PD-AAZ-860
APPENDIX 3A, Attachment 1 02280
Chapter 3, Handbook 3 (TM 3:43)

AGENCY FOR INTERNATIONAL DEVELOPMENT

PROJECT DATA SHEET

1. TRANSACTION CODE: A (A = Add, C = Change, D = Delete) — Amendment Number: — DOCUMENT CODE: 3

COUNTRY/ENTITY: Costa Rica

2. PROJECT NUMBER: 515-0244

4. BUREAU/OFFICE: USAID/PDD — 05

5. PROJECT TITLE (maximum 40 characters): Justice Sector Improvement Project

6. PROJECT ASSISTANCE COMPLETION DATE (PACD): MM 09 DD 30 YY 91

7. ESTIMATED DATE OF OBLIGATION (Under 'B.' below, enter 1, 2, 3, or 4)
A. Initial FY 88 B. Quarter 4 C. Final FY 89

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

A. FUNDING SOURCE	FIRST FY 88 B. FX	C. L/C	D. Total	LIFE OF PROJECT E. FX	F. L/C	G. Total
AID Appropriated Total						
(Grant)	(1,500)	(-)	(1,500)	(2,900)	(-)	(2,900)
(Loan)	( )	( )	( )	( )	( )	( )
Other U.S. 1.						
Other U.S. 2.						
Host Country					1,137	1,137
Other Donor(s)						
TOTALS				2,900	1,137	4,037

9. SCHEDULE OF AID FUNDING ($000)

A. APPROPRIATION	B. PRIMARY PURPOSE CODE	C. PRIMARY TECH. CODE 1. Grant	2. Loan	D. OBLIGATIONS TO DATE 1. Grant	2. Loan	E. AMOUNT APPROVED THIS ACTION 1. Grant	2. Loan	F. LIFE OF PROJECT 1. Grant	2. Loan
(1) ESF	901	780		-	-	2,900	-	2,900	-
(2)									
(3)									
(4)									
TOTALS						2,900		2,900	

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

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 consolidate and modernize the Costa Rican justice system by strengthening important areas of the justice system; (a) national coordination and planning in the justice sector; (b) professional judicial education and training; (c) availability of up-to-date information on legislation in force.

14. SCHEDULED EVALUATIONS
Interim MM 03 YY 90 MM YY Final MM 09 YY 91

15. SOURCE/ORIGIN OF GOODS AND SERVICES: ☐ 000 ☐ 941 ☐ Local ☒ Other (Specify) 935

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

USAID Controller approves the Methods of Implementation and Financing proposed herein.

Tom Clarkson (for) 9/13/88
Phil Amos, CONT

17. APPROVED BY
Signature: Carl H. Leonard
Title: Mission Director
Date Signed: MM 09 DD 13 YY 88

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

AGENCY FOR INTERNATIONAL DEVELOPMENT
UNITED STATES A.I.D. MISSION TO COSTA RICA

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PROJECT AUTHORIZATION

Name of Country: Costa Rica

Name of Project: Justice Sector Improvement Project

Number of Project: 515-0244

1. Pursuant to Sections 531 and 534 of the Foreign Assistance Act of 1961, as amended, I hereby authorize the Justice Sector Improvement Project "Project" for Costa Rica involving planned obligations of not to exceed Two Million Nine Hundred Thousand United States Dollars ($2,900,000) in Economic Support Fund grant assistance over a two-year period from the date of authorization subject to the availability of funds in accordance with the A.I.D. OYB/allotment process and administrative approvals. The grant will assist in financing foreign exchange and local currency costs for the project. The planned life of the project is three years. The amount obligated for the Project in FY 88 shall not exceed $1.5 million dollars.

2. The Project consists of economic and technical assistance to strengthen the administration of justice in Costa Rica by enhancing sector coordination and planning, by strengthening professional judicial education and training, and by improving availability of up-to-date information on legislation currently in force. The United Nations Latin American Institute for the Prevention of Crime and Treatment of the Offender (ILANUD) will be charged with implementation of the Project. The Project's three components and their central activities are:

A. Support to the National Commission for the Improvement of the Administration of Justice for seminars, conferences, training, including especially criminal justice, educational programs and analyses for the purpose of improving the administration of justice and enhancing judicial capabilities;

B. Support to the Judicial School of the Supreme Court; and

C. Development of the Legislative Reference System of the Attorney General's Office to increase the availability of legal matters and publications.

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

A. Source and Origin of Commodities, Nationality of Services

Commodities and services financed by A.I.D. under the Grant shall have their source and origin in the United States, in countries which are members of the Central American Common Market, except as A.I.D. may otherwise agree in writing. In addition, services may have their nationality in countries within A.I.D. Geographic Code 935. 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.

B. Conditions Precedent to Disbursement

1. Prior to A.I.D. making the first payment under the Project or to the issuance by A.I.D. of documentation pursuant to which payment will be made, the GOCR will, except as the Parties may otherwise agree in writing, furnish to A.I.D., in form and substance satisfactory to A.I.D., the following:

a) An opinion of counsel acceptable to A.I.D. that this Agreement is signed within the legal limitations of the General Agreement that has been duly ratified through Law No. 3011 of July 18, 1962, and therefore constitutes a valid and legally binding obligation of the GOCR in accordance with all of its terms.

b) A statement of the name of the person holding or acting as the GOCR Minister of Justice and of any additional representatives, together with an authenticated specimen signature of each person specified in such statement.

2. In order for ILANUD to make the first payment for each of the distinct components of the Project or to the issuance by ILANUD of documentation pursuant to which payment will be made, A.I.D. shall have received evidence, in form and substance satisfactory to A.I.D., that the following elements have been complied with under the relevant component:

a) National Commission Component:

(i) That the Ministry of Justice, with the cooperation of the National Commission has committed in writing to achieve annual GOCR budgetary support to the National Commission of approximately ₡14 million from the national budget in 1989 in fulfillment of Executive Decree No. 17646-J, Article 10.

(ii) That the Ministry of Justice has agreed that the GOCR will bear 25% of the fixed costs of the National Commission component in the second project year, 50% the third year, and to assume all costs thereafter.

b) Project Coordination, Management, and Monitoring Component:

(i) That each of the three GOCR entities benefitted by the Project (National Commission, Attorney General's Office, and Supreme Court) has entered into a Memorandum of Agreement (MOA) with ILANUD concerning its component, which MOA is satisfactory in form and substance to A.I.D.

(ii) That the organization and the financial and administrative functions of the ILANUD Project Implementation Unit (PIU) and of other ILANUD support staff have been established, including the opening by ILANUD of two separate bank accounts for the Project (one dollar denominated and the other colon denominated), and such other pertinent controls and procedures as to permit receipt and disbursement of Project funds.

c) Legislative Reference System Component:

(i) That all additional permanent positions required to implement this component and to maintain the system thereafter will be assigned in accordance with the terms of relevant GOCR commitments respecting overall public sector employment levels.

d) Judicial School Component:

That, while recognizing the independence of the Judicial Branch, the GOCR has committed in writing to assist the Judicial Branch to achieve the positions required by the Court to expand the Judicial School in accordance with terms of relevant GOCR commitments respecting overall public sector employment levels.

C. Waivers

1. Source, origin and nationality requirements are hereby waived to allow procurement of services from any country included in A.I.D. Geographic Code 935 because of the lack of adequate suppliers from countries included in the Geographic Code 000 and the CACM which are able to provide the necessary services.

2. Non-competitive assistance award to the United Nations Latin American Institute for Crime Prevention and Treatment of the Offender (ILANUD) as the only proven implementing organization available in the region, as certified by the Regional Contracting Officer.

D. Certification:

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

Carl Leonard
Mission Director

JUSTICE SECTOR IMPROVEMENT PROJECT

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List of Acronyms

AGO	Attorney General's Office
A.I.D.	Agency for International Development
CRSA	Costa Rican Sector Assessment
COPOIN	Commission on Information Policy
FIU	Florida International University
GOCR	Government of Costa Rica
ILANUD	United Nations Latin American Institute for the Prevention of Crime and Treatment of the Offender
JEC	Judicial Education Commission
JPC	Judicial Planning Committee
JSIP	Justice Sector Improvement Project
KWIC	"Keyword-in-context"
LAC	A.I.D. Bureau for Latin American and the Caribbean
LAC/AJDD	LAC Office of Administration of Justice and Democratic Development
LAC/DI	LAC Office of Democratic Initiatives
LEXIS	Legislative Information Service
LOP	Life of Project
LRS	Legislative Reference Service
MIDEPLAN	Ministry of Planning and Economic Policy
MOA	Memorandum of Agreement
MOJ	Ministry of Justice
OAS	Organization of American States
OIJ	Office of Judicial Investigations
PIU	Project Implementation Unit in ILANUD
ProAg	Project Agreement
RAJO	Regional Administration of Justice Office
RAJP	Regional Administration of Justice Project
SUIJ	Sistema Universitario de Informática Jurídica
UCR	University of Costa Rica
UNDP	United Nations Development Program
UNESCO	United Nations Educational, Scientific and Cultural Organization

I. PROJECT SUMMARY

A. The Problem and Rationale

A Costa Rica Justice Sector Assessment was undertaken in 1986-1987 by a group of Costa Rican researchers guided and supervised by the Center for Administration of Justice of Florida International University under the auspices of the ILANUD (United Nations Latin American Institute for the Prevention of Crime and Treatment of the Offender)/Regional Administration of Justice Project. The study identified significant problems facing the justice system in Costa Rica. These problems include the inefficient operation of the police forces, ineffective administration of the penal system, judicial reliance on outmoded court practices and procedures, lack of coordinated research, planning, and programming in addressing the long-standing needs of the justice system, a critical need for education and training for justice system personnel, and the lack of access to current legislation and court decisions. This Project addresses the principal problems (except police and penal reform) as follows:

1. Justice System Planning and Coordination

The first problem to be addressed by the project is the lack of coordinated research, planning, and programming by justice sector institutions in Costa Rica. The central mechanism for addressing this problem will be the National Commission for the Improvement of the Administration of Justice (hereafter referred to as the National Commission) established by the Government of Costa Rica (GOCR) at the beginning of the ongoing ILANUD/A.I.D. Regional Administration of Justice Project (RAJP) (Project Nos. 597-0002 and 598-0642). The RAJP provided the impetus for the establishment of the National Commission in 1985 and has funded staff support for its initial operations. The RAJP strategy envisioned the fostering of cooperation and coordination among organizations involved in the administration of justice in participating countries by means of the creation of a national commission in each country, composed of representatives of those organizations, with support from ILANUD and the bilateral Missions. The RAJP planned that support for the national commissions would be continued under bilateral A.I.D. projects in each core country. Thus, the regional project does not anticipate providing support to the Costa Rica National Commission beyond 1988. While the National Commission has become a force in the Costa Rican justice sector that meets regularly and has sponsored justice reform activities, it has not yet fully developed the staff or the institutional capability to produce all of the studies, reports and sector plans to fully establish and promote the concrete goals, priorities, and time frames for reaching these goals. Thus, if it is to achieve its objectives, the National Commission needs continued and increased technical and financial support. It is also necessary to build and reinforce the commitment of the sector's principal entities to accept the advise of the National Commission as the principal promoter of effective planning, coordinating, and improved efficiency of institutions in the justice sector.

2. Judicial Education and Training

The second problem is the lack of systematic education and training for the judicial branch of government (including judges, public defenders, prosecutors and court support personnel). Although the employment conditions of judicial branch employees in Costa Rica are relatively favorable, the lack of judicial education and training, particularly in the practical aspects of administering the criminal justice process, has been identified in the Sector Assessment as a major impediment to improved case-processing performance. (See Costa Rican Sector Assessment (CRSA), Final Report.)

In recent years, many countries have devoted increasing attention to judicial education and training. The reason is fairly clear. There has been a growing awareness that the quality of justice will ultimately depend on the quality of performance of judges, prosecutors and defense lawyers. Legal rules and court systems are not enough: Court systems do not operate automatically, and cases do not decide themselves. Given the best laws and the most modern court system, justice can never be much better than the people who administer it.

Less than genuinely effective judicial performance seriously lessens the quality of justice. At the least, such performance may result in conviction of the innocent. In addition, it increases the costs of the judicial system to the public in terms of lengthier trials, reversals for error, and retrials; it causes, at times, serious personal and family hardships, and increased legal expenses, resulting from delayed or prolonged court proceedings; and it increases the societal danger of criminal acts committed by defendants awaiting trial or decision on appeal.

In brief, many nations, in addressing the long-standing needs of their courts, have come to realize that education of judicial sector personnel is one of the most effective, and perhaps indispensable, means for enhancing the fair and efficient administration of justice. Costa Rica, however, has thus far provided educational services on a regular basis only for administrative support personnel and judicial police. In spite of considerable judicial interest, it has not expanded and strengthened the Judicial School to provide systematic in-service education to other key justice system personnel, i.e., judges, prosecutors, and public defenders. (CRSA p. 165 and p. 303)

3. Legislative Reference Service (LRS)

The 1986 Judicial Sector Assessment also identified the lack of accurate and readily available information on legislation in force (legislación vigente) as a major problem in the justice sector. (CRSA p. 274 and p. 310) The problem consists in not knowing what legislation is in force and effect with regard to questions that come before the judicial system. No system currently exists to provide such information. (CRSA p. 315) Each legal practitioner must perform his/her own

analysis based on publications of texts of laws as they appear in La Gaceta. This is a time-consuming and uncertain process.

Past efforts have tried to address this problem. The Agency for International Development (A.I.D.) funded the most ambitious such effort in the 1970s when the Legislative Assembly contracted with a U.S. firm to produce a compilation of then valid laws. Although the contract was not completed, it did produce a multi-volume index of Costa Rican legislation covering the years up to 1970, and a manual compilation of the laws through that year. However, the Assembly was more interested in creating new laws than updating the system and did not allocate the necessary resources to do the job. Therefore, the index and compilation are neither accessible nor relied upon by those who participate in the judicial process, and are now nearly 20 years out of date. Since 1970, new legislation and executive decrees have proliferated, greatly expanding the magnitude of the information to be addressed by judges and lawyers.

The current Legislative Assembly is not willing to spearhead or direct a renewed effort to address this problem. However, it is backing a shared effort with the executive and judicial branches. In 1985, the Legislative Assembly conducted a study of the possible automation of existing systems for compiling and making legal information available, and created the Commission on Information Policy (COPOIN). To assist in this effort, an Executive Secretariat for Information was established in the Ministry of Planning (MIDEPLAN), and a technical Committee for Information was formed with interested representatives from public sector entities which would use the information. As part of this effort, a working commission (Comisión Interinstitucional Coordinadora del Proyecto de Sistematización de la Legislación Vigente) was created to coordinate the design of a project for the systematization of current legislation which would be executed by the Attorney General's Office. This commission, with participants from the Ministry of Justice, the National Assembly, the Supreme Court, the Attorney General's Office, and MIDEPLAN, assisted by ILANUD and the University of Costa Rica, produced a project proposal in March 1987 whose principal elements and methodology have been incorporated in the present design of the automated legislative reference system to be implemented by the Attorney General's Office. The principal aims are to automate and make publicly available information on legislation in force based initially on the three major manually-compiled and updated indexes on legislation now maintained by the Attorney General's Office.

4. Project Implementation

The Mission will enter into a Project Agreement with the Ministry of Justice (MOJ) (as the representative of the GOCR) where the Parties agree that A.I.D. will execute a Cooperative Agreement with ILANUD to implement the Project. ILANUD will then enter into separate implementation agreements with the GOCR beneficiary agencies (the National Commission, the Supreme Court, and the Attorney General's Office).

ILANUD has been selected as the implementing organization because: (a) its related activities under A.I.D.'s ongoing Regional Administration of Justice Project (RAJP) have given ILANUD some experience in this type of project implementation; (b) its status as an international organization makes it much more acceptable to work in this sensitive area of Costa Rica's sovereignty; and (c) ILANUD is the only international organization specializing in justice sector improvement currently operating in Latin America.

The cooperative agreement mechanism has been selected to provide direct Mission support and direction to ILANUD during implementation so that it will become able to implement similar activities in other member countries, and to permit close Mission coordination between the implementation of this Project and the RAJP.

A more complete discussion of this section is found in Section IV of this Project Paper.

B. Project Goal, Purpose, and Expected Achievements

The goal of the Project is to improve the administration of justice in Costa Rica in order to increase the speed and efficiency with which justice is imparted in Costa Rica.

The purpose of the Project is to consolidate and modernize the Costa Rican justice system by strengthening important areas of the justice system: (a) national coordination and planning in the justice sector; (b) professional judicial education and training; and (c) availability of up-to-date information on legislation currently in force.

By the end of the Project these activities will have achieved the following:

- The National Commission for the Improvement of the Administration of Justice will be an effective instrument for planning, promoting, monitoring, and evaluating the execution of a coordinated national administration of criminal justice program with its own budget.

- The Judicial School of the Supreme Court will provide a system-wide, career-long, professional education and training program for all judicial branch personnel (approximately 1100 people will be trained annually).

- The Office of the Attorney General of Costa Rica will have an automated system to provide up-to-date, systematic information on legislation in force which is accessible both to public and private sector institutions and to the general public.
- Through the experience gained implementing this Project, ILANUD

will be able to implement other justice sector improvement projects in member countries (part of its original mandate).

The resulting more efficient justice sector will directly benefit every person in Costa Rica who calls upon the court system for redress and will indirectly benefit all Costa Ricans as the improved justice system strengthens democracy.

C. Project Activities, Costs and Funding

The Project is organized into four components. They and their costs are as follows:

Table 1: Project Budget

	A.I.D.	GOCR	TOTAL
	(thousands of dollars or dollar equivalent)		
a. Support to the National Commission	678	152	830
b. Support to the Judicial School	737	827	1,564
c. Legislative Reference Service	879	265	1,144
d. Support to ILANUD	539	-	539
e. Audits	67	-	67
	2,900	1,244	4,144

A.I.D. will enter into a project assistance agreement with the GOCR, where the Parties agree that A.I.D. will execute a Cooperative Agreement with ILANUD for approximately $2,900,000 for the implementation of the Project. The GOCR will commit not less than $1,244,046 (approximately 30% of the total cost of the Project), primarily in in-kind support, to the Project.

II. PROGRAM FACTORS

A. Judicial Sector Overview

As Costa Rica continues to try to develop a vigorous and growing economic base for its people, at the same time it is firmly maintaining its democratic traditions. As Costa Rica's population grows and its society becomes more complex, the strain on its governmental institutions increases.

Its judicial system, one of the best in the region and a major support to the nation's democracy, is under constant pressure. Significant efforts to modernize the justice system and improve its efficiency are needed. The justice sector lacks adequate comprehensive planning, a continuing educational system sufficient to fulfill its needs, and complete knowledge of legislation currently in force.

The nation's 19th century leaders were constantly concerned with maintaining internal security and control of social conflict so that the agriculturally-based economic growth would not be stifled. A multi-faceted foundation for stability was laid in that period. A legally-based consolidated system of public powers was developed, including an orderly juridical structure. A democratic culture was born which focussed on a respect for liberty, human life, property, individual security, the prohibition of torture and capital punishment. A compulsory education system was created which served as the basis of a free citizenry. Also, a juridical ideology began in those years which firmly defended the role of the judge as an impartial decision-maker, the supreme authority within the progressively autonomous judicial branch. (CRSA p. 315)

The system developed in the 19th century remained largely unchanged until the 1940's when blue-collar segments of the country became more influential and a series of legal reforms with increased emphasis on social security were promulgated. Out of the short 1948 revolution came a new Constitution which established a much cleaner separation of powers between the legislative, executive and judicial branches of government, and created an autonomous Supreme Electoral Tribunal responsible for all electoral matters. (CRSA p. 23)

This new Constitution had a substantial impact on the judicial system. It authorized eight-year terms for Supreme Court magistrates, gave the judiciary exclusive jurisdiction over constitutional challenges, legal review of executive branch actions and the power to appoint the Supreme Electoral Tribunal members. Also, it was granted veto power over legislation pertaining to the judiciary (subject to a two-thirds majority legislative override). Thereafter, the only fundamental change which added significantly to the strength and independence of the judiciary was a 1957 Constitutional amendment which required 6% of the national budget be set aside exclusively for the Judicial Branch.

Today, the Costa Rican justice system has six major elements: the police; the Public Ministry (Prosecutor); public defenders; the courts; the correctional system; and practicing attorneys. The police and the correctional system are administered by the executive branch. The courts, prosecutors and public defenders, as well as a judicial investigative police force, come under the judicial branch. Finally, the Costa Rica Bar Association, a private professional organization and one of the oldest such organizations in the region, regulates the licensing and the conduct of lawyers and establishes minimum fees they may charge. All lawyers must belong to the Association in order to exercise their profession.

In Latin America, the Costa Rican justice system ranks among the best, yet the strains of a burgeoning population, highly concentrated in a single metropolitan area, and the economic stagnation of recent years have given rise to symptoms which, if left to develop, could significantly weaken the vital checks and balances it provides this bastion of democracy in the region. Long delays of due process are becoming an increasing concern of justice professionals and the general public alike. (CRSA pp. 284-287, 317) Judicial caseloads are spiraling upward. Pre-trial investigations which are stipulated to take not more than six months, often last much longer. This long legal process and heavy reliance on a monetary bail system, often beyond the financial means of a large number of accused, is contributing to an unacceptable degree of overcrowding in detention facilities. Complicating the situation is that although Costa Rican legislation is among the most modern in the region, it has relied significantly on adopting laws of other countries without adequate adaptation. The resulting legal code can appear somewhat incongruous and inordinately complex. In some instances, current laws are in conflict with others, some agreements Costa Rica has with other nations are not in agreement with its national laws. Compounding the problem is a dearth of adequate legal reference resources available to the legal profession, including law schools and judges. Legal practitioners and judges cannot always obtain a clear understanding of what laws are in effect. Furthermore, different segments of the legal profession cite inadequate continuing education as a major drawback of the judicial system.

This project will firmly bolster critical segments of Costa Rica's judicial system. Its three components target: (1) the National Commission with technical assistance aimed at strengthening its institutional capability; (2) the Judicial School of the Supreme Court with technical assistance, training and equipment to improve its continuing education program; and (3) the Office of the Attorney General with technical assistance, training and equipment to develop a computerized legal reference system.

B. Relationship to GOCR Development Strategy

The GOCR's "National Development Plan 1986-1990" characterizes as "urgent" the "rationalization of the public sector". This rationalization includes a more efficient operation and simplification of procedures for both public and private users.

The JSIP addresses these priority concerns through improved sector coordination from the National Commission, through the more efficient operation of the courts from improved education and training, and through simplified and expanded access to legislation in force.

C. Relationship to Mission Strategy and Action Plan

The Mission's "Strategy Update 1988" includes strengthening democratic institutions as one of its objectives. In Costa Rica the judiciary stands out as one of the most important democratic institutions. The JSIP has been

developed to improve the professional capacity and administration of the criminal justice sector by (1) strengthening the National Commission so it can take the lead in criminal justice sector planning, (2) expanding and improving the preparatory and in-service training for the legal professionals of the court system, and (3) establishing a system accessible to the public, as well as to government institutions, which provides up-to-date, systematic information on legislation in effect.

In the same way, the JSIP directly responds to, and is included under, "Objective No. 14: Strengthen Democratic Institutions" of the Mission's Action Plan 1989-1990.

D. Relevant Experience with Similar Projects

USAID/Costa Rica has not been involved in activities similar to those proposed under this bilateral administration of justice project during the past 15 years. However, in the early 1970s, the A.I.D. program in Costa Rica did include a Law and Development component which involved activities with the Legislative Assembly and the Faculty of Law of the University of Costa.

One of these activities involved the preparation of a systematic compilation of laws in force. This was an ambitious effort that resulted in a multi-volume index and compilation of Costa Rican legislation covering the years through 1970. As already noted, the index and compilation are incomplete, out-of-date and non-automated.

A significant success was achieved with the establishment of the Digesto de Jurisprudencia in the Supreme Court in the early 1970's. Under an A.I.D. contract, specialists established a case digest system that has been kept current. It produces short digests of all cases decided by the Supreme Court and the 18 Superior Courts. At the present time, the Digesto is used extensively.

Another Law and Development activity provided support to the University of Costa Rica (UCR) Faculty of Law during the early 1970's. This involved a comprehensive program to reorganize the teaching of law on the basis of the case method. Faculty members were trained in the United States and other countries, and American law professors assisted in the development of a curriculum to reflect these changes. However, the project became the subject of political disputes and personality conflicts, and was terminated.

The lessons learned from the experience of the Law and Development program in general, and the Costa Rican experience in particular, were taken into account in the design of A.I.D's Regional Administration of Justice Project and in the design of this bilateral project. There is no attempt to remake legal education in Costa Rica in the U.S. image. Radical change is not sought in the nature or operation of the local judicial system. All ideas for project activities have been developed by national entities and reviewed by the National Commission. The design of the project represents a collaborative

effort by the National Commission and other relevant local entities that has wide support in Costa Rica, including the President of the Supreme Court, the Minister of Justice, the Attorney General and the Dean of the Faculty of Law. U.S. institutions and technical advisors play a less prominent role. The work to be performed will be conducted in Costa Rica through an international organization under the full participation and guidance of the Costa Rican entities involved in the project. Thus, it is believed that this project will avoid the difficulties encountered by predecessor Law and Development activities in Costa Rica.

E. Progress of the Regional Administration of Justice Project

The Regional Administration of Justice Project (RAJP) was authorized by the Bureau for Latin America and the Caribbean (LAC) of the Agency for International Development in March 1985 for a life of project funding of $10 million. The regional Project's purpose 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 with major emphasis on criminal justice system improvement." The Project Paper targeted five core countries--Costa Rica, Dominican Republic, El Salvador, Honduras, and Panama. (The latter was subsequently eliminated from the Project due to unstable political conditions.)

The Project provides funds to ILANUD so that ILANUD can provide training, technical assistance and analytical assistance to national organizations important to the operation of the criminal justice sector and improve its own institutional capability to provide such assistance.

The Project also funds a cooperative agreement with Florida International University (FIU) for technical assistance and advice to ILANUD in the conduct of its RAJP responsibilities.

Finally, the Project supports the operation of A.I.D.'s Regional Administration of Justice Office (RAJO) in Costa Rica which is the project manager and the source of technical advice and guidance for the A.I.D. Missions in those countries in which the RAJP is active.

LAC's Office of Democratic Initiatives (LAC/DI) provides overall policy guidance and oversight in the RAJP. USAID/Costa Rica, which has concurrent implementation authority with LAC/DI, provides programming, administrative, and financial management support to the RAJO. The RAJO has technical and overall project management responsibilities.

The RAJP was amended on May 14, 1986, to increase total LOP funding from $10 million to $12.27 million. The additional funds incorporated Guatemala as a core country ($1.145 million); provided for ILANUD training of justice sector personnel in Bolivia, Colombia, Ecuador, Peru, Uruguay, and Venezuela ($505,000); added funds for support of RAJO ($425,000); and provided for contingencies ($195,000).

The amended Regional Project supports: (1) ILANUD operations; (2) technical assistance to ILANUD from FIU pursuant to a Cooperative Agreement between FIU and A.I.D.; (3) training, technical and financial assistance from ILANUD to justice sector institutions in the five core countries; (4) ILANUD training assistance to the six South American countries listed above; and (5) the cost of maintaining the RAJO in Costa Rica and the Resident Coordinators in the USAID Missions in three core countries. By the end of 1988, ILANUD will have trained nearly 3,000 justice professionals under RAJP auspices.

The RAJP through ILANUD has also provided limited support for administrative and management improvements at the Interamerican Institute for Human Rights, also located in San José and the recipient of other centrally funded A.I.D. assistance.

The PACD is March 1990 and LAC/DI and RAJO expect to recommend that the project be extended through December 1992.

It should be noted that the regional project does not provide funds to assist individual countries in carrying out major activities to improve or reform justice sector institutions. Such funds are expected to be obtained from other sources -- particularly through bilateral activities developed and funded by A.I.D. Missions in the respective participating countries. Thus, the emphasis of the regional project in its current phase is on consolidating ILANUD's achievements and further strengthening ILANUD for its widened regional role.

Thus far in Costa Rica, the regional project has funded the Sector Assessment and a high level workshop to evaluate its findings and formulate recommendations for follow up reforms; the training of approximately 635 justice sector professionals; financial and program design assistance to the National Commission; an ILANUD-directed pilot project to automate a public reference jurisprudence digest currently maintained manually by the Supreme Court; and support through ILANUD for the design of a project to systematize information on legislation currently in force. In conjunction with the jurisprudence pilot project, ILANUD has developed a thesaurus of legal terminology that will be used as a basis for indexing in the legislative reference service (LRS) activity proposed herein. Moreover, the GOCR (specifically, the Attorney General's Office) has already taken its own considerable steps toward LRS implementation. To advance that activity and preserve project planning momentum, USAID/Costa Rica is donating a small amount of computer equipment necessary for planning the activity and training the LRS team members already selected. This equipment, purchased with USAID and GOCR jointly programmed local currency will faciliate implementation of the legislative reference project to be supported under the JSIP.

F. Other Donor Activities

There are no other donors involved in similar projects in the Costa Rican justice sector. While ILANUD, which is headquartered in San José,

receives support for its programs from A.I.D., the Ford Foundation, the Organization of American States (OAS), the United Nations Development Program (UNDP), several governments in the region, and the governments of Spain and Japan, it currently has no activities in Costa Rica outside of the RAJ project.

III. PROJECT DESCRIPTION

A. Project Goal and Purpose

The overall goal of the project is to improve the administration of justice in Costa Rica in order to increase the speed and efficiency with which justice is imparted. Although the Sector Assessment revealed a relatively high level of public confidence in the fairness of the criminal justice system, it also emphasized the significant public concern with the slow pace of the justice system (especially with its increasing caseload); the cost of the system to the government and the public; and the overall ability of the system to perform effectively.

The project purpose is to consolidate and modernize the Costa Rican justice system by strengthening three important areas of the justice system: (a) national coordination and planning in the justice sector; (b) professional judicial education and training; and (c) availability of up-to-date information on legislation currently in force. Thus, the emphasis of this bilateral project will be on improving the administration of the Costa Rican justice system which will require better training and performance of personnel in key justice sector institutions and in coordinating the efforts of those institutions.

Achievement of the project purpose will result in a more competent, capable, and thus more efficient justice system and access to current legislation, which will contribute to the overall goal of the project.

B. Project Components

1. Justice System Planning and Coordination -- The National Commission

The component will strengthen the National Commission for the Administration of Justice so that it can lead sector planning, coordination, and development. The total cost of this component is $678,136 in grant funds and $152,337 in local currency equivalent as a counterpart contribution.

a. Background

The purpose of the National Commission is to provide a mechanism for gaining the support and guidance of key institutions for national action programs and for the operation of the Project. The Costa Rican Commission was established by executive decree in late 1985. In 1987,

the number of members was increased from five to seven. Its membership now consists of two representatives of the Supreme Court and a representative of the Ministry of Justice, the Procuraduría, the Bar Association, the National Assembly, and the University of Costa Rica's Law Faculty. The GOCR has issued a decree which gives the National Commission permanent status, expands its membership, and commits the executive branch to provide an operating budget. (See Annex G.)

Until early 1987 the operation of Costa Rica's National Commission was not remarkable. It met irregularly, and did not provide significant leadership to the justice sector. Some of its members questioned its utility. The national workshop which reviewed the Sector Assessment in early 1987, recommended the creation of an Executive Secretariat for the National Commission. As a result, with financial assistance from ILANUD, the National Commission in May 1987 hired the part-time services of an Executive Coordinator and the full-time services of an assistant to enable it to carry forward its work of fostering improvements in the sector and in particular carrying forward the recommendations of the workshop. Since the appointment of the present Executive Director, the work of the National Commission has become more orderly and focused. It meets at least once a month. Its key members are now willing, even enthusiastic, participants in its deliberations.

The National Commission currently acts as a stimulator of project proposals from existing entities of the government and as a broker of the proposals with sources of potential financing, both internal and external. It has not yet achieved significant experience in this effort.

For 1988 ILANUD has funded the operations of the Costa Rican National Commission. ILANUD also provides an office for the National Commission in its own headquarters, as well as other services such as utilities and secretarial services. The strategy of the Executive Director is to seek funding for the work of the National Commission from the GOCR beginning in the 1989 national budget.

b. The Proposed Activity

The objective of this component is to consolidate the prior work of the National Commission, assist it to systematize its ongoing activities, and provide the necessary resources to enable it to have a greater role and influence in the decision-making process involving administration of justice activities in Costa Rica. Achievement of these objectives will enable the National Commission to improve planning and coordination of justice sector activities in Costa Rica and to play a more active and influential role in the administration of justice.

To achieve these objectives, the JSIP will support the National Commission's activities in its priority areas. This will involve an updating of portions of the 1986 Justice Sector Assessment; strengthening planning and administrative capacity of the Judiciary (Poder Judicial); and

improving legal training and education (formación jurídica) in Costa Rica. The JSIP will also support the institutional development of the National Commission to enable it to carry out its proposed expanded program.

The National Commision's program is described in more detail in the following sections.

1) Justice Sector Assessment

(a) Update and Follow-up Activities

The National Commission will conduct studies and assessments to update the 1986 Sector Assessment and follow up on some of its concrete recommendations. The National Commission will select the topics in collaboration with ILANUD and other relevant justice sector entities and will sponsor a comprehensive research effort on topics selected. Since the National Commission lacks in-house research capability, it will base its research program and activities on specialized, short-term technical assistance, either locally procured or from abroad. Some of its research also will be through "joint ventures" with local justice sector entities. Under these arrangements, the National Commission will promote an idea or topic that merits further research (e.g. expanded use of pre-trial release; a speedy trial act; etc.) and coordinate actual research with the relevant, or appropriate, research institution, perhaps split-funding some projects.

A principal expected outcome of the National Commission's research activities will be the development of proposals for new legislation or executive decrees, based on the research and recommendations. Developed to address issues and/or specific problems identified, such new legislation and/or decrees will be presented to the relevant government authorities in accordance with the National Commission's Annual Strategy.

The National Commission will coordinate and or carry out two major research activities per year over the three year life of the JSIP, a total of six activities.

(b) Dissemination of Research Results

The National Commission will organize and conduct workshops and seminars to present and discuss its research and recommendations. The purpose of these seminars will be to raise public awareness on issues and problems identified by its research involving the administration of justice, and to promote solutions to these problems with relevant public officials. Some of these seminars will be designed to analyze and discuss mutual problems and issues faced by two or more administration of justice institutions (encuentros de coordinación). The objective of these seminars will be to achieve improved coordination and law enforcement efficiency among and between such sector institutions.

The National Commission plans to conduct six seminars and/or encuentros during the three years of the project.

The National Commission also plans to improve the distribution and dissemination of legal information (including its own research) to a wider audience (particularly legal practitioners) by programs to improve legal documentation and bibliographic services. The objective of this activity is to achieve better utilization of the existing materials by distribution, on a selective basis, to target audiences of legal practitioners. As an example, the National Commission plans to review, update, copy and circulate to all 85 current public defenders a set of materials recently compiled by a former director of the public defenders office. These include all relevant portions of the Constitution, international human rights accords, statutes and rules, and recent court decisions of interest to public defenders. Currently, only three sets of these materials exist. Another possible activity may be a survey of all existing public and private law libraries to determine where they are and what they contain, establish better inter-library exchange and publicize indexes of available legal materials.

2) Administration Strengthening of the Judiciary (Poder Judicial)

The 1987 Sector Assessment Workshop stressed the need and importance of creating a planning office or similar facility in the Judiciary to address the general lack of management capability and other administrative shortcomings, particularly its increasing caseloads. The Supreme Court has also recognized the pressing nature of these problems and on repeated occasions has expressed the need to address the issue.

The National Commission will assist the Supreme Court to improve court management and planning capabilities. The National Commission will assist the Supreme Court in the design and organization of a planning and management office. Such an office would be responsible for conducting studies on the organization and operations of the Supreme Court and recommending improvements to the system; developing projections on future resource needs; establishing overall resource and operational development strategies; and promoting rationalization of resources.

To this end, the National Commission will provide the necessary technical assistance and resources to guide the Supreme Court in organizing the planning office. This assistance will consist of training, short-term scholarships, and specialized technical assistance.

(a) Training: The National Commission will organize five (5) short-term, in-country training activities to improve the planning capabilities of Judiciary personnel involved in the Supreme Court's planning process and related activities. ILANUD's training division will provide assistance in developing the training activities and in selecting the

appropriate technical assistance.

(b) Internships: The National Commission will coordinate four (4) internships per year for short-term training in court management, perhaps in the Office of Court Administration of Puerto Rico. Candidate selection will be coordinated by the National Commission in collaboration with the Judicial School of the Supreme Court and ILANUD's training and technical assistance divisions.

(c) Technical Assistance: The National Commission, with ILANUD's help, will be responsible for obtaining local or external technical assistance to conduct the necessary feasibility studies on the organization of the Supreme Court's planning office, its objectives and functions, and develop short- and medium-term work plans for such a planning office. Technical assistance requirements include six (6) months of local consultancies, or three (3) months of international consultancies.

3) Legal Education and Training (Formación Jurídica)

The JSIP will support the National Commission's current plans to improve legal education and training in Costa Rica. The objective of these activities is to improve Costa Rica's "legal infrastructure", and thus address the following problems:

(a) The widespread perception among practicing lawyers and the judiciary is that the quality of legal education and training has declined in recent years. It has been noted that very few of the law faculty have had postgraduate training in recent years. It is assumed that improved training for professors will produce better trained lawyers, with resulting efficiencies in the administration of justice.

(b) Another problem involves the teaching methods currently in use in Costa Rican law schools. Most law professors have no training in educational methods. The current approach is generally based on a lecture format, highly theoretical, with little room for legal problem analysis, and research oriented toward imparting practical lawyering skills.

(c) Finally, the lack of practical skills in drafting legislation and administrative rules and regulations by legal practitioners in key positions in government has been identified as a serious constraint to an efficient administration of justice. The serious repercussions of this phenomenon were noted in the Sector Assessment which indicated that the lack of practical skills at the mid-levels of the bureaucracy often result in a situation where conflicts are "pushed" to higher levels of the bureaucracy, thus contributing to an increasingly inefficient justice system. The National Commission wishes to design programs to teach legislative drafting skills. A possible course in this area could be designed and added to the fifth-year law program at UCR. Internships for graduates with committees of the Legislative Assembly and GOCR ministries with decree drafting responsibilities are another possible outcome.

The JSIP will support the National Commission's work, to be carried out in conjunction with the Colegio de Abogados and the Law Faculty of the University of Costa Rica, to develop programs to improve Costa Rica's legal education and training. The National Commission's approach will be based on coordination of activities with other interested organizations and obtaining the necessary funding and technical assistance for program development. Their current work with the Colegio de Abogados and the Law Faculty of the UCR provides an example of the approach. In close collaboration with those entities, the National Commission recently hired two local consultants to design and propose a scholarship program to improve legal education in Costa Rica. Funds for the consultants are obtained from ILANUD. The consultants' report, due by the end of August 1988, will be discussed by an interdisciplinary group consisting of representatives from the National Commission, ILANUD, the Colegio de Abogados and the Law Faculty of the University of Costa Rica.

In this area the National Commission expects to develop the following training activities to be supported by the JSIP:

(a) Long-term Training: As noted above, the National Commission, the Colegio de Abogados and the Law Faculty of the University of Costa Rica expect to develop a program of long-term, post-graduate training abroad for law professors, legal researchers and others.

Scholarships will be awarded for deepening professional preparation in traditional as well as specialized areas currently not taught in the two Costa Rican law schools (e.g. computer law, international trade, modern banking, etc.) and to improve the teaching of law through improved methodologies and materials. These scholarships will be conditioned on the recipients' agreement to teach (in the case of law professors), possibly for a period three times as long as the scholarship period.

(b) Short-term Training: This component aims to improve skills in key sectors of the government bureaucracy. For example, technicians from the Legislative Assembly's Departamento de Servicios Técnicos which is responsible for preparing and drafting new legislation (proyectos de ley), will be selected for short-term training to improve drafting skills. Similarly, executive branch officials will improve skills in preparing and drafting executive decrees and other relevant legal documents.

4) Institutional Development of the National Commission

The JSIP institution-building effort will strengthen the National Commission's capacity to carry out the activities and program proposed in the previous sections. This will allow the National Commission to consolidate its prior work and to: 1) coordinate the conduct of assessments and evaluations; 2) develop its financial management capabilities and technical resources; 3) coordinate and supervise proposed projects and disseminate the results of its research activities; and 4) promote planning and coordination among sector entities.

5) A Dual Level Strategy

In addition, the National Commission's strengthened capabilities will enable it to play a more active role in the government's decision-making process on justice sector matters. Achievement of this important institutional objective is based on the National Commission's adoption of a dual level strategic approach.

(a) Level One - The Basic Program

The first level corresponds to the National Commission's technical/administrative work in its priority areas, as described in the previous sections. As described above, these activities involve coordinating and procuring financial and technical resources for its research program and related activities; coordinating sponsored project activities and the dissemmination of findings and recommendations; and promoting planning and coordination between institutions in the sector so as to achieve maximum utilization of resources.

(b) Level Two - The Annual Targeted Advocacy Program

The second level of the National Commission's strategy consists of a more ambitious, innovative approach of targeted public and private advocacy on behalf of specific justice sector improvement programs. The National Commission will take advantage of the high-level representation of its membership to actively promote solutions at the appropriate governmental levels. Under the current Executive Decree, the National Commission is comprised of two Supreme Court magistrates (judges), the Attorney General, the Minister of Justice, the Dean of the UCR law faculty, the President of the Bar Association, and a Deputy of the Legislative Assembly. The National Commission's "Level Two" Targeted Advocacy work will consist of a series of high profile activities (reports, press releases, public fora, private meetings) aimed at influencing the program and policy process of key government officials and institutions involved in the administration of justice. To achieve major impact, these activities will anticipate, parallel, and monitor the annual program and budget cycle of the relevant GOCR agencies and the Legislative Assembly.

The long-term objectives of these "Level Two" activities will be to increase public officials' awareness of the work of the National Commission in the justice sector and, ultimately, to obtain financial, policy and operational and other commitments from the respective government entities to address issues raised by the National Commission's technical work.

A specific aim will be to institutionalize the "Level Two" Annual Targeted Advocacy process so that in the long-run the National Commission can become a regular, influential participant in the GOCR's decision-making process. The necessary political actions will be taken by the

National Commission to integrate its work as a regular feature of the GOCR decision-making process. To this end, the National Commission will develop two types of mechanisms:

(i) Informal Mechanisms

The National Commission will be responsible for organizing public forums, seminars, public hearings, etc. to make its opinions known to relevant public authorities. For example, the National Commission's work shall be made known to legislative committees of the Legislative Assembly responsible for conducting studies on the administration of justice through appearances at public hearings (audiencias) or submission of formal studies prepared by the National Commission.

The National Commission will develop similar activities targeted at governmental entities such as the GOCR's budget office in order to present the National Commission's point of view, based on its technical research capabilities, concerning appropriate budget allocations for administration of justice activities.

(ii) Formal Mechanisms

The National Commission will promote GOCR adoption of a procedure requiring that the relevant government entities consult the National Commission on matters relating to the administration of justice. Whether achieved by regulation, decree, law or other means, the aim would be a policy formation process in which the National Commission would be consulted regularly on the development of relevant agency plans and budgets on administration of justice matters. The long-range objective of these activities would be to institutionalize this consultative process.

(c) Inputs

JSIP assistance for the foregoing National Commission program will fund increased office space, office equipment, materials, the following staff: one Director, two Assistant Directors and a secretary, and contracted consultants and researchers.

The funds allocated to support the National Commission activities are $830,473 to be disbursed through the LOP according to the following schedule:

Table 2: Support to the National Commission Component Budget

		A.I.D.	GOCR*	TOTAL
		------(dollars or dollar equivalent)------		
1.	Staff Salaries			112,983
	-Director	21,945	17,955	
	-Secretary	8,778	2,182	
	-Assistant (2)	24,140	19,751	
	-Other	7,278	5,955	
2.	Program Consultants	263,100	18,900	282,000
3.	Office/Equipment/ Support	21,225	13,275	34,500
4.	Scholarships	139,200	-	139,200
	-Salary Support	-	40,000	40,000
5.	Workshops	3,300	2,700	6,000
6.	Seminars	8,250	6,750	15,000
7.	Contingency	180,920	19,870	200,790
	TOTAL	678,136	152,337	830,473

*Actual local currency equivalent is calculated at 76 colones/U.S. dollar.

2. Judicial Education and Planning -- The Judicial School

This component will strengthen and enhance the Judicial School of the Supreme Court, enabling it to fulfill its charge of providing continuing education for support staff and professionals, including judges, prosecutors and public defenders. The budgeted cost of this component is $1,563,092, $736,630 in grant funds and $826,460 in local currency equivalent as counterpart contribution.

a. Overall Focus

A continuing education program for judiciary employees is essential to assure efficient daily operations and accurate judicial decisions in accordance with current laws. The Supreme Court initiated a Judicial School in 1981 but as yet it is only partially fulfilling its mandate. This component of the Project will strengthen and expand the school. It will provide technical assistance and training to develop: (1) continuing education institutes (seminars); (2) basic orientation courses ; and (3) advanced judicial courses. In addition, a comprehensive set of practical everyday working publications, and audio and video tapes will be developed. The current Judicial School will be used to develop a comprehensive continuing education program and thereby build upon the organization and staff already in place.

The concept for a Judicial School began in the 1960's. Over the next several years semi-formal instruction was conducted within the purview of the Supreme Court and in 1981 the Legislative Assembly granted the Judicial School formal legal status. The Judicial School was founded after the Supreme Court concluded that an internal training program was needed to instruct new and experienced employees in the day-to-day operation of the court system and provide a legal review program for experienced staff. Initially, the objective was to develop classes for secretaries, clerks and other support staff and then expand the curriculum for judges to include more advanced classes encompassing new legislation and some of the more complex areas of Costa Rican law. Currently, the school is housed in the Supreme Court, has a staff of 12, teaches a formalized 2-year curriculum for administrative support personnel, and conducts occasional seminars and short courses for the Supreme Court's legal professionals.

To date, the Judicial School has performed its initial objective of supporting staff training. However, a continuing education program for judges has not been sufficiently developed due primarily to a lack of funds for curriculum development and training for instructors. There exists no other permanent educational program in the country which legal professionals can attend to maintain and update their legal training. Only sporadic courses are available through the Costa Rican Bar Association. The Law Schools do not have programs appropriate for this purpose.

The judicial educational program will be based on training by peers.

The Judicial School courses will be planned and conducted by committees comprised of individuals actually working in the respective course subject matter in order to ensure the practical relevance of the training.

To the extent possible, the faculty will be composed of personnel actively working in the fields of law covered by the program. Like other continuing education faculty in such fields as medecine and engineering, the faculty members from within the justice system will serve without compensation, but will be reimbursed for their actual and necessary expenses in performing Judicial School work. However, the faculty members may receive appropriate time off from their other duties to prepare for and discharge their teaching responsibilities. Faculty members and consultants from outside the court system will be reimbursed for their services.

All faculty members will receive training in adult education and teaching methodologies from experts in the field to enhance their instructional skills and techniques.

Incorporating experience gained in developing the expanded continuing education program, the Judicial School will develop a formal judicial education curriculum and a set of standards governing the participation of justice system personnel as faculty members and students.

The Supreme Court will realign the current Judicial Education Commission (JEC) which is headed by a member of the Supreme Court and composed of a cross section of representatives from the judicial sector consisting of other judges, prosecutors, public defenders and other court personnel as appropriate. The Judicial Education Commission is responsible for the development and operation of the Judicial School. It approves the Judicial School's curriculum plans and formally reports to the Supreme Court annually on the school's program and future plans.

The Supreme Court appointed Director of the Judicial School will be responsible for recruiting the other members of the Judicial School staff. In addition to a Director and an Associate Director, the Project will finance up to eight program directors (and support staff) who will be responsible for developing each of the program areas. (The staff positions financed by the JSIP are included in Annex H). The Director shall also be responsible for organizing the Judicial School office and classrooms.

The Director will work closely with the Judicial Education Commission in developing a list of activities for the first year's program. After the list is developed and approved, the Judicial Education Commission will appoint, after considering the recommendation of the director, the appropriate number of Judicial Planning Committees (JPCs) to plan and carry out each activity. Each of the Judicial Planning Committees shall be composed of three to six members, representative of both the client groups which are to participate in each of the particular programs and of the interests of various geographical areas of the country. In subsequent years, the selection of the Judicial School activities will be done in a similar manner with the Judicial

Education Commission having final approval authority.

The continuing education institutes and the basic courses will be the initial education elements to be developed by the Judicial School. The advanced study courses will be developed in the latter phases of the Project. Up to 16-20 continuing education institutes (of 3 days each) and 6 basic courses for new personnel (of 1 month each) will be conducted during the first operating year of the project. Planning committee meetings to develop the courses will be held in the initial six months, with courses beginning in the second half of the Project's first year. In the fourth month of instruction an internal evaluation of the teaching program to-date, focussing on the subject material and teaching methodology, will be conducted. A two-month course redevelopment period will proceed in conjunction with the final two months of the first year of instruction, incorporating information obtained from the internal course evaluation conducted previously. The continuing education institutes and the basic courses will continue to be taught in subsequent years, with similar periods scheduled for evaluation and course redevelopment.

The planning process for the development of the second year's advanced judicial courses (of one week each) will begin toward the end of the first year. Just as for the continuing education institutes and the basic courses of the first year, the advanced judicial studies will be evaluated and a two-month course redevelopment period will proceed in conjunction with the final two months of the second year of instruction. Also in the second year, a publications plan and videotape/audiotape preparation plan will be prepared for the Judicial Education Commission's approval.

To assist in the development and evaluation of courses and other Judicial School activities, consultants will be hired with expertise in conducting planning committee meetings, developing courses of specialized topics, adult education techniques, judicial publications, and in the preparation of educational audio and video tapes.

The planning and instruction process will be repeated for the third-year basic courses, institutes, advanced judicial courses, publications and tape projects, and research will be conducted in court modernization and trial delay reduction.

By the end of the third year, with the assistance of the Judicial School staff and, if appropriate or necessary, outside consultants, the Judicial Education Commission shall recommend to the Supreme Court: 1) a standard curriculum plan for the various types of justice system personnel, 2) a set of standards governing the participation of faculty and students in Judicial School programs and projects, and 3) a model faculty training plan that can be replicated in other Latin American countries.

The three-year project will conclude with a final evaluation, and formal transfer of all financial support for the Judicial School to the Supreme Court.

It should be noted that while there is a net increase in personnel for the Judicial School, the Supreme Court has committed to accomodate the personnel increase within current overall ceilings established by GOCR personnel restrictions.

b. Special Focus: Public Defenders

One of the principal components of judicial education involves the training of public defenders. Although Costa Rica is one of the few countries in the Latin American region with a relatively well-developed public defenders system, it lacks specialized training for its members. Training activity for public defenders in Costa Rica will be developed in conjuction with, and as an integral part of, the general upgrading of judicial education as described in the previous section. The specific objective of this training effort will be to educate public defenders to provide high quality legal representation to all persons to whom the department provides services. Public defender services need to be brought to a level and maintained so as to compare favorably with those provided by privately retained defense attorneys, and should extend to all criminal proceedings provided by law.

The activities of this component can proceed almost as soon as the agreement with ILANUD is executed. The following illustrates the planned implementation schedule for this component.

Table 3: Judicial School Implementation Schedule

ACTIVITY	MONTH																																		
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36
1. Realignment of JEC		1																																			
2. Hire additional Judicial School staff			2																																		
3. JEC approval of Jud. Sch. activ.			2							9													22														
4. Appt. of JPCs			2																																		
5. Hire Consultants				3																																	
6. Develop basic courses & institutes				3	4	5	6					11	12											23	24											35	36
7. Develop standards for participation					4																																
8. Teach basic courses & institutes								7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36
9. Internal Evaluation of basic courses & Inst.											10												22												34		
10. Dev. adv. courses											10	11	12											23	24											35	36
11. Teach adv. courses														13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36
12. Dev. audio & video tapes, and publications												11	12	13										23	24	25											
13. Internal evaluation of advance courses																							22												34		
14. Develop and conduct Research																										25	26	27	28	29	30	31	32	33	34	35	36
15. Completion of Std. curriculum																																			34		
16. Completion of model faculty training plan																																			34		
17. Final Evaluation																																				35	

The budget for this component is:

Table 4: Judicial School Component Budget

	A.I.D.	GOCR*	TOTAL
	(dollars or dollar equivalent)		
Staff Salaries	269,585	429,307	698,892
Sal. for Judicial Sch. Participants' Replacements	176,099	105,790	281,889
Consultants	30,000	-	30,000
Travel Expense	103,724	32,362	136,086
Facilities, Equipment and Supplies	61,140	151,203	212,343
Contingency	96,082	107,799	203,882
TOTAL	$ 736,630	$ 826,461	$1,563,092

*Actual local currency equivalent is calculated at 76 colones/U.S. dollar.

Transfer of the responsibility for recurrent costs to the GOCR will be phased in over the life of the Project. At least two-thirds of all recurrent costs will be shifted to the GOCR by the end of the third year.

3. Legislative Reference Service (LRS)

This component will create an automated legislative reference system in the Office of the Attorney General of Costa Rica (AGO), an administrative dependency of the Ministry of Justice. The total cost of this component is $879,550 in grant funds and approximately $265,000 in local currency equivalent as counterpart contribution.

a. Background

This component, whose pre-automation phase was begun in July 1987, is based on the March 1987 project design produced by the GOCR's Comisión de Sistematización de la Legislación Vigente, which included representation from the legislature, the judiciary and several entities of the executive branch.

In July 1987, the National Commission for the Improvement of the Administration of Justice recommended to the Ministry of Justice and the Attorney General that the LRS be moved forward through the device of an Executive Decree declaring: (1) the LRS project to be "of public interest", (2) designating the Attorney General's Office the seat of the LRS, and (3) authorizing all public entities to provide the maximum legally permissible support. This decree, finally issued in December 1987 (Executive Decree No. 17842-J) cleared the way for the Asamblea and MIDEPLAN to lend personnel to assist (half-time) in the AGO's start-up efforts. In the meantime, ILANUD's Department of Technical Assistance has assumed a role as the principal operational driving force that continues to date. The Attorney General had requested ILANUD to assign some of the time of Dra. Ana Garita, an able attorney and the director of informática jurídica pilot efforts with the Guatemala and Costa Rica Supreme Courts under the RAJP. ILANUD acceded to the request, and Dra. Garita and her two assistants have spent significant effort (one quarter time) on the LRS for most of the past year.

Activities undertaken have been:

(1) Organization of an Expert Consultancy. Dr. Jaime Giraldo, a member of the Colombian Supreme Court and a well-known expert on automated legal information systems and former director of the Instituto SER in Bogotá headed a team which developed and tested a legal information retrieval software in pilot applications in several Colombian courts. From September 26-30, 1987, he visited ILANUD and the Attorney General's Office to: a) review, discuss and help refine the LRS project document and b) conduct a workshop for AGO, ILANUD, and the Costa Rica Supreme Court on techniques and methods for establishing and managing legislative information systems.

(2) Design and Development of the ILANUD Legal Macrothesaurus. This effort was undertaken by ILANUD and the AGO attorneys to expand ILANUD's previously developed thesaurus which covered only criminal law terminology, since the LRS would require indexing of all categories of Costa Rican laws. This ongoing effort began early in 1988 and has progressed to a point where it is ready for review by the interinstitutional committee.

(3) Remodeling of Space in the AGO to House the LRS Staff and Equipment. This was jointly designed by the AGO and ILANUD and funded by ILANUD from RAJP extension facility resources. It was begun in February 1988 and completed in June.

(4) Acquisition of Two Microcomputers. These were recommended by A.I.D./IRM consultants in March 1988 for use in training LRS personnel at the AGO and in design and development of a range of possible formats for eventual use in the LRS. This effort was backed by USAID/Costa Rica, which undertook to donate initial minimal equipment to assist in preserving the AGO's project development momentum.

(5) Training and Orientation of the Initial LRS Team (Lawyer,

Systems Analyst, Document Management Specialist, Law Clerk). Materials on judicial and legislative information systems have been distributed, read and discussed in staff work sessions. The AGO's lawyers and analyst have been involved in the thesaurus modification and design efforts. AGO team members have visited Colombia and Argentina under ILANUD and National Commission auspices to study functioning systems there.

(6) Premilinary Database Magnitude Determination. Recently ILANUD, following advice of A.I.D./IRM consultants, contracted a systems analyst to review software alternatives. Together with AGO's LRS project legal assistants, ILANUD conducted a preliminary analysis of the legislative output from 1948-1988 by reviewing issues of La Gaceta for that period. The effort has produced a close estimate of the actual number of laws passed in that period (approximately 6,000), their length in La Gaceta pages and the number of articles per law. Using this material, ILANUD's analyst has created a data base, using d-Base III Plus, on an ILANUD computer. The next step, to be completed by the end of August 1988, will be to review La Gaceta issues with published laws to determine and record how laws are related (repeals, modifications, vetos). Thus, a closer approximation will be made of the final size of the data base to be automated.

b. The Proposed LRS

The LRS responds to the need for up-to-date information on national legislation currently in force. This need is primarily felt by judges deciding cases, by lawyers pleading cases, by legislators debating new laws, by businessmen conducting commerce, and by everyone trying to determine what they can and cannot do in this very legalistic society.

The Attorney General's Office, as the final and official authority on the interpretation of Costa Rican law, urgently requires a modernized system to allow expeditious rendering of its legal opinions which are binding on the public sector.

Presently a three-person staff in the AGO indexes new legislation by hand for filing in a cardfile. This resource is the country's only such compilation. It is accessible only to the AGO personnel who prepare draft legal opinions and answer public inquires.

The end result of Costa Rica's practical inability to know what laws are on the books has been a plethora of legislation unrelated to existing laws, contradictory legislation, unrepealed obsolete legislation, and inconsistent judicial decisions and legal advice based on inaccurate, contradictory, or uninformed interpretations of the laws. This problem has been growing rapidly since the current judicial system was established in 1947.

The GOCR and the private commercial sector have requested assistance to resolve the problem.

This project will provide to the AGO sufficient computer capacity to record all national legislation since 1947 (full text) and handle 10-20 remote terminals around the country to access the legal data. A contractor will be hired to help identify the most appropriate hardware and to install it once it has been procured.

The Project will provide for the identification and adaptation of software to process the new data (full text of the laws and descriptive codes for identifying laws in force, laws no longer in force, and specific laws sought by the user) and to make the data accessible to the user terminals. Several software programs have been identified during project design as candidates for the task:

(1) the Sistema Universitario de Informática Jurídica (SUIJ) developed in Colombia, and its version for micro computers;

(2) LEXIS, the principal legislative information system developed in the United States;

(3) Micro-ISIS developed by UNESCO;

(4) BRS/Search, a U.S. system used in bibliographic compilations.

ILANUD and the AGO are both currently investigating other systems as well.

The final program will have an index containing all the titles and subtitles of the laws and articles. It will have the full text of the laws passed after 1947 still in effect to permit access through a "keyword-in-context" (KWIC) method and to permit creation and modification of indices based on the Macrothesaurus. The system will allow practitioners to scan, at one terminal, both the index to laws and the full text. It will, however, limit printouts to small sections of a desired text with reference to the hard copy. The AGO and the ILANUD project advisor will select the software based on recommendations from the ILANUD systems analyst and on testing of the best alternatives during the first three months of project implementation.

The design team realizes that whatever software is selected, it will need to be modified to Costa Rica's requirements. To the extent necessary, outside specialists will be contracted by ILANUD, through open competition, to work in-country, directly with the AGO to adapt the software, input the data, and, at the same time, train the selected AGO staff to operate, maintain, and modify the program as experience later dictates.

The AGO is the best place for the LRS for the following reasons:

(1) it has been charged by Presidential Decree to carry out the LRS activity;

(2) it is obligated by law to provide official and binding interpretations of the laws;

(3) it currently carries out LRS activities manually;

(4) it is the primary user of the system;

(5) the other primary users including the courts, the National Assembly (which is supposed to have an LRS, but would prefer to drop the service if another adequate source is developed), the executive branch, and the Bar Association have agreed to centralize the LRS in the AGO; and

(6) the AGO is willing and able to provide the staff and office space for the activity.

In addition to the hardware and software, the Project will provide training to the AGO staff delegated to the LRS section. Specialized training covering the philosophy and administration of an LRS program, the use of the hardware, and the development, modifications, use, and maintenance of the software will be provided. The system operators will participate in the software modification as part of their on-the-job training which will also include use and maintenance of the program. This training will be carried out during the first year of the Project. ILANUD, with appropriate contracted assistance, will design appropriate short- and long-term training.

Identifying, purchasing, and modifying the software, inputting the data, hiring and training the permanent staff are expected to take approximately nine months. Once the computer hardware has been purchased, delivered and installed, the staff will be trained in its operation and the system will be transferred to the new equipment from the micro computers used in the initial phase.

This component has the following implementation schedule:

TABLE 5: LRS Implementation Schedule

Activity \ Month	0	3	6	9	12	15	18	21	24	27	30	33	36
1. Identification Software	X	X											
2. Identification Hardware	X	X						X	X				
3. Procurement Hardware			X	X						X			
4. Set Up Hardware					X						X		
5. Modification Software			X	X	X				X				X
6. Training Staff			X	X	X	X	X						X
7. Training Director	X	X	X	X	X								

To ensure the vitality of the system, the Attorney General's Office, under this project, will establish a users committee. It will be composed of representatives of the institutions or groups who use the system. The committee's main role will be to consult on coordination, planning, and implementation procedures which will ensure an efficient inter-institutional information system.

The founding members of the committee will be from the following organizations:

a. The Attorney General's Office (which will chair the committee)
b. The Supreme Court
c. The Ministry of Justice (through its dependencies using the system)
d. The Presidency of the Republic (the juridical office of the presidency)
e. The Legislative Assembly
f. The University of Costa Rica (Faculty of Law)
g. The Bar Association
h. Fedecámaras

The total budget for this component is:

Table 6: Legislative Reference System Component Budget

	A.I.D.	GOCR*	TOTAL
	--------(dollars or dollar equivalent)-------		
Permanent AGO Staff	-	108,650	108,650
Computer Equipment	300,000	-	300,000
Office Space & Utilities	-	69,000	69,000
Office Supplies	-	53,000	53,000
Contracts			464,830
-Select & Install Hardware	30,000	-	
-Modify Software & Training	240,079	-	
-Data Entry	194,751	-	
Contingency	114,725	34,598	149,322
TOTAL	$ 879,555	$ 265,248	$ 1,144,802

*Actual local currency equivalent is calculated at 76 colones/U.S. dollar.

For a more detailed description of the implementation of this component see Annex I.

C. End of Project Status

Three major concrete achievements are expected from the project.

1. A fully operational National Commission involved in planning, promoting, monitoring and evaluating key justice sector institutions. The results of its activities will include:

a. a justice sector program that establishes action priorities, including time frames for their achievement, estimates of resources needed and supporting analyses of the choices made;

b. a strengthened institutionalization and permanence of the National Commission;

c. a justice sector action plan for 1989-1992;

d. the development of project proposals in the areas of training, law reform and technical assistance, with supporting analytical work sufficient to attract project funding;

e. evaluations of specific activities undertaken pursuant to operational plans of sector entities; and

f. a plan for evaluating the overall operation of the criminal justice sector. (This plan will follow-up on recommendations of the Sector Assessment and the Workshop).

2. An expanded and strengthened Judicial School, operating under the direction of the Supreme Court of Costa Rica and the supervision of Judicial Education Commission appointed by the Supreme Court, to provide:

a. a systemwide, career-long professional education program for the following judicial officers and court personnel (numbers are illustrative);

(i)	Superior Court Judges	54
(ii)	Judges of Juzgados	110
(iii)	Judges of Alcaldías	105
(iv)	Prosecutors	65
(v)	Public Defenders	85
(vi)	Court Administrators and Administrative Officers	75
(vii)	Court Support Personnel	1200
Total Justice System Personnel (approximate)		1700

b. a comprehensive educational curriculum for justice system personnel composed of (1) continuing education institutes (3 days each) to update justice system personnel on new laws and legal development and to standardize court practices, (2) basic orientation programs (1 month each) for new personnel, and (3) advanced study programs (1 week each) to provide in-depth education on particular types of judicial work, and legal representation;

c. judicial branch education programs and publications which will be produced during the three years of the project (see Table 7);

TABLE 7: Judicial Programs and Publications

		Number of Programs (and Participants) *			
		YEAR 1	YEAR 2	YEAR 3	TOTAL
(i)	Continuing education programs for judges	9(580)	18(745)	18(745)	45(2070)
(ii)	Orientation programs for new judges	3(15)	3(15)	3(15)	9(45)
(iii)	Continuing education and orientation programs for prosecutors	3(85)	4(100)	4(100)	11(285)
(iv)	Continuing education and orientation programs for public defenders	3(105)	4(120)	4(120)	11(345)
(v)	Court management conferences and projects	2(200)	2(200)	2(200)	6(600)
	SUBTOTALS	20(985)	31(1180)	31(1180)	82(3345)
(vi)	Continuing education and orientation programs for court support staff	(The Judicial School will continue with its current level of this type of instruction with no support from JSIP).			
(vii)	Judicial publications	2	2	2	6
(viii)	Judicial videotapes and audiotapes	24	24	24	72
	SUBTOTALS	26	26	26	78

* Numbers are illustrative

d. initiation of a comprehensive set of everyday working tools (benchbooks, manuals, and other reference materials) for judges, court officers, prosecutors and public defenders, and support staffs, including audiotaped and videotaped educational materials;

e. educational videotapes and audiotapes for use by judicial branch personnel;

f. ongoing research and development programs for improving court operations and reducing court delay, and training conferences for court administrators;

g. a model judicial education curriculum and a set of model standards governing judicial branch participation for faculty and students in educational programs;

h. a model faculty development program that can be replicated in other Latin American countries;

i. a model organizational structure and budgetary system for judicial branch education and training;

j. a model process for planning judicial education programs and publications through the use of judicial planning committees composed of active members of the client groups who are to attend the particular programs or use the particular publications; and

k. a model evaluation program to measure the success of judicial branch education endeavors.

3. A Legislative reference activity which will result in:

a. adoption by the Attorney General's Office of ILANUD's macro thesaurus of legal terminology for use in organizing legislation, regulations and decrees;

b. a computerized legislative reference data base (the LRS), located in the Attorney General's Office consisting of information on current legislation, constitutional provisions, treaties and legislation;

c. a plan for merging information in systems operated by the Faculty of Law (on academic legal writings); the Supreme Court (on judicial decisions); and the Procuraduría (on current legislation), so that requests on particular topics can include information from all three sources; and

d. a system for providing information to sector institutions and the general public both in San José and throughout the country through the use of computer terminals (where demand justifies them) and through "hard copy" printouts.

IV. PROJECT IMPLEMENTATION

A. Project Agreement

In order to implement this Project, A.I.D. will sign a Project Agreement (ProAg) with the Ministry of Justice as the representative of the GOCR.

This (ProAg) agreement will describe the overall nature of the Project, define its principal components, establish the relationships among all relevant parties to the Project (A.I.D., MOJ, ILANUD, Supreme Court, and the AGO), and commit the signatory Parties (A.I.D. and GOCR) to participate in and support the Project. The ProAg will formalize the agreement between A.I.D. and the GOCR that A.I.D. will provide a grant of $2.9 million for A.I.D. to enter into a Cooperative Agreement with ILANUD to carry out the Project with support and direction from the Mission and in coordination with the RAJP. ILANUD will then enter into Memorandums of Agreement with the beneficiary institutions (National Commission, Supreme Court and AGO) establishing the terms and procedures for implementing each component of the Project. The ProAg will also establish the Project Monitoring Committee consisting of a designated representative of each implementing agency (A.I.D., MOJ, ILANUD). This committee will oversee the implementation of the Project. It will meet monthly to review progress, provide direction and support to ILANUD, suggest implementation actions, and resolve any issues from the beneficiary agencies and/or the implementing agencies.

The Cooperative Agreement between A.I.D. and ILANUD will establish ILANUD as the primary implementing organization for the Project. Under this agreement ILANUD will receive technical support provided by the Project from the Regional Administration of Justice Office (RAJO) and from the current Cooperative Agreement between A.I.D. and Florida International University (FIU) to be amended for this purpose. The Project will also provide financial support to ILANUD to carry out its responsibilities.

The responsibilities of ILANUD include:

1. Establishing a separate project implementation unit (PIU) exclusively for the implementation of this Project. The PIU will include a Project Implementation Director, an Administrative Assistant, a fulltime secretary, and support equipment.

2. Planning, programming and supervising all Project activities during the life of the project including the preparation of work plans that will be submitted to A.I.D. and the Project Monitoring Committee for review and approval. ILANUD will develop its annual work plans in close coordination with representatives from each of the beneficiary agencies of the Project, and define the substantive role that ILANUD will have vis-a-vis each of the Project components. With regard to the Judicial School, for example, ILANUD will provide assistance in education planning and in the development of various audio-visual and other pedagogical material. In the field of legislative automation, ILANUD will provide technical assistance in systematizing its ongoing automation of legislation activities in the Attorney General's Office, and provide further assistance in the training of computer personnel. With regard to the National Commission, ILANUD will assist the National Commission in developing its planning and coordination activities in the justice sector.

3. Organizing, recruiting and assigning respective duties and responsibilities to Project implementation staff which will involve establishment and definition of the PIU, the reassignment of certain ILANUD in-house personnel to the bilateral project or the hiring of additional staff.

4. Supervising and monitoring project implementation by the beneficiary agencies. The PIU will develop and implement appropriate guidelines for the supervision of personnel and monitoring progress toward achievement of Project objectives. To this end, ILANUD will develop the appropriate monitoring systems and data bases.

5. Supervising contractors drawing on its comprehensive experience under the regional project in obtaining the services of national and international consultants. It will apply this expertise in developing and establishing the necessary guidelines and procedures to hire and supervise outside contractors that will be involved in the bilateral project.

6. Coordinating with the three beneficiary agencies (i.e. the National Commission, the Attorney General's Office, and the Supreme Court) the Project's day-to-day activities and with USAID/Costa Rica.

7. Negotiating individual implementation agreements (Memorandums of Agreement) with each of the participating GOCR beneficiary agencies - the National Commission, the Judicial School of the Supreme Court, and the Office of the Attorney General of Costa Rica - which define their respective responsibilities and the support that each can expect under the Project, and the support that each of these institutions will give to the Project.

8. Financial Management: to include:

a. establishing detailed, time-phased financial plans;

b. establishing and maintaining the Project's accounting system;

c. establishing disbursement procedures for foreign exchange and local currency in coordination with USAID;

d. making direct disbursements, open Letters of Commitment etc.;

e. opening Letters of Credit in favor of contractors and suppliers; and

f. certifying invoices for payment.

ILANUD's experience in implementing the RAJP regional activity has resulted in the development of adequate financial management systems (including the necessary internal controls) and a high degree of familiarity with A.I.D.'s rules and regulations. At the present time, it is processing over $1.0 million in A.I.D. funds per year. Additional financial management

assistance (if, and as required) will be obtained by ILANUD through contracts with qualified consultants.

9. Contracting the services of various short- and long-term advisory services in implementing the bilaterial project. These services will be procured in conformance with A.I.D. requirements and regulations in close coordination with A.I.D.

10. Reporting on project status, to include:

a. Progress Reports: ILANUD will provide A.I.D. and MOJ with Quarterly Progress Reports for each component of the project. These reports will be prepared in a format agreed upon by both parties and shall provide detailed information on progress toward the achievement of project objectives of each component.

b. Financial Management Reports: In addition, ILANUD will also provide Quarterly financial management reports, disaggregated by Project component, and prepared in a format agreed upon by both parties.

These reports may be prepared and submitted either as separate reports or in a combined format as agreed upon by ILANUD and A.I.D.. ILANUD's Project Manager will be responsible for coordinating and obtaining all the information necessary for the preparation of these reports from each of the participating implementing entities.

The Cooperative Agreement will permit the Mission to have substantial involvement in the implemention of the Project. Such involvement is necessary to guide and support ILANUD. While ILANUD has experience implementing related activities, primarily through the RAJP, the design team thinks additional experience and supervision is necessary to ensure a successful Project. By the end of this Project it is planned that ILANUD will be fully capable of implementing similar or related projects in its member countries.

In response to questions about ILANUD's capacity to undertake the implementation of JSIP, the June 1988 Evaluation Report of the RAJP concluded: "ILANUD has made significant progress on meeting the problems connected with the conduct of the Regional Project, and there would seem to be no better place than Costa Rica for testing its capability to assume additional responsibility."

B. Cooperative Agreement

A.I.D.'s Regionaly Contracting Officer has determined that ILANUD has pre-eminent capability to implement this Project based on the following (See Annex L):

1. Under A.I.D.'s Regional Administration of Justice Project, ILANUD has been working with the justice sector institutions of Costa Rica since 1985. Related RAJP activities carried out in Costa Rica by ILANUD include: the establishment of the National Commission for the Improvement of the Administration of Justice and full financial support; technical assistance and financial, technical and administrative support to the current legislative reference system of the Attorney General's Office; training and study tours for members of the Supreme Court and the Judicial School; and continuous contacts and liaison with the Administrative Office of the Supreme Court in relation to the computerization of the Digest of Jurisprudence. An effective and continuing working relationship has been established with all relevant entities and actors in the entities to be benefitted by the JSIP.

2. ILANUD is an international organization - part of the United Nations system - set up specifically for promoting justice sector improvement in Latin America. Its headquarters is located in San José and a Costa Rican serves as the Executive Director.

3. ILANUD is the only such international organization in the region which specifically carries out such sector improvement activities.

4. ILANUD is the only appropriate regional organization identified by the design team, and it is acceptable to the participating GOCR agencies.

5. A.I.D.'s on-going RAJ project is strengthening the institutional capability of ILANUD so that it can more fully carry out its mandate - to implement justice sector improvement activities in member countries. The JSIP will support this development by providing the opportunity for ILANUD to implement this type of project under Mission supervision.

The design team believes that the Cooperative Agreement mechanism to contract ILANUD to implement the project rather than a direct contract or a direct grant is the appropriate contracting arrangement between the Mission and ILANUD. This is so because substantial involvement by the Mission is important to ensure full coordination of project and ILANUD activities with A.I.D.'s RAJP which is also primarily implemented by the Mission's RAJO. By agreement between the Mission and LAC/DI, the RAJO has accepted principal responsibility to implement the JSIP for the Mission. In turn the Mission has assigned a direct hire slot to allow expansion of RAJO's professional staff to incorporate the increased work load of JSIP implementation into RAJO's portfolio. The JSIP has been designed to support and further develop certain activities identified and begun under the regional project and to serve as a pilot program for ILANUD's implementation capability which is an important output of the RAJP.

C. Memorandums of Agreement (MOAs)

As provided for under the ProAg and the Cooperative Agreement, ILANUD will enter into project implementation agreements (formally referred to as

Memorandums of Agreement) with each of the beneficiary agencies. These formal agreements will bind each beneficiary agency and ILANUD to carry out the specific related project component (described in Section III.B. of this P.P.). Each MOA will describe the component, detail the resources each Party will commit to the implementation of the component, establish financial control procedures, set up a component implementation schedule and MOA termination date. Each MOA will also contain the necessary covenants for successful implementation (see Section X for a list of the covenants).

D. AID Project Management

The A.I.D. Regional Administration of Justice Officer in the Regional Administration of Justice Office will be the Mission official directly responsible for the implementation of the Project (i.e. the Mission Project Officer). However, since this is a new position which has not yet been filled, the current Regional Administration of Justice Project Advisor (stationed in San José) will serve as "unofficial" interim Project Officer. Project Development Division's (PDD) project backstop officer will serve as the "official" interim Project Officer and will work with the RAJP Advisor to implement the Project in the interim.

The Mission Project Officer will serve as the A.I.D. representative on the Project Monitoring Committee and will work closely with the ILANUD Project Implementation Director to assure the effective implementation of the Project.

The Mission will also establish an internal USAID/Costa Rica Project Implementation Committee (PIC), chaired by the Mission Project Officer, with representatives from at least the following Mission offices: General Development, Project Development, Controller, Regional Legal Advisor and Program. The PIC provides technical as well as general support to the Project Officer.

Table 8: Project Implementation/ILANUD Support Budget

	AID	GOCR	TOTAL
	---------(Dollars)----------		
1. ILANUD Staff			295,713
-Implementation Director	90,000	-	
-Technical Assistant	52,933	-	
-Executive Secretary	20,452	-	
-Administration	33,685	-	
-Financial Specialist	33,685	-	
-Accountant	33,680	-	
-Receptionist	18,045	-	
-Janitor	13,233	-	
2. Office Support	34,500	-	34,500
3. Equipment & Supplies	32,000	-	32,000
4. Communications	7,491	-	7,491
5. Technical Assistance	99,000	-	99,000
6. Contingency	70,306	-	70,306
• TOTAL	539,010	-	539,010

V. FINANCIAL PLAN AND ANALYSES

A. Estimated Project Costs

The financial tables that follow summarize the estimated costs by program and by the major components of each program. Costs were estimated in local currency and then converted into dollars. The rate of inflation and the devaluation rate of the colón against the U.S. dollar were considered to be of the same magnitude, making the estimated dollar denominated expenditures uneffected by inflation or changes in the exchange rate. Approximately 15% of estimated program expenses has been budgeted for contingencies.

Table 9: Total Project Cost Summary

	YEAR I	YEAR II	YEAR III	TOTAL
	(Dollars)			
SALARIES	535,072	511,203	511,203	1,557,478
CONSULTANTS	171,200	186,200	116,000	473,400
TRAVEL & EXPENSE	51,362	51,362	46,362	149,086
OTHER EXPENSE	166,924	512,605	263,505	943,034
CONTRACTED SERVICES	20,000	117,800	192,279	330,079
CONTINGENCY	169,863	245,878	208,558	624,299
SUB-TOTAL	1,114,421	1,625,048	1,337,907	4,077,376
AUDITS	20,670	23,000	23,000	66,670
TOTAL BUDGET	1,135,091	1,648,048	1,360,907	4,144,046

Table 10: Overall Project Management and Implementation (ILANUD) Cost Summary

	YEAR I	YEAR II	YEAR III	TOTAL
	(Dollars)			
SALARIES	98,571	98,571	98,571	295,713
CONSULTANTS	12,000	12,000	12,000	36,000
TRAVEL & EXPENSE	1,000	1,000	1,000	3,000
OTHER EXPENSE	37,997	17,997	17,997	73,991
CONTRACTED SERVICES	20,000	20,000	20,000	60,000
CONTINGENCY	25,435	22,435	22,435	70,306
TOTAL	195,003	172,003	172,003	539,010

Table 11: Support for National Commission Cost Summary

	YEAR I	YEAR II	YEAR III	TOTAL
	(Dollars)			
SALARIES	37,661	37,661	37,661	112,983
CONSULTANTS	94,000	94,000	94,000	282,000
OTHER EXPENSE	35,200	99,300	100,200	234,700
CONTRACTED SERVICES	0	0	0	0
CONTINGENCY	53,208	73,647	73,935	200,790
TOTAL	220,069	304,608	305,796	830,473

Table 12: Judicial School Cost Summary

	YEAR I	YEAR II	YEAR III	TOTAL
	(Dollars)			
SALARIES	303,273	338,754	338,754	980,781
CONSULTANTS	10,000	10,000	10,000	30,000
TRAVEL & EXPENSE	45,362	45,362	45,362	136,086
OTHER EXPENSE	78,927	66,708	66,708	212,343
CONTRACTED SERVICES	0	0	0	0
CONTINGENCY	65,634	69,124	69,124	203,882
TOTAL	503,196	529,948	529,948	1,563,092

Table 13: Legislative Reference Service Cost Summary

	YEAR I	YEAR II	YEAR III	TOTAL
	(Dollars)			
SALARIES	95,567	36,217	36,217	168,001
CONSULTANTS	55,200	70,200	0	125,400
TRAVEL & EXPENSE	5,000	5,000	[illegible]	10,000
OTHER EXPENSE	14,800	328,600	78,600	422,000
CONTRACTED SERVICES	0	97,800	172,279	270,079
CONTINGENCY	25,585	80,673	43,064	149,322
TOTAL	196,152	618,490	330,160	1,144,802

Table 14: Project Component Cost Summary

		FY I	FY II	FY III	TOTAL
		(Dollars)			
I.	ILANUD	195,003	172,003	172,003	539,010
II.	NATL. COMMISSION	220,069	304,608	305,796	830,473
III.	JUDICIAL TRAINING	503,196	529,948	529,948	1,563,092
IV.	LRS	196,152	618,490	330,160	1,144,802
	SUB-TOTAL	1,114,421	1,625,048	1,337,907	4,077,376
V.	AUDITS (A.I.D. administered)	20,670	23,000	23,000	66,670
VI.	TOTAL PROJECT	1,135,091	1,648,048	1,360,907	4,144,046

B. Recurrent Costs

Because of the institutional development nature of this Project, additional operating and support costs are created. Initially the Project will be covering most of these costs as the GOCR and the specific agencies, working through the national budgeting procedure and the National Assembly, adjust their own budgets. Of the four budget items for this Project, two components will receive direct financial support for new permanent staff salaries and operating expenses: the National Commission and the Judicial School. Under the LRS component, the Attorney General's Office will absorb all new staffing and operating expenses from the beginning of the Project. The fourth item, Project Implementation, provides support to ILANUD to implement the Project; the positions as well as the financial support cease at the end of the Project.

The National Commission currently receives no direct (i.e. in the national budget) financial support from the GOCR. It was inspired by the RAJP which has fully funded its operations and activities. The JSIP will pay for a decreasing percentage of these costs for the life of the Project, while the National Commission members continue to seek GOCR funding support. This procedure has begun with the Executive Decree establishing the National Commission which commits the executive branch to obtain official budgetary support. A Condition Precedent of the Project requires the Ministry of Justice to pursue GOCR budgetary support for the National Commission. The members of the National Commission, the RAJP Advisor, and the Project design team believe that the goal is achievable by the end of JSIP.

For the Judicial School, the Supreme Court's budget currently pays for the salaries of the 12 current staff members and their operating costs.

The JSIP will increase the School's permanent staff by up to 25 new employees to a maximum of 37 positions. As a condition precedent to first payment under the Judicial School component, the GOCR will commit in writing to assist the Judicial Branch obtain the positions required by the Supreme Court to expand the Judicial School in accordance with relevant GOCR commitments respecting overall public sector employment levels. The Project will fully fund all new positions during the first year of project implementation; it will fund approximately 66% of the positions created under the Project in the second year, while the Supreme Court will fund the other third; and in the last year the Supreme Court will fund two-thirds of these costs, while JSIP covers only one third. By the end of the Project the Supreme Court will have succeeded in establishing full and permanent funding for the entire Judicial School.

Table 15: Major Recurrent Costs

	YR 1	YR 2	YR 3	EOP
I. National Commission				
- Total new positions	3.5	0	0	3.5
- Source of Funding	A.I.D. (85%) GOCR (15%)	A.I.D. (55%) GOCR(45%)	A.I.D. (25%) GOCR(75%)	GOCR(100%)
II. Judicial School				
- Total New Positions *	25	0	0	25
- Source of Funding	A.I.D. (100%) GOCR (0%)	A.I.D. (66%) GOCR(33%)	A.I.D. (33%) GOCR(66%)	GOCR(100%)
III. L.R.S.				
- Total New Positions	3	5	0	8
- Source of Funding	GOCR(100%)	GOCR(100%)	GOCR(100%)	GOCR(100%)
IV. Project Implementation (ILANUD)		--No Recurrent Costs--		

* The number of positions shown is illustrative and for budgeting purposes. The actual number will not exceed that shown.

Table 16: Justice Sector Improvement Project Budget

TOTAL	A.I.D.	GOCR*	
	---(dollars or dollar equivalent---		
I. National Commission	678,136	152,337	830,473
A) Staff Salaries	62,141	50,842	112,983
B) Program Consultants	263,100	18,900	282,000
C) Offices/Equipment/Support	21,225	13,275	34,500
D) Scholarships and Support	139,200	40,000	179,200
E) Workshops and Seminars	11,550	9,450	21,000
F) Contingencies	180,920	19,870	200,790
II. Judicial School	736,630	826,461	1,563,092
A) Staff Salaries	269,585	429,307	698,892
B) Replacement Salaries	176,099	105,790	281,889
C) Consultants	30,000	0	30,000
D) Travel	103,724	32,362	136,086
E) Offices/Equipment/Support	61,140	151,203	212,343
F) Contingencies	96,082	107,799	203,882
III. Legislative Reference System	879,555	265,248	1,144,802
A) Staff Salaries	59,351	108,650	168,001
B) Computer Equipment	300,000	0	300,000
C) Offices/Equipment/Support	0	122,000	122,000
D) Contractors	405,479	0	405,479
E) Contingencies	114,725	34,598	149,322
IV. Project Implementation (ILANUD)	539,010	0	539,010
A) Staff Salaries	295,713	0	295,713
B) Offices/Equipment/Support	73,991	0	73,991
C) Technical Assistance	99,000	0	99,000
D) Contingencies	77,306	0	70,306
SUB-TOTAL COOP.AGREEMENT	2,833,330	1,244,046	4,077,376
V. AUDITS (AID ADMINISTERED)	66,670	0	66,670
VI. TOTAL PROJECT	2,900,000	1,244,046	4,144,046

*Actual local currency equivalent is calculated at 76 colones/U.S. dollar.

Table 17: Justice Sector Improvement Project Budget by FX and LC

	A.I.D. FX	A.I.D. LC*	GOCR LC	TOTAL
	(Dollars)			
I. National Commission	509,278	168,858	152,337	830,473
A) Staff Salaries	0	62,141	50,842	112,983
B) Program Consultants	240,000	23,100	18,900	282,000
C) Offices/Equipment/Support	5,000	16,225	13,275	34,500
D) Scholarships and Support	139,200	0	40,000	179,200
E) Workshops and Seminars	0	11,550	9,450	21,000
F) Contingencies	125,078	55,842	19,870	200,790
II. Judicial School	200,034	536,596	826,461	1,563,092
A) Staff Salaries	0	269,585	429,307	698,892
B) Replacement Salaries	0	176,099	105,790	281,889
C) Consultants	30,000	0	0	30,000
D) Travel	101,724	2,000	32,362	136,086
E) Offices/Equipment/Support	42,219	18,921	151,203	212,343
F) Contingencies	26,091	69,991	107,799	203,882
III. Legislative Reference System	811,301	68,254	265,248	1,144,802
A) Staff Salaries	0	59,351	108,650	168,001
B) Computer Equipment	300,000	0	0	300,000
C) Offices/Equipment/Support	0	0	122,000	122,000
D) Contractors	405,479	0	0	405,479
E) Contingencies	105,822	8,903	34,598	149,322
IV. Project Implementation	136,850	402,160	0	539,010
A) Staff Salaries	0	295,713	0	295,713
B) Offices/Equipment/Support	20,000	53,991	0	73,991
C) Technical Assistance	99,000	0	0	99,000
D) Contingencies	17,850	52,456	0	70,306
SUB-TOTAL COOP.AGREEMENT	1,657,463	1,175,867	1,244,046	4,077,376
V. AUDITS (AID ADMINISTERED)	0	66,670	0	66,670
VI. TOTAL PROJECT	1,657,463	1,242,537	1,244,046	4,144,046

* Actual local currency equivalent is calculated at 76 colones/U.S. dollar.

C. Funding

Funding for the project will be provided by A.I.D. and the GOCR according to the following schedules:

Table 18: Source and Uses of Funds

		AID	GOCR*	TOTAL
		------(dollars or dollar equivalent)------		
I.	National. Commission	678,136	152,337	830,473
II.	Judicial School	736,630	826,461	1,563,092
III.	Legislative Re. System	879,555	265,248	1,144,802
IV.	ILANUD	539,010	0	539,010
	TOTAL	2,833,330	1,244,046	4,077,376
V.	AUDITS (A.I.D.) ADMINISTERED)	66,670	0	66,670
VI.	TOTAL PROJECT	2,900,000	1,244,046	4,144,046

* Actual local currency equivalent is calculated at 76 colones/U.S. dollar.

Table 19: Source of Funds by Year

YEAR	AID	GOCR*	TOTAL
	------(dollars or dollar equivalent)------		
1	846,264	268,157	1,114,421
2	1,285,687	339,361	1,625,048
3	701,379	636,528	1,337,907
TOTAL COOP. AGREEMENT	2,833,330	1,244,046	4,077,376
AUDITS (AID ADMINISTERED)	66,670	0	66,670
TOTAL PROJECT	2,900,000	1,244,046	4,144,046

* Actual local currency equivalent is calculated at 76 colones/U.S. dollar.

D. ILANUD Financial Management Functions

— Establishing detailed, time-phased financial plans;

— Establishing and maintaining the project accounting system;

— Establishing disbursement procedures for foreign exchange and local currency in coordination with A.I.D.;

— Preparing requests to A.I.D. for direct disbursements or Letters of Commitments or reimbursements;

— Making direct disbursements, open Letters of Commitment etc.

— Opening Letters of Credit in favor of contractors and suppliers

— Certifying invoices for payment.

ILANUD's experience in implementing the regional activity has resulted in the development of adequate financial management systems (including the necessary internal controls) and a high degree of familiarity with A.I.D.'s rules and regulations. At the present time, it is processing over $1.0 million in A.I.D. funds per year.

E. Methods of Implementation and Financing

This project will include a single A.I.D. direct Cooperative Agreement with ILANUD and some A.I.D. direct contracts for auditing ILANUD. Only preferred financing methods will be used, and therefore no special justifications are required.

Table 20: Chart of Methods of Implementation and Financing
(U.S. A.I.D. Contribution - LOP)

PROCUREMENT ACTION	IMPLEMENTATION ACTION	FINANCING METHODS	HC/A.I.D.	APPROXIMATE AMOUNT ($000)	FX/LC
I. ILANUD Coop.Agr.	A.I.D. Dir.Coop.Agrm.	Direct Pay	A.I.D.	2,833.33	LC/FX
II. Audits	A.I.D. Direct Contract	Direct Pay	A.I.D.	66.67	LC

F. Assessment of Host Country Contracting Capability

An assessment of Host Country Contracting Capability of the Ministry of Justice is unnecessary, since the Mission will be executing a Cooperative Agreement directly with ILANUD.

ILANUD's implementing capability was discussed in Section IV.A., above. The financial management and contracting capability of ILANUD have been assessed favorably through an independent audit completed in April of 1988. The audit, performed by Price Waterhouse, uncovered less than one half of one per cent in questionable costs in a project similar in size to the project outlined herein, attesting to the institution's ability to manage successfully substantial amounts of funds. The audit also concluded that ILANUD followed reasonable and competitive commercial procurement practices. Prior to executing the Cooperative Agreement with ILANUD, the Contracts Officer will order such additional surveys, if any, as he may deem necessary to further assess ILANUD's capability.

G. Audits

The Mission plans to order annual independent audits of the Cooperative Agreement at a total cost of $66,670 over the life of the project.

VI. INSTITUTIONAL CONSIDERATIONS

A. ILANUD

1. Background

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

Although the United Nations does not currently contribute to its operating budget, ILANUD nevertheless receives grant assistance from the United Nations Development Program to carry out certain designated program activities. The Government of Costa Rica provides modest annual assistance in the form of a small direct contribution and several salaries furnished through the Ministry of Justice and the use of facilities owned by the Supreme Court. The OAS, several governments in the Latin American region, the government of Spain as well as private U.S. foundations also provide financial assistance to ILANUD.

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

2. Current Organization of ILANUD

ILANUD has experienced significant organizational growth and increased administrative capacity during the last 3 years, largely as a result of its experience in implementing the Regional Administration of Justice Project. Its activities have been concentrated in research, training, technical assistance and advisory services, extension services (to address country-specific needs) and documentation and information.

At present, ILANUD's organizational structure consists of the following:

a. the Office of the Director General which is responsible for establishing general policies and guidelines for the institution, including its international development program and activities;

b. the Operations Division whose principal function is project planning and implementation;

c. the Training Division which is responsible for planning, organizing and conducting all regional and in-country training activities;

d. the Advisory Services Division provides technical assistance in project development on a regional basis;

e. the Extension Services Division whose fundamental objective is to channel resources for country-specific activities;

f. the Research Division which conducts a research program in criminology; and,

g. the Administrative Division which is responsible for financial management involving all ILANUD's programs.

ILANUD's organization chart is included in Annex L.

3. Proposed Project Organization

The JSIP will provide financing for a Project Implementation Unit (PIU) in ILANUD with responsibilities for implementing the JSIP. The JSIP PIU will be a part of ILANUD's current organizational structure and will report directly to the Director General or his designee. Although the JSIP project will be programmatically independent, it will be supported by ILANUD's existing administrative and technical services.

The core Project team in the ILANUD PIU will consist of the following:

--1 Director;
--1 Technical Assistant; and
--1 Executive Secretary.

The following constitute new staff to be hired for ILANUD's Administrative Division in support of additional JSIP-generated workloads:

--1 Administrative Assistant;
--1 Accountant;
--1 Financial Analyst;
--1 Receptionist; and
--1 Miscellaneous staff support.

Some of these support positions are required because the current ILANUD building is now too small thus requiring the PIU to be located in a separate building across the street. Thus, a total of eight staff positions

will be funded under the JSIP. As noted above, the JSIP project team will be an independent unit, with the status of a division, reporting directly to the Director of Operations. This staff is necessary to avoid an administrative strain on an organization with regional and national responsibilities, which is already implementing a major A.I.D.-funded, twelve-country regional project.

Project implementation will be aided by the familiarity of the ILANUD organization with the beneficiary Costa Rican agencies. These entities are used to working with each other; there are institutional linkages among them (developed in the course of implementing regional activities); and there is a high degree of interdependence among them (they are represented on most of the executing entities of the bilateral activity). Lastly, all of the executing entities have participated in the design of the project and are active supporters of the proposed activities.

Short-term technical assistance has also been budgeted to support ILANUD's project management.

Despite ILANUD's general readiness to assume the JSIP management role, the selection of the Project Manager will be crucial to the future success of the Project. The Project Manager will have sufficient general project management experience and sufficient status to deal effectively with high GOCR officials. Special attention will also be devoted to establishing effective relationships with USAID/San Jose, particularly the Controller's Office and the RAJO.

The Project Manager will also need to establish harmonious relationships with the beneficiary entities under the JSIP, including the National Commission for the Improvement of the Administration of Justice; the Attorney General's Office; and the Judicial School of the Supreme Court. These entities are described in more detail below.

B. National Commission for the Improvement of the Administration of Justice

1. Background

The strategy of the Regional Administration of Justice Project (RAJP) included the fostering of cooperation and coordination among organizations important to the operation of the criminal justice sector in participating "core" countries supported by the RAJP. The mechanism to be used for this purpose was the creation and support of a national commission in each country that would be composed of representatives of those organizations.

Under this arrangement, ILANUD was given the responsibility of bringing about the establishment of those National Commissions, and was provided funds under the RAJP to help support their operation until other sources of funding could be arranged. The regional strategy also envisaged

the National Commissions as the vehicles through which national organizations active in the criminal justice sector could request assistance from ILANUD, and through which ILANUD could, in turn, organize its activities in each of the core countries.

2 The National Commission in Costa Rica

The Costa Rican National Commission was established by executive decree in mid-1985. In 1987 the number of members was increased from five to seven. Its membership currently consists of two Magistrates of the Supreme Court, the Minister of Justice, the Attorney General, the Vice President of the Bar Association, a deputy of the National Assembly and the Dean of the University of Costa Rica's Law Faculty. The GOCR, on December 3, 1987, issued a decree granting the National Commission permanent status (See Annex G, Decreto No. 17.646-J); but it does not yet have Personería Jurídica and therefore, cannot enter into contracts.

The present National Commission is divided into subcommissions, consisting of members interested in the same topics. This system of subcommissions seeks to assure that all members have an active interest in the topics discussed.

The National Commission did not have a well-defined or systematic program in the early years of its existence. Thus, between 1985 and early 1987, the National Commission met irregularly, it operated without a well-defined agenda or program, and some of its members even questioned its utility. Most of its activities during this period consisted of ad hoc responses to individual requests for assistance in the sector.

The Sector Assessment, which was conducted in 1986 and reviewed at a national workshop in early 1987, was a watershed in the evolution of the National Commission in Costa Rica. Among other things, it recommended the creation of an Executive Secretariat for the National Commission. As a result, and with the financial assistance from ILANUD, the National Commission in May of 1987 hired the part-time services of an Executive Coordinator and the full-time services of an Assistant to enable it to carry forward its work of fostering improvements in the justice sector and, in particular, to carry out the recommendations of the workshop.

Since the appointment of the Executive Director, the National Commission has developed a more coherent and defined program. It meets on a regular basis and conducts its meetings on the basis of well-prepared and organized agendas. Moreover, its key members (all high echelon GOCR and private sector officials) are highly motivated and enthusiastic participants in the deliberations of the National Commission and supporters of the work of the National Commission.

The National Commission currently acts as a stimulator of project

proposals from existing entities of the government and as a broker of proposals with sources of potential internal and external financing.

Currently ILANUD is fully funding the operations of the National Commission. However, such funding will not continue beyond the end of calendar year 1988. The JSIP will, therefore, provide continuing assistance to enhance the institutional development of the National Commission and technical assistance to enable the National Commission to meet the responsibilities assigned to it. JSIP will finance, at a decreasing level for the life of the Project, the National Commission's staff which will consist of the following:

--1 Director; *
--2 Assistants; *
--1 Secretary; and
--1 Miscellaneous (e.g. janitorial etc.)

* Current staff consists of a part-time director and one assistant.

For project implementation, the National Commission will conduct its operations on the same modus operandi as before, i.e., based on promoting or stimulating project proposals from key institutions in the sector, brokering financial assistance for these proposals, and/or entering into arrangements with other entities in the sector for the conduct of various activities.

C. The Judicial School of the Supreme Court

1. Background

The idea of judicial education in Costa Rica traces its origins to the mid-1960's. At that time, several influential judges proposed the idea of a judicial school to improve general judicial education standards and training of judicial personnel in Costa Rica. However, the idea did not become a reality until the official creation of the Judicial School by the Supreme Court in 1979. The Judicial School was subsequently granted formal legal status by the Legislative Assembly in 1981.

The Judicial School is governed by an Executive Committee (Consejo Directivo) comprised of one presiding Supreme Court magistrate, two superior court judges, one representative from the Organization for Judicial Investigations (OIJ), and the Director of the Judicial School.

The overall purpose of the Judicial School is to improve judicial performance through training. The Judicial School offers a variety of training courses for two types of its personnel: support staff and "court administrators" i.e., judges, prosecutors, public defenders etc. Training for support staff emphasizes basic and practical legal skills involving the administration of justice. The training of judges, prosecutors, public

defenders, etc., consists principally of a series of seminars, workshops and discussion groups organized and presented at the Judicial School at regular intervals. The Judicial School provides similar training for judicial branch personnel outside San Jose through seven regional centers throughout the country.*

In the opinion of knowledgeable observers, the main emphasis of the Judicial School to date has focussed on the training of lower-level support personnel. The training of upper echelon personnel such as judges, prosecutors and public defenders, although not ignored, has been limited largely to occasional conferences, seminars and discussion groups. Formal courses for judges have not been developed.

Although the Judicial School has been fortunate in recruiting dedicated teachers and guest lecturers who volunteer their time, and the cooperation of the UCR Law School, the overall program has suffered from its voluntary, ad hoc nature as well as from the lack of resources. Consequently, the Judicial School program has lacked continuity, program definition, and direction.

At present, the Supreme Court provides the Judicial School office and classroom space in the Supreme Court building. Its current staff of twelve (whose salaries are paid by the Supreme Court) consist of the following:

--1 Director;
--1 Deputy Director;
--1 Legal Assistant;
--1 Office Manager;
--2 Secretaries;
--5 Current Teaching Staff; and
--1 Miscellaneous (i.e. janitorial).

The Director is responsible for overall planning and programming activities. The Deputy Director and the Legal Assistant (who is a lawyer) are responsible for coordinating program activities with faculty (who, as noted above, are volunteers) and "students", i.e. judiciary personnel. Administrative support is provided by the Office Manager, and the two secretaries.

* While the Judicial School also is charged with training the Judicial Investigative Police (OIJ), this is in fact done by the OIJ itself, using funds from its own budget. The JSIP will not fund OIJ training or trainers.

2. Proposed Project Organization

The Project provides financing for technical assistance and training to assist the Judicial School to improve its education and training of justice sector professionals. The Judicial School will provide comprehensive professional education for justice sector personnel, including judges, prosecutors, public defenders and court administrators.

The implementation of the Judicial School's upgraded legal education program will require an eventual total staff of up to 37, of which 12 are currently funded by the GOCR. The JSIP will therefore finance up to a total of 25 new positions. The total staff of the Judicial School could consist of the following:

--1 Project Director *
--1 Associate Director *
--8 Assistant Directors (or Program Directors)
--4 Program Coordinators
--1 Law Clerk *
--1 Research Assistant
--1 Video-audio Specialist
--1 Office Manager *
--8 Secretaries * (2)
--2 Bookkeepers
--2 Clerks
--2 Janitors * (1)
--5 Current Teaching Staff *

* Indicates current staff positions.

Annex J contains an organization chart of the Judicial School.

D. Attorney General's Office

1. Background

The responsibilities of the Attorney General's Office of Costa Rica--which is under the jurisdiction of the Ministry of Justice--include the maintenance and dissemination of information on legislation and governmental decrees currently in force and in effect. In recent years, the Attorney General's Office has played an active role in promoting a number of activities to improve the quality of information on legislation in force (legislación vigente) as well as to improve access to such information by legal practitioners and the public at large. As part of this effort, the following activities have been promoted and supported by the Attorney General's Office:

a. Study Tours: A four-person team (consisting of 2 representatives from the Attorney General's Office, 1 from ILANUD and 1 from

the University of Costa Rica) participated in a study tour to Colombia in February 1988 to assess a locally-developed automated legal information system--the Sistema Universitario de Información Jurídica (SUIJ). Another study tour was undertaken by representatives from the same entities to assess a similar program developed in Argentina--the Sistema Argentino de Información Jurídica (SAIJ) in May 1988.

b. Short Courses: The Attorney General's Office also sponsored a seven-week general course on computer information ("elementos informáticos") attended by representatives from the Attorney General's Office, ILANUD, the University of Costa Rica and the Supreme Court.

c. Workshops: The Attorney General's Office also participated in an ILANUD-sponsored workshop to review and revise the legal macrothesaurus developed by ILANUD which will be used in conjuction with the development of the Legislative Reference System (LRS) proposed under this bilateral Project.

2. Project Design

Representatives of the Attorney General's Office have been active participants in the design of the Legislative Reference System (LRS), participating in numerous design meetings and assisting in the data collection process for this component of the JSIP.

The interest that the Attorney General's Office places in the LRS component of the JSIP has been further reflected in steps that have been taken in anticipation of project implementation. For example, a considerable remodelling effort has been undertaken and completed in the Attorney General's Office in preparation for the physical location of the LRS in this office. This office space will be used to accomodate both project staff and computer equipment.

Organizational steps have also been taken in anticipation of project implementation. For instance, a decision has been taken to place the LRS in the Legislative Department of the Attorney General's Office whose responsibilities include developing and maintaining legislative and administrative indices. (If it is deemed necessary at a later date, a separate "LRS Department" would be created in the Attorney General's Office to implement the LRS). The current objectives of the Legislative Department are to: 1) maintain a record of current legislative production (including legislation and government decrees); 2) maintain current records and files on the output of the Attorney General's Office; and 3) provide information to government agencies and the public at large on the above matters. The JSIP is thus viewed as supportive and complementary to these objectives, particularly to the extent that the proposed automated LRS enhances the efficiency of the current system which is not automated and largely out-of-date.

The Attorney General's Office has also recruited several new

staff members who will constitute the initial, core project staff for the LRS component. Recruited from other agencies within the GOCR as well as outside the government, this staff includes the following:

--one half-time Project Director recruited from the Departamento de Servicios Técnicos of the Legislative Assembly. This Project Director has had considerable experience with the proposed LRS, having participated in several project-related activities that include study tours and assistance in the design of the present project;

--two legal assistants (lawyers by training), contracted by ILANUD under the RAJP, and assigned to work full-time on the LRS;

--one systems analyst who is on loan from the University of Costa Rica; and

--one documentation specialist provided by the Attorney General's Office.

Administrative support provided by the Attorney General's Office also includes the services of a secretary.

The GOCR will finance permanent staff. Temporary staff will be funded by the Project.

Permanent Staff:
--1 Director
--1 Systems Analyst
--1 Programmer
--4 Data Entry Operators

Temporary staff:
--2 Legal Specialists
--7 Legal Analysts
--1 Legal Assistant

Temporary staff will be hired for project development activities for approximately one year that include the reading, analysis, and classification of legal texts and their preparation for subsequent data entry as described under "Project Activities" above.

VII. ECONOMIC ANALYSIS

The purpose of this analysis is to determine whether, from the economic point of view, the JSIP is a worthwhile investment for Costa Rica. Projects like the JSIP are usually difficult to evaluate quantitatively because the outputs are not measurable with a great degree of confidence. Nevertheless, by applying certain economic analysis techniques, benchmark figures can be determined against which expected program outputs can be compared, and therefore, assess the economic soundness of the project.

The efficiency of judicial sector services is measured by i) the level of user satisfaction, and ii) the cost of providing the service. Clearly, efficiency increases when user satisfaction increases, or cost decreases, or when an increase in cost is compensated with a sufficient increase of user satisfaction. This analysis will determine the minimum rate of cost reduction that, given the same level of user satisfaction, will make the project economically sound.

1. Assumptions

For the purpose of this analysis we will make the following assumptions:

-- The quality of the service, as measured by the user satisfaction level, remains constant.

-- All measurements are made in constant dollars.

-- The composition of the mix of judicial proceedings (civil, administrative, criminal, labor) will remain constant.

-- The salary level of the employees of the Poder Judicial relative to the salary levels for the rest of the country will remain constant.

-- The study will be limited to ten years starting with the first year of project implementation.

-- An Internal Rate of Return (IRR) at 10% is considered the minimum tolerable return on investment.

JSIP Cost Per Judicial Case

The cost per case is calculated by dividing the program's Equivalent Annual Expenditures by the number of cases handled currently by the Judicial Sector.

YEAR	DISBURSEMENTS ($000) AID	GOCR	TOTAL	PRESENT TOTAL VALUE (*)	EQUIVALENT ANNUAL EXPEND. (**)
1	910	110	1,020	6,363	1,036
2	1,406	408	1,814		1,036
3	575	458	1,033		1,036
4	0	864	864		1,036
5	0	864	864		1,036
6	0	864	864		1,036
7	0	864	864		1,036
8	0	864	864		1,036
9	0	864	864		1,036
10	0	864	864		1,036
	2,891	7,024	9,915	6,363	10,355

(*) Present value in year 1 of the stream of annual program costs discounted at 10%.

(**) Stream of payments equivalent to a present value of $6,363, at 10% discount rate.

— Approximate Number of cases handled annually by the judicial sector: 260,000

The total program expenditures per case is then:

$$\text{Equivalent Annual Expenditures/Total Cases} = \frac{1{,}036{,}000}{260{,}000} = \$3.90$$

2. Total Cost per Case

The cost per judicial case has two components: i) expenditures by the Judiciary (Poder Judicial), and ii) direct and indirect costs to individuals involved in legal proceedings.

i) The volume of expenditures by the Judiciary is 2.484 billion colones, equivalent to $32.684 million.

ii) Information on the expenditures made by individuals involved in legal proceedings is not as readily available as information on expenditures made by the Poder Judicial. Individual expenditures involve mainly lawyer and expert witness fees, and wages lost by defendants, plaintiff, and witnesses.

While the research required to produce a formal estimate of these costs is outside the scope of this analysis, it can be said with a high degree of confidence that the expenses incurred by private individuals are at least as large as the expenditures by the Judiciary (there are more than three times more lawyers in private practice than employed by the Judiciary).

Therefore, for the purpose of this analysis, the total cost of judicial proceedings per case is estimated to be not lower than $65,368,000 dollars, or $251 per judicial case.

B. JSIP Economic Soundness

Based on the above figures the total investment in JSIP is equivalent to a 1.6% of the total cost per judicial case. Therefore, given the assumptions listed above, the expenditure in the JSIP would be a worthwhile investment if, as a result of its implementation, the cost per case of the judicial process is reduced by 1.6% in an annual basis through the life of the project.

As we show in the following discussion, the project activities are oriented to the development of areas of the judicial activity with large incidence in the efficiency of the judicial system. The implementation of this project should have a larger impact on the system than the 1.6% minimum efficiency improvement suggested by this analysis.

— The judicial school will train judges, prosecutors, and public defenders, who currently do not receive any professional training. It has been proven in the U.S. and in other countries that formal training of the administration of justice professionals produces large returns in the form of increased efficiency in the performance of their duties. If this is true for highly developed legal systems like those found in the U.S., then for a less developed legal system like that of Costa Rica the expected returns should be of a larger magnitude than the minimum required by this analysis.

— The benefits obtained from the installation of a computerized legislation index go beyond a direct impact on the accuracy and speediness of searching for legislation; in the case of Costa Rica the computerized index will have a role of great importance in helping the legislative body to systematically consolidate and eliminate law duplications, clarify ambiguities, and formally repeal obsolete legislation. This legislative activity alone will have a large impact on the efficiency of the Costa Rican judicial system.

— Lastly, the National Commission will be involved in the following activities: i) coordination of the many institutions related to the legal system, ii) institutionalization of sector planning and, iii) improvement of legal education. These are areas that directly affect the structure of the system and its efficiency.

C. Conclusion

The efficiency of the Judicial Sector of Costa Rica should improve at a cumulative minimum annual rate of 1.6% to make the project financially worthwhile. Given the characteristics of the project, this rate of efficiency improvement is considered achievable.

VIII. SOCIAL SOUNDNESS CONSIDERATIONS

A. Introduction

Costa Rica has always been regarded as the exception to the Central American norms of civil violence and political instability. The country has a tradition of democratic governance that is a model for most Latin American countries. Periodic and peaceful elections, a competitive party system, the lack of a military establishment, and a highly institutionalized separation of powers characterize the Costa Rican model of governance.

Costa Rica's judiciary has gradually evolved as a key element of the country's democracy. Indeed, the constitution of Costa Rica guarantees six per cent of the annual budget to the judiciary, which has assiduously cultivated a reputation as a serious and non-partisan institution.

It is noteworthy that the Costa Rican judiciary has emerged as one of the country's most competent institutions. In other Latin American countries, the judiciary is a critical source of partisan political control. It has tended to serve as an important source of political patronage for the party or group in power, and its decisions are a function of the political constellation of forces rather than the sober application of legal norms and principles.

Civil war and revolution during the last decade have placed immense strains and pressures on most public institutions in Central America. Economic decline, political instability, citizen displacement and unprecedented levels of unemployment throughout the region undermine political civility and institutional legitimacy. Governments throughout the region confront highly mobilized and expectant populations whose demands for good and efficient governance have grown even if the resources to support their concerns have not.

Costa Rica's judicial system has not been immune to the changing political and social environment. Despite the long history of judicial legitimacy and independence, there are serious pressures now confronting the country's legal system. These problems led recently to an unprecedented one-day strike by disgruntled judges and there seems to be an undercurrent of growing frustration with the lack of judicial efficiency. Indeed, a recent study (the Sector Assessment) identified numerous problems with the

administration of justice in Costa Rica. If left unattended, the foundations of democratic rule in the country could be undermined.

Chief among these problems is the functioning of the court system. Planning, coordination, and systematic training of court employees needs improvement and complete information on laws in force is difficult to obtain.

In comparison to the functioning of the court system in many other Latin American countries, these problems may seem minor. However, while Costa Ricans are mindful of the relative superiority of their institutions, they also have high expectations about institutional performance which is critical to the maintenance of civility, sociability, and stability in the society.

To be effective and legitimate, democratic institutions must keep pace with citizen demands. If they do not, decay can lead to corruption, cynicism, and disarray. Indications are that the Costa Rican court system is now just keeping pace with the accelarating modernization of Costa Rican society.

Without a responsive and efficient legal system, democracy can become imperiled. If the Costa Rican legal system can not surmount its current problems, then a critical pillar of Costa Rican democracy will be at risk.

B. Justice Sector Improvement Project

The Justice Sector Improvement Project (JSIP) will offer technical assistance and training support to improve performance in three critical areas of the judiciary. These efforts will:

- -- provide the impetus for an enhanced and modernized judicial system that can keep pace with the pressing demands placed on it; and,

-- help to ensure that Costa Ricans continue to rely on their judicial system as the critical institution of conflict resolution in the country.

Given the predilection for political violence throughout Central America and the volatility of politics in neighboring countries, a strong and credible judiciary will be an indispensable element in shielding Costa Rica from the debilitating internal violence and civil disruptions of its neighbors.

This study addresses a series of questions that are critical to an assessment of the social soundness of the JSIP. Section headings refer to the issues that should be examined through social soundness. The study concludes with a series of observations that may be useful to project administrators.

1. Project Impact and Beneficiaries

The JSIP will have immediate and secondary impacts. The immediate impact will be felt by those associated with the country's administration of justice. Enhanced coordination and planning by justice-related agencies, new training opportunities for professionals in the administration of justice, and greater access to legal information through a new information system will improve the legal system's responsiveness, competence and credibility. This impact will be felt by two critical groups: those directly working in the administration of justice as well as those who are dependent upon it for the resolution of conflicts and disputes.

At a secondary level, a modernized and consolidated justice system will be a critical element of political legitimacy in Costa Rica, where citizens have high expectations about the quality of governance. Moreover, given the country's continuing population growth and the recent influx of refugees fleeing political instability, citizen demands at all levels of the public sector, could spiral enormously during the next decade. An enhanced judiciary is critical to assuring that the fabric of society and civic virtue will be maintained even in the face of extreme pressure.

2. Improved Efficiency in the Legal System

Each of the components of the Justice Sector Improvement Project enhances the efficiency of the legal system. The National Commission will serve as an important and unique forum for the discussion and coordination of justice sector efforts at the leadership levels of the participating institutions. An expanded curriculum and instruction in the judicial school will promote increased productivity and professionalism among mid-level and senior court officials. A computerized data bank on legislation in force will reduce confusion in the legal system about current laws. Furthermore, this data bank will accelerate and enhance the actual law-making process. If the legislative data base is merged with the data bases of the Supreme Court and the University of Costa Rica School of Law, then law-makers and others seeking access to legal information will have a complete and accurate picture of the legal system.

3. Improved Responsiveness and Wider Societal Effects

One of the major problems that citizens perceive is the slowness and inefficiency of the court system. Through the National Commission, the JSIP will create a forum that will address the court system's efficiency at the macro level. The first step to improve the system's responsiveness will be efforts to develop a broad awareness by senior court officials of the seriousness of the problem, and the alternative and workable solutions.

An enhanced judicial school will function to improve mid-level and senior official professionalism and competence, which should in turn lead

to greater efficiency and productivity. A computerized data bank on legislation in force will also enhance citizen access to the legal system, especially once access to the data-base is available throughout the country.

Wider societal effects from the project may only gradually be noticed, if at all. Even if the National Commission becomes a catalyst for institutional reform within the judiciary, such reform will be accomplished with a minimum of public fanfare. Indeed, even though the judiciary's efficiency will increase, the case-load of the court system is likely to increase as fast or faster. Thus, at best, the JSIP may provide the judiciary a unique chance to achieve a record level of cases-processed per total-court-system-caseload, but more importantly the Project will result in achieving a greater level of productivity in processing cases.

4. Socio-Cultural Feasibility of the Project

The JSIP is consistent with Costa Rican socio-cultural norms. Indeed, there is a general consensus that reform is needed, but that the reform must be consistent with the operational style and particular needs of the socio-political/legal culture.

A critical feature of this culture is the norm of autonomy for the judicial system. The Supreme Court has become the institutional embodiment of the judiciary and is literally the unchallenged master of its own destiny. As such, the Court is accountable only unto itself and has cultivated a reputation for social sobriety, economic austerity and politial distance.

The seventeen magistrates (justices) who run the Court and its various dependencies have vigorously preserved the institution's judicial credibility. They have also reserved for themselves the responsibility of managing the court system. Consequently, much of their time is spent on administrative issues rather than actual legal decision-making. Because each magistrate has unique management responsibility for a specific area of the judiciary, there has evolved a system emphasizing strong subordinate loyalty with personnel performance being of less importance.

There seems to be a growing consensus in the country over the need to restructure the court's administration, which is intimately interrelated with the unique judicial duties of each magistrate. Therefore, the essential task of modernizing court management needs to be carried out without violating judicial integrity. Modest in nature, the JSIP proposes incremental reforms and advances that do not fundamentally challenge the manner in which Costa Rican legal institutions organize and maintain themselves within the civic culture.

The JSIP is not designed to make radical institutional changes in Costa Rica's judiciary system. Instead, the Project is tailored to improve

the present system, much like the legal refinement process that is authorized by court decisions handed down in Common Law countries. The Project has been developed to respond to the process of changing social norms, experienced by all nations, which must be taken into account in order to ensure that national legal systems maintain justice rather than become useless archaic structures which foment class conflict or oppression.

The JSIP provides a mechanism that can become an instrument to accelerate reform, but will serve as an instrument for Costa Ricans to determine, through bargaining and consensus, the quantity and quality of these efforts.

The most important component of the JSIP involves the enhancement and development of the National Commission for the Improvement of the Administration of Justice. The Commission can be a major force for reform throughout the judiciary or it can simply be a forum for the discussion of problems and concerns of the various representatives. Much will depend on the importance that is assigned to it by the participating Supreme Court magistrates.

While a number of important observers are skeptical about the Commission's role and scope, the actual Commission representatives seem to be aware of the delicate, but potentially fruitful nature of their task. At the very minimum, the Commission will be the first serious on-going effort to exchange views about improvements in administration and management of the court that have been overlooked by Costa Rican decision-makers.

5. The Costa Rican Commitment

The JSIP's development has benefitted from a lengthy and intricate process of consultation and input from leading members of the Costa Rican political and legal communities as well as from ILANUD. The project has enjoyed significant counterpart participation and in many instances their strong enthusiasm.

6. Obstacles to Project Implementation

Political and economic issues are potential obstacles to the project's successful implementation.

There are three major and three minor political issues. First is the Supreme Court's willingness to participate in the National Commission and ultimately the influence that it will have in its relationship with the Court. Unless this issue is managed with the utmost of care, the court will not take the National Commission seriously and will reject all externally-driven efforts to modernize. While the National Commission would serve as an important external vehicle in the service of the Court, it could also become a political device for exposuring the Court's inherent and growing

administrative difficulties. The latter would be counter-productive for the Project's purposes and would inevitably be a setback to judicial modernization efforts.

Second is the coming presidential elections (1990). In 1989, much political attention will be focussed on the presidential campaign and the transfer of power. The inevitable position and alliance-building that accompanies this process could undermine the political and legal leaderships' commitment to the project. The consensus and good-will that has built up toward the project and its three components could be lost unless care is made to carefully nurture an informed group of secondary actors who are also committed to the JSIP.

Third is the actual change of government in early 1990. Even if the same party continues in power, critical actors are likely to change, including the Minister of Justice, the Attorney General, and the representative from the Legislative Assembly. This change will inevitably have an impact on the role and scope of the National Commission, which in turn may effect the urgency of reform efforts in the Judicial School and the continuing commitment to update and actualize the legislative data bank. While this kind of a problem can not be avoided, it should be anticipated in order to minimize disruption to the project.

Three minor obstacles are noteworthy. They are classified as minor because they are not perceived to be serious issues. First is the apparent lack of bipartisan participation in the development and articulation of the JSIP. The main opposition party (Unidad) appears to be minimally, if at all involved. Almost all interviewed discounted this as a problem because of the generalized blanket support that the judiciary enjoys.

A second political obstacle could develop as a result of institutional or personal rivalries between key actors. The JSIP places ILANUD in a critical administrative role. Such a choice is logical given the broad goals of the RAJP and the experience ILANUD has gained from the project. ILANUD will need to cautiously maintain its objectivity as an international organization.

A final obstacle of political economy relates to the financial environment of the GOCR and its impact on the project. Given the overall Costa Rican commitment to the effort and the need to hire additional technical specialists in the National Commission, the Attorney General's Office and the Judicial School, the project and the ongoing efforts it will spawn depend on the fiscal capacity of the state. Since there are considerable pressures to reduce GOCR employment, the new government positions required by this project will be secured such that total public sector employment is not increased. Furthermore, GOCR fiscal commitments will be made which will provide for phasing in of GOCR funding responsibilities over the life of the project, such that by the end of the Project all continuing project activities will be fully funded by the GOCR.

IX. EVALUATION PLAN

Evaluation of the Justice Sector Improvement Project will have the following objectives:

-- to assess the continuing validity and relevance of the effort and to suggest modifications as may be required to increase the likelihood that the effort will achieve its objectives;

-- to assess the effects of external and unanticipated actions and/or events on the project;

-- to determine whether all required actions have been carried out and performance to date is consistent with expectations; as well as what additional actions are needed to sustain the positive effects of the effort; and

-- to determine what impact has been brought about by, or is associated with the effort.

The evaluation will be especially attentive to the positive and negative, planned and unplanned effects of the project.

Two major evaluations are planned during the project's three year cycle; a mid-term evaluation during month eighteen of the project will be conducted in order to consider changes that may be necessary to guarantee the project's success. A thorough evaluation will also be conducted during the final months of the project to ascertain which objectives were achieved and any further efforts to be considered, as well as to determine the impact on ILANUD, e.g. is it better capable at the end of the project to do this kind of work?.

A. Mid-Term Evaluation

The mid-term evaluation will have as a major objective the determination of progress made toward the achievement of project goal. Special attention will be given to the specific project targets and the indicators of their fulfillment. Attention will also be given to the inputs/outputs of the project and the identification of any unexpected effects.

Procedure: During the project's 18th month, an evaluation team to be composed of project officers and external consultants will assemble to examine progress made toward fulfillment of the overall goal of the project: the consolidation and modernization of the Costa Rican justice system.

The following general questions will be asked about the project:

(1) Have the planned activities been coordinated with the Regional Administration of Justice Project?

(2) Do the activities contribute to the achievement of greater coordination and integration of the criminal justice sector?

(3) Do the activities have inherent value and concrete results even if overall integration is minimal?

The following questions will be asked for each of the specific components of the Justice Sector Improvement Project.

1. The National Commission

Major objective: The development of the National Commission as an effective instrument for planning, promoting, monitoring and evaluating the execution of a coordinated national criminal justice sector program.

Relevant questions:

(1) Does the Commission have permanent legal status as well as the necessary authority to make it an effective entity?

(2) Has the government of Costa Rica developed a means to sustain the operations of the Commission upon termination of the project?

(3) Has a criminal justice sector program been developed with action priorities, an estimate of resources needed and supporting analyses of options?

(4) Are specific, fundable project proposals in law reform, training and technical assistance under elaboration?

(5) Has progress been made in the development of a plan for sector assessment follow-up?

2. The Judicial School

Major objective: the creation and implementation by the Judicial School of the Supreme Court of an in-service training program for legal professionals (judges, public prosecutors and public defenders) to improve their professional performance.

Relevant questions:

(1) Has the Supreme Court issued a decree that establishes and defines a professional-level training program?

(2) Has the Judicial School developed a plan of institutional reforms to improve professional level training? (This plan might include a

re-defined management structure, obligatory training for internal advancement and promotion and annual training cycles.)

(3) Has the Judicial School developed a curriculum that suits professional development needs of judges and other judicial officials?

(4) Has the staff been trained in the use of this curriculum and where necessary, have UCR faculty and other specialists been consulted?

(5) Have instructional materials been developed to support the new curriculum?

(6) Has the Judicial School developed yearly operating plans and course offerings to promote professional-level training?

7. Has any agreement been developed to promote UCR academic recognition of the Judicial School program?

3. Legislative Reference Service

Major objective: the establishment of a system accessible both to private and public sector institutions and to the public at large which provides up-to-date, systematic information on legislation currently in force.

Relevant questions:

(1) Has an office to implement this system been established in the Attorney General's office? Is this office sufficiently staffed and does it have sufficient equipment and training to carry-out the effort?

(2) Has the ILANUD macrothesaurus of legal terminology been adapted by the Attorney General's office?

(3) Has an actual computerized data base been developed? Is it compatible with the Supreme Court data base?

(4) Has a plan been developed for the merger of the data bases of the Faculty of Law, Supreme Court and Attorney General? Has there been any progress toward the implementation of the plan?

(5) Has a system been developed to provide for a wider distribution of information (through computers and hard copy) to the public?

B. Final Evaluation

An end of Project (EOP) evaluation is planned. The purpose of this evaluation will be to determine if ILANUD has developed (by the EOP) the full capability to independently implement such activities (i.e. without close AID oversight). This evaluation will follow on from the mid-term evaluation, responding to the same questions.

X. CONDITIONS PRECEDENT

In addition to standard legal conditions precedent, the following are planned:

A. Prior to A.I.D. making the first payment under the Project or to the issuance by A.I.D.. of documentation pursuant to which payment will be made, the GOCR will, except as the Parties may otherwise agree in writing, furnish to A.I.D., in form and substance satisfactory to A.I.D., the following:

1. An opinion of counsel acceptable to A.I.D. that this Agreement is signed within the legal limitations of the General Agreement that has been duly ratified through Law No. 3011 of July 18, 1962, and therefore constitutes a valid and legally binding obligation of the GOCR in accordance with all of its terms.

2. A statement of the name of the person holding or acting as the GOCR Minister of Justice and of any additional representatives, together with an authenticated specimen of each person specified in such statement.

B. In order for ILANUD to make the first payment for each of the distinct components of the Project or to the issuance by ILANUD of documentation pursuant to which payment will be made, A.I.D. shall have received evidence, in form and substance satisfactory to A.I.D., that the following elements have been complied with under the relevant component:

1. National Commission Component:

a) That the Ministry of Justice, with the cooperation of the National Commission has committed in writing to achieve annual GOCR budgetary support to the National Commission of approximately ₡14 million from the national budget in 1989 in fulfillment of Executive Decree No. 17646-J, Article 10.

b) That the Ministry of Justice has agreed that the GOCR will bear 25% of the fixed costs of the National Commission component in the second project year, 50% of the third year, and to assume all costs thereafter.

2. Project Coordination, Mangement, and Monitoring Component:

a) That each of the three GOCR entities benefitted by the Project (National Commission, Attorney General's Office, and Supreme Court) has entered into a Memorandum of Agreement (MOA) with ILANUD concerning its component, which MOA is satisfactory in form and substance to A.I.D.

b) That the organization and the financial and administrative functions of the ILANUD Project Implementation Unit (PIU) and of other ILANUD support staff have been established, including the opening by ILANUD of two separate bank accounts for the Project (one dollar denominated and the other

colon denominated), and such other pertinent controls and procedures as to permit receipt and disbursement of Project funds.

3. Legislative Reference System Component:

That all additional permanent positions required to implement this component and to maintain the system thereafter will be assigned in accordance with the terms of relevant GOCR commitments respecting overall public sector employment levels.

4. Judicial School Component:

That, while recognizing the independence of the Judicial Branch, the GOCR has committed in writing to assist the Judicial Branch to achieve the positions required by the Court to expand the Judicial School in accordance with terms of relevant GOCR commitments respecting overall public sector employment levels.

XI ANNEXES

ANNEX A

AGENCY FOR INTERNATIONAL DEVELOPMENT

PROJECT IDENTIFICATION DOCUMENT FACESHEET (PID)

1. TRANSACTION CODE: A (A = Add, C = Change, D = Delete) — Revision No. — DOCUMENT CODE: 1

2. COUNTRY/ENTITY: Costa Rica

3. PROJECT NUMBER: 515-0244

4. BUREAU/OFFICE: A. Symbol: LAC — B. Code: 05

5. PROJECT TITLE (maximum 40 characters): Justice Sector Improvement Project

6. ESTIMATED FY OF AUTHORIZATION/OBLIGATION/COMPLETION

A. Initial FY 88

B. Final FY 90

C. PACD 91

7. ESTIMATED COSTS ($000 OR EQUIVALENT, $1 =)

FUNDING SOURCE	LIFE OF PROJECT
A. AID	2,900
B. Other U.S. 1.	
B. Other U.S. 2.	
C. Host Country	966
D. Other Donor(s)	
TOTAL	3,866

8. PROPOSED BUDGET AID FUNDS ($000)

A. APPROPRIATION	B. PRIMARY PURPOSE CODE	C. PRIMARY TECH. CODE 1. Grant	C. PRIMARY TECH. CODE 2. Loan	D. 1ST FY 1. Grant	D. 1ST FY 2. Loan	E. LIFE OF PROJECT 1. Grant	E. LIFE OF PROJECT 2. Loan
(1) ESF	901	780		1,500	--	2,900	--
(2)							
(3)							
(4)							
TOTALS				1,500	--	2,900	--

9. SECONDARY TECHNICAL CODES (maximum 6 codes of 3 positions each)

10. SECONDARY PURPOSE CODE

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

A. Code	TNG	TECH	DEL				
B. Amount							

12. PROJECT PURPOSE (maximum 480 characters)

To improve the administration of justice in Costa Rica by strengthening three selected areas of the justice system: 1) coordination and planning in the justice sector; 2) professional judicial training; and 3) availability of up-to-date information on legislation currently in force.

13. RESOURCES REQUIRED FOR PROJECT DEVELOPMENT

Staff: Judicial Education Specialist (6 weeks)
Computer Systems Analyst (6 weeks)
Economist/Financial Analyst (6 weeks)
Project Design & Management Specialist (COF) (6 weeks)

Funds: $75,000 -- PD&S (Democratic Development & Administration of Justice--597-0003.01)

14. ORIGINATING OFFICE CLEARANCE

Signature: Lewis Lucke

Title: Project Development Officer, USAID/Costa Rica

Date Signed: MM 03 DD 24 YY 88

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

16. PROJECT DOCUMENT ACTION TAKEN: A (S = Suspended, A = Approved, D = Disapproved, CA = Conditionally Approved, DD = Decision Deferred)

17. COMMENTS

18. ACTION APPROVED BY

Signature: Carl H. Leonard

Title: Mission Director, USAID/Costa Rica

19. ACTION REFERENCE

20. ACTION DATE: MM 03 DD 24 YY 88

AID 1330-2 (8-79)

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PROJECT IDENTIFICATION DOCUMENT (PID)
JUSTICE SECTOR IMPROVEMENT PROJECT (JSIP)

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List of Acronyms

AID	Agency for International Development
AA/LAC	Assistant Administrator, Bureau for Latin America and the Caribbean
BAR	Bar Association
COPOIN	Commission on Information Policy
FEDECAMARAS	Costa Rican Business Association
GOCR	Government of Costa Rica
ILANUD	United Nations Latin American Institute for Crime Prevention and Treatment of the Offender
IRM	Office of Information Resources Management
JS	Judicial School
JSIP	Justice Sector Improvement Project
LAC/DI	Latin America and Caribbean Office of Democratic Initiatives
MIDEPLAN	Ministry of National Planning and Economic Policy
MOJ	Ministry of Justice
MP	Public Ministry
NBCCA	National Bipartisan Commission on Central America
OIJ	Judicial Investigations Organization
PRES	Office of the President
PRO	Attorney General's Office
RAJO	Regional Administration of Justice Office
RAJP	Regional Administration of Justice Project
RLA	Regional Legal Advisor
SC	Supreme Court
SUIJ	University Judicial Information System
UCR	University of Costa Rica

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I. INTRODUCTION AND PROJECT SUMMARY

A. The Problem

The Justice Sector Assessment (and the January 1987 Workshop which reviewed its findings) identified significant problems facing the criminal justice sector in Costa Rica. These problems include the inefficient operation of the police forces, the administration of the penal system and the efficiency of the courts and the accuracy of legal opinions. After reviewing the Sector Assessment and the results of the Workshop, the Mission has decided to focus on the court system. The project will thus address three principal problems faced by the court system in Costa Rica. These problems are as follows:

1. Sector Planning and Coordination

The first problem to be addressed by the project is the lack of planning and coordinated programming by justice sector institutions in Costa Rica. The establishment of the National Commission for the Improvement of the Administration of Justice (hereafter referred to as the National Commission), and the process of conducting and reviewing the Sector Assessment encouraged the GOCR and the various sector institutions to focus attention on sector-level planning and activities. The possibility of receiving support for reforms and activities recommended as a result of the Sector Assessment process was in itself an incentive for increased coordination among justice sector entities. However, the problem remains one of ensuring the continuation of coordination among sector entities and the establishment of sector priorities.

The ongoing Regional Administration of Justice Project (RAJP) anticipates that the National Commission will be a principal mechanism for addressing this problem. The RAJP provided the impetus for the establishment of the National Commission in Costa Rica and has funded staff support for its operations. However, the regional project design does not anticipate providing support beyond 1988. Furthermore, the National Commission does not have the staff nor the institutional capability to produce sector plans that establish concrete goals, priorities and time frames for reaching these goals. Thus, the National Commission will need increased technical and financial support if it is to achieve its objectives. It will also be necessary to reinforce the commitment of the sector's principal entities to accept the oversight of the National Commission as the principal planning and coordinating mechanism in the justice sector.

2. Judicial Training

The second problem is the lack of systematic, in-service training for legal professional employees of the judicial branch of government. Although the employment conditions of judicial branch employees in Costa Rica are relatively favorable, the lack of training for judges, prosecutors, and public defenders, particularly in the practical aspects of administering the criminal justice process, has been identified as a major impediment to improved case-processing performance.

3. Information on Legislation in Force

The Sector Assessment also identified the lack of accurate and readily available information on legislation in force (legislación vigente) as a major problem in the justice sector. At present, there is no publicly accessible system to provide such information. Efforts have been made in the past to address this problem. The most ambitious of those efforts, supported by AID in the early 1970's, resulted in a multi-volume index and compilation of Costa Rican legislation covering the years through 1970. At the present time, the index and compilation are incomplete, out-of-date and, of course, non-automated.

B. Summary Project Description

The Justice Sector Improvement Project (JSIP) will provide technical assistance and training support for three programs to improve the administration of the justice system in Costa Rica. The assistance will support the efforts of three local justice system institutions: 1) to foster coordination and planning by national justice sector agencies; 2) to create a training program for legal professionals to improve their performance, and 3) to establish a system that provides up-to-date, accessible information on Costa Rican legislation currently in force. These activities support achievement of the overall goal of the project which is to consolidate and modernize the Costa Rican justice system.

The three beneficiary agencies will be the National Commission, the Supreme Court's Judicial School, and the Attorney General's Office. The principal implementing agency for the project will be ILANUD (United Nations Latin American Institute for Crime Prevention and Treatment of the Offender). In existence since 1975, ILANUD has been implementing a major AID grant under the Regional Administration of Justice Project (597-0002 and 598-0642) since 1985. As a principal recipient of AID support under the regional project, ILANUD has three years of experience in justice system reform and upgrading and is the most appropriate organization that is able to provide overall management to the Costa Rica justice system improvement project. ILANUD will channel the project's technical and financial assistance to the following local organizations:

1. The Costa Rican National Commission for the Improvement of the Administration of Justice.

ILANUD will provide technical assistance to enhance the institutional capability of this two-year-old entity, enabling it to play a central role as the major planning, programming and coordinating mechanism among justice sector institutions.

2. The Judicial School

ILANUD will provide technical assistance and training to assist the Judicial School to improve its training of justice sector professionals.

3. Procuraduría General (Attorney General's Office)

ILANUD will provide technical and financial assistance to assist the development of a computerized data base and system located in the Attorney General's Office that will improve the quality of information on legislation currently in force, and to make this information more accessible to practitioners in the justice sector as well as to the public at large.

II. PROJECT RATIONALE

A. The USAID/Costa Rica Action Plan

AID carried out only limited activities in the justice sector during the 1970's. The Regional Administration of Justice Project (RAJP) was approved in 1985 in response to a recommendation by the National Bipartisan Commission on Central America (NBCCA) that the United States "help strengthen Central American judicial systems." The RAJP envisions separate bilateral activities as 'spin offs' of the regional project. The bilateral project responds directly to the following recommendations contained in the NBCCA report:

1) "To enhance the training and resources of the judges, judicial staff and public prosecutors' offices."

2) "To promote availability of legal materials...."

One of the Mission's objectives, as described in the Action Plan for FY 1988-FY 1989, is to strengthen the development of democratic institutions. The Action Plan also discusses the lead role that the RAJP plays in this regard as well as the role of a bilateral follow-on activity in support of judicial institution-building in Costa Rica.

B. Relationship to Mission Strategy

The USAID/Costa Rica strategy, described in its recent Strategy Update document and in the Action Plan, includes the strengthening of democratic institutions as one of its objectives. Because of Costa Rica's long tradition of democracy and social justice, it serves as a model to other nations and as a base for regional activities in support of democratic institutions. This project is one of several projects which will help to achieve the above-mentioned objective.

C. Relationship to Current Mission and Other Donor Programs

AID's Regional Administration of Justice Project

The Regional Administration of Justice Project Agreement between the United Nations Latin American Institute for the Prevention of Crime and Treatment of the Offender (ILANUD) and the Agency for International Development (AID) was signed in March 1985 (AID Project No. 597-0002). It is part of an AID Latin America/Caribbean program supporting democratic initiatives in the region.

The regional project provides: 1) support for the operation of ILANUD; 2) technical assistance to ILANUD by Florida International University (FIU) pursuant to a Cooperative Agreement between FIU and AID; 3) technical assistance, training and financial assistance by ILANUD to justice sector institutions in Costa Rica, Honduras, Guatemala, El Salvador, Panama and the Dominican Republic; 4) training assistance by ILANUD to Bolivia, Colombia, Ecuador, Peru, Uruguay and Venezuela; and 5) the cost of maintaining the Regional Administration of Justice Office (RAJO) in Costa Rica and National Coordinators in USAID Missions in the other participating Central American countries. The project also supports some activities of the Costa Rica-based Inter-American Institute for Human Rights. The original amount of $9.5 million in AID grant funding has been increased in two subsequent agreements to a current total of $11.791 million. The PACD is March 1990 and it is expected that the project will be extended through December 1992.

General policy guidance and oversight is provided by LAC's Office for Democratic Initiatives (LAC/DI) in AID/Washington. USAID/Costa Rica provides programming, administrative and financial management support to the RAJO. The RAJO has technical and overall project management responsibilities.

As indicated above, a major objective of the regional project is to strengthen ILANUD to enable it to provide training and technical assistance in criminal law and penal matters, and to act as a catalyst for the formation of national plans and programs aimed at reforming the administration of criminal justice in Central and South America as well as in the Dominican Republic. ILANUD fulfills its role by: 1) fostering and supporting the development of National Commissions for the Improvement of the Administration of Justice in the respective countries; 2) organizing and implementing pilot programs in selected countries on important reforms to be undertaken; and 3) responding to requests for training and technical assistance from the participating countries based on Sector Assessments and other assessments of their needs.

It should be noted that the regional project does not provide funds to assist countries in carrying out major activities to improve or reform justice sector institutions. Such funds are expected to be obtained from other sources--particularly through bilateral activities developed and funded by AID in the respective participating countries. Thus, the emphasis of the regional project in its current phase is on further strengthening ILANUD for its widened regional role.

In Costa Rica, the regional project has provided financial assistance for the conduct of the Sector Assessment and a Workshop to evaluate its findings (mentioned above); the training of approximately 70 representatives from justice sector institutions; financial assistance to the National Commission; and support through ILANUD for the design of a project to systematize information involving legislation currently in force. The thesaurus of legal terminology developed by ILANUD will be the indexing basis. Moreover, the GOCR has already taken its own considerable steps toward the implementation of the new legislation reference project. A request for assistance for the purchase of computer equipment necessary for planning the activity has been prepared and presented to USAID/Costa Rica. This equipment, which will be purchased with local currency jointly programmed by the Mission and the GOCR, will facilitate planning of the GOCR legislation project to be supported later by the JSIP.

There are no other donors involved in similar projects in the Costa Rican justice sector although ILANUD receives financial support for its programs from the Ford Foundation, the Organization of American States (OAS), the United Nations Development Program (UNDP), several governments in the region and the Government of Spain.

III. PROJECT DESCRIPTION

A. Project Goal and Purpose

The overall goal of the project is to consolidate and modernize the Costa Rican justice system. The project purpose is to improve the administration of justice in Costa Rica by strengthening three selected areas of the justice system: 1) coordination and planning in the justice sector; 2) professional judicial training; and 3) availability of up-to-date information on legislation currently in force. Although the Sector Assessment revealed a relatively high level of public confidence in the fairness of the criminal justice system, it also pointed out that there is significant public concern with the slow pace of the justice system (especially with its increasing case load); the cost of the system to the government and the public; and the overall ability of the system to perform effectively. Thus, the emphasis of the bilateral project will be on improving the administration of the Costa Rican justice system which will require improvements in training and performance of personnel in key justice sector institutions and in coordinating the efforts of those institutions.

Achievement of the project purpose will result in more accurate and expeditious legal opinions, more capable justice system officials and a more efficient justice delivery system which will contribute to the overall goal of the project.

B. Project Outputs

The project will have three major outputs. The first is the development of the National Commission as an effective instrument for planning, promoting, monitoring and evaluating the execution of a coordinated national criminal justice sector program. Progress toward the achievement of this output will be measured both in terms of the specific outputs of the National Commission (e.g. development of sector plans, program proposals, budget strategies, and evaluations) and by its institutional development (e.g. nature and number of staff and degree of cooperation and coordination achieved with sector entities).

In order to achieve this output, the GOCR will have to provide permanent legal status to the National Commission as well as the necessary authority to enable it to be an effective entity. The GOCR will also have to assume progressive financial responsibility for the operations of the National Commission at a later date. Continued cooperation between the executive and judicial branches of the GOCR will also be essential. The relationship between the National Commission and the Supreme Court as well as with the Ministry of Justice in the executive branch will be of particular importance.

The second major output is the creation and implementation by the Judicial School of the Supreme Court of an in-service training program for legal professionals (judges, public prosecutors and public defenders) to improve their professional performance. Progress toward the achievement of this output will be measured by the existence of the institutional tools required (e.g. numbers of faculty members, existence of a new curriculum and supporting instructional materials, budget for salaries and materials, plans for the training of existing sector personnel as well as new entrants) and by the results (e.g. number of personnel trained, and the extent to which the program is available to personnel outside San José).

To achieve this output, the GOCR will have to provide additional operating support to the Judicial School, and the Supreme Court and the University of Costa Rica Faculty of Law will have to maintain a close and harmonious working relationship.

The third output is the establishment of a system accessible both to sector institutions and to the public which provides up-to-date, systematic information on legislation currently in force. Progress toward achievement of this output will be measured by the existence of an executing office, located in the Procuraduría General, with sufficient staff, equipment and resources; by the existence of information that is easily identifiable and retrievable; and by a system of information dissemination to justice sector institutions and private parties, particularly outside of San José. Cooperation will be essential among the Procuraduría General, the Supreme Court and the Legislative Assembly to assure that the system is useful and compatible with similar information systems currently being developed in the Supreme Court. Fortunately, a working commission consisting of representatives from these institutions as well as from the Ministry of Justice and the Ministry of Planning already exists, and has produced a project proposal for this activity that has been accepted by AID. The proposal is strongly endorsed by the Procuraduría and the Minister of Justice.

C. Expected Achievements and Accomplishments

The major concrete achievements expected from the project are the following:

1. A fully operational National Commission involved in planning, promoting, monitoring and evaluation with key justice sector institutions.

   (i) a criminal justice sector program that establishes action priorities, including time frames for their achievement, estimates of resources needed and supporting analyses of the choices made;

(ii) institutionalization and permanence of the National Commission through legislative action;

(iii) a justice sector action plan for 1989-1992 is implemented;

(iv) development of project proposals in the areas of training, law reform and technical assistance, with supporting analytical work sufficient to attract project funding;

(v) evaluations of specific activities undertaken pursuant to operational plans of sector entities; and

(vi) a plan for evaluating the overall operation of the criminal justice sector. (This plan will follow-up on recommendations of the Sector Assessment and the Workshop).

2. A strengthened Judicial School involved in training of judicial professionals in addition to administration and clerical personnel.

(i) a decree issued by the Supreme Court defining and establishing a professional-level training program that delineates the respective roles of the Judicial School and the UCR Faculty of Law;

(ii) a curriculum for professional-level training;

(iii) instructional materials;

(iv) an agreement between the Supreme Court and the UCR providing academic recognition for the Judicial School program;

(v) staff training in the use of the new curriculum with the assistance of the UCR Faculty of Law and observation visits to institutions that provide similar professional level training in the United States, Mexico, Spain or elsewhere;

(vi) a plan of institutional reforms to be introduced between 1988 and 1990 in the Judicial School to improve professional-level training, including a re-defined management structure, obligatory training for internal advancement and promotion, and pre-announced annual training cycles, among others;

(vii) yearly operating plans and course offerings developed by the Judicial School to implement the professional-level training program; and

(viii) a plan by the Supreme Court to introduce the professional-level training program to current professional employees of the judicial system.

3. An automated system providing up-to-date, easily accessible information on legislation in force.

(i) adoption by the Procuraduría of the ILANUD criminal law thesaurus for use in organizing legislation, regulations and decrees;

(ii) a computerized data base, located in the Procuraduría, consisting of information on constitutional provisions, treaties and legislation that is compatible with the data base currently being developed in the Supreme Court by ILANUD under the RAJP;

(iii) a plan for merging information in systems operated by the Faculty of Law (on academic legal writings); the Supreme Court (on judicial decisions); and the Procuraduría (on current legislation), so that requests on particular topics can include information from all three sources; and

(iv) a system for providing information to sector institutions and the general public both in San Jose and throughout the country through the use of computer terminals (where demand justifies them) and through "hard copy" publications.

D. Project Implementation Guidelines

The project will adhere to the following guidelines:

(i) activities will be coordinated with those of the on-going Regional Administration of Justice Project, and to the extent possible, will support the purposes of that project and make use of the results of its activities;

(ii) activities will reinforce coordination among the entities involved in the criminal justice sector and contribute to achievement of an integrated sector program;

(iii) activities will provide concrete results during the life of the project that will have an inherent value even if the overall integration of the sector program is not achieved;

(iv) activities will focus on criminal law and procedures in order to provide greater focus and increase the likelihood of early impact.

1. Overall Project Implementation

A Project Agreement will be entered into between AID and the Ministry of Justice (MOJ). This project agreement (ProAg) will describe the overall nature of the project, define its principal components and establish the principal relationships among all relevant parties thereto.

The MOJ will in turn request AID to enter into a Cooperative Agreement with ILANUD for the overall implementation of the project. Under this Cooperative Agreement, ILANUD will enter implementation agreements with the three participating entities--the Procuraduría, the Supreme Court and the National Commission. These agreements will define their respective responsibilities and relationships, the support that they can expect under the project, and the support that each of these institutions will be expected to provide to the project. ILANUD will be responsible for providing technical assistance, financial management and other advisory services to the three benefiting GOCR entities.

There are several reasons for selecting ILANUD as the principal implementing entity. First, ILANUD has comprehensive experience with justice sector activities, developed under the regional administration of justice activity, and is familiar with technical and coordination issues to be addressed by the bilateral project. Moreover, ILANUD has developed good financial management systems (including internal controls) and a high degree of familiarity with AID rules and regulations, having processed over $4.0 million in AID grant funds during the last three years. Lastly, the use of ILANUD as an implementing entity further enhances its capabilities in providing technical assistance and related advisory services to justice sector entities in the region, and thus reinforces its current role under the regional project.

2. Support to the National Commission for the Improvement of the Administration of Justice

The executing agency for this activity will be the National Commission, or more specifically, the technical office of the National

Commission. Technical and financial assistance will be provided to that technical office by ILANUD. Technical assistance will consist of a long-term advisor for two to three years with experience in general project management, and by short-term advisors in selected topics such as planning, financial analysis, evaluation and project monitoring. The long-term advisor will also be responsible for maintaining working relationships with the Ministry of Justice and other key GOCR entities, and with USAID/Costa Rica.

Funds will be provided in 1988 to support the current operating costs (including salaries) of the technical staff of the National Commission. (Currently, the staff consists of a half-time technical director, a full-time assistant and a secretary). Eventually, it is anticipated that these costs will be met progressively by the GOCR.

The first year of the project will be devoted to the following activities:

- o formalizing the role of the National Commission;
- o hiring and training staff;
- o establishing institutional arrangements;
- o hiring the long-term advisor;
- o developing work plans; and
- o preparing a multi-year criminal justice sector program.

The second year of the project will be devoted to the following activities:

- o completing the multi-year sector program and obtaining its adoption by the sector entities;
- o preparing an action plan for 1989-90;
- o developing project proposals; and
- o addressing the question of the degree of authority that the National Commission will have with regard to justice sector entities.

The third year of the project will focus on:

- o following-up on additional project activities already identified;

o creating an evaluation system; and

o evaluation of the project.

3. Judicial Training

This activity is in the planning stage. Although the Sector Assessment and Workshop placed importance on the re-structuring of the Judicial School and the need to provide training programs for professionals in the judicial branch, no explicit proposals concerning this program were made in deference to the role of the judiciary. Nevertheless, the President of the Supreme Court, the head of the Court's commission on the Judicial School, and the Dean of the Faculty of Law support such an activity. The Court is actively working with ILANUD, the Mission and RAJO to define this program.

The executing agency will be the Judicial School, operating at the Supreme Court. The Court's governing commission will be aided by an Advisory Panel designated by the National Commission. The Panel should include representatives from the University of Costa Rica, the Ministerio Público (the public prosecutor's office) and the Colegio de Abogados. Efforts will be undertaken to conclude an agreement between the Supreme Court and the University of Costa Rica stipulating that the Faculty of Law will: a) provide recognition to courses developed for the Judicial School under the project; b) confer an academic title on those who successfully complete them; and c) aid in the preparation and testing of the course curriculum.

Technical assistance and faculty training support will be provided to the Judicial School by ILANUD. This assistance will be tailored to seek improvements in the management of the School, and to reinforce its role as an entity that responds to requests for guidance from sector entities concerning professional training activities. The costs of the Judicial School and its administration will continue to be met by the GOCR through its on-going budgetary support.

During the Project Paper design, ILANUD and the National Commission will complete the design of a questionnaire already in progress to obtain survey data on the operation of the Judicial School and the professional training needs of judicial branch personnel. The questionnaire will be distributed to all judicial branch professional personnel, members of the Faculty of Law and selected members of the bar. The results of the questionnaire will be used in the preparation of the new curriculum. Survey research data previously collected during the Sector Assessment will also be used in developing the new curriculum. A project-funded legal curriculum specialist, contracted by ILANUD, will assist in this work. Also during the design phase, representatives of

the Faculty of Law and the Judicial School will observe the operation of judicial schools in California, Arizona and at the National Judicial College in Reno, Nevada. They will be accompanied by ILANUD's training curriculum specialist and Florida International University's training advisor to ILANUD. Consideration will be given to the incorporation of these short training exercises outside Costa Rica in the new program--especially in its in-service training component. Materials from a 1987 ILANUD comparative workshop on judicial schools in Spain, France, Venezuela and Mexico will also be drawn upon.

The first year of the project will be devoted to the following activities:

- o establishing inter-institutional arrangements and selecting key staff;
- o development of a new, professional-level curriculum;
- o identifying core faculty to participate in the program.

The second year of the project will focus on the following activities:

- o preparation of an implementation plan that gives preference to in-service training courses;
- o completion of training and instructional materials;
- o implementation of the training program, and
- o introduction of reforms in the organization and management of the Judicial School.

The third year of the project will be devoted to the implementation of a full training program, beginning with new judicial appointees, or those being promoted.

4. Systematizing Information on Legislation

The executing agency for this activity will be the Procuraduría General, acting under the direction of an existing special commission created by the GOCR for this activity. The commission consists of representatives of the Ministry of Justice, the Legislative Assembly, the Supreme Court, Ministry of Planning and the Procuraduría. It is chaired by the Vice-Minister of Justice.

The working staff will consist of two individuals currently on the staff of the Procuraduría and the Legislative Assembly who have

experience in monitoring official law texts; a systems analyst from the Ministry of Planning; and a secretary provided by the Procuraduría. The Procuraduría will also provide office space to the working group.

The working group will organize data on the basis of the thesaurus of legal terminology developed by ILANUD (Macrotesauro). All legislation, including criminal laws, will be indexed under the project. Source documents will include the Official Gazette; a collection of laws prior to 1948 prepared and published by a private Costa Rican lawyer; a compilation of legislation through 1970 prepared by the Legislative Assembly; and the Judicial Bulletin published by the Supreme Court.

Computer equipment will be purchased to store, process, access and retrieve data. The control center will be in the Procuraduría. Terminals (with printers) will be provided to the Legislative Assembly, the Supreme Court, the Ministry of Justice and the Presidency of the Republic as well as to several divisions of the Procuraduría. At least one of these terminals in the Procuraduría will be directly accessible to the public. Terminals will also be installed at the Faculty of Law, the Colegio de Abogados and Fedecámaras (including perhaps fee-charging outlets), depending on the willingness of this entities to share in system costs or to pay user fees. Eventually, outlets may be provided to regional centers outside San José. If legally possible, a minimal fee may be charged for these services to defray operating costs.

This activity will use software developed in Colombia--the Sistema Universitario de Informática Jurídica. This software was acquired under an agreement between ILANUD and Colombia's Instituto de Educación Superior and is the basis for the ILANUD system. Training in the use of the equipment and software will be organized by the Procuraduría and provided to users in the justice sector as well as to individual private attorneys and members of the public who may have a particular interest in utilizing the system.

ILANUD will purchase equipment for the project and provide technical assistance to the working group in the Procuraduría. This assistance will address:

(i) the adaptation of the criminal law thesaurus;

(ii) the organization and supervision of the work of the data analysts;

(iii) the preparation of computer and related equipment specifications;

(iv) training in the use of equipment and software;

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(v) support during the initial phase of system utilization;

(vi) preparation of a plan to make the information generated by the system available to the general public as well as sector entities; and

(vii) preparation of a plan to coordinate the system with systems currently being installed (under the RAJP) in the Supreme Court (involving criminal jurisprudence; and in the Faculty of Law (involving criminal law legal writings). ILANUD will use short-term advisors for this effort. It is estimated that some seven-person months of short term assistance will be needed. The effort will be under the guidance of the office in charge of ILANUD's regional activity on the systematization of doctrine, jurisprudence and legislation. An additional part-time professional for that office may be necessary.

The first year of this activity will be devoted to the following activities:

- o organizing the working group;
- o hiring and training staff, including student classifiers;
- o adapting the criminal law thesaurus;
- o purchase of computer equipment; and,
- o initial data analysis.

The Mission has agreed to provide a small local currency grant to the Procuraduría for the purchase of a computer to assist with the initial design of these activities. ILANUD has also agreed to provide assitance for the re-conditioning of office space to be used under this project component.

The GOCR understands that these activities do not constitute any implied commitments by AID to proceed with the bilateral activity prior to project authorization.

The second year will focus on the following activities:

- o completing data classification;
- o training potential users of the system; and,

- o equipment installation in sector entities in San José.

The third year of the project will conduct the following activities:

- o monitor utilization of the system;
- o prepare a plan to provide information to the public and to sector offices outside of San José.

IV. FINANCIAL PLAN

A. AID Funds

The project will require $2.9 million from the Economic Support Fund to be obligated in FY 1988 and FY 1990, as shown below.

Obligation ($ 000's)

FY 1988	FY 1989	FY 1990	Total
$1,500	-0-	$1,400	$2,900

B. Illustrative Budget ($ 000's)

		AID	GOCR	TOTAL
I.	Overall Project Direction and Implementation (ILANUD)			
	A. L-T Advisory Services	580.8	--	580.8
	B. S-T Consultancies	150.0	--	150.0
	C. International Travel	50.0	--	50.0
	D. Evaluations/Audits	115.0	--	115.0
	Subtotal	895.8		895.8
II.	Support for Nat. Commission			
	A. Institutional Support	--	289.5	289.5
	B. S-T Consultancies	70.0	--	70.0
	C. International Travel	40.0	--	40.0
	D. Workshops	20.0	--	20.0
	Subtotal	130.0	289.5	419.5

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	AID	GOCR	TOTAL
III. Judicial Training			
A. L-T Advisory Services	300.0	--	300.0
B. Institutional Support	--	496.1	496.1
C. S-T Consultancies	110.0	--	110.0
D. International Travel	40.0	--	40.0
E. Observation Trips	75.0	--	75.0
F. Equipment	50.0	--	50.0
Subtotal	575.0	496.1	1,071.1
IV. Systematization of Legislation			
A. Institutional Support (Procuraduría)	--	114.4	114.4
B. S-T Consultancies	100.0	--	100.0
C. Workshops	60.0	--	60.0
D. Publications	48.0	--	48.0
E. Computer Equipment	510.0	--	510.0
Subtotal	718.0	114.4	832.4
Contingency and Inflation	581.2	66.0	647.2
TOTAL	$ 2,900.0	966.0	3,866.0

V. FACTORS AFFECTING PROJECT FEASIBILITY

A. Institutional Considerations

1. Participants

The project will require the cooperation of entities from all branches of the GOCR--the Supreme Court and its Judicial School, the Procuraduría, the Legislative Assembly, the Ministry of Justice and the Faculty of Law of the University of Costa Rica. As these entities are autonomous and independent organizations, questions have been raised as to whether full cooperation can be achieved by these organizations. However, it should be noted that considerable cooperation already exists among these entities. The following are some examples of current, ongoing coordination among these entities in the justice sector:

1. The National Commission has been in existence for two years, established by Presidential decree to coordinate and develop programs for the improvement of the administration of justice in Costa Rica. The National Commission is currently fulfilling this role by planning and coordinating a unified program of justice sector activities to be developed and presented to ILANUD, AID and other donor agencies for funding.

2. The Procuraduría's legislative reference service project (to which earlier reference was made) was developed by an interagency committee on legislative information systems that has been in operation for approximately one year. This interagency committee is comprised of members from the Legislative Assembly, Ministry of Justice the Supreme Court, MIDEPLAN and ILANUD. This committee meets on a regular basis to plan activities involving legislative information (see attachments for decree establishing the National Commission).

3. Coordinating mechanisms of a more institutional nature are already in existence among some of these sector entities. An example is ILANUD's relationship as secretariat to the National Commission.

4. The Supreme Court will have minimal coordinating responsibilities under the project which will consist in coordinating with ILANUD and the Faculty of Law. The Court already works closely with both of these entities.

5. Potentially the most complex component is the systematization of legislation activity which requires the Procuraduría to coordinate with ILANUD, the National Assembly and MIDEPLAN. However, all of these entities are represented on an ongoing commission which is currently coordinating the development of short-term projects in the information area such as the Sistematización de la Legislación Vigente en Costa Rica proposal that was recently submitted to AID.

It is thus felt that in addition to the expressed consensus of support from major project participants, there are sufficient existing institutional links to ensure the necessary coordination of the different components of the project.

2. Beneficiaries

The immediate beneficiaries are the approximately 400 professional members of the judicial branch--judges, public prosecutors and defenders. They will receive training in the Judicial School and be major users of the automated information to be developed on current legislation. The 2,500 Costa Rican lawyers (and especially the 8% who specialize in penal law) who deal with the judicial branch also will have access to automated information on current legislation and will thus be direct beneficiaries of the project. Ultimately, the whole of Costa Rica's population will benefit through the improved efficiency of the judicial system. Unique in Central America, the Costa Rican system provides public defenders to all who request them. The improvement in the efficiency of the system should mean shorter waits for disposition of criminal cases, particularly for persons unable to raise bail. The supply of lawyers is growing faster than the number of legal positions available, so there should be increased competition in providing services, and thus benefits from an increase in the efficiency of the system.

B. Economic Considerations

The Sector Assessment's approach to the economic dimension of the problems facing the criminal justice sector was as follows:

(i) to describe the fiscal support for (and limitations on) justice sector institutions, salary levels and working conditions of personnel in the sector; and

(ii) to seek to identify ways of measuring the efficiency of sector institutions. The Assessment did not try to measure the impact of the performance of sector institutions on the overall economy, although it did emphasize that there is a growing public concern with criminality and dissatisfaction with the effectiveness of public entities which is leading, in turn, to increased private expenditures for security.

The Sector Assessment's major conclusions were the following:

a) Fiscal support for justice sector institutions is inadequate, and support levels have been irregular in recent years. Under the Constitution, the judicial branch is entitled to 6% of the national budget. However, it has received the full amount only once in the last 26 years. Furthermore, the growth in the workload of the judicial branch has not been reflected in increased fiscal support; and increases in the budget of the judicial branch in recent years have not been as large as those of the public sector overall. When the costs of the operation of the police forces and the penitentiary system are added to those of the judicial branch, fiscal support for the administration of criminal justice is inadequate. The Sector Assessment did not make an estimate of the amount necessary to provide adequate support levels to justice sector institutions.

b) The process of preparing and reviewing the budgets of justice sector entities is complicated, and the standards applied by the different entities are not always consistent. Furthermore, the restrictions imposed in recent years (e.g. hiring freezes and prohibition of new programs) have caused serious rigidities in the operation of justice sector institutions.

c) About 20% of Costa Rican lawyers are employed by public sector entities, and of these, the judicial branch and the Ministry of Justice utilize about 25% of the total. Given the restrictions on the creation of new positions in the GOCR, the percentage of lawyers employed in the public sector will be decreasing.

d) The average level of compensation for professional personnel of the judicial branch compares favorably to that of lawyers working in the private sector, and is three times that of professional employees of the executive branch. This advantage was reduced in the ten years prior to 1986 as real increases were less for the judicial branch. However, the large increase in compensation for the judicial branch in 1986 largely restored the difference. The overall level of compensation for lawyers will be subject to downward pressure as the numbers of trained lawyers increases faster than the positions available in the public sector.

e) The significant indicators of efficiency of the criminal justice system are:

(i) the number of cases handled,

(ii) the number of persons found guilty,

(iii) the time that it takes to complete the major steps of the judicial process,

(iv) the number of persons awaiting trial, and

(v) the proportion of cases accepted for appeal.

On the basis of these indicators, the efficiency of the criminal justice system in Costa Rica is low and probably declining. For instance, while the number of cases handled per employee has increased from 8.8 in 1979 to 9.5 in 1985, only one in seven criminal charges results in a conviction. The time taken to complete the initial stage of a case (juicio de instrucción) has increased to 13 months, which is four months longer than the period established by law. The average length of time to resolve an appeal is seven months rather than the one month established by law.

An attempt to identify and measure the results that can be expected from project activities should help the National Commission and the Supreme Court to become accustomed to evaluating proposals in terms

of measured impacts. The choice of measures to be used would be part of the design of the project. The more likely candidates for measurements would be those mentioned in Part III B and C above.

C. Relevant Experience with Similar Projects

USAID/Costa Rica has not been involved in activities similar to those proposed under the bilateral administration of justice project during the past 15 years. However, in the early 1970s, the AID program in Costa Rica did include a Law and Development component which involved activities with the Legislative Assembly and the Faculty of Law of the University of Costa Rica.

One of these activities involved the preparation of a systematic compilation of laws in force. This was an ambitious effort that resulted in a multi-volume index and compilation of Costa Rican legislation covering the years through 1970. As already noted, the index and compilation are incomplete, out-of-date and non-automated.

A significant success was achieved with the establishment of the Digesto de Jurisprudencia in the Supreme Court in the early 1970's. Under an AID contract, specialists established a case digest system that has been kept current. It produces short digests of all cases decided by the Supreme Court and the 18 Tribunales Superiores. At the present time, the Digesto is used extensively.

Another Law and Development activity provided support to the UCR Faculty of Law during the early 1970's. This involved a comprehensive program to re-organize the teaching of law on the basis of the case method. Faculty members were trained in the United States and other countries, and American law professors assisted in the development of a curriculum to reflect these changes. However, the project became the subject of political disputes and personality conflicts, and was terminated.

The lessons learned from the experience of the Law and Development program in general, and the Costa Rican experience in particular, were taken into account in the design of A.I.D's Regional Administration of Justice Project and in the design of the proposed bilateral project. There is no attempt to remake legal education in Costa Rica in the US image. Radical change is not sought in the nature or operation of the local judicial system. All ideas for project activities are developed by national entities and reviewed by the National Commission. The design of the project represents a collaborative effort by the National Commission and other relevant local entities that has wide support in Costa Rica, including the President of

the Supreme Court, the Minister of Justice, the Procurador and the Dean of the Faculty of Law. US institutions and technical advisors play a less prominent role. The work to be performed will be conducted in Costa Rica under the full participation and guidance of the Costa Rican entities involved in the project. Thus, it is believed that this project will not present the same difficulties encountered by predecessor Law and Development activities in Costa Rica.

D. Mission Capabilities

The RAJO will be headed by a U.S. Direct Hire (USDH) in USAID/Costa Rica who will be responsible for implementation oversight of the bilateral Justice Sector Improvement Project (JSIP). The project will be managed in close collaboration with the regional advisor to the RAJO. The decision to add a USDH position for the project has been made by the Mission in consultation with LAC/DI in AID/Washington, based on the present availability of a USDH slot. It is also anticipated that AID/Washington project backstopping will be provided by USDH personnel possessing in-depth experience with the on-going Regional Administration of Justice Project.

VI. PROJECT PREPARATION STRATEGY

A. Project Development Schedule

The Mission has projected the following schedule of activities leading to the completion of the Project Paper (PP), its authorization (in the field), and subsequent start-up activities:

Action	Date
PID approval by USAID	March 14
PP design begins	May 9
PP is completed	June 20
Mission review/approval	June 30
Grant Agreement negotiated and signed	July 31
Implementation begins	September 1

B. Project Development Committee

1. Mission Project Committee

Lewis Lucke, Supervisory Project Development Officer

Michael C. Foster, Assistant Project Development Officer

Carl Cira, Regional Administration of Justice Advisor (RAJO)

Linda Ellison Gutiérrez, Regional Administration of Justice Program Assistant.

Ligia Carvajal, Project Design Specialist

Alfredo Cuellar, Contractor

Luis Salas, Chief of Party, FIU

2. Mission Review Committee

Carl H. Leonard, Mission Director

Richard Archi, Deputy Director

Kevin Kelly, PPDE

Michael Williams, RLA

John Jones, GDO

Phil Amos, CONT

Lorraine Simard, PRD

VII. ISSUES

ISSUE 1.

Created in 1975 by the United Nations, ILANUD has grown from a small entity into a large regional organization with a current staff of 50 permanent employees and an annual budget of $2.5 million. Its technical assistance and advisory services are in continuous demand in the region (which includes Central America, the Dominican Republic and selected countries in South America). The issue is whether ILANUD can continue to meet its current responsibilities under the RAJP and also provide overall project management support and technical assistance to the Justice Sector Improvement Project (JSIP).

DISCUSSION

ILANUD has received substantial technical assistance under the RAJP and has greatly developed and improved its overall management and

technical capabilities. Although an ongoing project evaluation has not yet been concluded, the consensus is that ILANUD in fact possesses considerable institutional capabilities. Furthermore, ILANUD is familiar with the technical aspects of justice sector institutions in the region and, being based in Costa Rica, has a great degree of familiarity with local justice sector institutions. Also, the use of ILANUD as an implementing entity further enhances ILANUD's own capabilities to provide technical assistance to justice sector entities in the region, and thus reinforces its current role under the regional project.

It should also be noted that ILANUD will continue to receive technical assistance support under the RAJP through December of 1992.

Lastly, ILANUD has the added advantage that as a multilateral, regional organization, it is better situated politically to work with member countries in sensitive internal structural reforms than is an individual USAID Mission.

ISSUE 2.

The JSIP increases the responsibilities of the National Commission, the Judicial School and the Procuraduría, implying certain staff increases in these entities. Although some of this staff is project-funded in the initial stages of implementation, there is a question as to the GOCR's ability to assume financial responsibilities for such positions at the conclusion of the project.

DISCUSSION

Some staff in the Procuraduría component will be seconded to the project by other departments in the GOCR. Such staff will continue to be paid by their employing agency at regular government rates. The Judicial School will not greatly increase its permanent staff (probably one administrative position and one or two support staff). A permanent core of salaried professors/instructors will not be created, as instructors will be paid for actual teaching. Salaries will be based on GOCR rates and/or those set by the Supreme Court.

Since the Judicial School is under the Supreme Court, which has its own independent budget, it will be required to assume all ongoing operating costs over the life of the project. Discussions with the Supreme Court indicated that it is willing to absorb these costs.

Currently, the National Commission does not receive funding under the national budget. Its only current operating expenses are met by ILANUD under the RAJP. The GOCR will covenant, under the JSIP, to provide eventual funding for the National Commission in the national budget.

ISSUE 3

What level of policy dialogue (if any) does the Mission wish to pursue in this project?

DISCUSSION

The nature of the activities to be developed with the National Commission raises the issue of policy dialogue. If we take as a project goal the achievement of an integrated (or at least closely coordinated) justice sector system under the National Commission, we should be prepared to define and sustain a high level of policy dialogue on this subject. For example, if the project seeks significant medium-term structural impact through upgrading and improving of the National Commission, we might wish to seek a legal status for the National Commission that includes effective veto power over the non-conforming annual plans of the various justice sector agencies. Since some of these are major executive branch ministries (another involves the judiciary) this would be no small task.

However, a functioning justice sector planning agency such as the National Commission might also be only an advisory body with no real power other than issuing public reports and providing testimony before the Legislative Assembly. Depending on the Mission's decision on this issue, we need an appropriate policy dialogue plan together with conditionality.

The other two project components present lesser policy dialogue issues but nevertheless some attention should be devoted to the identification of these policy issues. We need an appropriate policy dialogue plan together with conditionality.

PRELIMINARY LOGICAL FRAMEWORK

Narrative	Objectively Verifiable Indicators	Means of Verification	Assumptions
Goal: To consolidate and modernize the Costa Rican justice systes.	1. Number of cases handled by court system per year is increased.	1. Base line data available in Sector Assessment.	1. GOCR provides financial sources necessary to su the operations of the c
	2. The average time to process common criminal cases is reduced.	2. Survey research	2. GOCR adopts major refor identified in Sector As ment (e.g. enacment of of Judicial Careers).
	3. Costs in handling various judicial procedures are reduced.		3. Socio-economic conditio Costa Rica remain stabl
	4. Public opinion of judicial sector improves.		

Narrative	Objectively Verifiable Indicators	Means of Verification	Assumptions
Purpose. To improve the administration of justice in Costa Rica by strengthening three selected areas of the justice system: 1. coordination and planning in the justice sector; 2. professional judicial training; and, 3. availability of up-to-date information on legislation currently in force.	1. Sector plans, proposals, budgets and evaluations prepared on basis of regular planning cycle.	1. Project reports, budgets/financial reports, project proposals and evaluations.	1. GOCR provides permanent legal status and necessa authority to National Co mission to enable it to effective entity. 2. GOCR willingness to assu financial support for op tions of the Commission future.
	2. Increased capabilities of the Judicial School demonstrated by existence of trained faculty and personnel using new curriculum.	2. Project reports and evaluations.	3. Cooperation between Judi School and UCR Law Schoo
	3. An automated system of legislation in force in existence and providing information to public sector institutions and private parties.	3. Project reports and evaluations.	4. Cooperation between exec tive and judicial branch

	Objectively Verifiable Indicators	Means of Verification	Assumptions
Outputs Summary			
(Output 1) National Commission:			
1. Sector plans, program proposals, budgets evaluations.	1. Sector program functioning effectively and coordinating sector activities.	1. AID progress reports, project files.	1. All relevant entities w ing to cooperate and ac coordinating role of National Commission.
2. Trained personnel	2. 15 personnel trained and working.	2. Project reports, evaluations.	2. Availability and proper selection of technician
(Output 2) Judicial School:			
1. Trained core faculty	1. Core faculty using new curriculum.	1. AID progress reports, project files	1. Core faculty are select and assigned.
2. New professional level curriculum and supporting instructional materials.	2. Curriculum and instructions materials developed.	2. AID reports	2. Curriculum specialist i available and contracte timely basis.
3. New training plans	3. Training plans developed	3. AID reports, project files.	
4. Professional level training program.	4. 400 professional staff trained each year.	4. Project reports, evaluations.	

Narrative	Objectively Verifiable Indicators	Means of Verification	Assumptions
Outputs Summary			
(Output 3) Automated system of legislation in force:			
1. Fully staffed and equipped executing office.	1. 10 personnel hired, trained, and working.	1. Project reports.	1. Cooperation is obtained all relevant justice se institutions.
2. New information on legislation in force available to sector institutions and the public.	2. 15 terminals available to public sector institutions; 5 terminals available for private use; 50,000 requests answered by Procuraduría.	2. AID reports and evaluations.	

Narrative	Objectively Verifiable Indicators			Means of Verification	Assumptions
Inputs					
	(000's)				
	$ AID	GOCR	TOTAL		
I. Overall Project Direction and Implementation (ILANUD)	895.8	—	895.8	1. AID documents, project reports.	1. Funds are availa
II. Support for National Commission	130.0	289.5	419.5	2. National Commission reports; project reports.	2. GOCR provides co tempart contribu tions.
III. Judicial Training	575.0	496.1	1,071.1		3. TA needs identif on timely basis.
IV. Systematization of Legislation	718.0	114.4	832.4		
V. Contingency & Inflation	581.2	66.0	647.2		
TOTAL	2,900.0	966.0	3,866.0		

ENVIRONMENTAL DETERMINATION

PROJECT LOCATION:	Costa Rica
PROJECT TITLE:	Bilateral Administration of Justice
FUNDING:	FY 88-FY 90 Grant $2,900,000
LIFE OF PROJECT:	Three (3) years
ED PREPARED BY:	Heriberto Rodríguez USAID/General Engineer
DATE:	March 1988

ENVIRONMENTAL ACTION

RECOMMENDED: That the project does not require an Initial Environment Examination and therefore a categorical exclusion in appropriate.

CONCURRANCE:

Carl H. Leonard
Director
USAID/Costa Rica

DATE: March 23, 1988

EXECUTIVE SUMMARY

COSTA RICA SECTOR ASSESSMENT

CENTER FOR THE ADMINISTRATION OF JUSTICE
FLORIDA INTERNATIONAL UNIVERSITY
October, 1986
San Jose, Costa Rica

I. Background

On March 22, 1986, the Agency for International Development (AID) awarded a grant to the Instituto Latinoamericano de Naciones Unidas para la Prevención del Delito y el Tratamiento del Delincuente (ILANUD) to carry out a regional project designed to improve the administration of justice in five countries (Costa Rica, Panama, El Salvador, Honduras, Dominican Republic).

Due to a lack of empirically reliable data for the Central American justice sector, the project included a component of five sector assessments to be carried out in the participating countries. ILANUD requested AID to enter into an agreement with another institution to carry out this task. As a result of its expertise in Central American affairs, Florida International University was chosen to carry out these assessments and a cooperative agreement was entered into between that institution and AID.

The ILANUD Regional Project includes funding for limited national activities in each country prior to the completion of a sector assessment, which then would provide the basis for more focused and integrated projects, including bilateral assistance programs between AID missions and national governments. Both to facilitate interim assistance by ILANUD and to develop support for the carrying out of sector assessments, ILANUD and RAJO have promoted and encouraged the formation of a national commission for the improvement of the administration of justice in each participating country.

The Costa Rican Commission was established by executive decree in late 1985. Its membership consists of representatives of the Supreme Court, the Ministry of Justice, the Procuraduria, the Bar Association, the National Assembly, and the University of Costa Rica Law Faculty. The Supreme Court has provided a technical coordinator in the person of a Superior Criminal Court judge on leave of absence. The Commission has met frequently and high level officials have consistently participated.

The FIU-Costa Rica study team together with ILANUD representatives and the AID Regional Administration of Justice Advisor (RAJA), met with the Commission, presented the study methodology and kept them advised of progress. Several former and current high government officials have been involved in the study process. Luis Paulino Mora, currently Minister of Justice and formerly a Supreme Court Magistrate, was on leave from the Court during a six month period immediately prior to his current appointment serving as ILANUD's Director of Technical Assistance. Eugenia Zamora, currently Vice Minister of Justice, was previously Deputy Director of FIU's Center for the Administration of Justice in Costa Rica. Carlos José Gutiérrez, former Foreign Minister and ex-Dean of the UCR Law Faculty, served as principal technical advisor to ILANUD prior to his current appointment as Costa Rica's ambassador to the United Nations. He was also one of

the principal consultants in the drafting of the Costa Rican assessment. Hugo Muñoz, immediate past Minister of Justice and current legal advisor to the National Assembly, is another of our consultants.

II. Methodology

The objectives of the sector assessments are several: 1) to provide enough baseline data for appropriate planning and evaluation of the ILANUD project; 2) to assist the participating countries in planning of their justice sector; 3) to provide the basic information for the development of bilateral assistance agreements between the participating countries and the respective USAID missions.

Since sector assessments had never been carried out in the administration of justice sector, FIU, in consultation with AID LAC/AJDD, took several preliminary steps in developing an appropriate methodology for these studies. Professor Joseph Thome, a Costa Rican-American law professor at the University of Wisconsin with significant prior experience in AID law-related projects in Latin America, was employed to develop a proposed methodology. This methodology was discussed preliminarilly with AID officials in Washington and at a July, 1985 meeting of Latin American and US experts convened under ILANUD auspices in San José, Costa Rica. The recommendations were considered and incorporated into the methodology.

Because it appeared to present optimum conditions at the time, Panama was selected for the initiation of a pilot sector assessment, which began in July of 1985. Costa Rica was selected as the next study site and in anticipation of the Costa Rica study, the proposed director was incorporated into the planning and development of the Panama study. The Costa Rican study began in January of 1986.

Due to the political sensitivity of the theme and our desire to promote the maximum commitment of national justice sector leaders and key academics in each country, the following staffing philosophy was adopted: 1) primary reliance would be placed on national experts and those from other Latin American countries; 2) to the extent possible, surveys and field work would be performed by local law students or recent law graduates to help build a base of informed individuals who could later work in the justice sector; 3) AID and ILANUD would have substantial involvement in the design, development and overall coordination of each study; 4) in addition to the central focus of the ILANUD project (i.e., the courts, prosecutors and defenders), the police and correctional systems would also be studied in order to depict their relationship to the judicial function. Nevertheless, the Costa Ricans were made aware from the outset that the police and correctional systems are not eligible for assistance under the AID Regional Administration of Justice Project.

Dr. Enrique Castillo, a criminal law expert and then

director of postgraduate studies at the University of Costa Rica Law School (recently named ambassador to France), was selected as the Costa Rican study coordinator and an interdisciplinary staff consisting of fifteen professionals (8 attorneys, 3 statisticians, 1 economist, 1 sociologist, 1 political scientist, and 1 specialist in library science) was organized. Two foreign consultants (from Spain) were used to assist in the police study. Additionally, thirty-two law students were employed by the project during different stages.

The study consisted of the following stages:

1) Team development. Due to the empirical orientation of the research, a considerable amount of time was devoted to training the study team for survey and field work and discussing the appropriateness of the methodology to the national situation;

2) Literature search. Due to the manner of cataloging and the diverse locations of bibliographic materials, this task consumed a substantial amount of time, but resulted in the collection of the first complete Costa Rican juridical bibliography, consisting of 2,500 entries.

3) Data gathering. Students were utilized in gathering empirical data from diverse sources. In some cases it was discovered that existing data were unusable as kept, for purposes of our study. In some such instances we worked with the data source to reorganize the information or to adapt it to our needs.

4) Legal framework. In order to fully understand the justice process, we employed additional legal consultants to produce an ordered description of the national procedural and substantive legal framework.

5) Opinion surveys. To complement the empirical data we undertook a comprehensive set of surveys that would determine Costa Rican perceptions of and experiences with the justice system. The surveys were as follows: 1) national households (950); 2) judges at all levels (133); 3) prosecutors (32); 4) public defenders (39); 5) lawyers (182); 6) inmates at penal institutions (325). At the request of local officials we expanded some of the surveys.

6) Proposed Final Description and Analysis. This report was drafted in coordination with the regional FIU team, was reviewed by the Regional Administrator of Justice Advisor, and was presented for review to USAID/Costa Rica and ILANUD in September of 1986.

7) Review by USAID/Costa Rica, ILANUD and National Officials. All of the foregoing are currently reviewing the "Description and Analysis". To facilitate review by current Costa Rican officials we have engaged Dr. Hugo Muñoz, immediate past Minister of Justice, to coordinate the presentation and discussion of relevant study portions to high government

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officials whose agencies cooperated with the study under the previous administration. The purpose is twofold: first, we will obtain feedback, corrections and additional input; second, hopefully, we will engage the current officials in the sector assessment process. Upon receipt of the feedback from the reviewing entities the "Final Description and Analysis" will be completed.

8) Action Recommendation Workshop. A workshop, cosponsored by the Costa Rican National Commission for the Improvement of the Administration of Justice and ILANUD, will be the vehicle for the analysis of the final report and the production of recommendations for action. Possible action recommendations include new or revised legislation, new training or educational curricula, administrative reorganization of existing agencies, new equipment and facilities, and new information and management systems. Depending upon the action desired, the workshop would indicate the entity to respond, which could be: 1) National Assembly; 2) the Executive Branch; 3) the Judiciary; 4) the law faculties; 5) the Bar Association; 6) and, as appropriate, international donor agencies. We have taken care not to raise the expectation with any Costa Rican official that AID assistance would automatically flow from this process, and the workshop will continue this emphasis. ILANUD and the Costa Rican officials have been informed that AID would study the recommendations of the workshop to determine whether any of them fit USAID/Costa Rica programming priorities.

III. Summary of Contents of the "Description and Analysis

A. Administration of Justice and Socio-Political Development.

The 1949 Constitution establishes the traditional division of powers between three branches of government: the Legislative, Executive and Judicial, as well as a fourth autonomous power to be exercised by the Supreme Electoral Tribunal, charged with responsibility for all electoral matters. In addition, there are a number of autonomous institutions of government subordinated to the Executive Branch. Presidential and legislative elections take place every four years.

The governmental and juridical organization of Costa Rica flows directly from the Spanish colonial system. In particular from the Constitution of Cadiz of 1812, a pivotal point in Spanish legal history, a central feature of which is the autonomy of the judicial branch.

The major concern of the liberal politicians and lawyers who guided the construction and consolidation of the Costa Rican state during the 19th Century, as well as of the increasingly influential coffee growers (who drove the growth of the agricultural export economy between 1830-1930) was to guarantee a stable and durable public order based on a citizenry capable of taking part via the electoral process and open public debate in

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the legitimation and improvement of government institutions.

Promotion of internal security and the control of social conflicts so that the latter would not impede economic growth or escalate into civil war or open class confrontation was a constant concern of 19th Century Costa Rican ruling classes. This effort was of particular concern to the jurists, politicians, teachers and writers called the "Generation of Olympus" and whose influence after 1886 contributed decisively to the development of modern Costa Rican society.

Their particular successes were: a) the consolidation of a legally based system of public powers with defined and strict divisions and competencies; b) a juridical structure distinguished from previous ones by its more pronounced orderliness and integration (though still characterized in part by the custom of copying major foreign codes and legislating without significant prior study); c) an administration of justice with better possibilities for stabilizing and professionalizing its functioning based upon the consensus that produced the Constitution of 1871, a cornerstone of the renewed juridical structure; d) a democratic culture, progressively more pronounced and focusing on a respect for liberty, human life, property and individual security, the inhibition and control of the use of violence and the prohibition of the death penalty and torture. At the same time a high value was placed on the creation of a system of compulsory public education which would serve as the basis of a citizenry of free men; d) a juridical ideology which firmly defended the role of the judge as an impartial decision-maker in social conflicts and as supreme authority within a judicial branch which progressively became more autonomous in the exercise of its powers, more differentiated from other instruments of social control, and more capable of guaranteeing justice throughout the national territory.

The system, as it developed during the late 19th Century, remained basically adequate and largely unchanged until the society began to experience severe social conflicts in the thirties and early forties. After 1940, new sectors of society began to achieve greater power and influence. The worker-artisan class and an urban middle class provided the impulse for the introduction, through a series of legal reforms, of significantly increased social security measures. Many of these were put forth in the Labor Code of 1943, considered very advanced for its time.

After the short civil war of 1948, primarily the result of electoral conflicts, Costa Rican justice became more attentive to the needs of the weaker sectors of society. Reform efforts came to fruition in the Constitution of 1949 which abolished the Army, nationalized a number of private institutions and set forth the basis for the Costa Rican state we know today.

The Constitution also had great impact on Costa Rican judicial development. The term of Supreme Court magistrates was extended from four to eight years, and their removal from office

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was made almost impossible by the requirement of a vote of two-thirds of the National Assembly for removal upon the expiration of an eight year term. One of the most important achievements flowing from the 1949 Constitution was the transfer of jurisdiction to the judiciary of numerous legal matters previously in the hands of administrative or police officials. The Supreme Court was explicitly charged with exclusive jurisdiction over constitutional challenges of legislative acts. The judicial review of executive actions was established as a means for review of the legality of administrative actions, and the traditional right of habeas corpus was expanded with the addition of the right of amparo. Finally, the Supreme Court received the power to name the members of the Supreme Electoral Tribunal. In addition, the special position of the judiciary was confirmed by the constitutional requirement that in the consideration of proposed laws referring to the organization or operation of the Judicial Branch, they be consulted and that a 2/3 vote of the National Assembly is required to override judicial objections.

Thereafter, the major achievement of the judiciary in consolidation of its formal and material independence was the amendment of Article 177 of the Constitution in 1957 requiring that 6% of the national budget be assigned to the Judicial Branch.

B. Legislative Function.

This section discusses the modern functions and legislative output of the National Assembly, comparing it with the Executive and its use of decrees (executive orders). It includes a brief discussion observing that the legislative output of the last ten years has diminished considerably compared with the preceding decade. It also notes an interesting Costa Rican phenomenon which is the growing reliance upon the budgetary process as a substitute to for normal legislative action.

The study also notes that in recent years proposed reforms dealing with the administration of justice have been stalled in the National Assembly. As well, responses to our household survey show that the population considers that laws concerning the administration of justice are inadequate to cope with current concerns over crime. In addition, the survey revealed a significant level of citizen ignorance of law.

C. Executive Branch.

Among the functions of the Executive, those related directly to the justice system are: the power to pardon convicted criminals; organization of police forces to maintain public order and national sovereignty; and, approval or veto of laws emanating from the National Assembly, whether based on political disagreement or constitutionality. Nevertheless, the functioning of the Executive Branch is limited by the judicial oversight of the legality of its acts.

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The Executive Branch consists of the President of the Republic, two Vice-Presidents, a Council of Government and eighteen ministers. The following ministries are related to the administration of justice: a) Ministry of Justice, charged with serving as the formal linkage between the Executive and Judicial branches, with additional responsibility for maintaining the correctional system. Also within the structure of this Ministry is the Procuraduría General de la República, the highest legal advisor of the government, to which is entrusted the defense of the State in all judicial proceedings; b) the Ministries of Public Security; Government and Police; and Public Works and Transport; all of which carry out police functions; c) Ministry of the Treasury (Hacienda) which plays a major role in the preparation of all governmental budgets (including that of the Judiciary) prior to submission to the National Assembly.

The Executive Branch also exercises legislative faculties through the promulgation of decrees and regulations, which process is itself regulated by the "Ley General de la Administración Pública". This process begins with the drafting of the decree by a particular Minister. The final version is signed by the Minister and forwarded to the "Oficina de Leyes y Decretos de la Presidencia de la República", which reviews it and sends it to the President for his signature and promulgation.

D. The Justice System.

1. Police.

This section describes the establishment and organization of nine police forces currently operating in Costa Rica and their responsibilities. It indicates the difficulty of overlapping jurisdictions and duplication of functions flowing therefrom. It touches upon the confusion of police and military functions and its effects. It indicates the significant level of confusion and lack of definition of function within the various police forces themselves. It discusses the legislative and regulatory bases of each of the police forces indicating that the OIJ (Organismo de Investigación Judicial), the judicial police organized in 1974, is the only one currently operating with notable clarity of functions and attributions.

The study concludes that the bulk of the problems indicated are the consequence of a lack of a formal planning process and rudimentary management structures both at the national policy level and at the operational level.

There is considerable discussion about the selection, training and promotion of the police and the problems created by the practice of reserving the police forces as a primary mechanism of political patronage. It is an accepted practice every four years to remove a majority of police personnel, from top to bottom, and replace them with adherents of the incoming administration.

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The study also discusses the tension between the role of a major segment of the police as guarantors of national security and the performance of traditional police duties. A consequence of the continued strength of Costa Rican cultural and political adversion to a standing army is the political justification of nonprofessional police forces and frequent rotation of personnel due to a fear that a strong and professional police might become an army. The same political imperative simultaneously clashes with Costa Rica's growing need for a more professional public force to secure its borders, control its territorial waters and otherwise carry out military attributes. In the latter case, the result has been a political consensus to characterize military functions as a national security matter and thereby to avoid significant public or legislative debate of budgets, deployment or regulation of the police bodies. This has also led to a lack of legal and administrative controls over operations of most Costa Rican police agencies. Apart from the virtues or drawbacks of the Executive's military activities, these are kept largely out of the scrutiny of the Legislative Branch or informed public opinion.

One of the principal findings of the study is that the professionalization of the police to better fulfill their crime control function has been and continues to be markedly impeded by the confusion of roles and the current preponderant emphasis on its military role.

2. Public Ministry (Prosecutors).

This section describes the organization and operation of the Public Ministry. This agency is charged with the prosecution of all crimes under Costa Rican law. Unlike other Central American countries, the Costa Rican Public Ministry is located within the Judicial Branch even though it acts autonomously in its prosecutorial function.

The study dectected a growing concern among justice officials of the rising caseloads being handled by these functionaries which in turn affects the efficiency of processing and the speed of the judicial process. Incorporation of the prosecutors into the Judicial Branch has placed them within the Judiciary's superior professional selection and promotional system, thereby removing them from the openly political appointment process prevalent in other subsectors of the justice system (for example, police).

Prosecutors indicated dissatisfaction with the training programs offered them. There is currently no defined entry-level or continuing legal education program other than the few courses which ILANUD has offered. Some of the greatest needs appear to be in the technical fields associated with criminal investigations, since both they and the OIJ complained that the investigatory capacity of the judicial police is not being fully utilized. The increasing role of the Costa Rican state in repression of sophisticated forms of criminality (i.e. white collar crime,

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organized crime and narcotics trafficking) also point to the need for greater training of these personnel.

Prosecutors also indicated a need for greater bibliographic materials. These are currently being addressed in part by the donation of a basic library to the Supreme Court through the ILANUD Project. The establishment of a juridical database encompassing all Costa Rican legislation, doctrine and jurisprudence, contemplated under the ILANUD Project, will also help address this need.

3. Public Defenders.

This section of the study describes the role that Costa Rican public defenders play within the national justice system. Unlike other Central American countries, Costa Rica fully complies with its guarantee of a free public defense for every person accused of a crime irrelevant of financial need. Its public defender corps is composed of 53 full-time attorneys and, like their prosecutorial counterparts, their office is also in the Judicial Branch with a budget almost equivalent to that of the Public Ministry.

In the surveys, public defenders expressed concern about the adequacy of their training. There is no established entry-level or continuing legal education program devoted to them. This year, ILANUD, through the AID/ILANUD Regional Administration of Justice Project, conducted a well-received course for public defenders. They also indicated a need for technically oriented courses that would allow them to cope with the growing complexities of criminal prosecutions.

Public defenders also complained of a lack of technical and bibliographic resources. As mentioned in the preceeding section, some of these needs should be addressed through the AID/ILANUD Regional Project.

4. Attorneys.

This section of the study deals with the legal profession and the role which it plays within the Costa Rican justice sector. It has been divided into three parts: entry into the profession, the Bar Association, and the operation of this sector both in its professional and business relations.

The Costa Rican Bar Association is one of the oldest such groups in the region and this country is characterized by a unified bar with membership being a requirement for legal practice. There is no bar examination requirement for entry and the organization requires only that the applicant be admitted to practice by the Supreme Court, routinely done upon graduation from law school.

Regulation of the profession is exercised through the Association's Ethics Committee which reviews complaints against

lawyers and recommends disciplinary action. The Association is also influential in regulating fees charged by lawyers. The Ministry of Justice regularly issues decrees which set the minimum fees which lawyers may charge. It is then the responsibility of the Ethics Committee to assure compliance through its disciplinary process.

The Bar Association operates a number of continuing legal education programs, but these have not been characterized by thorough planning or coordination with other sectors of the justice system.

At the core of any justice system is the basic education which the legal profession receives prior to entry into the practice of law. The major Costa Rican law school is situated in the University of Costa Rica. Due to severe restrictions on the number of law students accepted by the UCR, four other law schools have been established under the umbrella of the UACA (Universidad Autonoma Centroamericana), a private university. These are considered less rigorous and are less well-regarded.

Legal education in Costa Rica is undergoing a critical period. It is characterized by: 1) a lack of adequate funding levels; 2) part-time faculty; 3) a lecture system of education; 4) poor library resources, with budget restrictions causing the collection to remain outdated.

Through the ILANUD Project, the UCR Law School receives AID scholarship assistance for its postgraduate legal programs (specializations in Agrarian, Public, Penal and International Law). This assistance however, is not aimed at strengthening the entire institution and the postgraduate programs are viewed by some as drains on the undergraduate legal program.

The Law School plays a minor role in continuing legal education. Unlike other Central American law schools, the law faculty has almost no involvement in training programs for justice personnel. They are notably absent, for example, from the police academies, even though legal courses are offered to recruits.

Research into problems affecting the justice sector is also notably absent from the law school environment. Curricula typically concentrate on traditional legal topics with little attention devoted to social science or administration issues affecting the justice system.

While past foreign assistance efforts (AID's law and development program) have demonstrated the difficulty of attempting to effect radical modifications in legal education, the law schools play a critical role in development of legal professionals prior to entry into that labor market and thereafter and any assistance program should carefully consider their involvement.

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5. Courts.

This section deals with the Costa Rican Judicial Branch and its development as the most advanced in the region. The Judicial Branch exercises its judicial role through five jurisdictional levels:

a. The Supreme Court composed of 17 magistrates, elected by the National Assembly and serving eight year terms, renewable by the National Assembly, exercises supreme administrative and judicial control over this Branch;

b. The Superior Tribunals exercise jurisdiction over certain appeals and act as trial courts for crimes in which the maximum penalty exceeds three years.

c. The Juzgados are at the next lower levels and are charged with investigation of crimes and as trial courts for penal matters carrying potential maximum sentences of less than three years.

d. Finally, the alcaldías are the lowest level and handle minor legal matters.

While there is no judicial career law that guarantees judicial stability, the Court, by regulation, has established an internal mechanism with all the characteristics of a civil service system. This personnel system is applicable to all employees of the Judicial Branch, with the exception of the OIJ, and provides an adequate system regulating entry, promotions and stability of employees.

There is a large administrative apparatus which oversees operation of the Judicial Branch with all the characteristics of a formal court administration process. Its greatest deficiency lies in lack of planning and evaluation with no office or process guaranteeing this function.

The Judicial Statistics Office contains the basics and appearances of a proper system but fails to reach its optimum possibilities. The office centralizes all statistics produced by the Judicial Branch, but there is little awareness among judges or OIJ personnel as to the purpose or benefits of a statistical system. It is sorely in need of automation to allow for more timely production and analysis. It should also play a central role in budget determinations, since it is in a position to evaluate workloads and needs.

One of the areas of greatest need, as expressed by all of our surveys, is training for judges. While a Judicial School was created by the Court as a primary mechanism for entry-level and continuing training of its personnel, it has primarily provided rudimentary entry-level training to administrative functionaries, usually at the lowest levels, and has seldom offered similar programs to judges, prosecutors, public defenders or higher level

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administrators.

The Supreme Court has the basic elements for the development of a complete court administrative system in place, but has never undertaken the necessary steps to adequately plan or evaluate programs. This is so not only for its traditional judicial decision-making role, but also in its administrative role.

Critical to understanding the ethos of the Costa Rican judicial system is the autonomy which it so jealously guards. This is primarily guaranteed by constitutional and legislative precepts but also through public support and the political backing of constituent groups (ie. lawyers) which back this tradition. A constitutional rule guarantees them approximately 6% of the national budget, making them one of the best financed court systems in Latin America. This should be examined cautiously however, since recent reforms locating certain entities within the Judicial Branch (OIJ, Public Ministry, Public Defenders) produces a considerable drain on its financial resources.

Any proposed law which affects the judicial sector and which the Supreme Court opposes is unlikely to pass, due both to the respect which they command in the Assembly and the legal requirement of a 2/3 vote to override their objections.

This notion of judicial independence rests on a strict interpretation of the concept of separation of powers. While respect for this autonomy has guaranteed the development of this sector, the Court's sometimes exaggerated interpretation of its independence has served to isolate it from the other subsectors of the justice system and possibly from the population. Their interpretation of separation of powers has led the judiciary to avoid relations with the other sectors of the justice system even in coordinating basic operational needs. The Statistical Office, for example, does not cooperate with similar offices in the Executive. This also occurs between the other police agencies and the OIJ.

The high Costa Rican respect for the autonomous role of the Judicial Branch should be carefully understood in development of any assistance program which has them as beneficiaries or institutional participants.

One of the Costa Rican justice sector's most severe problems is growing caseloads and their effect on the speed of the judicial process. While it has long been one of the countries in the region with the lowest number of inmates awaiting trial, this number is growing due to the strains of continually rising caseloads. Innovative programs, which could be attempted on a pilot basis, which seek to release nondangerous inmates pending trial should be a priority of any assistance effort. These do not necessitate any additional legislation.

Judges indicated a need for greater bibliographic resources

which have been partially addressed by the donation of a basic legal library to the Court by the ILANUD Project. Likewise, this Project also contemplates the development of a juridical database which would offer current information on legislation, jurisprudence, and doctrine to judicial personnel.

While the Costa Rican judicial system is unquestionably the best in the region, it is in a critical stage in its development and could benefit greatly by programs which seek to address its unique problems.

6. Correctional System.

The Costa Rican correctional system is administered by the Dirección General de Adaptación Social, within the Ministry of Justice.

It has emphasized development of a treatment model which rests on a progressive system of benefits and sanctions depending on the behavior of the inmate. The administrative component of the system has been sorely neglected.

The current Minister of Justice has emphasized correctional reform as one of his priorities. He has suggested several areas in which assistance could be beneficially directed:

a. An evaluation of the administrative system leading to its reorganization.

b. A study of the system's capacity to generate resources. This system has large areas of productive land as well as factories. In the past they have often been left idle or used as makework facilities. Introduction of modern business techniques not only could make this system economically self-sufficient but also provide an excellent means for job training of inmates. For example, organization of production cooperatives in which the inmates would have participation in the administration and marketing of goods, as well as share in their profits is feasible.

c. One of the correctional system's most peculiar institutions is the Instituto Nacional de Criminología. This is a semi-autonomous branch of the correctional system primarily charged with making release determinations. It is also charged with preparing pre-sentence investigations for the judges. Surprisingly, it has the power to release persons prior to trial without judicial concurrence. It has been recently using this authority as a means of decreasing overcrowding in its facilities by freeing those persons who are unable to meet their monetary bail but yet present no substantial threat to society.

d. Another area of immediate need is the development of a set of minimum rules for the treatment of inmates. United Nations and American Correctional Association guidelines provide useful starting points.

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E. The Criminal Process.

This section examines the Costa Rican criminal procedure system, which is increasingly reliant on oral hearings rather than the traditional civil law emphasis on written processes.

The process is characterized by its strong adherence to "due process" requirements such as the privilege against self-incrimination, the prohibition of defendants being held incommunicado, the right to counsel, the right to a public trial, and fixed periods for the completion of the different procedural stages.

The nature and severity of the offense determine the type of proceeding to be followed, including the person who may bring the prosecution. For the majority of serious crimes, the prosecution is brought by the Public Ministry and the process is divided into several distinct phases.

The purpose of the preliminary phase of the criminal proceeding is to determine the commission of the crime, and the person to be charged for that act. The agency which receives the criminal complaint must put that complaint before competent judicial authorities, including the prosecutor, within 24 hours of receipt. Recent figures show a slight growth in the rate of criminality with 35,563 complaints for serious crimes being filed last year. Once the complaint is received this investigatory stage is directed by the instructional judge (investigating magistrate) who may order a series of investigatory actions, including the arrest of a suspect.

Although Costa Rican law provides for the use of a variety of pretrial release measures, there is an overreliance on the use of monetary bail, giving rise to the large number of persons in jail because they cannot raise the requisite bail amount. This investigatory stage concludes with the formal charge and request for trial which is issued by the instructional judge. Even though this stage of the criminal process should not last longer than six months, it often lasts longer due to the exceptions to this rule.

Upon the completion of this stage, if the judge has ordered a trial, the defendant and prosecutor are ordered to appear for trial within ten days of the order. The trial is held continuously with a guarantee that it be public and oral. Due to the nature of the process, this stage is as critical as the investigatory phase since the bulk of the evidence which is to be reviewed has been previously determined during the instructional phase.

The trial is concluded with an acquittal or a conviction with the requisite sentence being imposed therein. Although the American Convention of Human Rights requires that all sentences be appealable by the accused, the Costa Rican system does not allow for that in all cases. The Costa Rican National Commission

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for the Improvement of the Administration of Justice has requested assistance from ILANUD to identify experts that can review the Costa Rican legislation and provide solutions that will place it in compliance with this nation's international agreements.

Another important feature of the Costa Rican system is the existence of a "juez de la ejecución de la pena" who is charged with assuring compliance by correctional authorities with judicial decisions. An effective supervision would provide an additional safeguard for the adequate treatment of prisoners including their timely release. Unfortunately, our study indicates that this legal function is largely ineffective.

IV. General Problems.

This section analyzes the problems identified throughout the preceeding descriptive sections and attempts to set some preliminary priorities.

A. Of a normative nature.

Even though Costa Rican legislation appears to be among the most modern of Latin America, it has been characterized by extensive copying of laws of other nations without adequate adaptation. While this is a feature common throughout the region, here it is compounded by the nature of the legislative process.

The National Assembly is charged with two important functions affecting the justice sector: legislating its norms and procedures, and determining its resources through the budget process. The Assembly has little technical staff to assist them in its legislative function and is often compelled to rely on interests groups to provide the expertise which they lack. There is no concept of "impact study" which can provide an economic and practical basis for determining the impact of legislation and few modern means for expediting the legislative process or facilitating information to legislators.

While the Assembly had a number of productive years in which the majority of significant justice legislation was issued, its work has been substantially delayed during recent years with more than 26 major law projects stalled. Our studies revealed dissatisfaction among all justice sectors with the updating of legislation and its relevance to current needs.

Any program designed to assist the administration of justice should take into account the legislative process. One of the areas in of greatest need is the development of a modern system of legislative tracking. This is a priority recognized by the Assembly but as yet not acted upon.

Another problem common to all of the justice subsectors is the lack of adequate regulation, whether through legislation, rule or regulating agency. This is most evident in the police

sector which is characterized by the large number of police bodies with the consequent duplication and overlapping of functions. An organic law for the Public Ministry and another regulating the selection and stability of judicial personnel are also needed. Likewise adequate legislation guaranteeing the rights of prisoners, a correctional code, is also badly needed. Assistance, through the use of Hispanic legal experts, in this normative function is essential.

The legislative process also affects the justice sector through the budget process. Since 1957, the Costa Rican Constitution has guaranteed to the judiciary real economic autonomy by awarding it 6% of the national budget to meet its operational needs. This figure was arrived at and is followed without any rational basis of need or nature of projected expenditures, with the percentage representing an arbitrary figure.

Several factors affect this discussion. The primary determinant of Costa Rican judicial budgets is the salaries of its personnel. These salaries are among the highest in the public sector. Secondly, the financial autonomy of the judiciary appears to be limited to preparation of the budget and presentation to the National Assembly, since its subsequent control and disbursement is commended to the Contraloría. Another factor is the low percentage of the judicial budget which is dedicated to capital expenditures. Finally, if we add those resources assigned to police as part of the justice expenditure, we obtain a percentage of 9.6% of the national budget being devoted to justice. Addition of the correctional budget would place the percentage of the national budget dedicated to the justice sector above 10%, certainly the highest figures in the region.

B. Of a social nature.

One of the most significant discoveries in our study was the importance which the population attached to this sector. When the population was asked to rank national problems, criminality was named as the primary problem (23.2%) with the cost of living (16.8%), housing (16.4%), unemployment (13.5%), poverty (10.2%) and others being ranked lower. There was a difference when the same question was asked of justice professionals with criminality being ranked in fifth place by them.

There is a general perception of a rise in criminality among the population with 90% of them answering affirmatively to this question even though there has not been a considerable rise in the number of criminal cases being reported to police or other such bodies. This fear of crime has had a substantial effect on the quality of life of the Costa Rican population with the majority taking measures to prevent the possibility of victimization.

When asked whether they or a member of their family had been a victim of a crime in the past year, a surprisingly high number

responded affirmatively, with street robberies and burglaries being the primary crimes. The fear of crime not only affects the daily activities of citizens but also has an impact on their confidence on the justice sector. Even though a large percentage of the citizenry expressed a lack of confidence on the ability of the justice sector, especially the police, to protect them, the large majority would still report a crime and go to the justice sector for assistance. It should be warned however, that continually growing public distrust in the efficacy of justice institutions could change this and bring serious consequences for the government.

Given the importance of this topic to the population, it is notable that the government has not developed a unified national plan for the analysis and regulation of this problem. The most recent government pronouncements place blame for this phenomenon on refugees and immigrants, a fact that is not demonstrated by any part of our study.

C. Of a Political Nature.

The Costa Rican justice system faces several issues which could be characterized as political and which are dealt with in this section. These include judicial independence, judicial career and national criminal policy.

Judicial independence has been judged as one of the benchmarks of a democratic judiciary. The Costa Rican model presents some instances of excessive independence while in other aspects it lacks it. The assignment of 6% of the national budget awards the Judiciary economic independence but regulation of its budget by the Contraloría restricts it. Its personnel are named under a non-legislated civil service system which awards to the Court the prerogative of naming all lower judges. In its functional aspects, the legislation awards almost exclusive jurisdiction to the courts in these matters.

A major problem facing the Costa Rican justice sector is the absence of a clearly defined national criminal policy arrived at through study, analysis, discussion and consensus. Too often the components of the justice sector act independently and without coordination of efforts.

The police subsector presents some of the most serious problems to adequate development of the justice sector due to its combination of military and police qualities. Police agencies have clearly overlapping jurisdictions and functions and little coordination between them.

This confusion over the proper role of a police force, combined with the political avoidance of this subject, has contributed to the perpetuation of nonprofessional police. High government officials state with assurance that the primary safeguard against creation of an army is the maintenance of rudimentary and politicized police forces.

The Costa Rican correctional system is one of the best in Latin America but is characterized by a lack of planning and affected by a growing reliance on prison confinement as the only means to deal with the criminal problem.

Criminal regulation is a complex area which should be faced squarely, as befits policy decisions with a substantial impact upon the delicate fabric of society. The Costa Rican discussion of this problem should be better directed utilizing modern resources and facing the necessity of national policies in which all sectors cooperate in development and implementation.

D. Justice Sector Access.

The worth of the justice sector can be measured by the knowledge which the population has of the laws, the institutions which administer them and their own ability to have access to the system in a positive sense.

There is no mechanism in Costa Rica which provides current information on the laws of the country. It is not surprising therefore that the majority of persons surveyed indicated a lack of knowledge about their basic legal rights. Clarity of the laws is another factor which impacts upon access. In this respect almost all sectors surveyed complained of the complexity of legislation.

This ignorance of laws and institutions is not only prevalent among the public but also exists among the primafy users of the criminal justice system. For example, inmates were asked about the existence of certain functionaries whose duty is to protect their rights and a large number did not know of their existence.

The perception that the public has of the justice sector is another major factor in determining its accessibility. People will seek the system's assistance in relationship to the confidence they have that they will be treated equitably and that they will derive some satisfaction from having sought its service.

One of the most surprising research results was the confidence which the Costa Rican public and officials had about their justice institutions. Even though there was a majority who felt that judges apply laws correctly, an equally large number indicated that there was corruption in the judicial sector. The largest numbers appeared when persons were surveyed as to the police with a majority of those questioned indicating corruption as one of the factors which best characterized the Costa Rican police.

It is surprising that even though a substantial portion of those questioned identified negative factors of the justice sectors as conditioning their vision of it, the overwhelming majority of citizens felt confidence in it and would utilize its

services in case of need.

Another factor which determines the accessibility of a justice system is the cost it represents to the actual or potential user. One of the primary factors affecting this issue is the cost of legal services. Reliance on minimum fee schedules which have progressively raised legal fees will place strains on the lower strata of society. The availability of a free legal defense for those persons accused of a crime, regardless of financial resources is a guarantee to defendants but there are proposed regulations which will substantially curb this availability.

E. Respect of Fundamental Guarantees.

Costa Rica presents one of the best human rights records in the region. This is true in all of the system's subsectors. This may be primarily due however, to the prevalent social culture rather than to effective guarantee by the institutions or legal structures that should control the actions of repressive institutions.

F. Efficiency of the Justice Sector.

To quantify and measure the services offered by the justice sector is a complex if not fruitless task. While traditional measures such as cost-benefit analysis may be employed in some parts of the system, the complexity of the service prevents widespread application of these measures. Taking this into account, we have used some accepted means to measure the efficiency of the Costa Rican justice sector: speed of proceedings, degree of public satisfaction with the service and its accessibility.

1. Celerity.

Almost all of the justice professionals, as well as the general population, complain of the delay of the justice process. This perception is confirmed by judicial statistics which indicate that the prescribed procedural periods are often violated.

One of the primary problems affecting the swiftness of the process is the growing caseloads confronting the system. This not only affects the judicial sector but also impacts on the police which are unable to investigate minor crimes and the correctional system which is continually facing an overcrowding crisis.

There has been a continually spiraling upward trend of increasing judicial caseloads which cannot be justified solely by population growth. Even though the subsectors have increased their personnel to meet the growing demand these have not been sufficient. In some subsectors the inverse may be happening due to budgetary cutbacks. The correctional system, for example, has seen its budget decreased during periods in which the penal

population is growing. They are then placed in the untenable position of having to choose between personnel and those budget items, such as food, which should not be reduced.

2. Satisfaction.

The satisfaction which the public expresses about the services provided by the justice sector is another measure of its efficiency. This obviously varies with each different subsector of the justice system.

One of the most valid measures of satisfaction is the degree to which users would go to the system to meet their service demands. In the case of police 82% of those persons surveyed indicated that they would notify police if they were witnesses of a crime. The majority of these would choose the Guardia Rural if they had a problem while only 5% would notify the Guardia Civil. This may be due to the service orientation of the first and the military orientation of the latter. Even though the population pointed out a number of negative features as characteristics of the Costa Rican police sector, they still emphasized a number of others which point to a general satisfaction with them.

Due to the specialized and important role which the OIJ plays in the Costa Rican justice sector, we asked specific questions to measure the confidence which justice professionals expressed in their work. While the levels of satisfaction were generally high, 44% of prosecutors disagreed. This is particularly disturbing due to the key interrelationship which these agencies play in criminal investigations.

Another key set of actors in the justice sector are lawyers. A high number of persons questioned indicated having been a client of a lawyer in the preceeding year (15%). This may however be due to the high participation of lawyers in routine roles. Use of a lawyer is required in such mundane activities as registering a car. In the majority of instances, people were satisfied with their services, both in their private role or as prosecutors or public defenders.

The level of satisfaction with judicial work is fairly high and has been mentioned previously. In the case of the correctional system, while there are some specific criticisms by inmates of the correctional system, in the large part they express a positive vision of the services it provides. There is within the general population however, a growing feeling that the system is "soft". This may, if when combined with anxiety over crime, lead to a clamor for a more repressive justice and correctional system.

3. Controls.

In order to insure efficiency and to regulate the provision of services, the justice system relies on a set of normative and institutional controls. This is an area of great concern.

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Judicial conduct is regulated by the "Tribunal de Inspección Judicial" which reviews any complaints against judicial personnel. The work of this agency appears to be satisfactory but affected by a lack of resources. Police misconduct is regulated by a variety of different mechanisms within their agencies. In all agencies the resources assigned to this task are insufficient and the measures designed to curb misbehavior are oftentimes illogical.

The OIJ is the most professional of Costa Rican police bodies and therefore might be expected to have the most sophisticated regulatory mechanism. However, the only supervision of the OIJ is exercised by a three magistrate committee of the Court which has no staff or resources of its own. The supervision is superficial and dictated by the information it receives from the agency itself. It should be noted that, for no logical reason, the investigatory agents of the OIJ are exempt from the normal review exercised for all other judicial sector personnel and review is exclusively internal.

4. Personnel.

The level of efficiency of any institution is due, in no small measure, to the quality of its personnel. It is therefore important to develop adequate mechanisms for their selection, training, promotion and remuneration. Likewise, it is important to maintain a sufficient number of personnel with clearly defined functions and displaying the necessary characteristics to accomplished their assigned task.

a) Selection.

The Costa Rican justice sector presents a variety of selection mechanisms characterized by different degrees of political interference in the selection process.

Supreme Court Magistrates are selected through a political process in the National Assembly. Their re-election is virtually unaffected by political considerations, with no known case of denial of reappointment. Lower judges are selected by the Supreme Court, allegedly on the basis of qualifications and merit, but there is a growing perception among judges that other considerations dominate the process. The same concern was expressed over the selection of prosecutors and public defenders, which is also carried out by the Court. The instance of greatest satisfaction is displayed among administrative personnel, the selection of which is clearly based on a neutral civil service process which includes advertising, examination, applicant pools and interviews.

The police subsector presents the greatest personnel selection problem. The majority of Costa Rican police, with the exception of two minor agencies, are exempt from civil service norms applicable to the rest of the national public sector. These positions are classified as "de confianza" and allow, if not

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encourage, their usage as a means of political patronage. It is therefore, not surprising to find massive turnover of police personnel upon the conclusion of presidential elections. Thereafter, the outgoing administration issues a presidential decree which allows all functionaries to resign within a period of time and to enjoy the benefits equivalent to a fired official (prestaciones). This represents a significant economic burden to the incoming administration while draining them of trained professionals. A similar situation also prevails among guards in the correctional system.

b) Training.

There are widely varying situations in training among the justice sectors. Some of these have been discussed previously and will not be dealt with here.

Training of police is characterized by duplication of programs and efforts. Curricula are not adapted to the function they carry out and are oftentimes dated. Resources are often minimal with one police school being compelled to ask for private donations for food for its trainees since there is no budget allocation. Programs are often dominated by military subjects with limited training in normal or traditional police functions.

Lawyers are initially trained in law schools and the deficiencies have been previously noted. A common denominator of the Costa Rican legal education is the theoretical nature of the curricula. Most disturbing is the lack of participation by the law schools in continuing legal education programs, whether for the bar or the private sector.

Judicial training is placed in the hands of the "Judicial School" which has been characterized by its emphasis on basic training of low level administrative personnel and devoted little resources to the rest of the judicial employees. While there should be training provided to these personnel, the needs of the rest cannot be ignored. It should be seriously studied whether entry-level and continuing education of judicial professionals should be best subcontracted to the law school or carried out by the "Judicial School" since the number of judges and training needs may not justify the investment required to maintain a separate training facility.

c) Promotion and Remuneration.

Promotional systems are varied in the Costa Rican justice sector and they have been previously discussed. The most serious needs appear to be in the police subsector in which their absence is notable.

Salaries for judicial personnel appear to be more than adequate since they are among the highest in the public sector. More than half of legal professionals employed in the judicial sector earned an average base salary which was almost three times

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the public sector average and 1.5 times higher than professionals in the public sector. In addition to these base salaries, legal professionals earn a large supplementary sum for not practicing law (exclusividad).

The situation of nonlegal personnel, especially those employed outside the judicial sector, is markedly different. The police subsector presents notable differences between the different bodies (7,750 colones per month in the Guardia Civil, for example, compared with 13,800 colones in the OIJ). This is often not affected by the employee's level of education or the similarity in function. The result of these disparities is widespread transfers between one institution and another which is especially harmful in the most technical areas.

5. Material Resources.

The material resources assigned to the justice sector are often inadequate and in bad condition.

a) Physical Facilities.

The most severe problems occur in the police subsector. The DIS, for example, rents houses for much of its activity in conditions inadequate for efficient work. The UPD occupies sites which in many cases are uninhabitable.

The correctional system also presents severe problems, with additional space needs accumulating over a number of years. Continuation of current overcrowding will eventually lead to confrontations and prison violence rarely seen in Costa Rica.

b) Equipment.

There are severe equipment problems in all sectors of the justice system.

The Law School is in severe need of basic teaching equipment and modern teaching aids. The police are also facing similar problems but possibly due to the poor or inadequate system of purchasing and maintenance which predominates in most police agencies. Foreign donations have oftentimes complicated this problem. For example, one of the primary means of obtaining vehicles for this sector is through foreign donations. The wide variety of different types and brands of vehicles makes development of an adequate maintenance system impossible thereby generating a large percentage of unusable vehicles during any work shift.

One of the most serious equipment needs is in the area of information systems. This is one of the priorities expressed by all subsectors. Criminal histories are managed by a number of different agencies, for example, with different levels of sophistication but with little sharing of data. The equipment purchased to date has been obtained without consideration of

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development of integrated networks to be shared by different agencies.

Some coordination of information system development is taking place. The Executive has assigned this task to the Ministry of Planning which has a committee dealing with justice information, but this committee does not necessarily coordinate its activities with the other branches of government. Thus, since the ILANUD project contains a component for donation of a juridical database, ILANUD was faced with the awkward situation of having this Ministry engaged in discussions for creation of a system while unaware of the similar activities of the Judicial Branch.

Libraries are another area of need for the justice sector. Adequate bibliographic resources are a sine qua non of any effective justice sector and the state of many of the Costa Rican legal libraries leaves much to be desired. The law school library maintains the most complete collection in the country but due to budgetary restrictions has abandoned its periodical collection or purchase of new materials. The Supreme Court has received a donation of a basic library from ILANUD which appears to meet its most immediate needs. Outside of San José the situation is even more critical with a notable absence of these resources.

Another area in which assistance could be useful is in the development of adequate legal materials. While there are several legal publishers in the country, these are devoted to publications useful only to the legal profession. Public legal education is one area in which new materials developed with the cooperation of the Court, the Bar Association and others would be useful. An example, would be a review of texts utilized by the Ministry of Education to assure that the younger population is receiving an appropriate legal basis on which to exercise their rights as Costa Rican citizens.

6. Administration.

Justice administration is a new concept for this sector.

a) Coordination.

While the justice sector is a system composed functionally of different parts (police, courts, corrections) regularly interacting, there is very little coordination between the different components of the justice system and even between agencies within the same subsector. The police are an example in which competition and lack of coordination predominate.

Any assistance program should attempt to encourage coordination between the different agencies and subsectors and not further aggravate the existing problem.

The creation of the Costa Rican National Commission for the Improvement of the Administration of Justice is one of the most

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positive aspects and it should be encouraged to develop not solely as a mechanism for the implementation of this project but as an ongoing agency which plays a central role in national justice development.

b) Planning and Evaluation.

A common characteristic of Costa Rican justice agencies is the absence of planning and evaluation. Every effort designed to improve the administration of justice should set forth clearly identifiable and measurable goals and define the means by which they are to be reached.

Essential to the development of adequate planning mechanisms are adequate justice statistics. These are currently kept by a variety of different agencies with little coordination among them but commonly without identifiable purposes for these statistics. Even in the case of the judiciary in which the most professional office operates, there appears to be a lack of understanding among judicial officials of the need for or the utilization of the statistics it maintains.

While the Costa Rican justice sector displays one of the highest levels of development in the region, one area in which substantial assistance could usefully be assigned is in the administration area. These programs should be designed carefully and carried out progressively with a mix of technical assistance and training.

N° 17.646-J

El Presidente de la República

y el

Ministro de Justicia y Gracia

Con fundamento en el artículo 140, incisos 3) y 18), de la Constitución Política,

Considerando:

1° Que el mejoramiento de la administración de la justicia, en sentido amplio, es un objetivo a cuyo servicio conviene poner los medios adecuados;

2° Que se han puesto en ejecución proyectos de gran importancia atinentes a esta materia, y es necesario en consecuencia, crear un órgano idóneo para realizarlos.

Por tanto,

Decretan:

ARTICULO 1 Créase la Comisión Nacional para el Mejoramiento de la Administración de Justicia.

ARTICULO 2 La Comisión estará integrada de la siguiente manera:

a) Dos Magistrados de la Corte Suprema de Justicia;
b) El Ministro de Justicia y Gracia;
c) Un Diputado de la Asamblea Legislativa;
ch) El Procurador General de la República;
d) El Presidente de la Junta Directiva del Colegio de Abogados;
e) El Decano de la Facultad de Derecho de la Universidad de Costa Rica.

ARTICULO 3 Cada uno de los miembros de la Comisión tendrá su respectivo delegado alterno, que le sustituirá en sus ausencias temporales u ocasionales.

ARTICULO 4 Los Magistrados de la Corte Suprema de Justicia y el Diputado a la Asamblea Legislativa, lo mismo que sus delegados alternos, serán designados por la Corte y el Directorio de la Asamblea, respectivamente.

ARTICULO 5 El Presidente de la Comisión será uno de los Magistrados que la integran.

ARTICULO 6 La Comisión tendrá una Secretaría Ejecutiva Permanente.

ARTICULO 7 La Comisión tendrá como objetivo general la coordinación y realización de programas destinados al mejoramiento del sector de la administración de justicia, comprendiéndose en tal sector todos los organismos públicos que tienen a su cargo la composición de conflictos individuales, sociales o colectivos.

ARTICULO 8 La Comisión podrá realizar todas las acciones que sean compatibles con su objetivo, como las siguientes:

a) Evaluaciones y revisiones periódicas del sector de la administración de justicia;
b) Proposición de reformas al sector;
c) Coordinación y ejecución de estudios y de proyectos de investigación y apoyo a los organismos del sector; y
ch) Promoción de asistencia técnica y financiera para el sector.

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ARTICULO 9 Los acuerdos de la Comisión que se refieran al Poder Judicial, deberán contar con la autorización de la Corte Suprema de Justicia.

ARTICULO 10 El Poder Ejecutivo hará las previsiones presupuestarias para el sostenimiento de la Comisión. Hasta tanto no se disponga de esos recursos, la Comisión continuará trabajando con los que ponga a su disposición el Instituto Latinoamericano de las Naciones Unidas para la Prevención del Delito y Tratamiento del Delincuente (ILANUD).

ARTICULO 11 Derógansе los decretos ejecutivos N°s. 16445, 16445-J de 31 de julio de 1985; N° 16489-J de 21 de agosto de 1985 y N° 17133-J de 28 de julio de 1986.

ARTICULO 12 Rige a partir de su publicación.

Dado en la Presidencia de la República, San José, a los veintinueve días del mes de julio de mil novecientos ochenta y siete.

Oscar Arias Sánchez

El Ministro de Justicia y Gracia
Luis Paulino Mora Mora

LA GACETA Nº 232 — Jueves 3 de diciembre de 1987

Nº 17843-J

EL PRESIDENTE DE LA REPUBLICA
Y EL MINISTRO DE JUSTICIA Y GRACIA

Considerando:

1º—Que la Constitución Política y el Código Civil establecen que nadie puede alegar ignorancia de ley.

2º—Que en un régimen de derecho escrito como el de Costa Rica la presunción del conocimiento de la ley conforma un presupuesto de seguridad que permite al derecho mismo su dinámica de funcionamiento y la realización de sus fines.

3º—Que sin embargo es deber del Estado hacer realidad el conocimiento de la ley a todas las personas y no solamente a quienes por razón de su profesión o la función que desempeñan tienen acceso a las fuentes de información.

4º—Que dado el gran número de leyes promulgadas a través de la vida independiente del país, en ocasiones resulta difícil precisar la vigencia de una determinada norma jurídica.

5º—Que el Poder Ejecutivo mediante decreto Nº 19991-J del 5 de mayo de 1986 creó la Comisión Interinstitucional Coordinadora del Proyecto de Sistematización de la Legislación Vigente, la que elaboró un documento informativo de los criterios la organización institucional, definición de responsabilidades, ejecutores y descripción de necesidades.

6º—Que se hace necesario continuar con el esfuerzo de traducir en realidad el conocimiento de la ley, primeramente mediante un banco de datos en donde pueda ser consultado su texto actualizado independientemente de las vicisitudes legislativas que hubiere experimentado, y más adelante mediante la publicación sistematizada de esta legislación con lo cual se contribuirá de manera singular en el fortalecimiento del Estado de Derecho.

Por tanto

DECRETAN

Artículo 1º—Declárese de interés público el proyecto de sistematización de la legislación vigente elaborado por la Comisión Interinstitucional Coordinadora creada al efecto.

Artículo 2º—La ejecución del proyecto estará a cargo de la Procuraduría General de la República.

Artículo 3º—Se autoriza a los organismos públicos a prestar la colaboración que sea legalmente posible para la realización del proyecto.

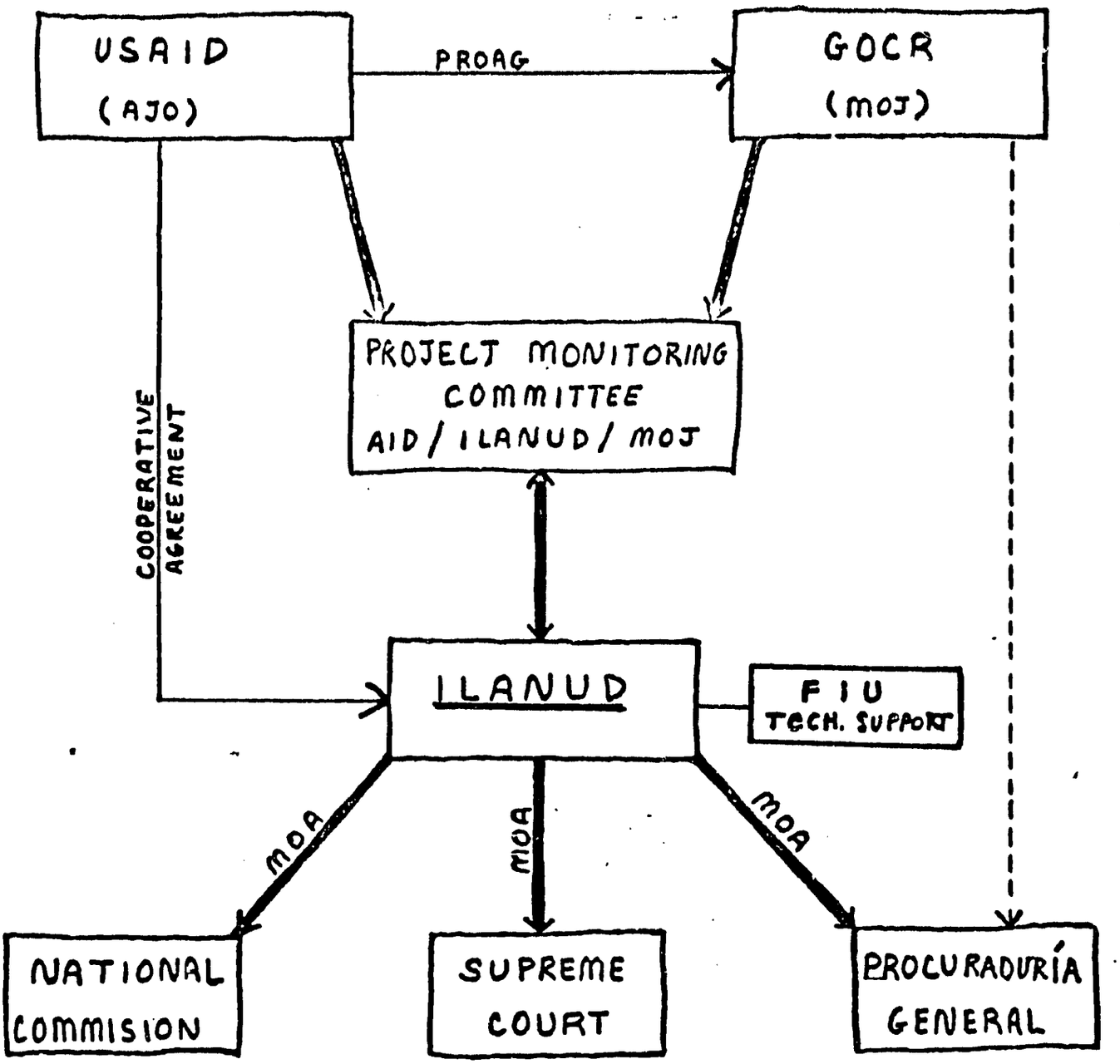
Artículo 4º—Rige a partir de su publicación.

Dado en la Presidencia de la República.—San José, a los veintisiete días del mes de octubre de mil novecientos ochenta y siete.

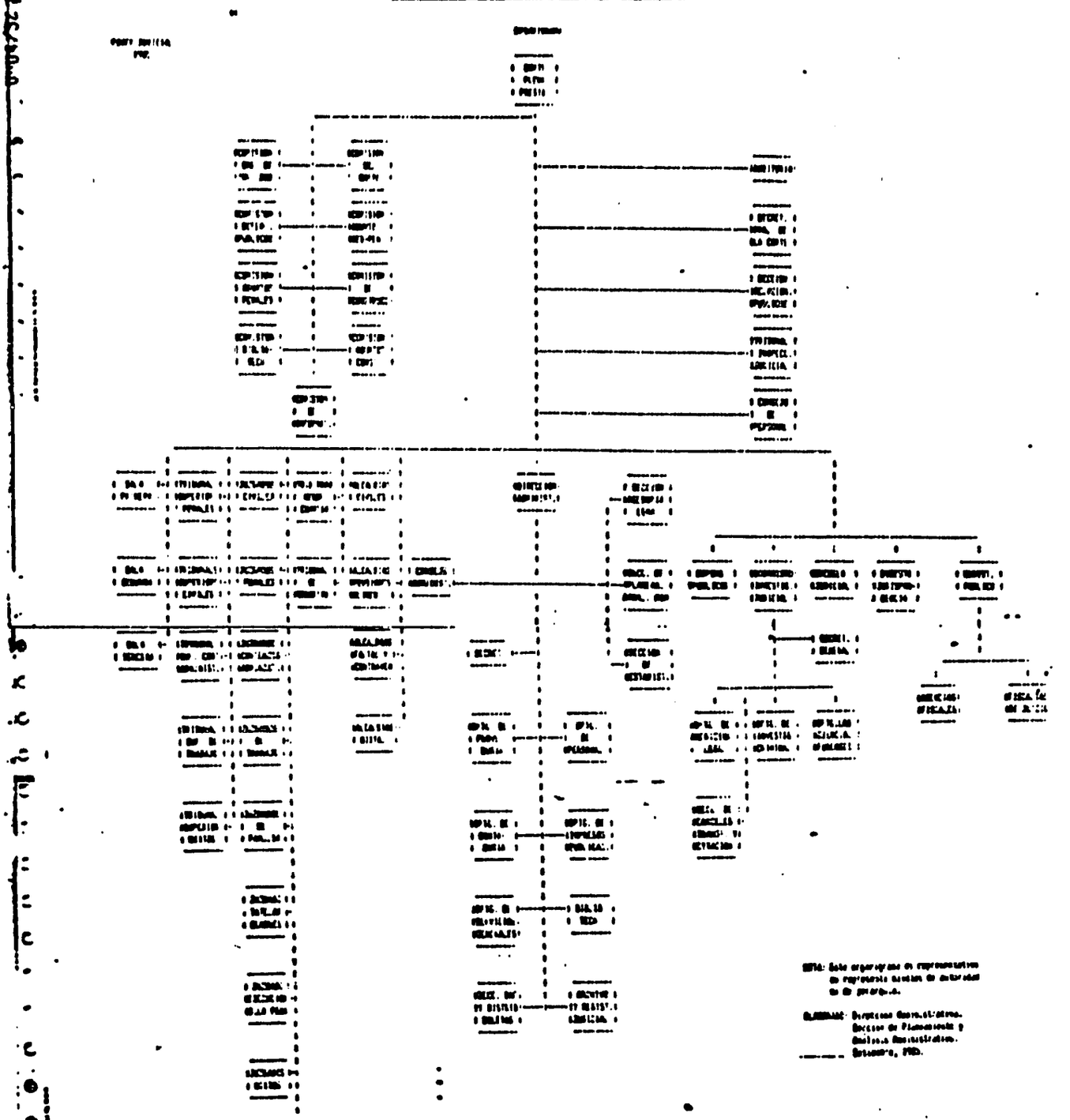
OSCAR ARIAS SANCHEZ

El Ministro de Justicia y Gracia,
LUIS PAULINO MORA MORA

IMPLEMENTATION DIAGRAM

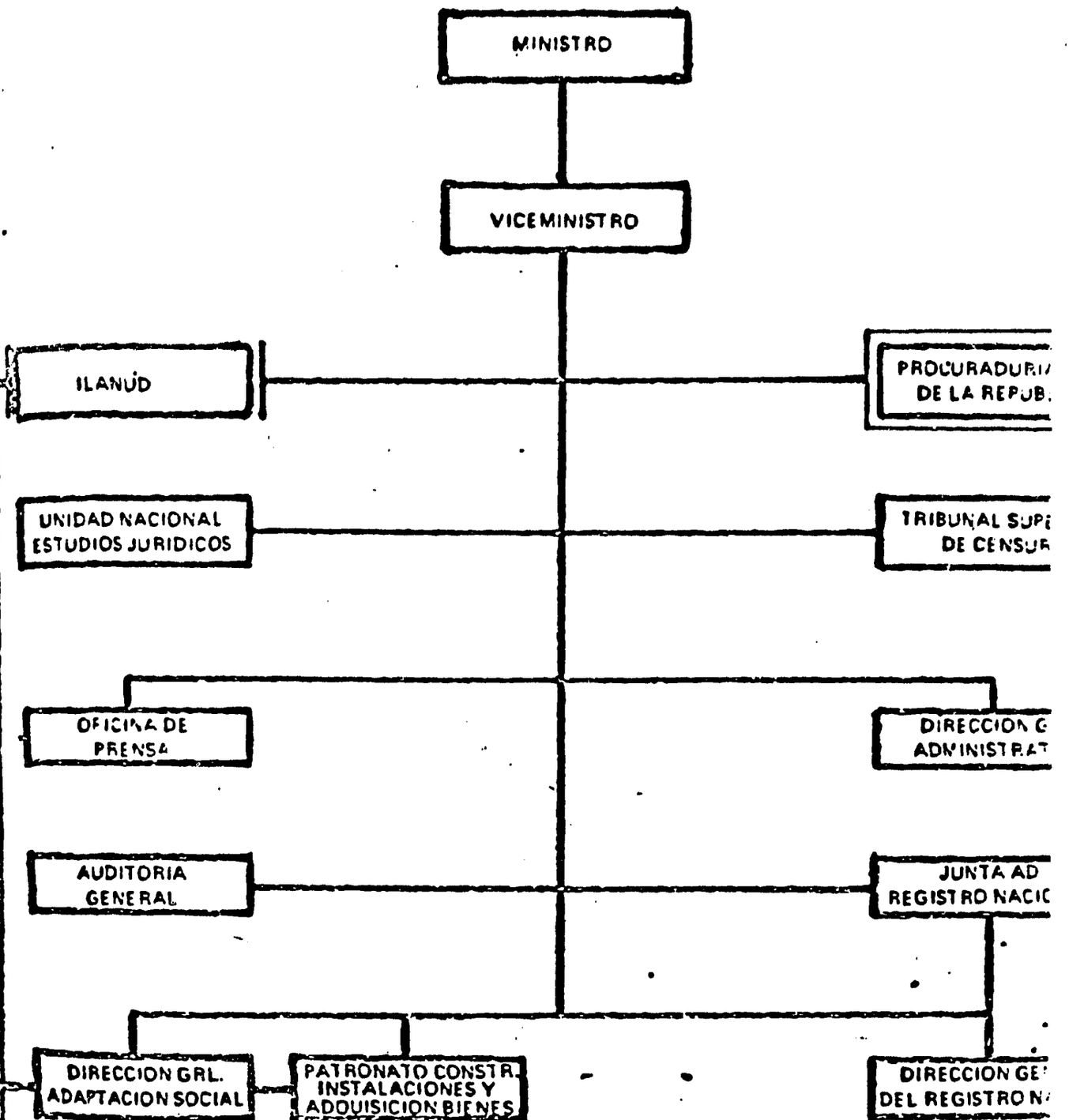


CORTE SUPREMA DE JUSTICIA



Best Available Document

MINISTERIO DE JUSTICIA
(ORGANIGRAMA)



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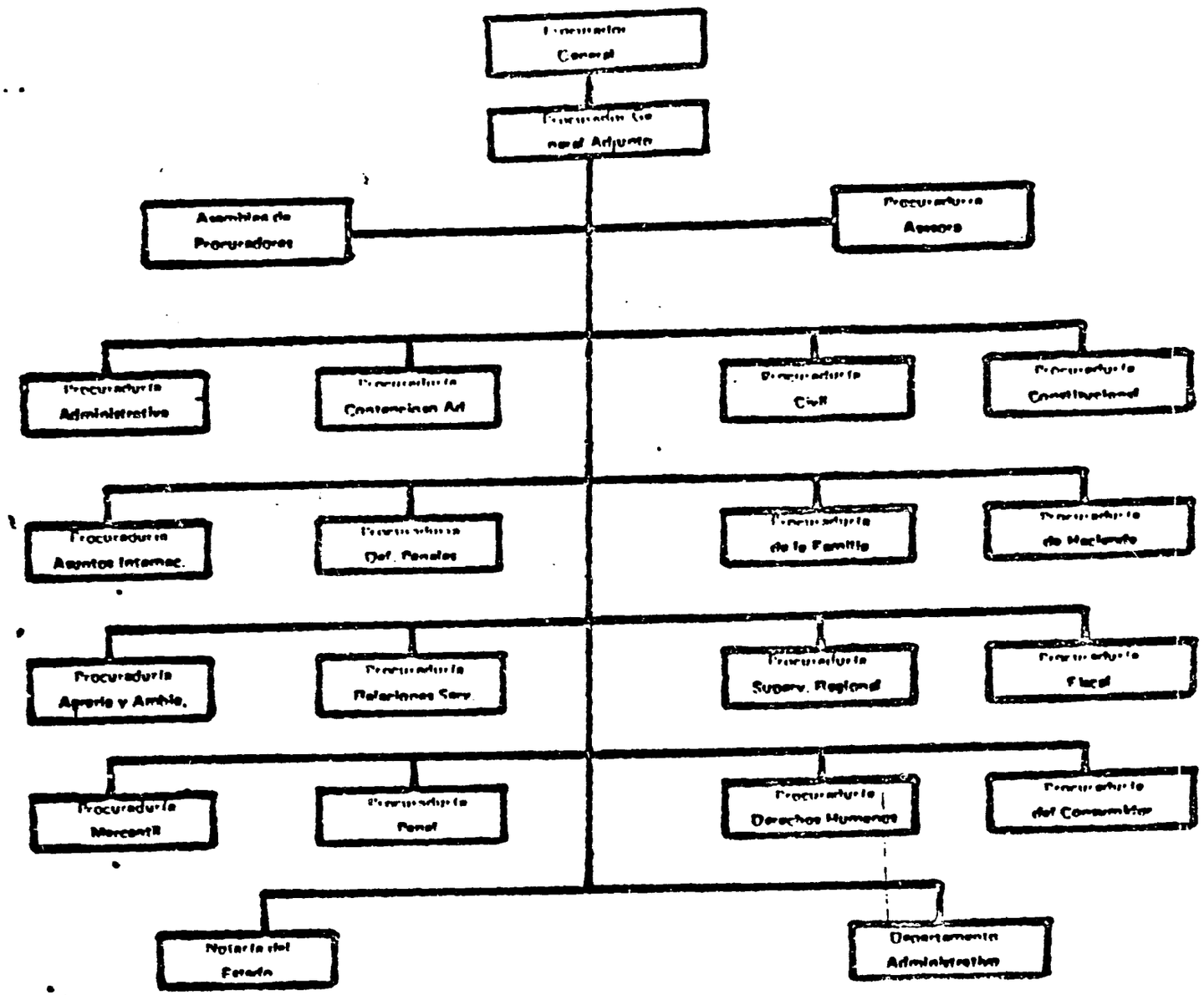
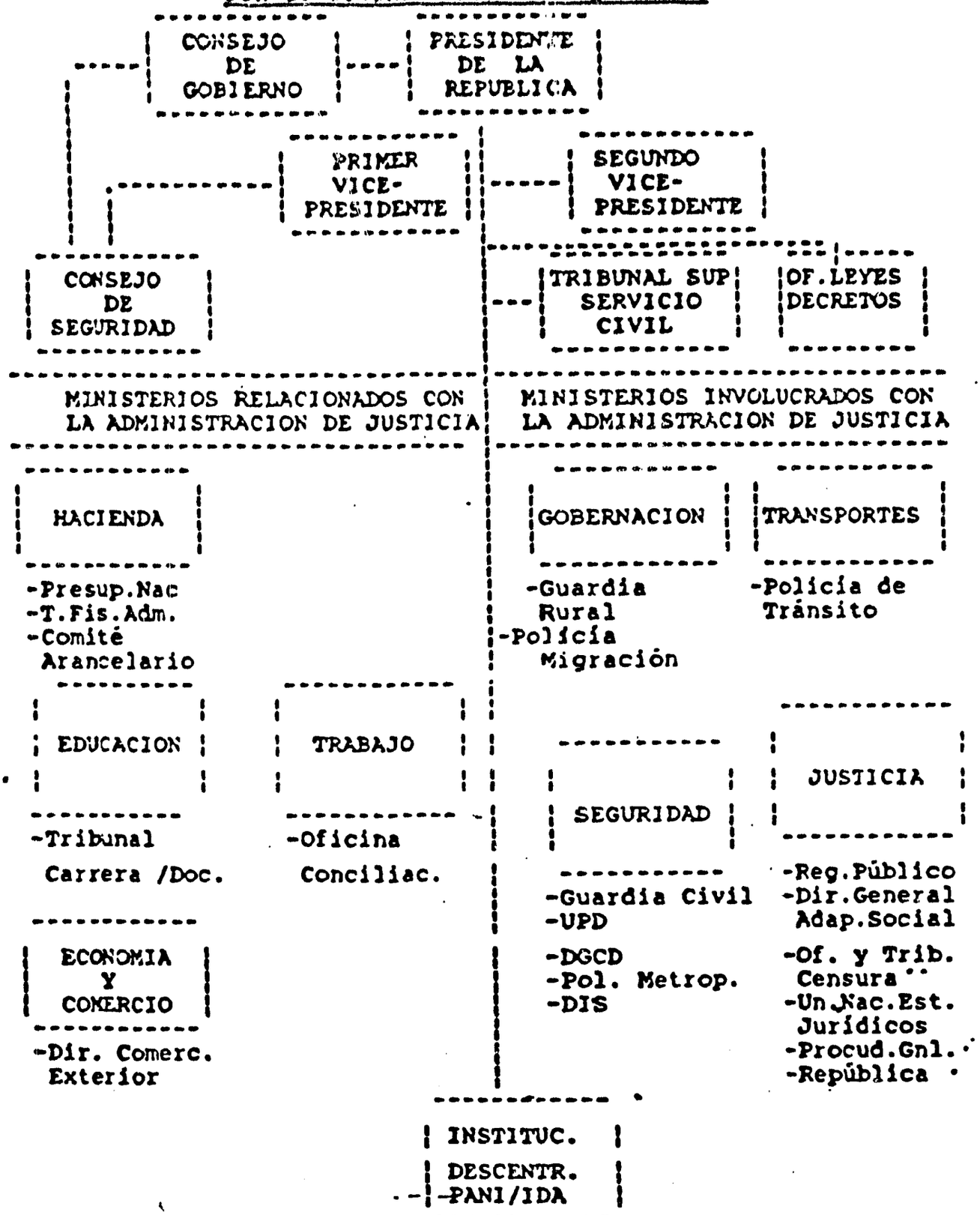
PROCURADURIA GENERAL DE LA REPUBLICA
(ORGANIGRAMA)



Organos del Poder Ejecutivo relacionados e involucrados con la administracion de justicia



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I. THE OBJECTIVES OF ILANUD.

Since 1948, when the Economic and Social Council first called upon the United Nations to provide leadership in crime prevention and criminal justice, international co-operation in this sphere has been progressively strengthened and widened. The capacity of United Nations and its various agencies to guide and support research has been increased and extended to encompass related tasks in training and technical cooperation. Over the years, the United Nations has developed flexible institutional arrangements responsive to the evolving requirements of Member States. The establishment in 1975 of the United Nations Latin American Institute for Crime Prevention and the Treatment of Offenders, ILANUD, represents part of this effort.

The special mission of ILANUD is to co-operate with the Governments of Latin American and the Caribbean in formulation and implementation of policies for the prevention of crime and treatment of the offender and the improved performance of the criminal justice system. Such policies are increasingly conceived as anof over-all development strategies under the guidelines of the United Nations. ILANUD also co-operates with other regional institutions in supporting the efforts of the governments throughout the hemisphere to strengthen and invigorate the respect for human rights. ILANUD is convinced that any attempts to bring about meaningful reforms of the judicial systems in the region must focus upon the improvement of the legal protection of individual rights and has offered assistance to this end.

ILANUD has tried over these twelve years to respond effectively to the needs expressed by the governments of the region. The Institute has fulfilled an important role by providing training, upgrading the public service and judicial system; conducting action-oriented research on priority issues; pooling and exchanging information for use as a management tool; promoting joint action by countries on problems of mutual concern; and rendering technical assistance and direct aid to governments upon request. This work has been recognized on many occasions by the Member States and more recently by the last United Nations General Assembly.

For the development of these programs, ILANUD has received financial assistance from the United Nations Development Program, the United States Agency for International Development, the Ford Foundation, the Organization of American States, the Spanish Government through the Ibero-American Cooperation Institute and modest financial contributions from the governments of the region.

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Over the years the Institute's activities have evolved into permanent programs in the areas of Research Services; Training Services; Advisory Services; Extension Services and Documentation and Information Services.

II. RESEARCH IN CONTEMPORARY CRIMINAL POLICY AND PROBLEMS.

During the past twelve years ILANUD has produced more than forty research projects as well as an important number of monographs, articles and documents, and also has sponsored research initiatives carried out by other institutions and organizations.

ANUD has conducted comparative studies to transfer scientific owledge between countries and promote an integrated regional iminological policy in collaboration with governments, iversities and experts in the region.

The research programs vary , ranging from studies on conventional delinquency to non-conventional criminality. As research work progresses, greater and more urgent needs arise in different fields. In facing these major new challenges, ILANUD has an important role to play, increasing the knowledge of linkages between criminality and different social phenomena.

ILANUD is presently carrying out eight basic research programs oriented towards action on criminality and other forms of deviant behavior and social reaction. They are:

a. Minor Offences Systems in Latin America

b. Deinstitutionalization: release on bail, system of fines.

c. Prevention policies and use of prison for drug offences.

d. Comparative statistical studies on criminality.

e. Social control, new dimensions in criminality; crime and development.

f. Social classes and differential criminalization.

g. Rights of those in custody.

h. Protection of cultural heritage.

III. TRAINING OF JUSTICE SYSTEM OFFICIALS.

Because of the overriding importance of training of criminal justice personnel in the effective administration of criminal justice systems, ILANUD has placed a high priority on trainig activities. Especially in the last two years ILANUD has greatly augmented its training services, offering a wide variety of training programs for criminal justice personnel in the region.

The Institute is making a significant contribution to human resources development with seven regional courses and fifteen national seminars each year in the different countries of the region. Among the topics are:

Strengthening of Court Administration Systems.

Function and Institutionalization of Agrarian Justice.

c. Training Alternatives for Judges.

d. Criminal Procedure in Modern Latin American Legal Systems.

e. Modern Prosecution Methods and Reforms.

f. Penitentiary Planning and Human Rights.

g. Juvenile Justice and Human Rights in Latin America.

The topics of the national seminars are those requested by the governments and are directed to judges, prosecutors, legislators, public defenders, prison officials and others. Instructors are drawn from among ILANUD associate experts in Latin America and Europe, as well as ILANUD professional staff.

During 1986, ILANUD conducted fifteen regional and national courses and seminars and trained more than 750 officials from twelve countries. By the end of 1988 ILANUD expects to have trained more than two thousand Latin American judges, prosecutors, public defenders and other officials. All ILANUD training contains a Human Rights component developed in collaboration with the Interamerican Institute of Human Rights.

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IV. ADVISORY SERVICES TO UPGRADE TECHNICAL FUNCTIONS OF COURTS.

Despite the shortage of financial and human resources, ILANUD has made important contributions to the development, promotion and intensification of technical co-operation among the countries of the region in the area of prevention of crime, treatment of the offender and improvement of the criminal justice system. Presently ILANUD is carrying out five regional advisory services projects:

A. Criminal Justice Information and Statistical Systems.

All the countries of the region share the need to develop relevant and reliable statistical and other information about crime and the operation of justice systems. ILANUD has long recognized the particular importance of comparable statistical information among countries of the same region in research activities to better understand those issues. Accordingly, in 1983 ILANUD prepared a Manual for the Establishment of an Integrated System for Criminal Justice Statistics to assist the countries in developing their ability to compile, process and make available ful statistics for Judicial Sector planning. This 160 page ual was presented at the Conference of Staticians of ernments of America, CEGA, in Buenos Aires in the same year.

ANUD is now implementing the Criminal Justice Information and atistical Syste. As a first step, a pilot project is being plemented in the Dominican Republic, where ILANUD has given chnical and financial assistance for the establishment of a atistics Office in the Supreme Court. The Institute also has presented one regional and two national workshops on this area. The first took place in Santo Domingo in June 1986, the second in Caracas in December 1986 and the third in Guatemala in February 1987. These last two workshops were requested by the Governments of Venezuela and Guatemala which are interested in implementing the System in their countries.

B. Compilation and Dissemination of Legislation, Jurisprudence and Doctrine.

ILANUD recognized the difficulty faced by the region's judges, lawyers and general population in all the countries of the region in obtaining basic information about currently applicable law and jurisprudence. This project aims to establish the theoretical and

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technical framework for a Criminal Jurisprudence Data Base covering legislation, jurisprudence and doctrine (legal theory). A pilot project in Costa Rica will provide the basis for technical assistance to the other countries to plan, organize and implement a manual or automated system in this field. As a basis for the substantive core of the project, a criminal law thesaurus (fixed vocabulary) has been completed and adapted to the terminology of the countries in the region; a regional workshop was held among court administration and criminal law experts who reviewed the thesaurus and approved it as the basic tool for processing and locating information in the project. A software package developed by the Instituto Colombiano de Fomento de la Educación Superior (ICFES) with whom ILANUD is co-operating in the pilot project has been selected as most appropriate for adaptation. This pilot project in Costa Rica is expected to be run until June 1988. Guatemala will be the second country where the project will be implemented.

C. Documentation Centre and Data Bank.

This effort relates to the development of a comprehensive crime information network. Such a network is considered essential by ILANUD and by the United Nations Committee for Crime Prevention Control, which urged that it be given highest priority in the ted Nations Crime Prevention and Criminal Justice Program.

ting the region-wide shortage of valid information about crime r use in cross-national comparisons, ILANUD established a Documentation Centre on Criminology and Criminal Justice(CEDO) in 1980,which is considered one of the most important clearinghouses in the region. As well as strengthening ILANUD specialized library resources, CEDO prepares specialized bibliographies and sponds to written and telephone inquiries. CEDO now has more an 17,000 catalog referenced items comprised of ticles,books,theses and periodicals including the most portant academic and research publications from the region and om around the world.

The objective is to develop a regional database at ILANUD to serve all the judiciaries of the region. It will encompass ILANUD's own collection at CEDO and provide linkages with other major databases. The service will not only provide information but also permit library exchanges, material loans and photocopying of articles and brief materials.

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D. Basic Law Libraries for Central America Judiciaries.

All the information indicates a serious lack of available bibliographic materials in the region. It is an unhappy fact that most judges, prosecutors and defenders in Central America have no access to lawbooks or updated jurisprudence in their daily work. To provide immediate assistance in this area, ILANUD will donate sets of basic legal materials to the judiciary in each of the countries in the region. ILANUD with the collaboration of two associate experts, Prof. Enrique Bacigalupo of The Universidad Complutense of Madrid, Spain, and Prof. Kurt Madlener of the Max Plank Institute of Freiburg, West Germany, developed a list of ic legal materials in the field of criminal justice which ry competent law library should have. This basic collection prises about two thousand titles of books and specialized azines. Presently, ILANUD has completed the purchase, ganization and cataloguing of nine sets of six hundred plus books each from throughout the main Spanish language legal publishing houses. Basic library sets have been donated to the judiciaries of the Dominican Republic, Honduras, Costa Rica and El Salvador. The rest of the basic collection is in process of purchase and it is expected to be concluded in November 1987.

E. Judicial and Court Administration Improvement.

This program seeks to provide effective technical assistance to improve court administrative systems. ILANUD experts have visited Guatemala, Honduras, Costa Rica and the Dominican Republic to identify the main problems in court administration. A program of chnical assistance to the court systems and a list of specific ojects to work on in the four countries has been developed. The n problems detected are lack of financial resources and full icial independence from the executive; lack of career stability d civil service status in judiciaries; lack of systematic aining programs; lack of administrative management and planning systems; excessive centralization; lack of uniform procedures and lack of judicial statistics. The first two projects carried out within this program are developing a benchbook for justices of the peace in Honduras and developing a court records management system in the Dominican Republic.

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V. EXTENSION SERVICES FOR COUNTRY-SPECIFIC ACTIVITIES.

This component consists of an Extension Facility to allow the direct and immediate provision of funds, services and technical assistance to projects generated from and operated within a single country to meet specific needs in administration of justice improvement. Extension services also assists the national justice reform commissions established in several countries of the region in designing projects. This office receives inquiries and requests for ILANUD services from the countries and channels them to the right Institute department, assists in the design of responses and monitors implementation.

VI. INFORMATION SERVICES

In 1978, the Institute published the first edition of its magazine, now called " ILANUD ". Since then, ILANUD has committed itself to the publication of information of both general and criminological or technical interest, including reports and technical analyses of past and future events in related activities organized in different parts of the world, but with special emphasis on the countries of the region. The magazine has been able to call upon internationally reknowned experts for contributions and much of the good reputation of this official organ is due to them. This publication has strived as well to serve the English-speaking countries by publishing articles in this language. Since August 1985, a bimonthly bulletin has been published informing of ILANUD's regular activities.

VII. ILANUD AND THE UNITED NATIONS ORGANIZATION.

ANUD is an autonomous United Nations Institute formed by reement of the United Nations and the Government of Costa Rica. providing its services to Latin America and the Caribbean, it ks under the broad guidance of the Department of International onomic and Social Affairs. In this context, it co-operates closely with the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs, headquartered in Vienna, Austria. It is guided also by policies defined by the United Nations Economic and Social Council and by the Council's Commission for Social Development as well as by the deliberations of the United Nations Committee on Crime Prevention and Control and of the quinquennial United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

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ILANUD is headquartered in the " Plaza de la Justicia " building in San José, Costa Rica, where the Institute has ample modern office space, library and documentation service facilities and a large conference room. These premises have been generously provided by the Government of Costa Rica in addition to its significant yearly financial contribution. In 1986, with the assistance of the United States Agency for International Development, ILANUD acquired another building in Los Yoses, San José, which accomodates its technical assistance and training services and serves as its principal conference center.

Working relations are also maintained with other United Nations organizations and specialized agencies such as the United Nations Development Program (UNDP) as well as other international organizations working in the social defense area. Recently ILANUD received grants from the Organization of American States (OAS) to present a series of conferences on the problem of children in juvenile justice systems. In addition, regular links exist between ILANUD and other affiliated U.N. regional institutes. These are the United Nations Asia and Far East Institute for the Prevention of Crime and Treatment of the Offender (UNAFEI) in Fuchu, Japan, the Helsinki Institute for Crime Prevention (HEUNI) and the United Nations Social Defence Research Institute (UNSDRI) in Rome. There is also collaboration with the Arab Security Studies and Training Center (ASSTC) in Riyadh.

VIII. ILANUD STAFF.

ILANUD employs over fifty professionals and support staff with a constant effort to increase the number of professionals from around the region represented.

Director General:
Lic. Jorge A. Montero (Costa Rica)

Deputy Director General:
Lic. Elías Carranza (Argentina)

Technical Advisor to the Director General:
Dr. Rogelio Pérez (Venezuela)

Director of Operations:
Lic. Ricardo Ulate (Costa Rica)

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Director of Training Services:
Dra. Teresa Peña (Dominican Republic)

Director of Advisory Services:
Dra. Sonia Navarro (Costa Rica)

Director of Extension Services:
Sr. Oscar Arce (Costa Rica)

Director of Finances and Administration Services:
Sra. Sonia Brenes (Costa Rica)

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FOR MORE INFORMATION ABOUT ILANUD, CONTACT US AT
ILANUD
P.O.Box 10.071 San José 1000 Costa Rica
Telephone: 21-38-86 or 21-39-58
Telex: 2649-ILANU.CR.

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DE LA ADMINISTRACION DE JUSTICIA
SAN JOSE, COSTA RICA
TELEFONO: 21-38-00

FILE

RAJD

Corte Suprema de Justicia

Asamblea Legislativa

Ministerio de Justicia

Procuraduría General de la República

Facultad de Derecho Universidad de Costa Rica

Colegio de Abogados

San José 14 de diciembre, 1987

RECEIVED
15 DIC. 1987
PDD

Dra. Ligia Carvajal.

Estimada Doctora:

Según se había acordado en la pasada reunión con funcionarios de AID y de la Procuraduría General de la República, le adjunto a la presente copias de los planos de las remodelaciones requeridas en el edificio de la Procuraduría, así como una carta del señor Procurador, referente a este asunto.

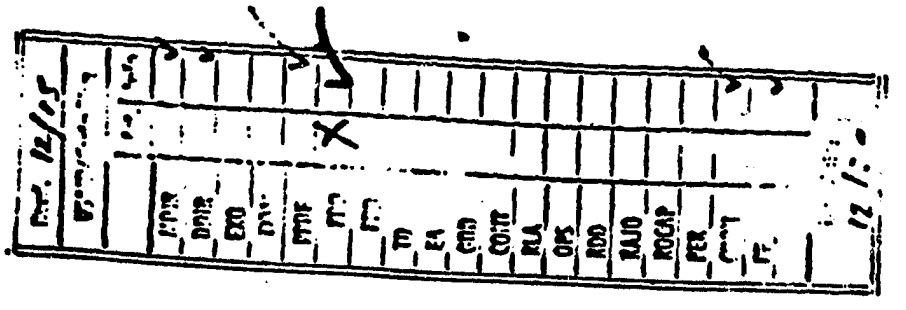
Además, le incluyo la Metodología que se empleará en el trimestre de actividades iniciales de ejecución del Proyecto de Sistematización de la Legislación Vigente, elaborado por la Doctora Ana Isabel Garita, de ILANUD.

Esperamos una pronta respuesta a la presente y de nuevo le manifestamos nuestra anuencia a realizar las distintas actividades que se nos soliciten, en pro de la ejecución de tan importante Proyecto.

Atentamente,

Ana Mary Hall Cubero

Lic. Ana Mary Hall Cubero.
Asistente.



PGR-419

San José, 11 de diciembre de 1987

Señor
Lic. Carlos Arguedas
Coordinador Ejecutivo
Comisión Nacional para el Mejoramiento
de la Administración de la Justicia
(I.L.A.N.U.D.)
S. O.

Estimado señor Coordinador:

De conformidad con lo que se acordó en la última reunión con la Agencia Internacional para el Desarrollo (US-AID), me permito adjuntar fotocopias de los planos y presupuesto, para la remodelación de la planta donde se ubicará el proyecto de Sistematización de la Legislación vigente.

Como se ve, contando con la colaboración institucional, el costo de los trabajos se ajusta a lo previsto en nuestro cronograma de actividades.

Aprovecho para informar que la Asamblea Legislativa estuvo anuente a facilitar a la Licda. Marina Ramírez por medio tiempo y que el Ministerio de Planificación y Política Económica está estudiando ceder a partir de enero un Analista que nos colabore en materia informática.

Le ruego poner lo anterior en conocimiento del señor Carl Cira, para los fines correspondientes.

Atentamente,

Procurador General de la República
COSTA RICA

Lic. Luis Fernando Solano Carrera
PROCURADOR GENERAL DE LA REPUBLICA

LFSC/ts.
cc: Archivo

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PROYECTO: "SISTEMATIZACION DE LA LEGISLACION VIGENTE"

I.ADQUISICION DE MICROCOMPUTADORA (Personal Computer XT)

Características básicas:

-Memoria principal : 640 KB

-Memoria de almacenamiento : 20 MB

-Sistema Operativo : DOS

-Impresora : 640 L.P.M.

JUSTIFICACION

Este equipo será utilizado para diferentes actividades según las etapas de desarrollo del proyecto "Sistematización de la Legislación Vigente en Costa Rica."

Así en la I etapa que podríamos denominar pre-informática será utilizado para:

1.Capacitar al personal responsable del proyecto en el manejo de equipo de cómputo, lo cual se hará por medio de la casa proveedora del equipo de cómputo y del analista de sistemas, quien es parte del personal del proyecto.

2.En el proceso de creación y generación del Tesauro en Derecho.

3.En la generación de los formatos de entrada de la información, así como en el diseño de formatos de salida de la información.

4.En la generación de bancos de datos bibliográficos de apoyo al trabajo de recuperación de información posterior.

5.En la generación de listados de colecciones de leyes útiles para la recuperación posterior de la información.

En la segunda etapa del proyecto, es decir en la propiamente informática, la microcomputadora será conectada al equipo principal de la Procuraduría General de la República, como una estación de trabajo más que servirá tanto para introducir información como para recuperarla.

Todo ello será definido en base a la configuración de equipo de cómputo que se elaborará al finalizar la primera etapa del proyecto.

II.DEFINICION DE FUNCIONES DEL PERSONAL RESPONSABLE DEL PROYECTO (I etapa)

1.Abogado responsable del proyecto:

-Elaborar el cronograma específico de trabajo del equipo de trabajo y someterlo a aprobación del Procurador General de la República.

-Coordinar y ejecutar las actividades propuestas y aprobadas.

-Coordinar la capacitación y entrenamiento que requiera el equipo de trabajo para el buen desempeño de sus funciones.

-Mantener informado al equipo de trabajo de las políticas, procedimientos y proyecciones del proyecto.

-Examinar en coordinación con las entidades usuarias las propuestas para el análisis, desarrollo y ejecución del proyecto.

-Velar por la utilización racional y eficiente de los medios y recursos del proyecto.

-Dirigir y coordinar las actividades dirigidas a la elaboración y revisión de tesauros en materia de Derecho.

-Dirigir y elaborar, junto con los demás miembros del equipo los documentos referidos a la configuración mínima del equipo de cómputo, el programa de trabajo institucional para las siguientes etapas del proyecto y los proyectos paralelos de difusión del sistema.

-Revisar periódicamente el desarrollo de las actividades e informar al Procurador General de la República sobre los resultados obtenidos.

2.Asistente Jurídico

-Participar en las actividades de capacitación y entrenamiento.

-Elaboración de bibliografías básicas y listados de leyes con el fin de determinar volúmenes de información.

-Participar en la definición de los instrumentos técnicos del sistema.

-Participar en la revisión y elaboración de tesauros.

-Presentar informes de trabajo al responsable del proyecto.

-Realizar cualquier otra labor que le asigne el responsable del proyecto.

3.Analista de sistemas:

-Coordinar con el responsable del proyecto para la definición de las actividades relacionadas con el desarrollo del mismo.

-Diseñar e impartir la capacitación en materia de informática que requiera el equipo de trabajo.

-Colaborar en la definición de la estructura del banco de datos y en la formulación de planes para su desarrollo, conforme a los instrumentos técnicos disponibles y al volúmen de la información.

-Mantener informado al equipo de trabajo sobre la disponibilidad y características de los equipos de cómputo, paquetes de aplicación y técnicas de análisis, que puedan ser útiles a evaluar dentro del proyecto.

-Realizar las otras actividades que determine el responsable del proyecto.

-Presentar los informes que requiera la dirección del proyecto.

-Participar en la elaboración de los documentos finales del proyecto.

4.Documentalista:

-Participar en las labores de capacitación y entrenamiento.

-Dirigir las tareas de elaboración y revisión de tesauros, desde el punto de vista documental.

-Participar en la elaboración de bibliografías especializadas y colecciones de leyes.

-Revisión de formatos e instrumentos técnicos del proyecto.

-Realizar las otras tareas que le asigne el responsable del proyecto.

-Presentar informes periódicos de su labor.

INSTITUTO LATINOAMERICANO DE NACIONES UNIDAS PARA LA PREVENCION DEL DELITO Y TRATAMIENTO DEL DELINCUENTE
APARTADO 10071 SAN JOSE, COSTA RICA
CABLE ILANUD TELEFONO: 21-3836

San José, 16 de febrero de 1988

RECEIVED
17 FEB. 1988
R. A. J. O.

Señor
Luis Fernando Solano
Procurador General de la República

Estimado Señor Procurador:

De acuerdo con lo solicitado por la Comisión Nacional y en atención a su carta de fecha 19 de enero dirigida al Sr. Oscar Arce, referente a las conversaciones sostenidas sobre la remodelación de las oficinas de la Procuraduría que albergarán el personal que tendrá a cargo la ejecución del Proyecto de Sistematización de la Legislación Vigente; me permito informarle que el ILANUD ha reservado en el presupuesto para 1988, la suma máxima de 600.000.00 colones (seiscientos mil colones exactos) para apoyar la realización de dicha obra.

La partida reservada podrá ser utilizada una vez que se haya completado el trámite de aprobación del presupuesto general del Instituto, lo cual se espera ocurra en las próximas semanas.

No obstante lo anterior, con el interés de ir adelantando algunas acciones, me permito informarle el procedimiento a seguir para el logro de este propósito:

a) La Procuraduría debe remitir al ILANUD tres cotizaciones de diferentes empresas para los trabajos de remodelación, con una recomendación justificada de la cotización que se seleccione.

b) Las cotizaciones deben contener suficiente información sobre las cantidades y calidades, precio, forma de pago por etapas, plazo de entrega del trabajo, etc.

c) Realizado el trámite anterior ILANUD entregará al adjudicatario una orden de compra.

d) La supervición de todos los trabajos de remodelación, a efecto de que las etapas de la obra sean entregadas a entera satisfacción, quedará bajo la responsabilidad de esa Procuraduría.

INSTITUTO LATINOAMERICANO DE NACIONES UNIDAS PARA LA PREVENCION DEL DELITO Y TRATAMIENTO DEL DELINCUENTE
APARTADO 10071 SAN JOSE, COSTA RICA
CABLE ILANUD TELEFONO 21-3886

Queda entendido que esta contribución de ILANUD se realiza como apoyo al plan de actividades iniciales del " Proyecto de Sistematización de la Legislación Vigente", por lo que la Procuraduría General de la República se compromete a utilizar las instalaciones remodeladas con estos recursos para los fines inmediatos y futuros de dicho Proyecto.

Los términos contenidos en esta nota y la aceptación manifestada en forma escrita por la Procuraduría General de la República, constituirán un acuerdo entre ambas partes para el logro de los fines aquí descritos.

De usted con toda consideración y estima,

Ricardo Ulate Ch.
Director a.i.
Proyecto para el Mejoramiento
de la Administración de Justicia

* COPIA: Comisión Nacional

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Attachment I

The following is a discussion of issues raised during the Justice Sector Improvement Project PID review. Clarification of these issues and additional information is provided below, as requested.

1. The role of the National Commission for Improvement of the Administration of Justice.

The discussion focused on the role of the National Commission, including its authority and responsibilities envisioned under the Justice Sector Improvement Project (JSIP). The consensus was that although the National Commission has an important role to play as a coordinating entity in the justice sector, the Mission would not press the GOCR to amplify the responsibilities of the National Commission at this time to include, for example, extensive approval or veto powers via-a-vis justice sector activities of the Ministries and the Supreme Court. The Project Paper should therefore emphasize the role of the National Commission as a major coordinating mechanism for justice sector activities and as a focal point for the exchange of ideas and initiatives in the sector.

The PP design should also include a strategy to assist the National Commission to gain greater acceptance and recognition for its activities and to capitalize on its current political support from the GOCR to obtain legal standing and modest staff and budget resources.

2. Recurrent Costs.

The major recurrent cost concern involves the financial burden that additional project staff might create for the GOCR upon the conclusion of the JSIP. A special concern involves the addition of ten (10) staff positions projected for the Procuraduría legislation tracking component of the project.

In response, it was noted that the projected staff increase was not yet definitive. More precise staffing requirements for the Procuraduria component will be known after an IRM assessment is concluded. Furthermore, although some "front end" staffing costs are anticipated in the initial stages of project implementation, the core staff of three or four contemplated for this component will involve staff assigned to this component from other governmental entities. In this context it was noted that several staff members who are currently working on the legislacion vigente component have already been reassigned by other government entities (specifically, the Asamblea and MIDEPLAN), or reassigned from other responsibilities in the Procuraduría.

Other financing options to be explored in the PP design include a specific commitment of resources by the GOCR for additional staff in

the 1989 budget with the understanding that AID would attribute ESF against these amounts committed in the national budget.

The PP design team will also explore the possibility of charging user fees for services rendered under the legislacion vigente component if legally feasible.

In conclusion, it was agreed that the PP design team will carefully examine recurrent costs and explore the various options outlined above (and others) for meeting these costs.

3. Administrative Structure and Implementation Mechanisms

In determining the administrative structure for the implementation of the Justice Sector Improvement Project (JSIP), the Project Design Committee (PDC) established the following criteria that should guide the design of the Project Paper:

1) the structure should be simple, manageable and feasible;

2) as an independent branch of the GOCR the Supreme Court should not be placed by the project in a dependent relationship vis-a-vis the executive branch of government;

3) qualified technical assistance with experience in Costa Rica must be available to implement the project;

4) to avoid problems encountered by similar US activities in this sector in the past, the project should be developed as a GOCR initiative with minimal US intervention in the Costa Rican justice system.

The PDC considered several alternatives as obligating instruments, including the following:

1) a Project Agreement (ProAg) signed by AID and each of the three (3) beneficiary organizations: the Procuraduría, the Supreme Court, and the National Commission. This alternative was not considered feasible as the National Commission does not have personería jurídica and therefore cannot sign such an agreement. Furthermore this arrangement appears to be too complicated from the standpoint of implementation;

2) a ProAg between AID and the Ministry of the Presidency. This is the usual procedure for most bilateral agreements with the GOCR. However, since the Supreme Court is an autonomous and independent body, this option was not considered feasible;

3) a Handbook 13-type agreement signed by AID and the technical assistance organization. However, the PDC feels it is essential that there be a direct focal point for AID in the GOCR executive to assure that the GOCR takes overall political and policy formation responsibility. Thus the obligating document should be with a GOCR agency and not merely with a technical assistance entity;

4) to conform with the overall goal mentioned above, the PDC considered the following alternative as the most feasible, namely, that a ProAg would be signed by AID and the Ministry of Justice (MOJ). The MOJ is a small entity with limited resources and no previous AID project implementation experience. It is willing to assume general overall responsibility for the project and subdelegate actual implementation responsibility to an experienced organization. The PDC is of the opinion that the MOJ is the most logical of the GOCR ministries to work with the three beneficiary organizations because the Minister of Justice is:

   - a strong supporter of the Regional Administration of Justice Project (RAJP);
   - a former judge of the Supreme Court;
   - an active member of the National Commission;
   - the administrative superior of the Procuraduria;
   - a close collaborator with ILANUD; and
   - a professor of criminal law at the UCR.

Therefore, the institutional as well as the personal ties with all three principal beneficiaries make the MOJ the natural first choice to sign the ProAg and assume overall responsibility for the project.

The PDC therefore recommends that AID sign the PRoAg with the MOJ. This option has been discussed with the Minister of Justice, the Procurador, the President of the Supreme Court and the Executive Director of the National Commission who is an advisor to the Minister of the Presidency. This option is acceptable to the GOCR. In addition to the project description and standard provisions, the RRoAg will include a formal request by the MOJ requesting that AID execute a Cooperative Agreement with ILANUD for the implementation of the project. This request will include all Conditions Precedent (CP's) and/or covenants, including the designation of MOJ's project implementation representative.

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After considerable discussion, the PDC agreed that ILANUD is the most appropriate, and probably the only qualified organization to implement the project. Each of the beneficiary organizations has expressed a willingness to work with ILANUD and currently ILANUD is working with all of these organizations. The PDC also believes that this alternative is consonant with AID's objectives under the Regional Administration of Justice Project (RAJP). One of these objectives is to develop ILANUD's institutional capabilities so that it is able to provide such technical assistance to member countries. The JSIP represents an opportunity to further enhance ILANUD's capabilities, assigning it implementation responsibility for a significant bilateral activity during the period that it continues receiving support from the RAJP. The PDC also proposes that RAJO and LAC/DI include under the proposed extension of the FIU Cooperative Agreement a broadened scope of work so that FIU can provide further technical support to ILANUD for its efforts in bilateral as well as regional project implementation.

For the JSIP's agreement with ILANUD a Cooperative Agreement is recommended over a grant or a direct contract because the Cooperative Agreement mechanism is specifically designed to encourage the institutional development of organizations such as ILANUD whose aims coincide with those of AID. This mechanism allows substantive implementation input by USAID as well as ILANUD. The PDC understands that an ILANUD Cooperative Agreement will require a Sole Source Waiver by the AA/LAC, a recommendation which will be included in the Project Paper.

Under the Cooperative Agreement, ILANUD will be responsible for providing financial management, procurement, technical assistance (both contract and in-house), and a full-time project manager to implement the project. In addition to the designation of a full-time project manager, the Cooperative Agreement will include provisions requiring that the manager work in close collaboration with AID and the MOJ. The Agreement will also require ILANUD to enter into Memorandums of Agreement (MOA's) with each of the beneficiary organizations to establish the responsibilities of each of these parties to the Project. These Agreements will include those CPs/Covenants directly related to each component from the PRoAg. This structure was chosen since the MOJ cannot enter into commitments on behalf of the Supreme Court or the National Commission but both of the latter are willing to work directly with ILANUD.

It is also recommended that local project guidance and coordination be provided for in the ProAg by a Project Monitoring Committee which will be comprised of USAID's Administration of Justice Office Chief (i.e. AID's Direct Hire Project Manager), the designated MOJ project implementation representative, and the ILANUD project manager. The Committee will meet at least monthly or more often if deemed

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necessary, and will act as a monitoring mechanism for CP's and other items requiring tracking of progress or achievement of interim goals and objectives. (An illustration of this administrative/organizational structure is included as Attachment III).

4. Delegation of Authority to USAID/Costa Rica to develop an approve Justice Sector Improvement Project

In accordance with State 388977 (Dec. 87), "authority was delegated to the Mission at the semi-annual portfolio review to develop and approve the administration of justice project in coordination with LAC/DI." LAC/DI Director N. Parker has already reviewed a draft PID. She will receive a final draft of the PP for review and her comments will be solicited before the PP is finalized. Special care will also be taken by the PP design team to assure coordination with continuing activities in Costa Rica under the RAJP.

5. Judicial School Program

The level of academic recognition for the training program to be installed at the Judicial School is still an open question. However, it is neither necessary nor possible to resolve this issue prior to the initiation of either the curriculum planning process or the first cycle of courses. Several reasons for this are noted:

- until the specific curricula are designed, their worthiness for academic evaluation purposes will remain unclear.

- the new curricula will require a testing period of at least one year during which participant reaction and court feedback will be used to determine necessary adjustments.

- the issue of obligatory participation by court system professionals must be resolved by the Supreme Court.

- the added incentive of academic credit for some or all of the obligatory in-service training will help overcome possible resistance to requiring a specific number of in-service training courses for promotion or for retention of position.

The issue has been discussed with the Dean of the Law Faculty (a member of the National Commission) who cites several precedents for UCR recognition of these courses. Specifically, the law faculty awards a certificate to those completing the program at the Civil Registry School, and the Education Ministry has similar arrangements for in-service training programs of other public agencies.

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There is also support for providing credit toward a post graduate title such as is currently available in the areas of criminal, public, agrarian, and international law. If agreed upon, the UCR would confer a specialist title on those who undertake an additional year of study following the Licentiate in Law. The Dean suggests that a Specialist in Judicature (Especialista en Judicatura) or a similar title could be proposed based on the level and content of the courses taught at the Judicial School.

While recognizing that the eventual inclusion of some form of academic recognition will enhance the prestige of the Judicial School's curriculum, the PDC nevertheless does not wish to make the achievement of this objective an essential project element. It will, however, be further developed in the PP design.

The objective of this component of the project is the achievement of a practically-oriented program of in-service training for the court system's legal professionals. Eventual academic recognition for all or part of that program is desirable and will be actively pursued during the project. It is not seen as indispensible to project success.

6. Workload implications of the JSIP for Mission staff

The additional mission workload during the implementation phase of the JSIP will fall principally on the RAJO and, secondarily, on the Controller and the RLA office. By late August, the RAJO will have two professionals with Administration of Justice project management experience. The Controller's office will need to assist ILANUD in establishing disbursement and vouchering procedures between ILANUD and the three beneficiary Costa Rican agencies. The Controller will also need to review and approve ILANUD's budgets under the JSIP, provide operating advances and monitor liquidations. The JSIP will have to be established as a separate project activity in the Mission Accounting and Control System (MACS) and personnel will have to be assigned to monitor these two separate activities--one involving ILANUD's Costa Rican JSIP and the other involving financial management under the ongoing RAJP.

The RLA will be requested to assist RAJO in preparing the necessary agreement documents so that they can be executed expeditiously immediately after the project is authorized.

7. Economic and Financial Analysis

The PP design will include an economist to review the economic aspects of the project and to prepare further analyses as may be required. The financial analysis will involve an updated review of ILANUD's financial management capabilities which, as has already been

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noted, have been considerably upgraded under the RAJP. It is also noted that an external audit of ILANUD's financial and administrative management capbilities will be completed in the near term. The PP design team, in collaboration with the RAJO and the Controller's Office, will review these documents and will make recommendations for further improvement as may be needed in this area.

8. The Mission Director urged that the PP process be expedited in order to complete work and allow obligation of funds by June/July 1988.

9. The PID review committee meeting was attended by the following:

C. Leonard, MDIR
K. Kelly, PPDE
L. Lucke, PDO
C. Cira, RAJO
R. Layton, CONT
M. Foster, PDD
L. Carvajal, PDD
M. Williams, RLA
L. Simard, PRD
A. Cuellar, Contractor

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AID

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USAID/Costa Rica

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UNCLAS SECTION 01 OF 03 STATE 388977

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E.O. 12356: N/A
TAGS:
SUBJECT: COSTA RICA SEMIANNUAL PORTFOLIO REVIEW

1. THE MISSION'S SEMI-ANNUAL PROJECT REPORT FOR APRIL 1, 1987 - SEPTEMBER 30, 1987 WAS REVIEWED IN LAC/DR ON NOVEMBER 13, 1987.

2. OVERALL PORTFOLIO PERFORMANCE WAS VERY SATISFACTORY OVER THE PERIOD. TOTAL DA EXPENDITURES OF DOLS 16.4 MILLION (INCLUDING MISSION MANAGED REGIONAL PROJECTS) WERE SOMEWHAT ABOVE LAST PERIOD. THE DA PIPELINE LIQUIDATION RATE FOR ALL OF FY 1987 WAS 38.9 PERCENT. EXPENDITURES FOR BILATERAL DA PROJECTS DECLINED, HOWEVER, FROM DOLS 10.1 M. LAST PERIOD TO DOLS 8.3 M. (SOURCE: USAID SUMMARY TABLE FOR 9/30/87), REFLECTING DECREASES UNDER THE NORTHERN ZONE INFRASTRUCTURE PROJECT WHICH IS NEARING COMPLETION, AND THE PRIVA E INVESTMENT CORPORATION PROJECT.

3. MISSION'S REPORT CONTENT:

(A) WE APPRECIATE THE MISSION'S RESPONSIVENESS TO A.I.D./W GUIDANCE REGARDING THE SEMIANNUAL REVIEW

PROCESS: YOUR SEMI-ANNUAL PROJECT REPORT INCLUDED GOOD DISCUSSION OF SALIENT ISSUES: FOR EXAMPLE, THE REPORT DISCUSSED THE PRIVATE INVESTMENT CORPORATION'S PROBLEMS AND PROSPECTS IN BECOMING A LENDING AND INVESTMENT FINANCE INSTITUTION.

(B) THE MISSION'S NEW SEMI-ANNUAL REPORTS SUMMARY TABLE WAS USEFUL IN UNDERSTANDING OVERALL PORTFOLIO PERFORMANCE.

(C) THE DISCUSSION OF THE EARTH PROJECT WAS REASSURING IN THE WAY IT TABULATED THE NUMEROUS MAJOR IMPLEMENTATION ACTIONS COMPLETED OR ONGOING:

(D) THE MISSION'S COVERAGE OF THE ESF PROGRAM WAS EXCELLENT FOR KEEPING US APPRISED OF THE PRESENT STATUS OF THE PROGRAM IN A HISTORICAL CONTEXT:

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(A) WE UNDERSTAND THAT THE MISSION REVIEWS THE IMPLEMENTATION STATUS OF ITS LOCAL CURRENCY (LC) FUNDED PROGRAMS/PROJECTS BASED ON A PERIODIC INTERNAL REPORT LIKE THE SEMI-ANNUAL PROJECT STATUS REPORT. TO HELP KEEP A.I.D./W ADVISED OF LC PROJECTS, WE REQUEST THE MISSION TO FORWARD COPIES OF THE MISSION'S REGULAR LC STATUS REPORTS TO LAC/DR.

(B) THE REPORT ON THE REGIONAL ADMINISTRATION OF JUSTICE PROJECT (597-0002, 598-0642) SHOULD REFER TO OUTPUT TARGETS TO PLACE THE DISCUSSION ON PROJECT ACCOMPLISHMENTS IN CONTEXT. ALSO, THE REPORT CONTAINS NO DISCUSSION OF ISSUES. WITH A PROJECT THIS NEW AND CHALLENGING, WE WOULD ENCOURAGE SOME REFLECTION IN THE SEMIANNUAL REPORT ON PROGRAM EFFECTIVENESS AND PROBLEMS IN ACHIEVING BROAD OBJECTIVES: FOR EXAMPLE, ARE SOME ELEMENTS OF THE PROGRAM PROVING NOTABLY MORE EFFECTIVE OR PROBLEMATIC THAN OTHERS?

4. PRIVATIZATION/DIVESTITURE: THE PRIVATIZATION PROGRAM WAS DISCUSSED BRIEFLY IN THE CONTEXT OF SECTORAL ISSUES: THE CONCERN WAS EXPRESSED THAT A.I.D. MAINTAIN ADEQUATE ATTENTION TO THIS IMPORTANT PROGRAM AS IT WINDS DOWN. WE UNDERSTAND THAT AN EVALUATION OF THE PROGRAM IS BEING PLANNED FOR ABOUT MARCH 1988: WE REQUEST THAT THE MISSION MAKE THE RESULTS OF THE EVALUATION AVAILABLE TO A.I.D./W AS SOON AS POSSIBLE, ALONG WITH ANY MISSION REACTION.

5. PROJECT DEVELOPMENT FOR FY 1988 PROJECTS:

(A) WE REQUEST THE MISSION FORWARD TO A.I.D./W FOR APPROVAL THE PID FOR THE DOLS 4.5 M. FOREST MANAGEMENT PROJECT (515-0243) ALSO, PLEASE FORWARD A NEW PROJECT DESCRIPTION F THE DOLS 1.4 M. ADMINISTRATION OF JUSTICE PROJECT (515-0244)

(B) THE FOREST MANAGEMENT PROJECT IS NEW AND WAS NOT DISCUS IN THE LAST ACTION PLAN (AP) REVIEW: IN DEVELOPING THE PROJECT, THE MISSION SHOULD CONSIDER SECTIONS 118 AND 119 OF THE FAA ON TROPICAL FORESTRY AND BIOLOGICAL DIVERSITY.

(C) ALTHOUGH AUTHORITY WAS DELEGATED TO THE MISSION AT THE REVIEW TO DEVELOP AND APPROVE THE ADMINISTRATION OF JUSTICE PROJECT IN COORDINATION WITH LAC/DI, WE ARE REQUESTING A NEW PROJECT DESCRIPTION BECAUSE THE AP DID NOT INCLUDE ONE.

(D) WE NOTE THAT THE DOLS 3.5 M. AMENDMENT FOR THE FAMILY PLANNING SELF RELIANCE PROJECT (515-0168) WILL REQUIRE AA/LA APPROVAL FOR EXTENSION OF THE PACD AND FOR A NON-COMPETITIVE GRANT TO A PVO:

(E) THE DECISION ABOUT WHETHER OR NOT TO REQUIRE A CONCEPT

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PAPER FOR THE FY 1988 ESF VII PROGRAM WILL DEPEND PARTLY ON DISCUSSION IN THE MISSION'S UPCOMING STRATEGY PAPER: GUIDAN CABLED TO THE MISSION FOLLOWING THE ACTION PLAN REVIEW CALLE FOR A DISCUSSION IN THE STRATEGY PAPER OF MACROECONOMIC AND SECTORAL POLICY CHANGES AND PROGRAMS NECESSARY TO RESTRUCTUR THE COSTA RICAN ECONOMY FOR SUSTAINED EXPORTLED GROWTH TO THE EXTENT THAT CONCEPTS FOR THE FY 1988 ESF PROGRAM ARE FORMULATED AND DESCRIBED IN THE STRATEGY DOCUMENT, AN ESF CONCEPTS PAPER MIGHT BE REDUNDANT.

6 PRIVATE INVESTMENT CORPORATION (515-0204):

(A) THE MISSION'S VIEW THAT MAJOR PROBLEMS ARE BEING RESOLVE AND THAT THE SITUATION SHOULD IMPROVE MARKEDLY SEEMS OPTIMIS GIVEN MARGINAL PORTFOLIO PERFORMANCE, BAD DEBT EXPERIENCE (AROUND DOLS 300,000 LOSS FROM TOY FACTORY PLUS OTHER POSSIB LOSSES), THE APPARENT WEAK DEMAND FOR EQUITY CAPITAL AND CONTINUING MANAGEMENT QUESTIONS.

(B) IN CONNECTION WITH ANY MISSION DECISION TO EXTEND THE 8/31/88 PACL AND GO BEYOND THE DOLS 8 M: INTERIM DISBURSEMEN CEILING, THE MISSION SHOULD LOOK CAREFULLY AT: 1) PORTFOLIO PERFORMANCE; 2) PIC'S SUCCESS IN CARVING OUT A DIFFERENTIATE ROLE AS AN INVESTMENT BANKING AND CREDIT INSTITUTION; AND 3) PIC'S SUCCESS IN OVERCOMING MANAGEMENT AND STAFFING PROBLEMS

THE MISSION IS ASKED TO CONSIDER WHETHER IT HAS ADEQUATE INFORMATION ON THE PORTFOLIO OR WHETHER A SPECIAL APPRAISAL WILL BE NEEDED. WE RECOGNIZE THE DIFFICULTIES OF EARLY PORTFOLIO EVALUATION, BEFORE INVESTMENTS HAVE HAD A CHANCE T PROVE OUT: PLEASE ADVISE.

(C) PLEASE ADVISE ALSO WHETHER PIC'S DIFFICULTIES IN IDENTIFYING SOUND POTENTIAL EQUITY INVESTMENTS APPEAR TO BE ENDEMIC PROBLEM THAT ARGUES AGAINST THE POSSIBILITIES THAT P CAN DEFINE A ROLE FOR ITSELF AS AN EQUITY FINANCER: HOW WIL THE MISSION ASSESS THIS SITUATION?

7. REGIONAL AGRICULTURAL HIGHER EDUCATION (596-0129 B):

(A) MISSION IS REQUESTED TO ADVISE ON STATUS OF THE REVISED IMPLEMENTATION PLAN (REFERENCE: LOU STATE 091122). WHEN WIL THE REVISED PLAN BE READY? WHAT ARE THE SIGNIFICANT CHANGES

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GIVEN THE SIZE AND COMPLEXITY OF THE PROJECT, WE ARE CONCERN THAT IMPLEMENTATION ACTIONS BE CLEARLY SCHEDULED AND SYNCHRONIZED:

(B) A DECISION WAS MADE AT THE SEMI-ANNUAL REVIEW TO REQUES THE MISSION REPRESENTATIVE TO THE DECEMBER 4, BOARD OF TRUST MEETING TO COME TO A.I.D./W PREPARED TO DISCUSS SEVERAL TOPI INCLUDING: PLANS FOR MANAGEMENT OF PROJECT FUNDS IF THE GOC DOES NOT GRANT TAX EXEMPT STATUS TO THE TRUST; MISSION PLANS AND BUDGET PROJECTIONS FOR AMENDING THE PROJECT TO INCREASE FUNDING FOR UNANTICIPATED DOLLAR EXPENDITURES; AND EXPERIENC WITH HOCAP INVOLVEMENT IN PROJECT MANAGEMENT: THIS REQUEST PASSED BY PHONE TO THE MISSION. SINCE THE ANTICIPATED MEETI ON THIS PROJECT COULD NOT BE SCHEDULED AS PLANNED, HOWEVER, MISSION IS REQUESTED TO RESPOND BRIEFLY BY CABLE TO THE QUESTIONS RAISED.

6. HOUSING PROJECTS - URBAN EMPLOYMENT AND IMPROVEMENT PROGRAM (515-HG-006) AND PRIVATE SECTOR LOW COST SHELTER (515HG-007)

(A) DESPITE WEAKNESSES IN THE PERFORMANCE OF INVU AND THE SAVINGS AND LOAN COOPERATIVES, WE CONCUR WITH MISSION PLANS APPLY THE REMAINING DOLS 6.3 M. IN HG-006 AND DOLS 6:0 M: IN HG007 TO THE COMPLETION OF REMAINING CONSTRUCTION PLANS AND ACTIVITIES.

(B) FUTURE HOUSING PROGRAMS IN COSTA RICA, INCLUDING THE PROPOSED DOLS 50 M. LC SUPPORT FOR THE NEW NATIONAL HOUSING MORTGAGE BANK (BANVHI) WILL BE PLANNED AND CARRIED OUT IN TH

CONTEXT OF DISCUSSIONS NOW ONGOING BETWEEN THE MISSION AND A.I.D./W ABOUT THE MISSION'S HOUSING STRATEGY. A.I:D:/W IS THE PROCESS OF RESPONDING TO THE MISSION'S CABLE (SAN JOSE 11564) ABOUT SUPPORT TO BANVHI :

7. NORTHERN ZONE CONSOLIDATION (5150190); NORTHERN ZONE INFRASTRUCTURE (515-0190); AND AGRARIAN SETTLEMENT AND PRODUCTIVITY (515-0148):

(A) LITTLE APPARENT PROGRESS HAS BEEN ACHIEVED IN RECENT YE IN ISSUING TITLES TO SMALL FARMERS DESPITE PROTRACTED EFFORT BY THE MISSION. UNDER THE TERMINATING PROJECTS (0148 AND 0190), THE MISSION PROPOSES TO ENCOURAGE THE GOCR TO COMPLET PLANNED TITLING ACTIVITIES USING ITS OWN RESOURCES. THE MISSION ALSO PROPOSES TO INCLUDE LC-FUNDED LAND TITLING ACTIVITIES IN THE FY 1988 NORTHERN ZONE CONSOLIDATION PROJEC

THE SITUATION RAISES QUESTIONS ABOUT THE IMPORTANCE OF LAND TENURE SECURITY MATTERS, OUR OBJECTIVES IN THIS RESPECT, AND THE APPROPRIATE LEVEL OF A.I:D. EFFORTS: WHILE LAND TENURE NOT POSE MAJOR SOCIO-ECONOMIC PROBLEMS IN COSTA RICA, WE PRESUME IT IS A SIGNIFICANT ISSUE IN SOME AREAS LIKE THE

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NORTHERN ZONE.

(E) WE SUGGEST THAT THE PROJECT PAPER FOR THE NORTHERN ZONE CONSOLIDATION PROJECT INCLUDE A THOUGHTFUL LOOK AT LAND TENU AND TITLING: IS TENURE A SERIOUS PROBLEM AFFECTING THE PROSPECTS FOR GROWTH OF AGRICULTURAL PRODUCTION AND INCOME, A:I:D:'S BROADER GOAL OF GROWTH WITH EQUITY? WHAT ARE THE ISSUES IN ASSURING LAND TENURE SECURITY AND ISSUING TITLES? WHAT HAS BEEN THE EXPERIENCE OF PRIOR A.I.D:-GOCR EFFORTS TO ADDRESS THESE ISSUES? WHAT LAND TITLING ACTIVITIES ARE PLAN IN THE NORTHERN ZONE CONSOLIDATION PROJECT AND WHAT ARE THE PROSPECTS FOR SUCCESS?

16. ACTIONS IN PRECEDING PARAGRAPHS ARE SUMMARIZED BELOW WI TARGET DATES:

(A) REGIONAL ADMINISTRATION OF JUSTICE PROJECT - INCLUDE OUTPUT TARGETS AND DISCUSSION OF ISSUES IN SEMIANNUAL REPOR (NEXT SEMI-ANNUAL REPORT);

(B) REPORT ON LC PROJECTS FORWARD REPORT TO LAC/DR (NEX(REGULAR MISSION LC REPORT);

(C) PRIVATIZATION AND DIVESTITURE - CONTINUED MISSION MONITORING AS APPROPRIATE;

(D) PROJECT DEVELOPMENT - (1) FORWARD PID FOR THE PROPOSED FOREST MANAGEMENT PROJECT TO A.I.D./W FOR APPROVAL (MISSION ADVISE A.I.D./W OF DATE); (2) CABLE NEW PROJECT DESCRIPTION FOR THE ADMINISTRATION OF JUSTICE PROJECT (JANUARY 31, 1988)

(E) PRIVATE INVESTMENT CORPORATION - ADVISE A.I.D./W BY CA (1) WHETHER A SPECIAL APPRAISAL OF THE PIC PORTFOLIO IS NEED (JANUARY 31, 1988); (2) WHETHER THE WEAK DEMAND FOR EQUITY INVESTMENT IS A SERIOUS PROBLEM AND/OR HOW THE MISSION WILL ASSISS THIS SITUATION (JANUARY 31, 1988);

(F) REGIONAL AGRICULTURAL HIGHER EDUCATION MISSION CABLE RESPONSE TO QUESTIONS RAISED AT REVIEW (JANUARY 31, 1988);

(G) LAND TITLING INCLUDE DISCUSSION IN NORTHERN ZONE CONSOLIDATION PROJECT PAPER ON ISSUES AND PROJECT STRATEGY RELATED TO LAND TENURE AND TITLING; SEND COPY TO A.I:D:/W FO

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REVIEW (PRIOR TO PROJECT AUTHORIZATION): WHITEHEAD
BY
#6577

MANN

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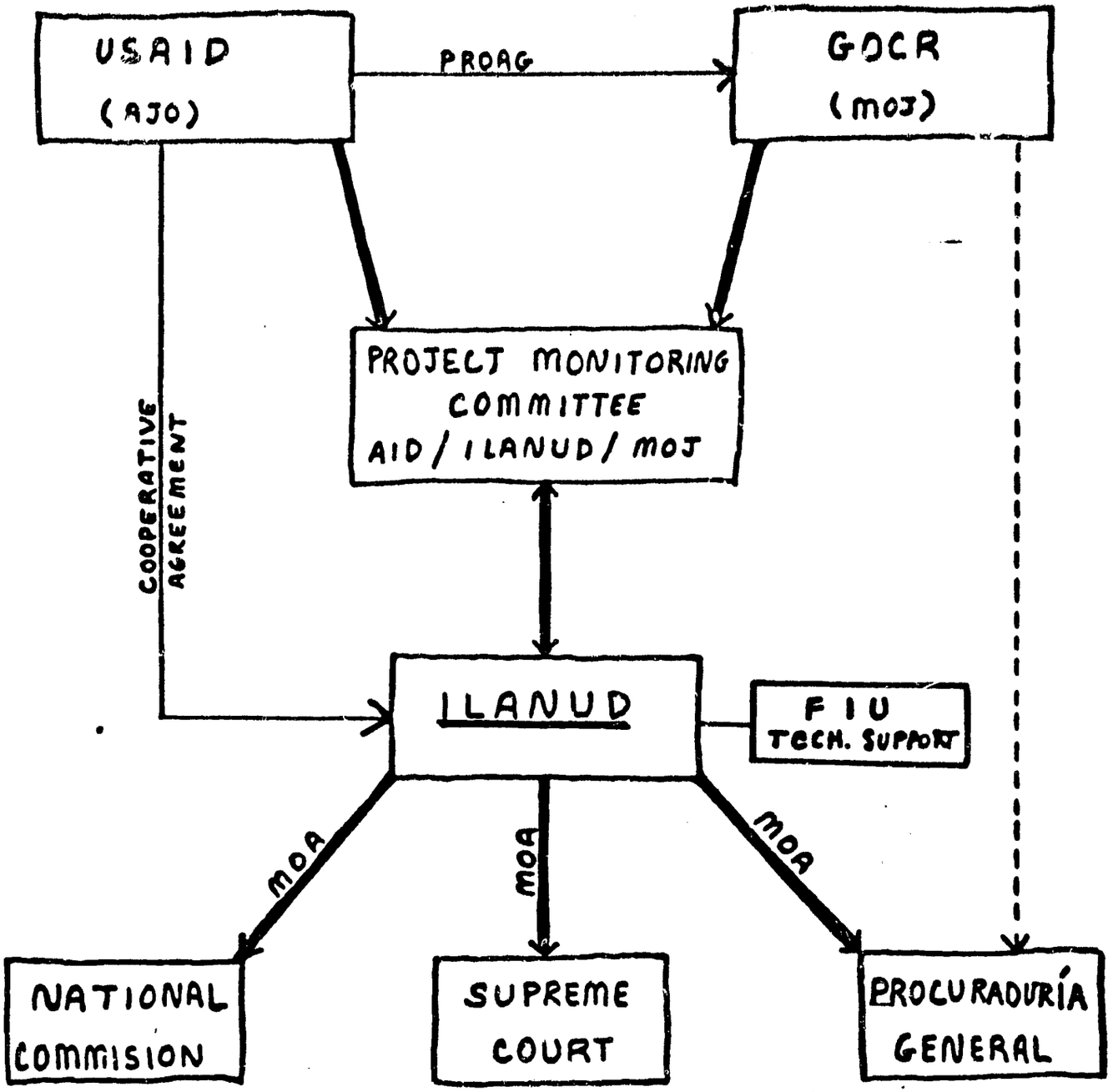
JUSTICE SECTOR IMPROVEMENT PROJECT

IMPLEMENTATION DIAGRAM



LOGICAL FRAMEWORK

Narrative	Objectively Verifiable Indicators	Means of Verification	Assumptions
Goal: To improve the administration of justice in Costa Rica in order to increase the speed and efficiency with which justice is dispatched in the country.	1. Increase in the proportion of cases-handled-per-month by the court system to the total-court-system-caseload.	1. Base line data available in Sector Assessment.	1. GOCR provides financial resources necessary to support the operations of the courts.
	2. The average time to process common cases is reduced.	2. Survey based research.	2. GOCR adopts major reforms identified in Sector Assessment (e.g. enactment of Law of Judicial Careers).
	3. Per unit costs in handling various judicial procedures decrease.	3. Update of Sector Assessment.	3. Socio-economic conditions in Costa Rica remain stable.
	4. Public opinion of judicial sector improves.		

ANNEX B

Narrative	Objectively Verifiable Indicators	Means of Verification	Assumptions
Purpose. To consolidate and modernize the Costa Rican justice system by strengthening three important areas of the justice system: (a) national coordination and planning in the justice sector; (b) professional judicial training and, (c) availability of up-to-date information on legislation currently in force.	1. Sector plans, proposals, budgets and evaluations prepared on basis of regular planning cycle.	1. Project reports, budgets[financial reports, project proposals and evaluations.	1. GOCR provides permanent legal status and necessary authority to National Commission to enable it to be effective entity. 2. GOCR willingness to assume financial support for operations of the Commission in future.
	2. Judicial School is providing systemwide education and training to support staff and legal professionals throughout the judicial system.	2. Project reports and evaluations.	3. Supreme Court approval of project plan and realignment of Judicial Education Commission.
	3. A computerized data-base system of all current legislation in force that is accessible to judges, prosecutors, public defenders, practicing attorneys and	3. Project reports and evaluations.	4. Cooperation between executive and judicial branches.

Narrative	Objectively Verifiable Indicators	Means of Verification	Assumptions
Outputs Summary			
(Output 1)			
National Commisssion:			
1. Justice sector plans, program proposals, budgets evaluations.	1. Justice sector action plan for 1989-92.	1. A.I.D. progress reports, project files.	1. All relevant entities willing to cooperate and accept coordinating role of National Commission.
2. Trained personnel	2. Coordination of justice sector activities.	2. Project reports, evaluations.	2. Availability and proper selection of technicians.
3. Dissemination of legal references and research results.	3. Update of Sector Assessment.		
4. Technical assistance to the Supreme Court's planning office.	4. Development of project proposals for training, law reform and technical assistance.		
5. Improved teaching skills at Costa Rican law schools.	5. Complete evaluations of justice sector entities, including the criminal justice sector.		
	6. Distribution of legal reference material to all public defenders and expanded circulation of research than currently.		

Narrative	Objectively Verifiable Indicators	Means of Verification	Assumptions
Outputs Summary			
(Output 1)			
National Commission:			
	7. Six seminars to improve coordination of law enforcement efficiency.		
	8. Conduct 5 short-term planning workshops.		
	9. Establish and coordinate 4 short-term internships annually in court management.		
	10. Provision of local or external technical assistance needed to develop feasibility studies for the organization of the Supreme Court planning offices.		
	11. Program for long- and short-term training for law faculty.		

Narrative	Objectively Verifiable Indicators	Means of Verification	Assumptions
Outputs Summary			
(Output 2)			
Judicial School:			
1. Judicial School will provide education to support staff and legal professionals throughout the justice system.	1. Judicial School conducts education and training programs for judges (2115), prosecutors (285), public defenders (345) and administrative support staff (all new and untrained staff).	1. A.I.D. progress reports, project files.	
2. Judicial School will provide career-long education for the above personnel.	2. Judicial School conducts three types of programs: continuing education institutes (58), basic orientation programs for new personnel (18), and advanced judicial status programs (11).	2. A.I.D. reports and course evaluations.	
3. Judicial School will prepare practical "how to" working tools for judicial use.	3. Judicial School publishes benchguides, checklists, and other reference materials for judicial use (6).	3. A.I.D. reports, project files and Judicial School publications.	
4. Judicial School will develop ongoing research and development programs focussed an improvement of court operations.	4. Judicial School prepares a series of audio and video tapes for judicial use (72).	4. Project reports, evaluations and Judicial School audio and video tapes.	

Narrative	Objectively Verifiable Indicators	Means of Verification	Assumptions
	5. Comprehensive curriculum plans developed and accepted by Supreme Court.	5. Project reports, evaluations and Judicial School standard curriculum.	
	6. A faculty development plan completed and approved by the Supreme Court.	6. Project reports, evaluations and Judicial School faculty development plan.	
	7. Research program will have an ongoing program and have completed three studies focussed on court operations improvement.	7. Project reports, evaluations and Judicial School completed research and research plans.	

Narrative	Objectively Verifiable Indicators	Means of Verification	Assumptions
Outputs Summary			
(Output 3)			
Legislative Reference System:			
1. Fully staffed and equipped executing office.	1. A staff of 4 personnel hired, trained, and working who are able to maintain the system and add to the data base.	1. Project reports and use of systems.	1. Cooperation is obtained from all justice sector institutions.
2. Computerized Legal Reference System with information on all legislation in force available to sector institutions and the public.	2. LRS with excerpting capability full text of all current legislation in force, 15 terminals available to public sector institutions, 5 terminals available for private use, 50,000 requests answered by Procuraduria.	2. A.I.D. reports and evaluations.	

Narrative	Objectively Verifiable Indicators			Means of Verification	Assumptions
Inputs	(000's)				
	$ A.I.D.	GOCR	TOTAL		
I. National Commission	677.4	46.0	723.4	1. A.I.D. documents, project reports.	1. Funds are available.
II. Judicial School	735.0	826.5	1,561.5	2. National Commission reports, project reports.	2. GOCR provides counterpart contributions.
III. Legislative Reference System	921.7	265.2	1,186.9		3. TA needs identified on timely basis.
IV. Project Implementation (ILANUD)	565.9	—	565.9		
TOTAL	2,900.0	1,137.7	4,037.7		

ENVIRONMENTAL DETERMINATION

PROJECT LOCATION:	Costa Rica
PROJECT TITLE:	Bilateral Administration of Justice
FUNDING:	FY 88-FY 90 Grant $2,900,000
LIFE OF PROJECT:	Three (3) years
ED PREPARED BY:	Heriberto Rodriguez USAID/General Engineer
DATE:	March 1988

ENVIRONMENTAL ACTION

RECOMMENDED: That the project does not require an Initial Environment Examination and therefore a categorical exclusion in appropriate.

CONCURRANCE:

Carl H. Leonard
Director
USAID/Costa Rica

DATE: March 23, 1988

COMISION NACIONAL PARA EL MEJORAMIENTO DE LA ADMINISTRACION DE JUSTICIA

SAN JOSE, COSTA RICA
TELEFONO: 21-38-86

Corte Suprema de Justicia

Asamblea Legislativa

Ministerio de Justicia

Procuraduría General de la República

Facultad de Derecho Universidad de Costa Rica

Colegio de Abogados

San José 14 de diciembre, 1987

RECEIVED
15 DIC. 1987
PDD

Dra. Ligia Carvajal.

Estimada Doctora:

Según se había acordado en la pasada reunión con funcionarios de AID y de la Procuraduría General de la República, le adjunto a la presente copias de los planos de las remodelaciones requeridas en el edificio de la Procuraduría, así como una carta del señor Procurador, referente a este asunto.

Además, le incluyo la Metodología que se empleará en el trimestre de actividades iniciales de ejecución del Proyecto de Sistematización de la Legislación Vigente, elaborado por la Doctora Ana Isabel Garita, de ILANUD.

Esperamos una pronta respuesta a la presente y de nuevo le manifestamos nuestra anuencia a realizar las distintas actividades que se nos soliciten, en pro de la ejecución de tan importante Proyecto.

Atentamente,

Lic. Ana Mary Hall Cubero.
Asistente.

PGR-419 D.2

San José, 11 de diciembre de 1987

Señor
Lic. Carlos Arguedas
Coordinador Ejecutivo
Comisión Nacional para el Mejoramiento
de la Administración de la Justicia
(I.L.A.N.U.D.)
S. O.

Estimado señor Coordinador:

De conformidad con lo que se acordó en la última reunión con la Agencia Internacional para el Desarrollo (US-AID), me permito adjuntar fotocopias de los planos y presupuesto, para la remodelación de la planta donde se ubicará el proyecto de Sistematización de la Legislación vigente.

Como se ve, contando con la colaboración institucional, el costo de los trabajos se ajusta a lo previsto en nuestro cronograma de actividades.

Aprovecho para informar que la Asamblea Legislativa estuvo anuente a facilitar a la Licda. Marina Ramírez por medio tiempo y que el Ministerio de Planificación y Política Económica está estudiando ceder a partir de enero un Analista que nos colabore en materia informática.

Le ruego poner lo anterior en conocimiento del señor Carl Cira, para los fines correspondientes.

Atentamente,

Procurador General de la República
COSTA RICA

Lic. Luis Fernando Solano Carrera
PROCURADOR GENERAL DE LA REPUBLICA

LFSC/ts.
cc: Archivo

D.3

Ministro de Justicia y Gracia

DM-
25 de agosto de 1988

RECEIVED
26 AGO. 1988
R. A. J. O.

Señor
Dr. Carl Cira Jr.
A.I.D.
SU OFICINA

Estimado señor Cira:

Tal y como hemos conversado anteriormente, el Gobierno de la República tiene gran interés en el fortalecimiento del Sector Justicia y ha participado activamente en el seno de la Comisión Nacional para el Mejoramiento de la Administración de Justicia, especialmente en el patrocinio de proyectos que contribuyan a ello.

Concretamente, en la Comisión hemos analizado y auspiciado los proyectos para la reestructuración de la Escuela Judicial (Poder Judicial), de la Sistematización de la Legislación Vigente (Procuraduría General de la República) y el Componente mismo de la Comisión mediante el cual se trabajará en la formación docente y la investigación jurídica.

Creo que la contribución de A.I.D. en el apoyo de estos proyectos resulta muy oportuna e indispensable, lo cual me complace ratificar por este medio, y espero una respuesta conforme con las expectativas que sobre este particular ya se han venido construyendo.

Atentamente,

MINISTERIO DE JUSTICIA
COSTA RICA

Dr. Luis Paulino Mora Mora

LPMM/fmh
Copias: Dr. Ottón Solís, Ministro de Planificación
Lic. Rodrigo Madrigal, Ministro de Relaciones Exteriores
Lic. Jorge Arturo Montero, Director de ILANUD
Comisión para el Mejoramiento de la Adm. de Justicia

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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; B(2) applies to projects funded from 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 1987 Continuing Resolution Sec. 523; FAA Sec. 634 A.

   Describe how authorization and appropriations committees of Senate and House have been or will be notified concerning the project.

   A Congressional Notification has been issue.

2. FAA Sec. 611(a)(1). Prior to obligation in excess of $500,000, will there be (a) engineering, financial or other plans necessary to carry out the assistance and (b) a reasonably firm estimate of the cost to the U.S. of the assistance?

   Financial Plans are included in the Project Paper. A reasonably firm estimate of costs has been made.

3. FAA Sec. 611(a)(2). If 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?	No legislative action is required.
4. FAA Sec. 611(b); FY 1987 Continuing Resolution Sec. 501. If project is for water or water-related land resource construction, have benefits and costs been computed to the extent practicable in accordance with the principles, standards, and procedures established pursuant to the Water Resources Planning Act (42 U.S.C. 1962, et seq.)? (See A.I.D. Handbook 3 for guidelines.)	N/A
5. FAA Sec. 611(e). If project is capital assistance (e.g., construction), and total U.S. assistance for it will exceed $1 million, has Mission Director certified and Regional Assistant Administrator taken into consideration the country's capability 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.	The Project is to be executed in coordination with a regional project.
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, credit unions, and savings and loan associations; (d) discourage monopolistic practices; (e) improve technical efficiency of industry, agriculture and commerce; and (f) strengthen free labor unions.	The project will not directly affect these areas.

8.	FAA Sec. 601(b). Information and conclusion 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).	N/A
9.	FAA Sec. 612(b), 636(h). Describe steps taken to assure that, to the maximum extent possible, the country is contributing local currencies to meet the cost of contractual and other services, and foreign currencies owned by the U.S. are utilized in lieu of dollars.	Host country contributions to the project will total approximately $1.14 million in LC.
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.	FY 1987 Continuing Resolution Sec. 521. 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
12.	FY 1987 Continuing Resolution Sec. 558 (as interpreted by conference report). If assistance is for agricultural development activities (specifically, any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training), are such activities (a) specifically and principally designed to increase agricultural exports by the host country to a country other than the United States, where the export would lead to direct competition in that third country with exports of a similar	N/A

commodity grown or produced in the United States, and can the activities reasonably be expected to cause substantial injury to U.S. exporters of a similar agricultural commodity; or (b) in support of research that is inteded primarily to benefit U.S. producers?

13. FY 1987 Continuing Resolution Sec. 559. Will the assistance (except for programs in Caribbean Basin Initiative countries under U.S. Tariff Schedule "Section 807", which allows reduced tariffs on articles assembled abroad from U.S.-made components) be used directly to procure feasibility studies, prefeasibility studies, or project profiles of potential investment in, or to assist the establishment of facilities specifically designed for, the manufacture for export to the United States or to third country markets in direct competition with U.S. exports, of textiles, apparel, footwear, handbags, flat goods (such as wallets or coin purses worn on the person), work gloves or leather wearing apparel?

No.

14. FAA Sec. 118 (c). Does the assistance comply with the environmental procedures set forth in A.I.D. Regulation 16? Does the assistance place a high priority on conservation and sustainable management of tropical forests? Specifically, does the assistance, to the fullest extent feasible: (a) stress the importance of conserving and sustainably managing forest resources; (b) support activities which offer employment and income alternatives to those who otherwise would cause destruction and loss of forests, and help countries identify and implement alternatives to colonizing forested areas; (c) support training programs, educational efforts, and the establishment or strengthening

Yes. Due to the nature of the Project an environmental examination categorical exalusion has been granted.

of institutions to improve forest management; (d) help end destructive slash-and-burn agriculture by supporting stable and productive farming practices; (e) help conserve forests which have not yet been degraded, by helping to increase production on lands already cleared or degraded; (f) conserve forested watersheds and rehabilitate those which have been deforested; (g) support training, research, and other actions which lead to sustainable and more environmentally sound practices for timber harvesting, removal, and processing; (h) support research to expand knowledge of tropical forests and identify alternatives which will prevent forest destruction, loss, or degradation; (i) conserve biological diversity in forest areas by supporting efforts to identify, establish, and maintain a representative network of protected tropical forest ecosystems on a worldwide basis, by making the establishment of protected areas a condition of support for activities involving forest clearance or degradation, and by helping to identify tropical forest ecosystems and species in need of protection and establish and maintain appropriate protected areas; (j) seek to increase the awareness of U.S. government agencies and other donors of the immediate and long-term value of tropical forests; and (k) utilize the resources and abilities of all relevant U.S. government agencies?

15. FAA Sec. 119(g)(4)-(6). Will the assistance (a) support training and education efforts which improve the capacity of recipient countries to prevent loss of biological diversity; (b) be provided under a long-term agreement in which the recipient country agrees to protect ecosystems or other wildlife habitats; (c) support efforts to identify and survey

(a) No
(b) N/A
(c) N/A
(d) No.

ecosystems in recipient countries worthy of protection; or (d) by any direct or indirect means significantly degrade national parks or similar protected areas or introduce exotic plants or animals into such areas?

16. 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

17. FY 1987 Continuing Resolution Sec. 532. 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

a. FAA Secs. 102(b), 111, 113, 281(a). Describe extent to which activity will (a) effectively involve the poor in development by extending access to economy at local level, increasing laborintensive production and the use of appropriate technology, dispersing investment 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 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 the participation of women in the national economies of developing countries and the improvement of women's status, (e) utilize

The project will help stregnthen the democratic process, thereby benefitting all residents in Costa Rica.

	and encourage regional cooperation by developing countries.	
b.	FAA Sec. 103, 103A, 104, 105, 106, 120-121. Does the project fit the criteria for the type of funds (functional account) being used?	Yes.
c.	FAA Sec. 107. Is emphasis placed 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)?	N/A
d.	FAA Sec. 110, 124(d). Will the recipient country provide at least 25 percent 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)?	Yes.
e.	FAA Sec. 128(b). If the activity attempts to increase the institutional capabilities of private organizations or the government of the country, or if it attempts to stimulate scientific and technological research, has it been designed and will it be monitored to ensure that the ultimate beneficiaries are the poor majority?	Yes.
f.	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.	A more efficient judiciary benefits everyone. The project supports training of GOCR employees to improve governmenta processes.
g.	FY 1987 Continuing Resolution Sec. 540. Are any of the funds to be used	No.

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	for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions?	
	Are any of the funds to be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations?	No.
	Are any of the funds to be used to pay for any biomedical research which relates, in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning?	No.
h.	FY 1987 Continuing Resolution. Is the assistance being made available to any organization or program which has been determined to support or participate in the management of a program of coercive abortion or involuntary sterilization?	No.
	If assistance is from the population functional account, are any of the funds to be made available to voluntary family planning projects which do not offer, either directly or through referral to or information about acces to, a broad range of family planning methods and services?	N/A
i.	FAA Sec. 601(e). Will the project utilize competitive selection procedures for the awarding of contracts, except where applicable procurement rules allow otherwise?	Yes.
j.	FY 1987 Continuing Resolution. How much of the funds will be available only for activities of economically and socially disadvantaged enterprises, historically black colleges and universities, and private and voluntary organizations which are controlled by individuals who are black Americans, Hispanic Americans, or Native Americans, or who are economically or socially disadvantaged (including women)?	All procurement, except selectio of ILANUD as the implementing organization, will be through full and open competition.

k. FAA Sec. 118(c)(13). If the assistance will support a program or project significantly affecting tropical forests (including projects involving the planting of exotic plant species), will the program or project (a) be based upon careful analysis of the alternatives available to achieve the best sustainable use of the land, and (b) take full account of the environmental impacts of the proposed activities on biological diversity? N/A.

l. FAA Sec. 118(c)(14). Will assistance be used for (a) the procurement or use of logging equipment, unless an environmental assessment indicates that all timber harvesting operations involved will be conducted in an environmentally sound manner and that the proposed activity will produce positive economic benefits and sustainable forest management systems; or (b) actions which significantly degrade national parks or similar protected areas which contain tropical forests, or introduce exotic plants or animals into such areas? No.

m. FAA Sec. 118(c)(15). Will assistance be used for (a) activities which would result in the conversion of forest lands to the rearing of livestock; (b) the construction, upgrading, or maintenance of roads (including temporary haul roads for logging or other extractive industries) which pass through relatively undegraded forest lands; (c) the colonization of forest lands; or (d) the construction of dams or other water control structures which flood relatively undegraded forest lands, unless with respect to each such activity an environmental assessment indicates that the activity will contribute significantly and directly to improving the livelihood of the rural poor and will be conducted in an environmentally sound manner which supports sustainable development? No.

2. Development Assistance Project Criteria (Loans Only) N/A

a. FAA Sec. 122(b). Information and 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, or has the requirement to enter into such an agreement been waived by the President because of a national security interest?

c. FY 1987 Continuing Resolution. If for a loan to a private sector institution from funds made available to carry out the provisions of FAA Sections 103 through 106, will loan be provided, to the maximum extent practicable, at or near the prevailing interest rate paid on Treasury obligations of similar maturity at the time of obligating such funds?

d. FAA Sec. 122(b). Does the activity give reasonable promise of assisting long-range plans and programs designed to develop economic resources and increase productive capacities?

I. THE OBJECTIVES OF ILANUD.

Since 1948, when the Economic and Social Council first called upon the United Nations to provide leadership in crime prevention and criminal justice, international co-operation in this sphere has been progressively strengthened and widened. The capacity of United Nations and its various agencies to guide and support research has been increased and extended to encompass related tasks in training and technical cooperation. Over the years, the United Nations has developed flexible institutional arrangements responsive to the evolving requirements of Member States. The establishment in 1975 of the United Nations Latin American Institute for Crime Prevention and the Treatment of Offenders, ILANUD, represents part of this effort.

The special mission of ILANUD is to co-operate with the Governments of Latin American and the Caribbean in formulation and implementation of policies for the prevention of crime and treatment of the offender and the improved performance of the criminal justice system. Such policies are increasingly conceived as and over-all development strategies under the guidelines of the United Nations. ILANUD also co-operates with other regional institutions in supporting the efforts of the governments throughout the hemisphere to strengthen and invigorate the respect for human rights. ILANUD is convinced that any attempts to bring about meaningful reforms of the judicial systems in the region must focus upon the improvement of the legal protection of individual rights and has offered assistance to this end.

ILANUD has tried over these twelve years to respond effectively to the needs expressed by the governments of the region. The Institute has fulfilled an important role by providing training, upgrading the public service and judicial system; conducting action-oriented research on priority issues; pooling and exchanging information for use as a management tool; promoting joint action by countries on problems of mutual concern; and rendering technical assistance and direct aid to governments upon request. This work has been recognized on many occasions by the Member States and more recently by the last United Nations General Assembly.

For the development of these programs, ILANUD has received financial assistance from the United Nations Development Program, the United States Agency for International Development, the Ford Foundation, the Organization of American States, the Spanish Government through the Ibero-American Cooperation Institute and modest financial contributions from the governments of the region.

Over the years the Institute's activities have evolved into permanent programs in the areas of Research Services; Training Services; Advisory Services; Extension Services and Documentation and Information Services.

II. RESEARCH IN CONTEMPORARY CRIMINAL POLICY AND PROBLEMS.

During the past twelve years ILANUD has produced more than forty research projects as well as an important number of monographs, articles and documents, and also has sponsored research initiatives carried out by other institutions and organizations.

ANUD has conducted comparative studies to transfer scientific owledge between countries and promote an integrated regional iminological policy in collaboration with governments, iversities and experts in the region.

The research programs vary , ranging from studies on conventional delinquency to non-conventional criminality. As research work progresses, greater and more urgent needs arise in different fields. In facing these major new challenges, ILANUD has an important role to play, increasing the knowledge of linkages between criminality and different social phenomena.

ILANUD is presently carrying out eight basic research programs oriented towards action on criminality and other forms of deviant behavior and social reaction. They are:

a. Minor Offences Systems in Latin America

b. Deinstitutionalization: release on bail, system of fines.

c. Prevention policies and use of prison for drug offences.

d. Comparative statistical studies on criminality.

e. Social control, new dimensions in criminality; crime and development.

f. Social classes and differential criminalization.

g. Rights of those in custody.

h. Protection of cultural heritage.

III. TRAINING OF JUSTICE SYSTEM OFFICIALS.

Because of the overriding importance of training of criminal justice personnel in the effective administration of criminal justice systems, ILANUD has placed a high priority on trainig activities. Especially in the last two years ILANUD has greatly augmented its training services, offering a wide variety of training programs for criminal justice personnel in the region.

The Institute is making a significant contribution to human resources development with seven regional courses and fifteen national seminars each year in the different countries of the region. Among the topics are:

Strengthening of Court Administration Systems.

Function and Institutionalization of Agrarian Justice.

c. Training Alternatives for Judges.

d. Criminal Procedure in Modern Latin American Legal Systems.

e. Modern Prosecution Methods and Reforms.

f. Penitentiary Planning and Human Rights.

g. Juvenile Justice and Human Rights in Latin America.

The topics of the national seminars are those requested by the governments and are directed to judges, prosecutors, legislators, public defenders, prison officials and others. Instructors are drawn from among ILANUD associate experts in Latin America and Europe, as well as ILANUD professional staff.

During 1986, ILANUD conducted fifteen regional and national courses and seminars and trained more than 750 officials from twelve countries. By the end of 1988 ILANUD expects to have trained more than two thousand Latin American judges, prosecutors, public defenders and other officials. All ILANUD training contains a Human Rights component developed in collaboration with the Interamerican Institute of Human Rights.

IV. ADVISORY SERVICES TO UPGRADE TECHNICAL FUNCTIONS OF COURTS.

Despite the shortage of financial and human resources, ILANUD has made important contributions to the development, promotion and intensification of technical co-operation among the countries of the region in the area of prevention of crime, treatment of the offender and improvement of the criminal justice system. Presently ILANUD is carrying out five regional advisory services projects:

A. Criminal Justice Information and Statistical Systems.

All the countries of the region share the need to develop relevant and reliable statistical and other information about crime and the operation of justice systems. ILANUD has long recognized the particular importance of comparable statistical information among countries of the same region in research activities to better understand those issues. Accordingly, in 1983 ILANUD prepared a Manual for the Establishment of an Integrated System for Criminal Justice Statistics to assist the countries in developing their ability to compile, process and make available ful statistics for Judicial Sector planning. This 160 page ual was presented at the Conference of Staticians of ernments of America, CEGA, in Buenos Aires in the same year.

ILANUD is now implementing the Criminal Justice Information and atistical System. As a first step, a pilot project is being plemented in the Dominican Republic, where ILANUD has given chnical and financial assistance for the establishment of a atistics Office in the Supreme Court. The Institute also has presented one regional and two national workshops on this area. The first took place in Santo Domingo in June 1986, the second in Caracas in December 1986 and the third in Guatemala in February 1987. These last two workshops were requested by the Governments of Venezuela and Guatemala which are interested in implementing the System in their countries.

B. Compilation and Dissemination of Legislation, Jurisprudence and Doctrine.

ILANUD recognized the difficulty faced by the region's judges, lawyers and general population in all the countries of the region in obtaining basic information about currently applicable law and jurisprudence. This project aims to establish the theoretical and

technical framework for a Criminal Jurisprudence Data Base covering legislation, jurisprudence and doctrine (legal theory). A pilot project in Costa Rica will provide the basis for technical assistance to the other countries to plan, organize and implement a manual or automated system in this field. As a basis for the substantive core of the project, a criminal law thesaurus (fixed vocabulary) has been completed and adapted to the terminology of the countries in the region; a regional workshop was held among court administration and criminal law experts who reviewed the thesaurus and approved it as the basic tool for processing and locating information in the project. A software package developed by the Instituto Colombiano de Fomento de la Educación Superior (ICFES) with whom ILANUD is co-operating in the pilot project has been selected as most appropriate for adaptation. This pilot project in Costa Rica is expected to be run until June 1988. Guatemala will be the second country where the project will be implemented.

C. Documentation Centre and Data Bank.

This effort relates to the development of a comprehensive crime information network. Such a network is considered essential by ILANUD and by the United Nations Committee for Crime Prevention Control, which urged that it be given highest priority in the ted Nations Crime Prevention and Criminal Justice Program.

ting the region-wide shortage of valid information about crime r use in cross-national comparisons, ILANUD established a Documentation Centre on Criminology and Criminal Justice(CEDO) in 1980,which is considered one of the most important clearinghouses in the region. As well as strengthening ILANUD's specialized library resources, CEDO prepares specialized bibliographies and sponds to written and telephone inquiries. CEDO now has more an 17,000 catalog referenced items comprised of ticles,books,theses and periodicals including the most portant academic and research publications from the region and om around the world.

The objective is to develop a regional database at ILANUD to serve all the judiciaries of the region. It will encompass ILANUD's own collection at CEDO and provide linkages with other major databases. The service will not only provide information but also permit library exchanges, material loans and photocopying or articles and brief materials.

D. Basic Law Libraries for Central America Judiciaries.

All the information indicates a serious lack of available bibliographic materials in the region. It is an unhappy fact that most judges, prosecutors and defenders in Central America have no access to lawbooks or updated jurisprudence in their daily work. To provide immediate assistance in this area, ILANUD will donate sets of basic legal materials to the judiciary in each of the countries in the region. ILANUD with the collaboration of two associate experts, Prof. Enrique Bacigalupo of The Universidad Complutense of Madrid, Spain, and Prof. Kurt Madlener of the Max Plank Institute of Freiburg, West Germany, developed a list of ic legal materials in the field of criminal justice which ry competent law library should have. This basic collection prises about two thousand titles of books and specialized azines. Presently, ILANUD has completed the purchase, ganization and cataloguing of nine sets of six hundred plus books each from throughout the main Spanish language legal publishing houses. Basic library sets have been donated to the judiciaries of the Dominican Republic, Honduras, Costa Rica and El Salvador. The rest of the basic collection is in process of purchase and it is expected to be concluded in November 1987.

E. Judicial and Court Administration Improvement.

This program seeks to provide effective technical assistance to improve court administrative systems. ILANUD experts have visited Guatemala, Honduras, Costa Rica and the Dominican Republic to identify the main problems in court administration. A program of chnical assistance to the court systems and a list of specific ojects to work on in the four countries has been developed. The n problems detected are lack of financial resources and full dicial independence from the executive; lack of career stability d civil service status in judiciaries; lack of systematic aining programs; lack of administrative management and planning systems; excessive centralization; lack of uniform procedures and lack of judicial statistics. The first two projects carried out within this program are developing a benchbook for justices of the peace in Honduras and developing a court records management system in the Dominican Republic.

V. EXTENSION SERVICES FOR COUNTRY-SPECIFIC ACTIVITIES.

This component consists of an Extension Facility to allow the direct and immediate provision of funds, services and technical assistance to projects generated from and operated within a single country to meet specific needs in administration of justice improvement. Extension services also assists the national justice reform commissions established in several countries of the region in designing projects. This office receives inquiries and requests for ILANUD services from the countries and channels them to the right Institute department, assists in the design of responses and monitors implementation.

VI. INFORMATION SERVICES

In 1978, the Institute published the first edition of its magazine, now called " ILANUD ". Since then, ILANUD has committed itself to the publication of information of both general and criminological or technical interest, including reports and technical analyses of past and future events in related activities organized in different parts of the world, but with special emphasis on the countries of the region. The magazine has been able to call upon internationally reknowned experts for contributions and much of the good reputation of this official organ is due to them. This publication has strived as well to serve the English-speaking countries by publishing articles in this language. Since August 1985, a bimonthly bulletin has been published informing of ILANUD's regular activities.

VII. ILANUD AND THE UNITED NATIONS ORGANIZATION.

ANUD is an autonomous United Nations Institute formed by reement of the United Nations and the Government of Costa Rica. providing its services to Latin America and the Caribbean, it ks under the broad guidance of the Department of International onomic and Social Affairs. In this context, it co-operates closely with the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs, headquartered in Vienna, Austria. It is guided also by policies defined by the United Nations Economic and Social Council and by the Council's Commission for Social Development as well as by the deliberations of the United Nations Committee on Crime Prevention and Control and of the quinquennial United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

ILANUD is headquartered in the " Plaza de la Justicia " building in San José, Costa Rica, where the Institute has ample modern office space, library and documentation service facilities and a large conference room. These premises have been generously provided by the Government of Costa Rica in addition to its significant yearly financial contribution. In 1986, with the assistance of the United States Agency for International Development, ILANUD acquired another building in Los Yoses, San José, which accomodates its technical assistance and training services and serves as its principal conference center.

Working relations are also maintained with other United Nations organizations and specialized agencies such as the United Nations Development Program (UNDP) as well as other international organizations working in the social defense area. Recently ILANUD received grants from the Organization of American States (OAS) to present a series of conferences on the problem of children in juvenile justice systems. In addition, regular links exist between ILANUD and other affiliated U.N. regional institutes. These are the United Nations Asia and Far East Institute for the Prevention of Crime and Treatment of the Offender (UNAFEI) in Fuchu, Japan, the Helsinki Institute for Crime Prevention (HEUNI) and the United Nations Social Defence Research Institute (UNSDRI) in Rome. There is also collaboration with the Arab Security Studies and Training Center (ASSTC) in Riyadh.

VIII. ILANUD STAFF.

ILANUD employs over fifty professionals and support staff with a constant effort to increase the number of professionals from around the region represented.

Director General:
Lic. Jorge A. Montero (Costa Rica)

Deputy Director General:
Lic. Elías Carranza (Argentina)

Technical Advisor to the Director General:
Dr. Rogelio Pérez (Venezuela)

Director of Operations:
Lic. Ricardo Ulate (Costa Rica)

Director of Training Services:
Dra. Teresa Peña (Dominican Republic)

Director of Advisory Services:
Dra. Sonia Navarro (Costa Rica)

Director of Extension Services:
Sr. Oscar Arce (Costa Rica)

Director of Finances and Administration Services:
Sra. Sonia Brenes (Costa Rica)

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FOR MORE INFORMATION ABOUT ILANUD, CONTACT US AT

ILANUD
P.O.Box 10.071 San José 1000 Costa Rica
Telephone: 21-38-86 or 21-39-58
Telex: 2845-ILANU.CR.

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N° 17.646-J

El Presidente de la República

y el

Ministro de Justicia y Gracia

Con fundamento en el artículo 140, incisos 3) y 18), de la Constitución Política,

Considerando:

1° Que el mejoramiento de la administración de la justicia, en sentido amplio, es un objetivo a cuyo servicio conviene poner los medios adecuados;

2° Que se han puesto en ejecución proyectos de gran importancia atinentes a esta materia, y es necesario en consecuencia, crear un órgano idóneo para realizarlos.

Por tanto,

Decretan:

ARTICULO 1 Créase la Comisión Nacional para el Mejoramiento de la Administración de Justicia.

ARTICULO 2 La Comisión estará integrada de la siguiente manera:

a) Dos Magistrados de la Corte Suprema de Justicia;
b) El Ministro de Justicia y Gracia;
c) Un Diputado de la Asamblea Legislativa;
ch) El Procurador General de la República;
d) El Presidente de la Junta Directiva del Colegio de Abogados;
e) El Decano de la Facultad de Derecho de la Universidad de Costa Rica.

ARTICULO 3 Cada uno de los miembros de la Comisión tendrá su respectivo delegado alterno, que le sustituirá en sus ausencias temporales u ocasionales.

ARTICULO 4 Los Magistrados de la Corte Suprema de Justicia y el Diputado a la Asamblea Legislativa, lo mismo que sus delegados alternos, serán designados por la Corte y el Directorio de la Asamblea, respectivamente.

ARTICULO 5 El Presidente de la Comisión será uno de los Magistrados que la integran.

ARTICULO 6 La Comisión tendrá una Secretaría Ejecutiva Permanente.

ARTICULO 7 La Comisión tendrá como objetivo general la coordinación y realización de programas destinados al mejoramiento del sector de la administración de justicia, comprendiéndose en tal sector todos los organismos públicos que tienen a su cargo la composición de conflictos individuales, sociales o colectivos.

ARTICULO 8 La Comisión podrá realizar todas las acciones que sean compatibles con su objetivo, como las siguientes:

a) Evaluaciones y revisiones periódicas del sector de la administración de justicia;
b) Proposición de reformas al sector;
c) Coordinación y ejecución de estudios y de proyectos de investigación y apoyo a los organismos del sector; y
ch) Promoción de asistencia técnica y financiera para el sector.

ARTICULO 9 Los acuerdos de la Comisión que se refieran al Poder Judicial, deberán contar con la autorización de la Corte Suprema de Justicia.

ARTICULO 10 El Poder Ejecutivo hará las previsiones presupuestarias para el sostenimiento de la Comisión. Hasta tanto no se disponga de esos recursos, la Comisión continuará trabajando con los que ponga a su disposición el Instituto Latinoamericano de las Naciones Unidas para la Prevención del Delito y Tratamiento del Delincuente (ILANUD).

ARTICULO 11 Derógense los decretos ejecutivos N°s. 16445, 16445-J de 31 de julio de 1985; N° 16489-J de 21 de agosto de 1985 y N° 17133-J de 28 de julio de 1986.

ARTICULO 12 Rige a partir de su publicación.

Dado en la Presidencia de la República, San José, a los veintinueve días del mes de julio de mil novecientos ochenta y siete.

Oscar Arias Sánchez

El Ministro de Justicia y Gracia
Luis Paulino Mora Mora

Judicial School Implementation Program

1. Judicial Education and Planning -- The Judicial School

The following is a general description of the project plan and schedule for the up-grading of the Judicial School, although the actual steps and training would be determined by the Supreme Court and its Commission on Judicial Education.

First Project Year

First Quarter:

Upon recommendation of the Director, the Judicial Education Commission approves the first year programs and projects of the Judicial School. Thereafter, on the Director's recommendation, the Chairperson of the Commission appoints a Judicial Planning Committee to plan and carry out each program and project.

Each of the Judicial Planning Committees shall be composed of five or six members, representative both of the client groups which are to participate in each of the particular programs and of the various geographical areas of the country.

The Chairperson will also be responsible for naming a member of the Judicial Education Commission to serve as liaison to each of the planning committees.

The planning process for the approximately 16-20 continuing education institutes (3 days each) and the 6 basic programs for new personnel (1 month each) to be conducted during the first year of the project begins with the scheduling of planning committee meetings.

A consultant with expertise in conducting planning committee meetings and in planning the above programs shall be hired for two weeks to train and assist the Judicial School staff in discharging their responsibilities.

Also, if necessary, consultant with expertise in modern adult education techniques shall be hired for a week to train the Judicial School faculty and staff.

Finally, if appropriate, consultants are hired to assist the planning

committees and staff with judicial publication projects and the preparing of educational videotapes and audiotapes.

Third and Fourth Quarters:

The planning process is completed and the various first year programs are conducted and evaluated.

The planning of the second fiscal year's 11 advanced judicial studies programs (1 week each) begins.

Some staff members may make two-week study tours of the United States to further their education and strengthen their programming skills and techniques.

An appropriate judicial publications plan and videotape/audiotape preparation plan are prepared for the Commission's approval for guideline school implementation.

A team of two consultants is employed for two-three weeks to evaluate the first-year programs and the performance of the Judicial School staff, and to make appropriate recommendations for planning and conducting the second fiscal year's programs and projects.

Judicial Education Commission finalizes the Judicial School's second-year curriculum plan.

The planning process for the approximately 16-20 continuing education institutes and the 6 basic programs for new personnel, to be conducted during the second year of the project, begins with the appointment of appropriate planning committees and the holding of planning committee meetings, etc.

Second Project Year

The Judicial Education Commission submits its first annual report to the Supreme Court and the National Commission.

The 11 advanced judicial studies programs are conducted and evaluated, as are the 16-20 continuing education institutes and the 6 basic programs for new personnel.

Consultants are employed for specific purposes as may be necessary.

The Government of Costa Rica is encouraged to increase its share of the project costs and to plan for assuming the entire Judicial School costs after PACD.

A second evaluation team of two consultants is employed for two-three weeks to study the second-year programs and accomplishments, and to make

appropriate recommendations to the Judicial Education Commission.

Judicial Education Commission finalizes the Judicial School's third-yearcurriculum plan.

Third Project Year

The Judicial Education Commission submits its second annualreport to the Supreme Court and the National Commission.

The planning process is repeated for the third-year institutes, basic programs, advanced judicial studies programs, publication and tape projects, and research in court modernization and trial delay reduction.

With the assistance of the Judicial School staff and, if appropriate, outside consultants, the Judicial Education Commission recommends to the Supreme Court, among other things: 1) a standard curriculum plan for the various types of justice system personnel, 2) a set of standards governing the participation of faculty and students in Judicial School programs and projects, 3) a model faculty training plan that can be replicated in other Latin American countries.

The three-year project concludes with appropriate final evaluations and reports.

2. A Special Focus on Public Defender's

One of the principal components of judicial education involves the training of public defenders. This is an activity that will be developed in conjunction with the general upgrading of Judicial Education in Costa Rica. The specific training objective for this sector should be to educate public defenders to provide high quality legal representation to all persons to whom the department provides services. Such representation should aspire to the same level of services provided by privately retained defense attorneys, and should extend to all criminal proceedings provided by law.

Within the framework suggested by this document, the following provides directions and models for the basic orientation program, the continuing education institutes and the advanced study programs.

A. Sample Program Design and Content for Public Defenders

1. Basic Orientation Program:

a) Duration and frequency: 1 month, to be apportioned over the first year of service, to be repeated each year.

b) Number of trainees: 5-10 trainees per year (in the first year; it may be advisable to require this basic training for all defenders with less than two or three years experience.)

c) Methodology: Simulated replication of major activities encountered by public defenders; demonstrations, problem-solving exercises and games; some lectures may be included.

d) Possible curriculum content:

(1) Introduction to criminal defense components of international human rights accords;

(2) Introduction to constitutional law, particularly guarantees of due process, equal protection of law, individual liberties, and aspects of criminal procedure and punishment.

(3) Basic criminal law, especially defenses or justifications and unusual or recent statutes (e.g., ecologic and archiologic offenses);

(4) Basic criminal procedure, especially nulidades;

(5) Ethics of defense representation, especially conflicting duties to client, court and public, and conflicts of interest in general (intereses contrapuestos);

(6) Elements of logic;

(7) Basic criminology;

(8) Oral advocacy;

(a) the indagatoria and (excarcelación);

(b) witness questioning;

(c) argument/debate.

(9) The counseling function:

(a) client interviews and preparation for trial;

(b) counseling of client's family;

(c) witness preparation.

(10) The use of expert witnesses and forensic evidence;

(11) Physical and demonstrative evidence;

(12) Response to the appearance of the victim/complainant in the civil part (daños y perjuicios) of the criminal proceeding.

(13) Written advocacy: falta de mérito, appeals, casación, extraordinary remedies (habeas corpus and amparo).

(14) Representation of prisoners - la ejecución de la pena, libertad vigilada, medidas de seguridad and libertad condicional.

(15) Representation of juveniles.

e) Materials and equipment necessary for course:

1. overhead projector;

2. audio and/or video tape facility;

3. written materials:

a) background articles and bibliographies;

b) new law-statutes, decrees and court decisions;

c) especially developed course materials - outlines, checklists, desk books, reference materials, sample documents.

f) Training staff

1. Experienced public defenders;

2. Former defenders with active criminal practices;

3. Successful private criminal defense practitioners;

4. Experienced adult educators or facilitators;

5. Judges and prosecutors;

6. Law professors with relevant experience.

2. Continuing Education Institutes:

a) Duration: 3 days;

b) Frequency: twice each year, and repeated everyeyear;

c) Number of trainees: 40 each, all levels of experience;

d) Methodology: Demonstration, problems, exercises, workshops, discussion groups, lectures.

e) Possible curriculum content:

(1) New developments -- proyectos de ley, jurisprudencia, criminología;

(2) Special presentations- e.g. investigative techniques, fact-finding, technical topics (ballistics, blood groupings, fingerprints, handwriting analysis, identifications, battered children, battered women);

(3) Organizational issues - communication, supervision, training topics, evaluation, staffing;

(4) Any topic listed in the Basic Orientation Program, modified for presentation in a 3 day time period.

f. Materials and Equipment:

(1) overhead projector;

(2) slide projector;

(3) audio and video tape capability.

(4) written materials:

(a) summaries of new developments;

(b) references and bibliographies for new courses;

(c) checklists and sample documents.

(d) Training Staff: same as 1 (f) above.

3. Advanced Study Courses:

a) Duration: 1 week;

b) Frequency: 1 each year, beginning in second year;

c) Number of trainees: 15 each, with at least 3 years experience;

d) Methodology: demonstration, problems, exercises, workshops, discussion groups, lectures;

e) Possible curriculum content:

(1) Advance criminalistics - forensic pathology, fiber and hair analysis, etc.

(2) Advanced criminology - aspects of new techniques and developments;

(3) Advanced oral advocacy - new techniques forquestioning and argumentation;

(4) Alternative dispute resolution techniques - diversion, community mediations, etc.,

(5) Alternative sentencing - probation, community service, structured work situations, treatment programs;

(6) Other issues identified by staff.

f) Materials and equipment: same as 2 (f) above.

(g Training staff: same as 1 (f) above.

B. Program Premises

1. Curriculum development

The premises of this component are the same as those articulated in the project methodology of the Judicial School. Central to these premises are:

a) Planning Committees -- In addition to active members of the public defender staff from all geographic areas, consideration should be given to the inclusion of experienced attorneys who formerly worked for the department who are now in private criminal practice.

b) Service without compensation -- Time and compensation must be allocated to support these voluntary services, and compensation may be provided to those faculty who are not part of the system.

2. Pedagogy:

One of the cornerstones of these proposals is the use of active teaching and learning. This is proposed for three reasons. First, active learning is demonstrably superior to passive lecture as a technique for motivation, transmission of information and retention of knowledge. Second, the skills dimension is that which is most ignored and undeveloped in Costa Rican legal education. Third, it is the area in which defenders have expressed the highest need for assistance, and in which they operate every day.

Empirical studies in cross-cultural contexts, conducted at the higher education level, demonstrate conclusively that inter-active, experiential learning by students is the most effective method for the passage and retention of knowledge, particularly in skills areas such as those which are proposed here.

Law cannot be isolated in theory and logic. While the rational processes of legal analysis form part of the lawyer's skills, these are not the only dimensions of learning which must be mastered for competent practice. Other dimensions include issues of ethics, legal problem-solving, the acquisition and manipulation of relevant and probative facts, and interpersonal counseling skills, including collaborative skills with work colleagues. This training should be based in all three dimensions of the practitioner's work: law, facts and people.

3. Training of trainers:

a) Observation of effective models - Public defenders, as well as the judges and prosecutors, should have the opportunity to observe and learn from successful training programs in the United States. A number of excellent national and state training schools exist for both prosecutors and public defenders, and travel to these programs should be supported.

b) Adult education and teaching - Active student involvement and participation is proposed as a major component for this training. Most lawyers have been trained in a lecture style format and have little experience with active learning. Adult education and/or clinical legal education consultants should assist on the development of faculty, curriculum, method and evaluation.

c) Development of stimulation materials, problems, exercises and games - These materials and techniques should be developed from actual cases or situations which are prototypical of the cases handled by the public defender, especially in client interviews, indagatorias and juicios, both in the juzgados and in the tribunales.

d) Workshops and discussion groups - These active techniques can draw on either actual cases, video-taped simulations or issues of common concern. Faculty should be trained in their use and facilitation.

e) Discussion facilitation - The substantive teaching goals must be clear and their achievement measureable. For this reason, discussion is guided and leadership techniques through active teaching must be taught. Practice and post-training reflection and peer evaluation are necessary.

f) Feedback and evaluation - These processes are not self-evident. Facilitation and both positive and negative criticism is learned behavior, and must be taught explicitly both to teachers and participants. Evaluation of the program and faculty are essential.

4. Evaluation

The evaluation component of the Judicial School would not be the same as that utilized in the law school. These courses are not "pass/fail" courses. However, a carefully drafted evaluation instrument can provide valuable information to the students and faculty as to their strengths and weaknesses. Such evaluations are also useful in future program design. Finally, the use of carefully developed evaluations teach students that full participation and accountability in the training activity is expected.

a) Dimensions for evaluation by self, peers or teachers include the following:

(1) Professional Responsibility - Was the student aware of professional norms for the task, and were such norms applied or ignored? Did the student demonstrate sensitivity and awareness of client concerns?

(2) Clinical Judgement - Does the student know the possible tactical choices which can be made in a given situation, and does the student choose such tactics appropriately?

(3) Legal Reasoning - Does the student demonstrate a knowledge and mastery of relevant law (statutes, regulations, rules, cases, etc.), and is that law applied in a logically consistent manner to relevant facts? Does the student show mastery of legal analysis and synthesis of appropriate authorities?

(4) Communication - Does the student demonstrate a level of clear and concise verbal and written expression?

(5) Theoretical Perspective - Does the student demonstrate an awareness of the broader social and cultural context of legal rules, and can the student express and manipulate these policy premises?

(6) Management of Effort - Does the student adequately prepare for presentations? Are appropriate materials and resources explored? Are necessary papers in order and understood? Does the student show appropriate collaborative skills?

5. Substantive focus:

Because the great bulk of the cases of the public defender office are in the citación directa and the tribunales, weightedemphasis should be given to the following topics:

a) The initial client interview - establishing a counseling relationship.

b) The indagatoria and declaración - a firm grasp of this process and tactics in the election to abstain must be taught.

c) The instruction - in this phase, the defender faces issues as to the allegation of the falta de mérito, the seeking of sobreseimiento or prórroga, and the resistance of imposition of preventive detention, if procesamiento is granted.

d) Trial - This stage is very important, but should not be the only focus of training merely because of its high visibility. Here, the lawyer must have a firm grasp of questioning techniques, logic and argumentation.

e) Appeals and casación - These remedies are underutilized. No fundamental change in the level of trial justice will occur if there are no firm measures for accountability of trial judges for both procedural and substantive errors. These issues will be addressed only if approximately raised by the parties.

f) Ley penitenciaria - Again, representation and advocacy at this stage is virtually unknown. Some knowledge of possible courses of action on behalf of the client at this stage should be developed.

ANNEX I.

Legislative Reference Service Implementation Program

The following is a general description of activities necessary to implement the Legislative Reference System component of the project. These activities are not in chronological order, as some may take place simultaneously.

Activity A.1. Creation of a division in the Attorney General's Office responsible for the management of the Legislative Reference System (LRS)

The development and installation of the legislative information system will be developed within the institutional context of the Attorneys General's Office. The project will establish within the Attorney General's Office a division responsible for the operation of the legislative information system. The division will be established and staffed as a Condition Precedent (CP) to initial disbursement. Staff of the office will be provided long- and short-term training in the first two years of the project. In the third year, the division will take full responsibility and permanently support the system and its evolution.

Activity A.2. Creation of the Legislative Reference System User Committee.

To ensure the vitality of the system, the Attorney General's Office, under this project, will establish this committee. It will be composes of representatives of the institutions or groups who use the system. The committee's main role will be to oversee the coordination, planning, and implementation of procedures which will ensure an efficient interinstitutional information system

- The founding members of the committee will be:

  a. The Attorney General's Office (which will chair the committee)

  b. The Supreme Court

  c. The Ministry of Justice (through its dependencies using the system)

  d. The Presidency of the Republic (the juridical office of the presidency)

  e. The Legislative Assembly

  f. The University of Costa Rica (Faculty of Law)

  g. The Bar Association

The Committee should commence its activities during the second year of the project.

Activity A.3 Development and Installation of the Legislative Reference Systems (LRS)

The Project team consisting of the software modification contractor and selected AGO staff will be responsible for developing and implementing the LRS. The following is an illustrative list of the tasks to be conducted:

Task 1. Analysis of enacted legislation

This activity involves three subsidiary tasks:

Sub-task a. Preparation of a work plan and methodologies to analyze Costa Rican legislation, and development of an indexing scheme. Special attention will be given to the development of quality control mechanisms for the information to be obtained.

Sub-task b. Preparation, design and testing methods of compiling data manually, including the development of instructions for filling out forms to be used to record data on Costa Rican legislation. These forms will be documents on which legal analysts who will read and analyze laws will record data to be included in legislative index.

Sub-task c. Review of all relevant laws and codes and manually filling out of the forms that will be the basis for the creation of the "Computerized Index of Enacted Legislation" (See b. above). The implementation of this task involves the development of uniform written rules to define evaluation criteria to be applied by the analysts (see b. above) and enable quality control. An archive of existing laws in the Attorney General's Library will be used. Laws not available in this library will be obtained from the archives or libraries of the National Assembly or the Supreme Court. which will be the responsibility of the two (2) legal specialists.

Task 2. Data entry and creation of the legislation index data base.

This activity consists of the logical and physical design of a legislative index data base, utilizing the index developed in Task 1:

- Index of enacted laws and codes. (Historical File). This file will contain an index of all the laws, codes, organic laws and international accords enacted since 1948 and such previous laws as relate to them.

Index of laws not expressly repealed. The starting point for the creation of this file is the Historical File from which laws which have been specifically repealed by subsequent legislation will be extracted.

Task 3. Determination of Computer Hardware and Software Requirements

The type of computer and related software which the legislative information system will require, will depend primarily on the size of the data bases developed and the number of users. A contractor will be selected to propose an initial configuration as part of the bid, which may be modified with development of technological breakthroughs, since the technology is evolving so rapidly.

Task 4. Installation of Computer Equipment

The purchase and installation of the computer equipment and software is an activity which will commence as soon as possible. The Attorney General's office will provide the site, but all site preparation and ancillary equipment installation will be the responsiblity of the contractor to be selected for installation of the computer. Based on information presently available, the amount required for the acquisition of hardware, software and training is estimated to be $510,000. (This amount includes $200,000 for hardware, $100,000 for "off-the-shelf" software, and $210,000 for customized software). This amount is based on previous experience and the following considerations: multi-user access with many concurrent tasks; capacity to operate up to 20 local terminals and an additional number of remote terminals; possible incorporation of some microcomputers as intelligent terminals; use of scanners, optical disks, laser jet printer; software packages for text retrieval, data bases, and word processing.

Task 5. Processing of Information in the Legislation Index (1.2)

The processing of the information gathered in the "Enacted Legislation Index" will proceed in accordance with the guidelines established under Task 2.

Task 6. Design of the Information System for Legislation Currently in Force (Management of Indexes and Legal Texts).

Design of the system for management of the indexes and law texts will require the following:

Sub-task a. A technical-juridical frame of reference for designing the system. The following should be taken into consideration: the information needs of each of the institutions which will make up the network, the number of institutions and the nature of the information needs of each user, methods of information dissemination in the short- and long-term, and the establishment of plans for the growth and development of the system.

Sub-task b. Design of the system of information on legislation currently in force. This activity will define the type and structure of the data bases for the legal texts to be entered, the organization of files, the displays or menus for data entry, advice and operation, output reports, forms of on-line communication and the use of the system's peripheral equipment.

Task 7. Incorporation of Texts of Law in the data base; development of the Legislative Information System.

This activity consists of two stages: (1) preparation of source documentation and data entry. Once the status of each law has been determined (i.e., whether it is in force) manuals and/or documents containing the legal texts will be prepared. The volume of information to be entered will be around two thousand million bytes (2 GB); (2) entry of the text of laws in the data base, installation of the macro thesaurus, indexing of the computerized data base and progressive implementation of the legislative information system. The system will be available to the Supreme Court, the Congress, the Ministry of Justice, the Presidency of the Republic, the University of Costa Rica Law Faculty, Fedecamaras, the Bar Association, etc.

Most of the legal texts of the laws currently in force will be entered in the system during the second year of the project. Installation of the Macro Thesaurus will be possible after the installation of the main computer.

The "debugging" and progressive development of the system of legislative information will commence the moment the computerized data base possesses sufficient volume. From that moment on, the other activities will become subordinate to the completion of this task.

It is estimated that contract amount for data entry (including verification) of the text of the laws currently in force will be approximately $195,600.

Task 8. Maintenance and Updating of the Data Bases, Indexes and Files which make up the Legislative Information System.

Maintenance and updating of the data bases, indexes and system files are procedures which commence after the installation of the LRS and the entry of the legal text of Costa Rican laws. This activity includes entry of new legislation in the data base.

It is estimated that the Attorney General's Office should employ one data entry operator for this activity on a permanent basis, responsible for operating the scanner and other equipment necessary for inputting new materials.

Task 9. Dissemination of Information

Dissemination of information will require careful planning. First the dissemination of information in the system will require a "mapping" of all the entities and institutions in the judicial sector, including those located in San José and surrounding areas as well as others in the provinces. The "mapping" in question will include, but will not be limited to, the following institutions and dependencies:

a. The Attorney General's Office
b. The Supreme Court

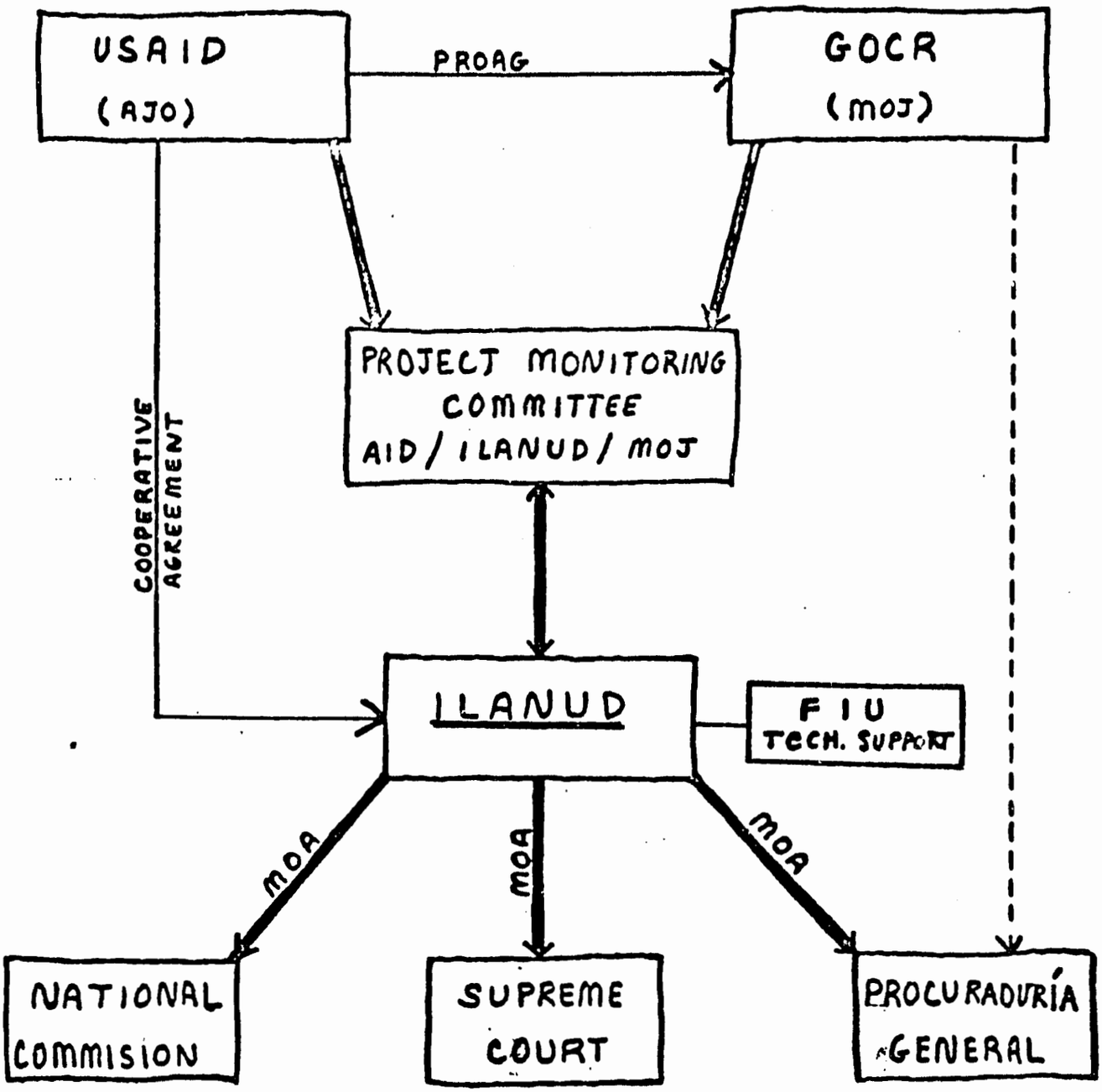
c. The Congress
d. The Ministry of Justice
e. The Presidency of the Republic
f. The U.C.R. Law Faculty
g. The Bar Association
h. Fedecámaras

The plan will identify users who will require on-line services and others to be provided information services by other means (tapes and magnetic diskettes, optical diskettes and/or written documents). This plan will also include stages for expanding the network and the services to be provided.

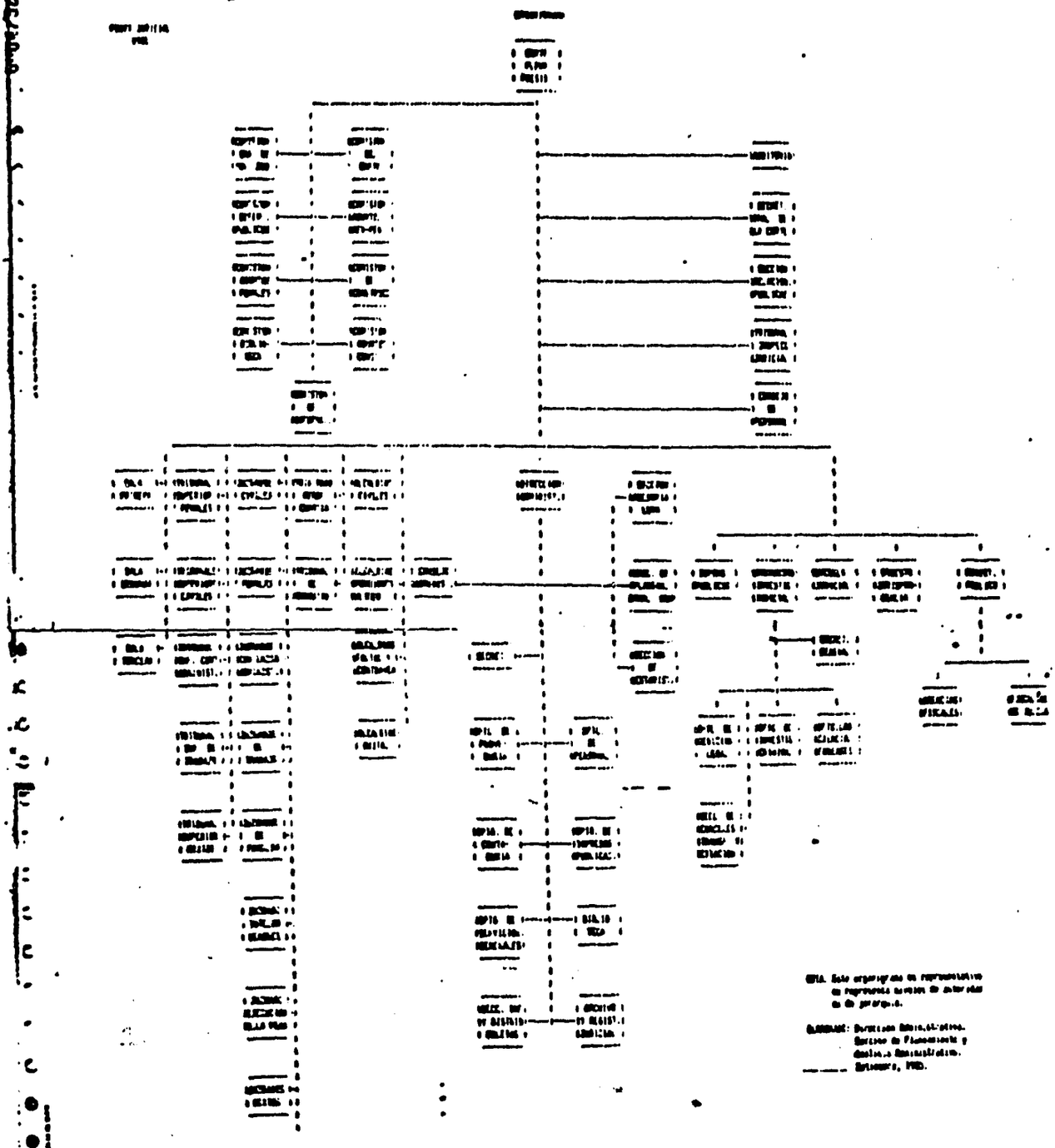
The plan will be developed by the LRS division of the Attorney General's Office.

JUSTICE SECTOR IMPROVEMENT PROJECT

IMPLEMENTATION DIAGRAM

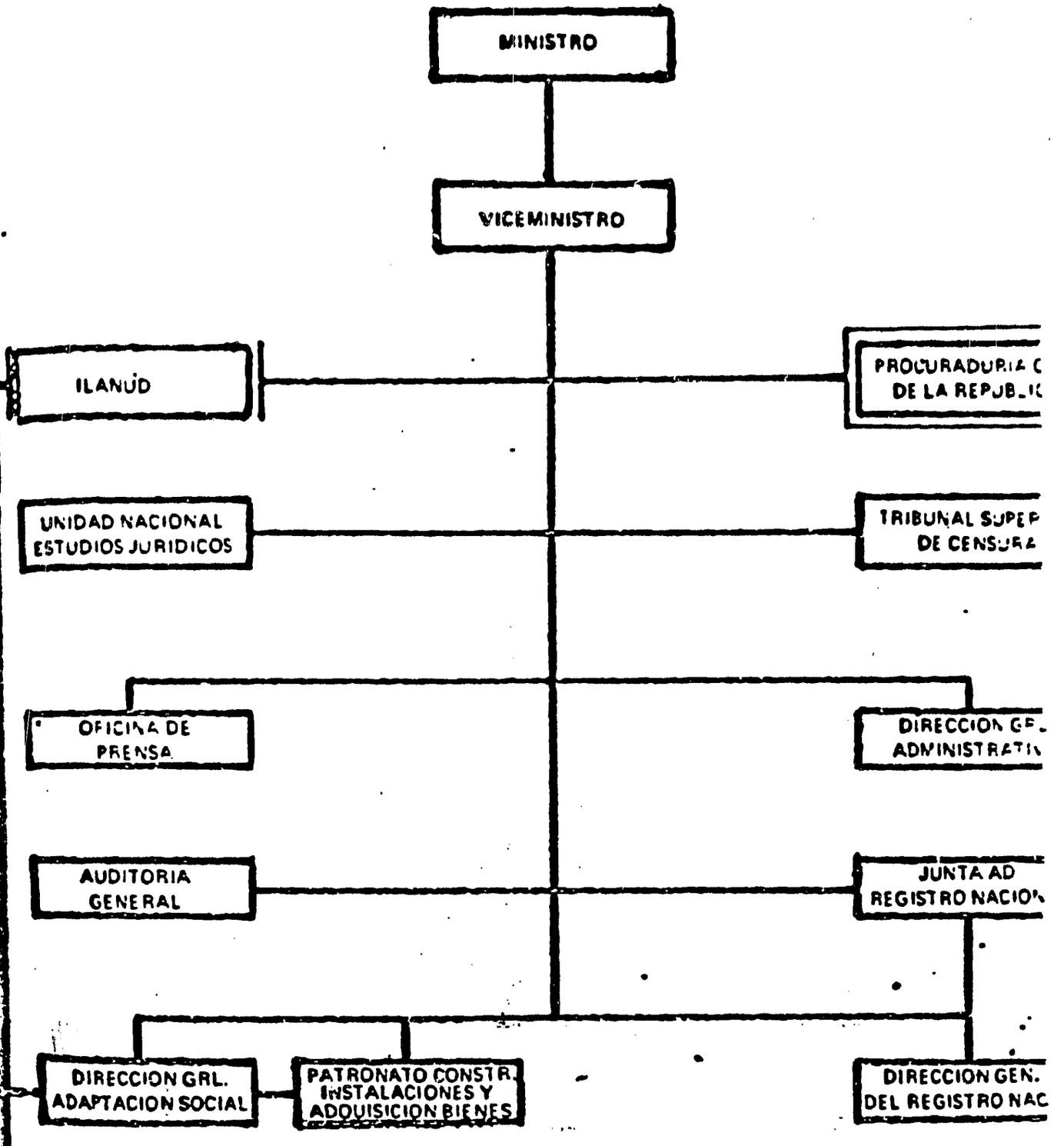


CORTE SUPREMA DE JUSTICIA



Best Available Document

MINISTERIO DE JUSTICIA
(ORGANIGRAMA)



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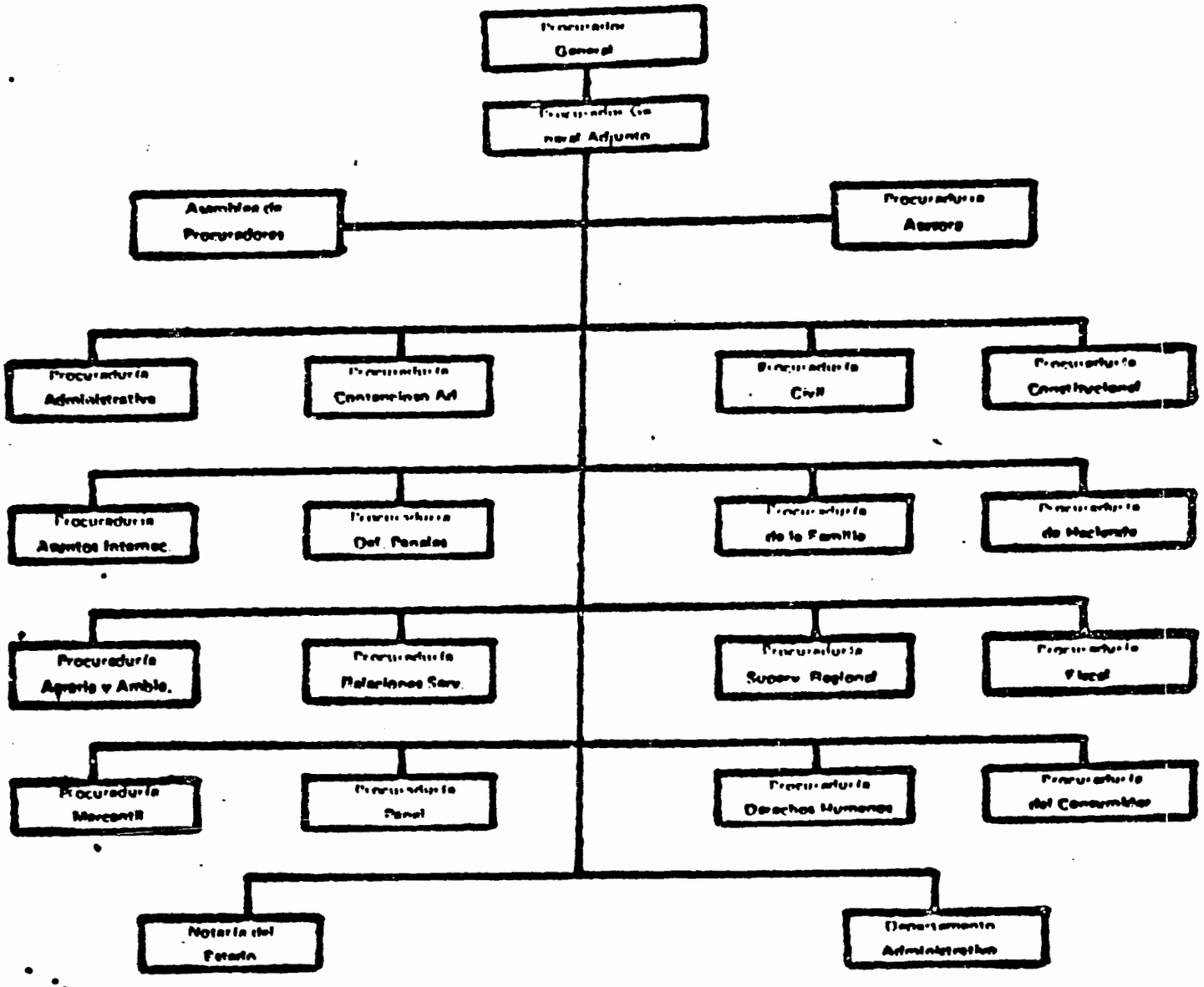
ANNEX. J.d
J.d.4

PROCURADURIA GENERAL DE LA REPUBLICA
(ORGANIGRAMA)



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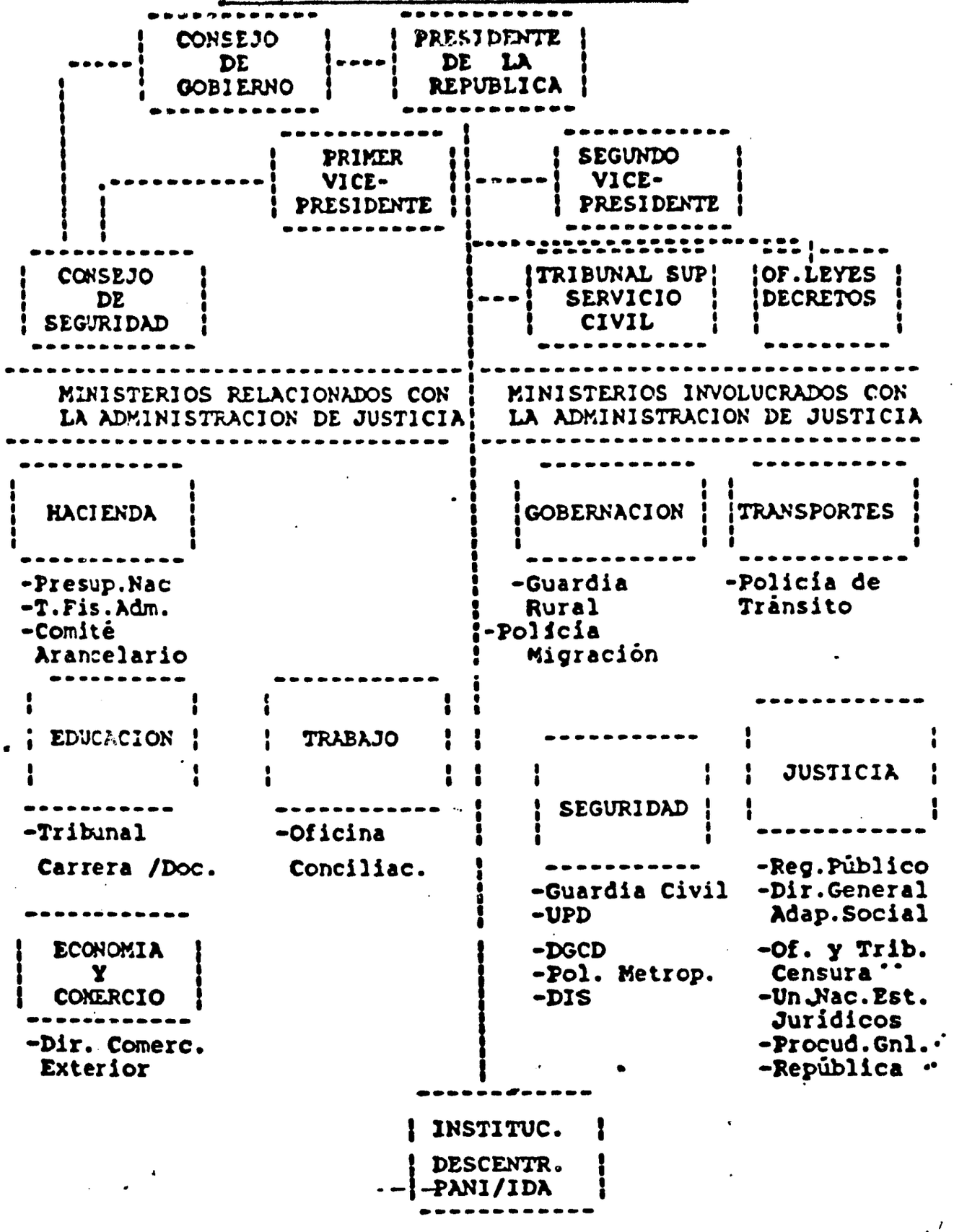
Organos del Poder Ejecutivo relacionados e involucrados con la administracion de justicia



ON AID-2 INFO CHARGE ECON/4

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FM SECSTATE WASHDC
TO AMTHEMBASSY SAN JOSE PRIORITY 5655
BT
UNCLAS STATE 092029

AIDAC

E.O. 12356: N/A
TAGS:
SUBJECT: REVIEW OF COSTA RICA 1988-89 ACTION PLAN

1. THE ACTION PLAN REVIEW WAS HELD ON FEBRUARY 24 AND 25, CHAIRED BY DAA/LAC MALCOLM BUTLER. THE MISSION WAS REPRESENTED BY DEPUTY DIRECTOR RICHARD ARCHI AND PROGRAM OFFICER LORRAINE SIMARD. RESULTS OF THE REVIEW AND ACTIO AGREED UPON WITH THE MISSION ARE SUMMARIZED BELOW.

IT WAS AGREED THAT THE MISSION WOULD BE GUIDED, IN PREPARING THE FY 89 ABS, BY THE FOLLOWING AID PLANNING LEVELS FOR FYS 88 AND 89: (DOLS MILLIONS)

	FY 88	FY 89
DA	12.9	13
ESF	90	70
PL 480 I	15	15

FY 88 LEVELS ARE THE SAME AS THOSE IN THE FY 88 CONGRESSIONAL PRESENTATION. FY 89 LEVELS ARE PRELIMINARY LAC PLANNING NUMBERS, AND DO NOT YET HAVE PPC OR INTERAGENCY AGREEMENT. THE FY 89 LEVELS ARE BASED ON THE CAP STRETCHOUT PLAN/FULL FUNDING REPORT, AND MAY BE MODIFIED AS WE REFINE THE COUNTRY BREAKDOWN PLANNING FIGURES PRESENTED IN THAT REPORT.

2. SUMMARY OF PROJECT DECISIONS. THE MISSION IS AUTHORIZED TO REVIEW AND APPROVE THE FOLLOWING PROJECTS' DESIGNS FY 1987 AND FY 1988:

- NORTHERN ZONE CONSOLIDATION PROJECT (PER LAST YEAR'S A.P. REVIEW DECISION);

- NTAE TECHNOLOGY SUPPORT PROJECT (SUBJECT TO REVIEW OF AGRIBUSINESS SECTOR STRATEGY, DISCUSSED BELOW);

- EMERGENCY MEDICAL SERVICES MANPOWER DEVELOPMENT PVO PROJECT;

- DRUG AWARENESS PVO PROJECT (SUBJECT TO AID/W REVIEW OF

A NEW PROJECT DESCRIPTION IN THE ACTION PLAN FORMAT);

- ADMINISTRATION OF JUSTICE PROJECT (IN COLLABORATION WITH LAC/AJDD; FUNDING NOT PRESENTLY IN MISSION OYB); AND

- AMENDMENT TO FAMILY PLANNING SELF-RELIANCE PROJECT.

3. CROSS-CUTTING ISSUES

A. ISSUE: NEED FOR A NEW CDSS OR STRATEGY PAPER, AND UNDERPINNING THEREOF.

DISCUSSION: GIVEN SUCCESS TO DATE IN ECONOMIC STABILIZATION AND THE IMPORTANCE OF ENGAGING THE CURRENT GOCR ADMINISTRATION ON A PROGRAM EMPHASIZING SELF-SUSTAINING GROWTH, IT WAS AGREED THAT WE HAVE AN EARLY NEED FOR AN UPDATED, SHARPLY FOCUSSED STRATEGY. THE CAI, SUPPLEMENTED BY THE STRETCH-OUT PLAN AND ANNUAL PAADS, PROVIDES THE UNDERLYING STRATEGY FRAMEWORK. THEREFORE A FULL-FLEDGED CDSS INVOLVING DETAILED ANALYSIS OF DEVELOPMENT CONSTRAINTS IS NOT REQUIRED.

DECISION:

- THE MISSION WILL SUBMIT BY SEPTEMBER 30 A STRATEGY PAPER TO ENCOMPASS THE PLANNING PERIOD THROUGH 1992, WITH PARTICULAR FOCUS ON 1988-89.

- THE PAPER SHOULD PROVIDE AN ANALYSIS AND PROPOSED STRATEGY FOR THE KEY GROWTH SECTORS, AGRICULTURE/AGRIBUSINESS AND PRIVATE SECTOR/LIGHT INDUSTRY DEVELOPMENT, ON WHICH THE PROGRAM IS EXPECTED TO CONCENTRATE. IT SHOULD IDENTIFY MACROECONOMIC AND SECTORAL POLICY CHANGES AND PROGRAMS NECESSARY TO REFORM THE COSTA RICAN ECONOMY FOR SUSTAINED EXPORT-LED ECONOMIC GROWTH. THE PRESENT AND POTENTIAL ROLE OF OTHER DONORS SHOULD BE DISCUSSED. THE PAPER SHOULD REFLECT COSTA RICA'S RELATIVELY ADVANCED STATUS IN THE SOCIAL SECTORS AND EXPLAIN THE IMPORTANCE OF CONTINUED INVOLVEMENT IN THESE SECTORS, AND ANY BILATERAL ACTIVITIES TO STRENGTHEN DEMOCRACY AND ADMINISTRATION OF JUSTICE. THE PAPER SHOULD ALSO DEAL WITH LOCAL CURRENCY MANAGEMENT ISSUES AND WITH THE WORKFORCE AND OE IMPLICATION OF MISSION PROPOSALS REGARDING LOCAL CURRENCY MANAGEMENT AND INVOLVEMENT IN THE SOCIAL SECTORS.

- LAC WILL CABLE ADDITIONAL GUIDANCE ON THE STRATEGY PAPER BY APRIL 5.

B. ISSUE: SECTORS OF PROGRAM INVOLVEMENT. SHOULD THE

AGENCY FOR INTERNATIONAL DEVELOPMENT
UNITED STATES A.I.D. MISSION TO COSTA RICA

APO Miami, FL 34020
or
P. O. Box 10053
1000 San José, Costa Rica
Telephone 33-11-55
Telex 3550 AIDCR KR

ACTION MEMORANDUM FOR THE REGIONAL CONTRACTING OFFICER

FROM: M. C. Foster, PDO

SUBJECT: Justification for Noncompetitive Assistance Award.

PROBLEM: Your approval is requested of the following Justification for a Noncompetitive Assistance Award (Cooperative Agreement) to the United Nations Latin American Institute for Crime Prevention and Treatment of the Offender (ILANUD) for the implementation of the Justice Sector Improvement Project (515-0244).

BACKGROUND: USAID/Costa Rica, along with the National Commission for the Improvement of the Administration of Justice in Costa Rica, the Office of the Attorney General of Costa Rica, the Supreme Court, and ILANUD, has designed the Justice Sector Improvement Project (JSIP) to improve the administration of justice in Costa Rica in the following areas: improved sector coordination, planning, training, and development of an automated legislative reference service.

The JSIP has three components to achieve the purpose of consolidating and modernizing the Costa Rican justice system by strengthening important areas of the justice system: (a) strengthen the National Commission for the Administration of Justice to better coordinate and plan sector activities, (b) expand the Judicial School of the Supreme Court to provide professional judicial education and training, and (c) up-grade the legislative reference service (LRS) of the Attorney General's Office to make available to the public and private sectors up-to-date information on legislation currently in force.

This project is an offshoot of AID's Regional Administration of Justice Project (RAJP) which began in 1985 to support local justice sectors, primarily in Central America, to improve their administration of justice and to support the institutional development of ILANUD (headquartered in San José) to carry out related sector activities in its member countries.

The RAJP, mindful of earlier problems in this sector was designed to provide the resources and technical support to governments through ILANUD - a United Nations organization of which Costa Rica is a member country and provides financial support - to carry out the implementation of the Project. The JSIP will follow that same successful formula, not only to channel assistance through an appropriate and capable regional entity, but because of the superior and unique capacity developed by ILANUD over the last three years.

DISCUSSION: In a recent (May 26, 1988) revision to Hand Book 13, Chapter 2, Section 3.b. and Section 4.b. you are authorized to execute assistance awards (grants or cooperative agreements) without competition where the "recipient is considered to have exclusive or predominant capability, based on experience, specialized facilities or technical competences, or based on an existing relationships with the cooperating country or beneficiaries". Such an award must be justified in writing by the technical office. The justification shall be submitted to the cognizant grant officer for review and approval. You are the cognizant officer for executing cooperative agreements over $100,000. The proposed cooperative agreement is for approximately $2.9 million.

The project design team has decided to implement the JSIP through a Project Agreement with the Ministry of Justice (MOJ) (as the representative of the GOCR) in which the Parties (AID and the MOJ) agree that USAID will enter into a Cooperative Agreement with ILANUD to carry out the Project with support from the Mission and the RAJP. ILANUD will then enter into separate implementation agreements with the National Commission, the Judicial School, and the Attorney General's Office. The ProAg with the MOJ is necessary is obtain the degree of commitment from the GOCR necessary for the Project to succeed, which cannot be assured through the separate implementation agreements.

The cooperative agreement between the Mission and ILANUD is necessary to assure the full cooperation of the judicial branch of the GOCR which cherishes its independence from the other GOCR branches. Each GOCR beneficiary agency is, however, willing to enter into separate agreements with ILANUD (an international organization) for the implementation of their individual components implementation. The Supreme Court would not otherwise be willing to allow if these agreements to be put into place if the overall ILANUD contract were signed directly with the executive branch.

The design team believes that a Cooperative Agreement is the best arrangement between the Mission and ILANUD because it provides for the planned institutional development of ILANUD (with Mission and RAJP support) and provides for the best coordination between the JSIP and RAJP. The team believes that "substantial involvement" by the Mission is necessary to up-grade ILANUD's ability to implement such

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activities on its own in its member countries in the future. (Such criteria are consistent with HB 13, Chapter 6, Section 6.D.1.c. (5) and (6).)

ILANUD has been selected by both the Mission and the GOCR to implement the JSIP project for the following reasons:

1. ILANUD is an international organization - part of the United Nations - set up specifically for promoting justice sector improvement in Latin America. Its headquarters is located in San José and a Costa Rican serves as the Director General.

2. ILANUD is the only such international organization in the region which specifically carries out such sector improvement activities.

3. ILANUD is the only proven implementing organization available in the region, and the only one acceptable to the participating GOCR agencies.

4. AID's on-going RAJ project is strengthening the institutional capability of ILANUD so that it can carry out its mandate - to implement justice sector improvement activities in member countries. The JSIP will further this strengthening process by providing the opportunity for ILANUD to implement a bilateral project under Mission supervision.

5. Under AID's Regional Administration of Justice Project (RAJP), ILANUD has been working with the justice sector institutions of Costa Rica since 1985. JSIP-related activities carried out by ILANUD under the RAJP include the establishment of the Costa Rica National Commission for the Administration of Justice, full financial support and technical assistance to the planning process for the legislative reference system of the Attorney General's Office, and training and study tours for members of the Supreme Court and the Judicial School. An effective and continuing working relationship has been established.

RECOMMENDATION: Based on the above discussion, it is recommended that you approve the justification for the non-competitive cooperative assistance agreement between USAID/Costa Rica and ILANUD.

Approve: [signature]

Disapprove: _____

Date: 8/24/88