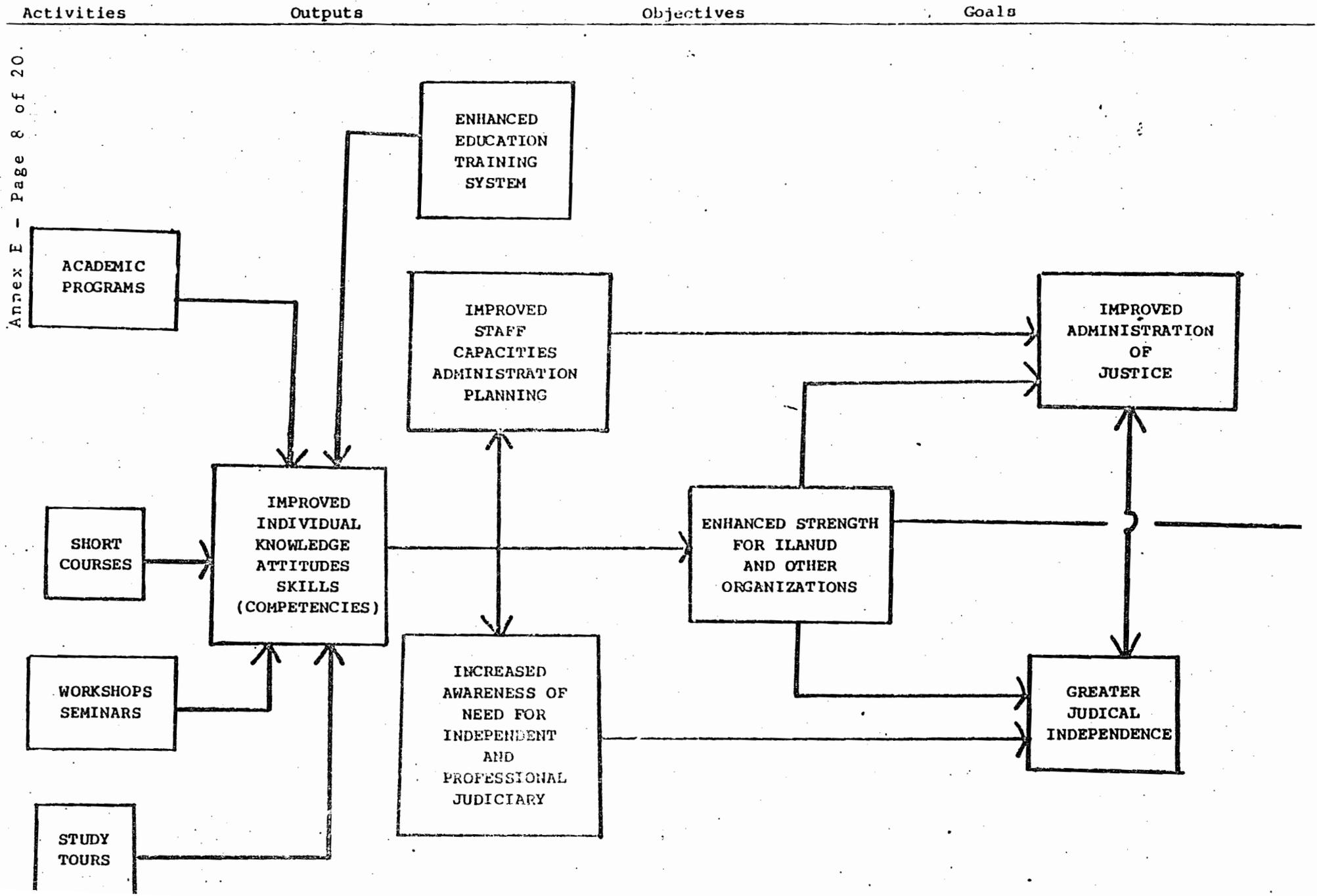
Competency Enhancing Sub-Components

All of the educationa-training sub-components are intended to directly impact on the knowledge, attitudes and skills of the individuals who participate in the program. The rationale for competency enhancing sub-components involves at least four primary assumptions:

1. That participation in education-training activities will help trainees develop new competencies because of their exposure to new knowledge, attitudes and/or skills;
2. That individual trainees will attempt to utilize their newly acquired competencies in appropriate work-related settings;
3. That these efforts will be supported by the organizations which employ the trainees.
4. That the use of these new competencies will improve the job performance of individuals and collectively contribute to an increase in the over-all productivity of the organization.

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FIGURE 1: IMPACT MODEL FOR EDUCATION-TRAINING COMPONENT



The formative evaluation of short course outcomes will focus on immediate changes in the competencies- knowledge, attitudes and skills- of the participants. For example, participants will be given a post-course questionnaire in which they will be asked to indicate the level of their pre-course and post-course knowledge, etc. of the material presented in the course. These questionnaires will be developed in collaboration with course instructors and will focus on the learning objectives specified for the course.

Although there will be variations to deal with differences such as operational activities, specific measures, etc., the basic evaluation approach will be similar to all four competency-enhancing sub-components of the Project. Figure 2 presents an overview of this approach using the short course sub-component as an example.

Formative Evaluation

In general, the formative evaluation will focus issues related to Project inputs, delivery activities and immediate outputs. As indicated in Table 8 above, the initial stages of the evaluation activities will involve consultations with AID officials and Project administrators and will focus on obtaining greater specifications concerning Project goals, objectives and operational activities. Later stages will involve monitoring and data collection efforts focused on project implementation activities. For example, in terms of the short course sub-component, evaluation staff will monitor all four developmental stages: 1) needs assessment- both problem analysis (what is wrong), and the development of competency expectations (what is possible); 2) development of specific learning objectives for each module/course; 3) development of materials and staff selection; 4) pilot presentations of the courses.

In terms of project inputs, the evaluation will focus on factors such as the: relevance and quality of materials developed, staff characteristics and the backgrounds of the individuals selected to participate. In order to accomplish these objectives, knowledgeable individuals will be employed to review materials, etc. and to provide project administrators with written reviews. These reviews will provide the first stage in the formative evaluation.

Evaluation efforts associated with course delivery activities will focus on factors such as instructional techniques and materials, the training site(s) and the actual performance of instructors and other significant staff. Data for these efforts will be derived from four primary sources. First, instructional materials will be reviewed by evaluation staff. Second, evaluation staff will monitor samples of the actual delivery of courses. Third, post-course debriefing sessions shall be held with project staff. Fourth, at the close of each module/course participants will be asked to complete an evaluation questionnaire. This questionnaire will focus on factors such as:

1. The training methods and materials in terms of their appropriateness to the needs and learning styles of the participants;

2. The quality of the instruction provided in terms of the apparent knowledge of the instructors, their organization and presentation of materials, and their apparent interest and responsiveness to participants;

3. The character and appropriateness of the instructional site and support services.

FIGURE 2:

EVALUATION COMPONENTS FOR SHORT COURSES

Inputs	Activities	Outputs (Objectives)	Outcomes (Goals)
1. Relevance of course content to the needs of participants.	1. Characteristics of the specific instructional (learning) techniques utilized.	1. Assessment individual competencies-knowledge, attitudes and skills - both post session and followup.	<p>Individual</p> <p>1. Assessment of efforts to use new competencies.</p> <p>2. Assessment of individual job performance (effectiveness/efficiency)</p>
2. Quality of course material in terms of the state of knowledge in the field.	2. Character and quality of the instructional materials used.		<p>Systemic</p>
3. Characteristics of the individuals recruited as instructors - educational background and practical experience.	3. Organizational structure in which staff, participants, instructional techniques and materials are combined.		<p>3. Increased intra and inter-national networking.</p>
4. Educational and professional backgrounds of the participants.	4. Assessments of course activities by: a) instructional staff debriefing, b) evaluation staff feedback, c) participant evaluations both post session and followup.		<p>4. Enhanced planning and decision-making for the administration of justice.</p>
5. Nature and character of implementation efforts-who participated, staffing, etc.	5. Analysis of factors influencing success and/or failure.		<p>5. Enhanced strength for regional and national support institutions - ILANUI Bar Associations, etc.</p>
6. Nature and character of needs assessments - who participated, techniques used.			<p>6. Increased support for an independent and professional judiciary.</p>
			<p>7. Improved administration of justice</p>
			<p>8. Analysis of potential for project institutionalization, self-sufficiency</p>
			<p>9. Analysis of factors influencing success and/or failure.</p>

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Summative Evaluation

The ability to evaluate outcomes depends upon a number of factors including where they occur in the causal chain of the impact model; operational activities; emerging organizational, national and international developments; and the costs involved. For example, changes in competencies and efforts to use them will occur before systemic improvements in planning and decision-making. Thus, it would be less than reasonable to attempt to identify systemic effects before determining whether changes in individuals' competencies had occurred or whether individuals were actually able to begin using new competencies in their work environment.

It is possible to identify an overall strategy and at least some of the issues on which data could be collected and analyzed. Given the complexities of the Project, it will generally be inappropriate- if not impossible- to use experimental methodological designs as part of the evaluation effort. However, efforts will be made to maximize the use of quasi-experimental designs such as time series analysis and to collect data from which pre and post project comparisons can be made. The specific data sources to be used will be identified during the early stages of the evaluation, but currently it appears that the primary sources will include: formal documents, statistical reports and the results of personal interviews and survey questionnaires. Table 9 represents an initial effort to identify some of the major issues on which evaluation data will be collected.

In addition to dealing with the issue of Project outcomes, the final project report will address issues such as:

1. The potential for project institutionalization and ongoing self-sufficiency;
2. Contextual factors influencing- facilitating or hindering- the implementation or failure of the Project.

TABLE 9
TYPES OF ISSUES-DATA FOR SHORT COURSE
OUTCOME EVALUATION

1. Individual Competencies
 - a. Personal Postcourse Assessment
 - b. Personal Follow-up Assessment
 - c. Formal Documents
 - d. Assessments by Others
2. Utilization Efforts
 - a. Personal estimates of efforts and the percentage of time devoted to them
 - b. Personal identification of factors facilitating or hindering use
 - c. Formal Documents
 - d. Assessments by Others
3. Performance Assessments
 - a. Personal Assessments
 - b. Formal Documents
 - c. Assessments by Others
4. Networking
 - a. Frequency of contact with appropriate individuals and/or organizations about relevant issues
 - b. Increased use of Project related resources
5. Criminal Justice Data System
 - a. Character of the system
 - b. Quality of Data in system
 - c. Use of the system
6. Planning and Decision-making
 - a. Extent of planning
 - b. Staff characteristics
7. National and Regional Support Organizations
 - a. Fiscal Support
 - b. Staff Characteristics
 - c. Utilization
 - d. Organizational Activities
 - e. Organizational Reputation
8. Independent/ Professional Judiciary
 - a. Relationship to other branches of government
 - b. Level of fiscal support
 - c. Source of fiscal support
 - d. Control of fiscal resources
 - e. Level and quality of human resources
 - f. Control of human resources
9. Administration of Justice
 - a. Length of processing time (samples)
 - b. Professional/nonprofessional behavior
 - c. Decision-making processes
 - d. Satisfaction with and support of system

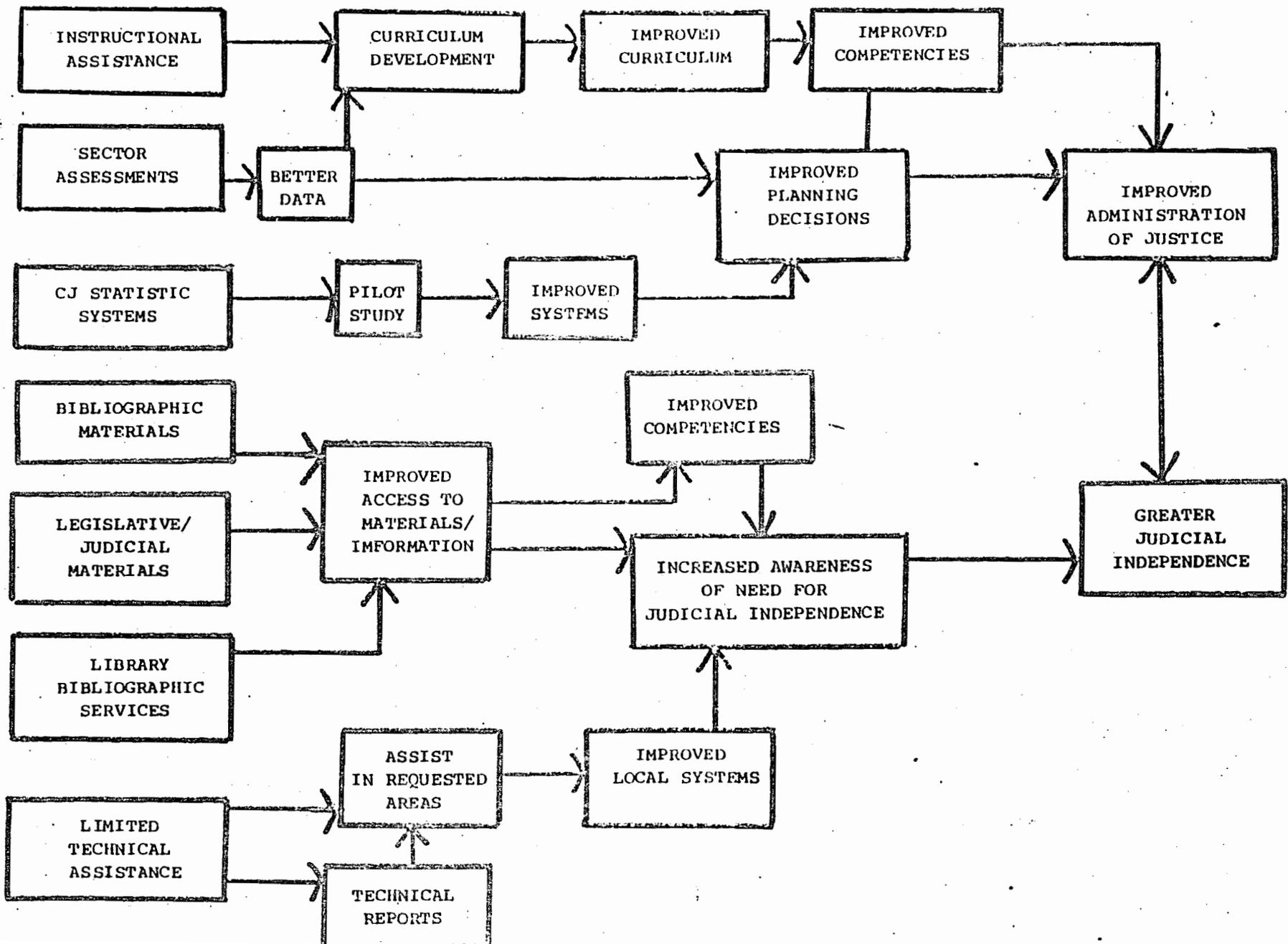
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FIGURE 3:

IMPACT MODEL FOR ADVISORY SERVICES COMPONENT

Activities Outputs Objectives Goals

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Advisory Services Component

Figure 3 presents an impact model for the advisory services component of the Project. This component has eight different operational activities distributed among three sub-components: 1) major technical assistance; 2) limited technical assistance; 3) instructional design. As indicated above, specific evaluation designs will be developed for each of the activities during the early stages of the Project. These designs will include both formative and summative designs for each activity.

1. Formative Evaluations

The formative evaluations for all seven activities will focus on issues related to project inputs, operational activities and immediate outputs associated with the specific activities. For example, the evaluation of the instructional assistance sub-component will include monitoring developmental efforts concerning: 1) needs assessments; 2) learning objectives; 3) materials development and presentation. Table 8 provides a summary of the types of data, at the present stage of Project development, that appear relevant to the evaluation. These evaluation activities will result in reports designed to provide project administrators and others with insights concerning project implementation and appropriate recommendations concerning possible modifications in project activities and direction.

2. Summative Evaluations

Summative evaluations will also be conducted for each of the advisory assistance sub-components. These efforts will focus on two issues. The first issue will be the use of services provided and user assessments of them. The second is the contribution made by these outputs to overall project goals and objectives such as improved individual competencies or increased awareness of the need for judicial independence. Table 10 provides a summary of some of the types of data that currently appear to be relevant to the evaluation.

TABLE 10: SUMMARY OF DATA FOR ADVISORY ASSISTANCE SUB-COMPONENTS

I. MAJOR TECHNICAL ASSISTANCE

A. Sector Assessments

1. Needs assessment efforts
2. Character and scope of research efforts
3. Nature of reports
4. Evaluation of reports
5. Utilization of reports

B. Criminal Justice Statistic Systems

1. Nature and scope of background work
2. Character and extent of changes tested
3. Adequacy of implementation efforts
4. Potential for self-sufficiency
5. Utilization of new system
6. Evaluation of new system
7. Additional changes of adoptions of system

C. Bibliographic Materials

1. Needs assessment efforts
2. Nature and amount of material distributed
3. Use of materials

D. Legislative Judicial Reporting System

1. Needs assessment efforts
2. Nature and scope of data collection effort
3. Networking efforts
4. Character and quality of reporting system
5. Use of reporting system
6. Potential for self-sufficiency
7. Evaluation of reporting system

E. Data Base Information Services

a. Library Reference Services

1. Needs assessment efforts
2. Character and scope of services
3. Networking efforts
4. Use of services
5. Potential for self-sufficiency
6. Evaluation of services

b. Modernizing Legislative & Judicial Reporting Systems

1. Needs assessment efforts
2. Character and scope of services
3. Networking efforts
4. Use of services
5. Potential for self-sufficiency
6. Evaluation of services

II. Limited Technical Assistance

- A. Needs assessments efforts
- B. Character and scope of services
- C. Networking efforts
- D. Requests for Project Assistance
- E. Nature of response
- F. Utilization of response

III. Instructional Assistance

- A. Needs assessment efforts initiated by project staff
- B. Results of project initiated efforts
- C. Requests for project assistance
- D. Results of requests
- E. Evaluations of assistance efforts

ILANUD SUPPORT

Figure 4 shows the third component of the Project consists of support services that will be initiated at ILANUD: 1) organizational development of ILANUD; 2) long-term advisors to ILANUD; 3) National Justice Commissions; 4) long-term development strategy for ILANUD. These support services are related to activities in the other components and are in fact critical for the successful implementation of both the education-training and advisory services components. Specific evaluations designs will be developed for each of these sub-components and they will include both formative and summative evaluation dimensions.

1. FORMATIVE EVALUATIONS

The formative evaluations for all four support service activities will focus on issues related to project inputs, operational activities and outputs associated with specific activities. Table 11 presents a summary of the types of data that at the present time appear to be relevant to the evaluation. As with the other components the formative evaluation will result in reports designed to provide project administrators and others with insights concerning project implementation and where appropriate recommendations concerning possible modifications in project activities and direction.

2. SUMMATIVE EVALUATIONS

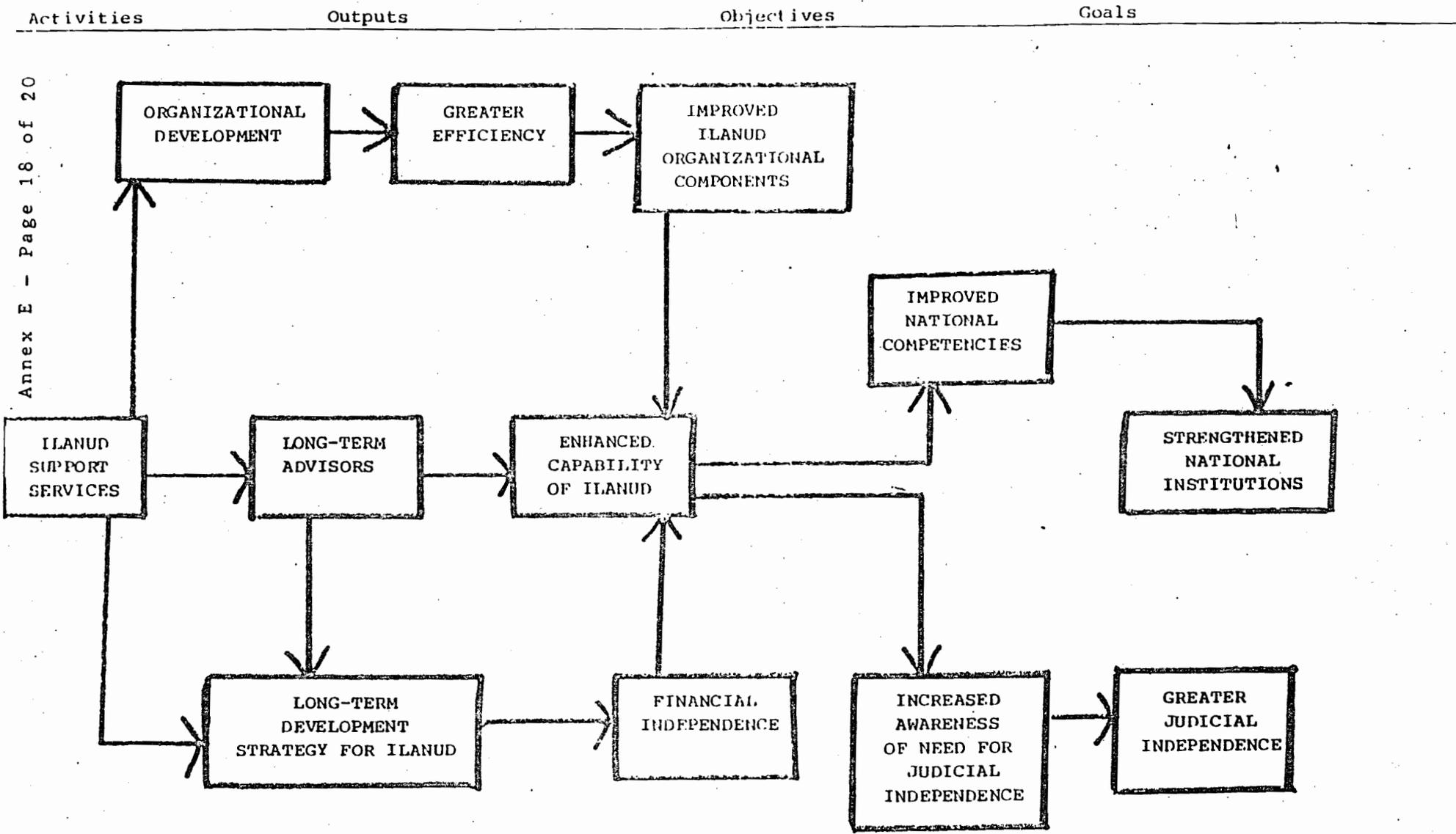
Summative evaluations will also be conducted for each of the ILANUD support service sub-components of the RAAJ Project. These efforts will focus on two issues. The first issue will be Project outcomes in the long-term development of ILANUD. The second issue will be assessments of the contribution made by ILANUD support services to the achievement of overall project goals and objectives. Table 11 provides a summary of some of the types of data that at the present time appear to be relevant to the evaluation of the ILANUD support services component of the RAAJ Project.

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FIGURE 4:

IMPACT MODEL FOR ILANUD SUPPORT COMPONENT



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TABLE 11: SUMMARY OF DATA FOR ILANUD SUPPORT SERVICES SUB-COMPONENTS

- I. Organizational Development and Support
 - A. Organizational Study
 - B. New Staff & Resources
 - C. Perceptions of Employees and Users
 - D. Long short term institution adaptation
 - E. Utilization of services
 - F. Evaluation of services

- II. Long-Term Advisors
 - A. Definition of Roles
 - B. Perception of roles
 - C. Service Delivery
 - D. Utilization of services
 - E. Evaluation of services

- III. Long-term Development Strategy
 - A. Evaluation of current funding resources
 - B. Forecasting of future needs and resources
 - C. Networking efforts future needs & sources
 - D. Identification of alternative sources
 - E. Signing of agreements with countries
 - F. Awards from donors

- IV. National Justice Commissions
 - A. Development Efforts
 - B. Definition of Roles
 - C. Participant Perception
 - D. Level of Commitment & Participation
 - E. Political Legitimization of Commissions
 - F. Outputs of commissions, ie.: national projects

Extension Services

The fourth component consists of six types of extension service activity; 1) Resident Program Coordinators; 2) Country Specific Activity Funding; 3) Sector Assessments; 4) Support for design of bilateral projects; 5) assistance to National Justice Reform Commissions; 6) Limited Commodity Assistance. These activities are crucial to the success of the regional effort, and the development of national strategies. Specific evaluation designs will be developed for each of these sub-components and they will include both formative and summative evaluation dimensions.

I. Formative Evaluations

The formative evaluations for all four support service activities

will focus on issues related to project inputs, operational activities and outputs associated with specific activities. As with the other components the formative evaluation will result in reports designed to provide project administrators and others with insights concerning project implementation and where appropriate recommendations concerning possible modifications in project activities and direction.

F. Financial AnnexPROJECTION OF AID EXPENDITURES BY FISCAL YEAR
(US\$000)

<u>SOURCE/USE</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>	<u>TOTAL</u>
<u>I. Training Component</u>						
<u>1. Short Courses/ Workshops</u>						
<u>Personnel</u>						
4 Adult Education Specialists	40.0	40.0	40.0	40.0	40.0	200.0
Clerical (2)	14.4	14.4	14.4	14.4	14.4	72.0
Long Term Advisor	45.0	45.0				90.0
Fringes (.3)	29.8	29.8	16.3	16.3	16.3	108.6
Trainers \$80 per day	13.1	8.4	8.4	8.4	8.4	46.7
Technical Assis. \$200 per day	6.0	4.0	4.0	4.0	4.0	22.0
<u>Travel</u>						
Relocation	36.60	36.60				73.2
Faculty (\$900 per)	14.7	3.9	3.9	3.9	3.9	30.4
TA	1.8	2.7	2.7	2.7	2.7	12.6
Students (\$346 per)	95.7	64.5	64.5	64.5	64.5	353.7
<u>Per Diem</u>						
TA (\$50 per)	6.5	2.5	2.5	2.5	2.5	16.5
Faculty (\$50)	14.0	8.4	8.4	8.4	8.4	47.4
Students (\$25 per)	75.5	12.5	12.5	12.5	12.5	125.5
Students (\$40 per)	9.6	9.6	9.6	9.6	9.6	48.0
Supplies	3.0	3.0	3.0	3.0	3.0	15.0
Equipment	41.0					41.0

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PROJECTION OF AID EXPENDITURES BY FISCAL YEAR
(US\$000)

<u>SOURCE/USE</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>	<u>TOTAL</u>
1. <u>Short Courses/ Workshops continued</u>						
Contractual Services	2.9	2.9	2.9	2.9	2.9	14.5
Printing & Pub.	4.0	3.0	3.0	3.0	3.0	16.0
Overhead (.14)	63.5	40.8	27.5	27.5	27.5	186.6
<u>Total</u>	517.1	332.0	223.5	223.5	223.5	1519.7

PROJECTION OF AID EXPENDITURES BY FISCAL YEAR
(US\$000)

<u>SOURCE/USE</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>	<u>TOTAL</u>
I. <u>Training Component</u>						
2. <u>Study Tours</u>						
<u>Personnel</u>						
Interpreter (\$150 per d 8 days per trip)	5.4	5.4	5.4	5.4	5.4	27.0
<u>Travel</u>						
Observers (\$1700)	15.3	15.3	15.3	15.3	15.3	76.5
Interpreter (\$1000)	4.5	4.5	4.5	4.5	4.5	22.5
<u>Per Diem</u>						
Observers (\$75 per d, 10 days average)	6.8	6.8	6.8	6.8	6.8	34.0
Overhead (.14)	4.5	4.5	4.5	4.5	4.5	22.4
<u>Total</u>	36.5	36.5	36.5	36.5	36.5	182.5

PROJECTION OF AID EXPENDITURES BY FISCAL YEAR
(US\$000)

<u>SOURCE/USE</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>	<u>TOTAL</u>
<u>I. Training Component</u>						
<u>3. Development of Admin of CCJ Program</u>						
<u>Personnel</u>						
Administrator	12.0	12.0			24.0	
Clerical (1) (\$300 per mo)	0.9	3.6	3.6			8.1
Technical Assistance (\$150 per day)	6.8					6.8
Adjunct Faculty		17.8	17.8			35.6
Fringes	0.3	4.7	4.7			9.6
3 Research Assts	4.5					4.5
<u>Travel</u>						
TA	0.9					0.9
Local Travel	0.3					0.3
<u>Per Diem</u>						
TA (\$50 per d)	2.3					2.3
Equipment	0.6					0.6
Supplies	0.5	1.0	1.0			2.5
Books & Materials		4.2	4.2			8.4
Telephone		1.6	1.6			3.2
Contract Serv Translation & Report Prep	3.3					3.3
Overhead (.14)	6.1	13.5	13.5	0.0	0.0	33.0
<u>Total</u>	26.5	58.3	58.3	0.0	0.0	143.1

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PROJECTION OF AID EXPENDITURES BY FISCAL YEAR
(US\$000)

<u>SOURCE/USE</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>	<u>TOTAL</u>
I. <u>Training Component</u>						
4. <u>University of Costa Rica Grad Program</u>						
<u>Personnel</u>						
Interpreter	1.2					1.2
<u>Travel</u>						
Tour US univ	1.7					1.7
Interpreter	1.0					1.0
Allowances (Housing \$500)		36.0	36.0	36.0	36.0	144.0
Tuition/Fees		3.4	3.4	3.4	3.4	13.6
Books & Materials		8.0	8.0	8.0	8.0	32.0
Printing & Repro		1.8	1.8	1.8	1.8.	7.2
Overhead (.14)	0.5	6.9	6.9	6.9	6.9	28.1
<u>Total</u>	4.4	56.1	56.1	56.1	56.1	228.8

PROJECTION OF AID EXPENDITURES BY FISCAL YEAR
(US\$000)

<u>SOURCE/USE</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>	<u>TOTAL</u>
I. <u>Training Component</u>						
5. <u>University of Honduras Grad Program*</u>						

*There are no figures available on the cost of this program, but it should not exceed \$200,000 LOP. It will be funded from the Extension Facility.

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PROJECTION OF AID EXPENDITURES BY FISCAL YEAR
(US\$000)

<u>SOURCE/USE</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>	<u>TOTAL</u>
II. <u>Advisory Component</u>						
1. <u>Major Technical Assistance Criminal Justice Statistics</u>						
<u>Personnel</u>						
Director	15.0	15.0	15.0			45.0
Secretary	7.2	7.2	7.2			21.6
Fringes (.3)	6.7	6.7	6.7			20.0
Technical Ass.	11.1	11.1	11.1			33.3
Student Ass. (\$30 per d)	14.4	14.4	14.4			43.2
Case Systems Analyst	6.0	6.0	6.0			18.0
<u>Travel</u>						
TA	4.3	4.3	4.3			12.9
<u>Per Diem</u>						
TA (\$50 per d)	3.5	3.5	3.5			10.5
Equipment (Computer, Off. Equip., Software)	29.3		29.3			58.6
Overhead (.14)	13.6	9.5	13.6			36.8
<u>Total</u>	111.1	77.7	111.1			299.9

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PROJECTION OF AID EXPENDITURES BY FISCAL YEAR
(US\$000)

<u>SOURCE/USE</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>	<u>TOTAL</u>
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II. Advisory Component

2. Reporting Leg. & Jurisprudence

Personnel

Technical Ass. \$200	22.8	22.8	22.8			68.4
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Travel

TA (\$1500 per d)	7.5	7.5	7.5			22.5
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Per Diem

TA (\$50 per d)	2.9	2.9	2.9			8.7
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Equipment (Computer, Off. Equip., Software)		10.5	10.5			21.0
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Supplies		1.0	1.0			2.0
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Reproduction	3.0	3.0	3.0			9.0
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Overhead (.14)	5.1	6.7	6.7			18.4
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<u>Total</u>	41.3	54.4	54.4			150.1
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PROJECTION OF AID EXPENDITURES BY FISCAL YEAR
(US\$000)

<u>SOURCE/USE</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>	<u>TOTAL</u>
<u>II. Advisory Component</u>						
<u>3. Bibliographic Assistance</u>						
<u>Personnel</u>						
TA (\$20 per d)	4.4					4.4
<u>Equipment</u>						
Books & Journals (\$125,000 per country)	125.0	25.0	25.0	25.0	25.0	225.0
<u>Total</u>	129.4	25.0	25.0	25.0	25.0	229.4

PROJECTION OF AID EXPENDITURES BY FISCAL YEAR
(US\$000)

<u>SOURCE/USE</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>	<u>TOTAL</u>
II. <u>Advisory Component</u>						
4. <u>Data Base</u>						
<u>Personnel</u>						
TA (\$200 perd)	12.0					12.0
Programmer	2.0	1.0	1.0	1.0	1.0	6.0
Documentalist	4.0	4.0	4.0	4.0	4.0	20.0
Fringe (.3)	1.2	1.2	1.2	1.2	1.2	6.0
<u>Travel</u>						
TA (\$900)	0.9	0.9	0.9	0.9	0.9	4.5
Per Diem	3.0					3.0
Equipment (Computer)	15.0					15.0
Telephone		1.2	1.2	1.2	1.2	4.8
Postage		3.0	3.0	3.0	3.0	12.0
Maintenance		1.8	1.8	1.8	1.8	7.2
Supplies		1.5	1.5	1.5	1.5	6.0
Overhead (.14)	5.3	2.0	2.0	2.0	2.0	13.5
<u>Total</u>	43.4	16.6	16.6	16.6	16.6	109.8

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PROJECTION OF AID EXPENDITURES BY FISCAL YEAR
(US\$000)

<u>SOURCE/USE</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>	<u>TOTAL</u>
<u>II. Advisory Component</u>						
5. <u>Limited Technical Assistance</u>						
<u>Personnel</u>						
(4 Technical Assistance Specialists)	48.0	48.0	48.0	48.0	48.0	240.0
Long Term Advisor	45.0	45.0	47.5			137.5
Secretarial	7.2	14.4	14.4	14.4	14.4	64.8
Fringes (.3)	30.1	32.2	33.0	18.7	18.7	132.7
Technical Assis (\$200 per day)	25.2	25.2	25.2	25.2	25.2	126.0
<u>Travel</u>						
Relocation Expense	28.6	15.6	32.1			76.3
TA	8.1	8.1	8.1	8.1	8.1	40.5
Staff	1.3	1.3	1.3	1.3	1.3	6.5
Supplies	3.0	4.0	5.0	5.0	5.0	22.0
<u>Equipment</u>						
(Computers, etc.)	20.0	1.4				21.4
Telephones	4.4	3.0	3.5	4.0	4.0	18.9
Maintenance	2.4	2.6	2.6	2.6	2.6	12.7
Overhead (.14)	31.3	28.1	30.9	17.8	17.8	125.9
<u>Total</u>	254.5	228.9	251.5	145.1	145.1	1025.1

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PROJECTION OF AID EXPENDITURES BY FISCAL YEAR
(US\$000)

<u>SOURCE/USE</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>	<u>TOTAL</u>
III. <u>Institutional Support</u>						
1. <u>Institutional Support for ILANUD</u>						
<u>Personnel</u>						
Project Director	54.0	54.0	54.0	54.0	54.0	270.0
Training Director	12.0	12.0	12.0	12.0	12.0	60.0
Advisory Ser. Dir	12.0	12.0	12.0	12.0	12.0	60.0
Secretary	9.6	9.6	9.6	9.6	9.6	48.0
Accountant	10.0	10.0	10.0	10.0	10.0	50.0
Comptroller	15.0	15.0	15.0	15.0	15.0	75.0
2 Asst to Admin Div	16.0	16.0	16.0	16.0	16.0	80.0
Equip Operator	4.2	4.2	4.2	4.2	4.2	21.0
Phone Oper.	4.8	4.8	4.8	4.8	4.8	24.0
4 Maintenance, messenger, etc	14.4	14.4	14.4	14.4	14.4	72.0
Fringes (.3)	45.6	45.6	45.6	45.6	45.6	228.0
<u>Travel</u>	12.4	12.4	12.4	12.4	12.4	62.0
Per Diem	7.2	7.2	7.2	7.2	7.2	36.0
Office Rental	24.0	24.0	24.0	24.0	24.0	120.0
Equipment (Office, computers, photocopier, tele. central)	44.4					44.4
Contract Services						
Translation	10.0	10.0	10.0	10.0	10.0	50.0
Maintenance	5.3	5.3	5.3	5.3	5.3	26.5
Supplies	2.0	3.0	3.0	3.0	3.0	14.0
Overhead (.14)	42.4	36.3	36.3	36.3	36.3	187.7

PROJECTION OF AID EXPENDITURES BY FISCAL YEAR
(US\$000)

<u>SOURCE/USE</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>	<u>TOTAL</u>
III. <u>Institutional Support</u>						
2. <u>ILANUD Long Term Advisors</u>						
<u>Personnel</u>						
1 Long Term Consultant	45.0	45.0	47.5			137.5
Secretary	7.2	7.2	7.2			21.6
Fringes (.3)	15.7	15.7	16.4			47.7
<u>Relocation</u>						
Travel	1.5		1.5			3.0
Moving	15.0		15.0			30.0
Schooling (child)	5.4	5.4	5.4			16.2
Relocation per diem	4.5					4.5
Housing Allowance	12.0	12.0	12.0			36.0
Project Travel	10.0	4.5	3.3			17.8
Per Diem	8.6	6.6	6.6			21.8
Supplies	1.0	1.0	1.0			3.0
Equipment	25.0					25.0
Overhead (.14)	21.1	13.6	16.2			51.0
<u>Total</u>	172.0	111.0	132.1			415.1

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PROJECTION OF AID EXPENDITURES BY FISCAL YEAR
(US\$000)

<u>SOURCE/USE</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>	<u>TOTAL</u>
III. <u>Institutional Support</u>						
3. <u>Institutional Support for Institute of Human Rights</u>						
<u>Personnel</u>						
Accountant	10.0	10.0	10.0			30.0
Program Planner	12.0	12.0	12.0			36.0
Publications Specialist	9.0	9.0	9.0			27.0
Fringes (.3)	9.3	9.3	9.3			27.9
<u>Travel</u>						
Professional meet	1.2	1.2	1.2			3.6
Per Diem	1.9	1.9	1.9			5.7
<u>Contract Services</u>						
Management Study	20.0					20.0
<u>Total</u>	63.4	43.4	43.4			150.2

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PROJECTION OF AID EXPENDITURES BY FISCAL YEAR
(US\$000)

<u>SOURCE/USE</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>	<u>TOTAL</u>
IV. <u>Extension Services</u>						
1. <u>Resident Program Coordinators</u>						
<u>Personnel</u>						
4 Coordinators	144.0	144.0				288.0
Fringe (.3)	43.2	43.2				86.4
Travel	8.0	8.0				16.0
Per Diem	6.7	6.7				13.4
<u>Total</u>	201.9	201.9				403.8

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PROJECTION OF AID EXPENDITURES BY FISCAL YEAR
(US\$000)

<u>SOURCE/USE</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>	<u>TOTAL</u>
IV. <u>Extension Services</u>						
2. <u>Sector Assessments</u>						
<u>Personnel</u>						
Consultants (\$200 per d x 1734)	346.8					346.8
16 students (\$30 per d x 60)	28.8					28.8
10 Secretaries (4mo x 600)	24.0					24.0
1 Secretary (6 mo x \$600)	3.6					3.6
<u>Travel</u>						
Foreign	56.7					56.7
Local	2.7					2.7
Per Diem	122.7					122.7
<u>Equipment</u>						
5 office install	4.0					4.0
Supplies	18.0					18.0
Reprod & Photocop	12.0					12.0
Office Rental	18.4					18.4
Overhead (.32 less equipment)	202.8					202.8
<u>Total</u>	840.5					840.5

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PROJECTION OF AID EXPENDITURES BY FISCAL YEAR
(US\$000)

<u>SOURCE/USE</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>	<u>TOTAL</u>
IV. <u>Extension Services</u>						
3. <u>Bilateral Project Design</u>						
<u>Personnel</u>						
Consultants (\$200 per d 70 days)	14.0					14.0
Travel	0.9					0.9
Per diem	3.5					3.5
<u>Total</u>	18.4					18.4

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PROJECTION OF AID EXPENDITURES BY FISCAL YEAR
(US\$000)

<u>SOURCE/USE</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>	<u>TOTAL</u>
IV. <u>Extension Services</u>						
4. <u>National Justice Reform Committees</u>						
<u>Personnel</u>						
5 Directors	50.0	50.0				100.0
5 Secretaries	40.0	40.0				80.0
Fringe (.3)	27.0	27.0				54.0
Travel	5.6	2.8				8.4
Telephones	10.6	10.6				21.2
Supplies	2.5	2.5				5.0
Equipment	11.6					11.6
<u>Total</u>	147.3	132.9				280.2

PROJECTION OF AID EXPENDITURES BY FISCAL YEAR
(US\$000)

<u>SOURCE/USE</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>	<u>TOTAL</u>
IV. <u>Extension Services</u>						
5. <u>ILANUD Extension Office</u>						
<u>Personnel</u>						
2 Extension Assts	20.0	20.0	20.0	20.0	20.0	100.0
Fringes (.3)	6.0	6.0	6.0	6.0	6.0	30.0
Supplies	1.0	1.0	1.0	1.0	1.0	5.0
<u>Equipment</u>						
2 office sets	1.0					1.0
Telephone	3.6	3.6	3.6	3.6	3.6	18.0
Overhead (.14)	4.4	4.3	4.3	4.3	4.3	21.6
<u>Total</u>	36.0	34.9	34.9	34.9	34.9	175.6

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