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Strategic Objective

**MORE INCLUSIVE AND EFFECTIVE
DEMOCRATIC PROCESSES**

Results Package and New Activity Description:

**MORE EFFECTIVE
LEGAL/JUDICIAL PROTECTION
FOR ALL CITIZENS**

USAID MISSION / SAN SALVADOR, SEPTEMBER 1997

RESULTS PACKAGE:

**MORE EFFECTIVE LEGAL/JUDICIAL PROTECTION
FOR ALL CITIZENS**

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I. Introduction

This Results Package (RP) document and New Activity Description (NAD) outline the basic structure and proposed implementation mechanisms for the Rule of Law (ROL) Intermediate Result (IR) No. 4, *More Effective Legal/Judicial Protection for All Citizens*, which supports Strategic Objective No. 2, *More Inclusive and Effective Democratic Processes*. The ROL Component of the new Democratic Consolidation and Governance Activity will be the principal support for this RP over the 1997-2002 Mission strategy period; therefore, this document is a combined description of the basic structure and proposed implementation mechanisms for both the RP and the "new ROL Activity."¹

II. Problem Statement

USAID/El Salvador's Judicial Reform II (JR II) Project Paper described El Salvador's justice system in 1992 as lacking

...the independence, professionalism, and public confidence essential for a peaceful, stable democratic society. Sustainable economic growth and a stable democracy depend on a legal system which affords individuals the security to pursue a livelihood with the knowledge that when disputes arise, they can be resolved fairly and peacefully through legal mechanisms. Delays, inequitable treatment, and the dominance of political, economic or military interests in judicial decisions in El Salvador have all served to undermine the integrity of the Salvadoran justice system. The poor, largely due to financial and institutional constraints, have been denied their constitutional right to defense counsel; constitutional and procedural norms established to ensure due process have been systematically violated; and the military and economic elite have until recently enjoyed immunity from criminal investigation and prosecution. Thus, Salvadorans do not have confidence in

¹Throughout this document the term "new ROL activity" will be used to refer to the ROL component of the Democratic Consolidation and Governance Activity, No. 519-0436. This Democratic Consolidation and Governance Activity, however, also includes a citizen participation and governance component. The description of results expected under this other component and USAID's planned approach to achieving these results are discussed in the Democratic Participation and Integrity of Democratic Governance Results Package Document.

the justice system as a fair, impartial and timely mechanisms for resolving conflicts (pp. 15-16) (emphasis added).

The Project Paper goes on to say that, "A variety of factors -- attitudinal constraints, a weak and fragmented judicial reform movement, legal and policy deficiencies, institutional constraints, and human resource and financial limitations have contributed to the poor performance of El Salvador's justice system and will continue to impede efforts to improve it" (p. 16).² The problem JR II was designed to address, therefore, was an ineffective judicial system -- one that lacked fairness (including access), impartiality, and timeliness in its delivery of justice to Salvadoran citizens.

Since this 1992 assessment, significant improvements have been made as a result of implementation of Peace Accords reforms. The judicial reform movement solidified sufficiently to achieve passage of key reforms such as the Family Code, the Juvenile Offenders Code and the package of new criminal legislation (the Criminal Procedures Code (CPC) on 12/4/96, the Sentencing Law on 4/24/97, and the Criminal Code on 4/26/97 -- all will go into effect on 1/20/98). A greatly improved, more independent Supreme Court was elected in 1994 and Constitutional Reforms have increased the independence of the judiciary. Political and military influence in judicial decisions has lessened notably (although the influence of powerful economic interests represented by organized crime is a dangerous and growing phenomenon). The 1997 democracy assessment points out that "Through the efforts of the GOES, NGOs, the international donor community and others, significant changes have been brought about: there is only one police force, and it is under civilian authority; the Fiscalía is playing an increasingly important role in the investigation and prosecution of crime; the Human Rights Office exists and is vigorously protesting the most egregious human rights violations; and considerable progress has been made in passing important reforms in the criminal areas" (p. 8).

Despite these improvements, significant constraints to delivery of effective justice remain, particularly in the area of institutional, human, and financial resources. For example, there is limited access by citizens -- and almost complete lack of access by the poor and marginalized (USAID's customers) -- to conflict resolution and legal/judicial services, law schools are producing poorly trained lawyers and judicial system operators, and standards for the legal profession -- including ethical ones -- are low and not enforced. Low pay in the Public Ministry, which houses the prosecutorial and public defender services makes

² For a fuller analysis of constraints, see the 519-0376 Project Paper, pp. 15-21.

it difficult to attract and retain qualified personnel and leaves those it does attract vulnerable to corruption. Criminal investigations are poorly handled by police and prosecutors, often making evidence inadmissible, and usually drag on beyond legally mandated time limits. Meanwhile, detainees languish in prison for years before coming to trial. While new criminal legislation was passed recently to address many of these due process and efficiency concerns, institutions of the Public Ministry and the courts will require technical assistance and significant increases in their budgets to fully implement these new laws. Additionally, the public is uninformed about recent legal reforms and is not actively demanding passage of additional ones, such as reforms to the current Administrative Procedures Code to standardize and make less time-consuming, transactions with the public sector. Thus, while many improvements have occurred since 1992, it is still true to say that **the problem facing El Salvador in the area of rule of law is an ineffective judicial system -- one that lacks fairness (including access), impartiality, and timeliness in its delivery of justice to Salvadoran citizens.**

The USAID strategy document, which talks about the lack of "legal accountability," echoes this, stating:

Citizens do not yet fully trust the legal/judicial system, which must deal with a history of extra-judicial handling of problems including actions by vigilante groups. Significant administrative and financial constraints contribute to the impression that judicial institutions do not work. Nearly 80 percent of the prison population, or approximately 7,000 individuals, are being held in detention facilities awaiting sentencing or trial...El Salvador's justice system historically has been weak, closed and perceived as unfair. Distrust of the judicial system reflects a belief that there is continued impunity for the influential as well as a lack of consensus about the values on which the country's legal system should be based. Political commitment is not well-established for the fundamental concepts of equality before the law, transparency in judicial decisions, and safeguards of human rights and individual liberties. (pp. 35-36)

Assistance provided under this Results Package, through the New ROL Activity and other interventions, is designed to address this multi-faceted problem.

III. Relationship to USAID/El Salvador's Strategy

Based on the foregoing analysis, USAID's democracy strategy proposes a two-pronged strategy to achieve more effective legal/judicial protection for El Salvador's citizens: working on

both the "demand" (citizens) and "supply" (institutional) sides of the equation. Using this approach, five lower-level results were identified as necessary stepping stones to achieve the IR, as follows³:

- Sub-IR 4.1: Effective Citizen Access to Established Channels for Conflict Resolution
- Sub-IR 4.2: More Effective Police Force
- Sub-IR 4.3: More Effective Judicial System Which Meets Highest Ethical Standards
- Sub-IR 4.4: Effective Citizen Pressure for Rule of Law/Due Process
- Sub-IR 4.5: Increased Timeliness of Administration of Justice

Section V below describes in detail the specific activities, including the new ROL Activity, which support Sub-IRs nos. 1 and 3-5, and how they will contribute to accomplishment of these results. The second Sub-IR will be achieved through the combined efforts of the new PNC, other donors and the police training and "Community Police" activities of the Department of Justice's ICITAP program.

It should be mentioned that, given the dramatic reductions in USAID's budget in recent years and further reductions projected for future years (e.g., yearly expenditures under this RP will be less than half that of the JR II Project during its most active period), the Mission has had to take a different strategic approach in its efforts to promote more effective legal/judicial protection for all citizens. Rather than continuing to work at the national level, this RP will "decentralize" efforts, developing pilot programs at the municipal and departmental levels which can be built upon the GOES with its own resources and those of other donors and replicated by elsewhere in the country. The success of USAID's strategy will therefore be measured initially through impact in selected geographic areas; national impact will come when these experiences are replicated to other sites. Therefore, our strategy also gives emphasis to strengthening the UTE's capacity to draw out these lessons learned and encourage the GOES and/or other donors to replicate successful efforts throughout the country. Consistent with the Mission's Poverty Alleviation Focus, this RP will focus on addressing justice-related needs of customers in municipalities targeted by USAID's Program.

³ See Annex A for the Results Framework

Assistance provided under this RP will also support the GOES's Modernization of the State Plan (El Salvador País de Oportunidades: Plan de Gobierno de la República de El Salvador 1994-1999), which states that "In the judicial area, the principal aim is the strengthening of the Rule of Law, which has as its fundamental objective to guarantee equality before the law to all citizens and to defend with transparency citizen and property rights" (p. 8). The contents and approach of this RP has been fully consulted with members of the GOES' Judicial Sector Coordinating Commission, and they assure that it fully supports the Government's objectives in this area.

IV. Analytical/Consultation Process

An extensive consultation process was undertaken to develop this RP, both with customers and partners and with other donors. Beginning in 1995, the Mission democracy team carried out focus groups and rapid appraisals with customers to determine their priority needs in the area of justice. An unexpected but very telling lesson-learned of the focus groups was that democracy and justice are related in our customers' minds with their economic welfare and ability to support their families. They also expressed a sense that the "State," and in particular the justice system, does not belong to them but rather is something apart, something they don't trust. They also exhibited a general ignorance of their rights and responsibilities as citizens, the recent reforms in family and minors law, and where they would go when in need of legal/judicial assistance.

Consultations with our customers will continue over the strategy period through ongoing focus groups and rapid appraisals, in order to reevaluate and test assumptions and hypotheses inherent in this RP (for more on Customer Service, see Section VII).

More recently, a thorough consultation of our partners and stakeholders was undertaken as part of the late-1996 Democracy Sector Assessment, and as the initial stage of the design of the new ROL Activity carried out in early 1997. The results of this consultation process are summarized in Annex G and Chapter 2.1 of the ROL Design document (this unattached annex, completed in May 1997 by Development Associates, contains a wealth of detail on this process and the activities considered priority by the individuals interviewed). Among the key findings of these consultations are that a consensus seems to exist that prosecutors and defenders need to be much better prepared to implement the revised criminal legislation, civil society groups need to learn to advocate more strongly for reforms, more collaboration needs to occur between NGOs and judicial sector entities, and the quality of lawyers and judicial system

operators needs to be improved through higher quality legal education.

The issues and risks identified during this consultation process, which could influence the attainment of results, were:

- The budget allocated by the Executive Branch and approved by the Legislative Assembly for the Public Ministry -- most specifically the Fiscalía and the Procuraduría (where average salaries are \$500/month and turn-over is consequently very high) -- is insufficient for effective implementation of the new criminal codes (or for the current codes);
- Investigation skills of police and prosecutors are still weak, and coordination between the two is inadequate. Missteps by both have resulted in courts throwing out evidence as inadmissible, resulting in guilty defendants going free. If this situation does not improve, public confidence in the judicial system will be further undermined;
- Crime, and the perceived inability of the government to control it, are major issues of concern for the public. As a result, political pressure could build for more "get tough on crime" policies, which could negatively affect the new criminal reforms;
- Institutionally weak NGOs may not be able to carry out effective public awareness campaigns and civic participation activities.

From this list of issues/risks flows a set of Critical Assumptions for success of the RP:

- (1) that sufficient budget is allocated by the GOES for implementation of the new criminal codes;
- (2) that coordination between the different judicial sector entities responsible for investigating crimes increases;
- (3) that current GOES efforts to fight crime will be successful and preempt backlash against reforms; and
- (4) that law schools and lawyers are committed to improving academic/professional standards.

Consultations with our partners and stakeholders will continue on a regular basis through Extended Team meetings, ROL consultative donor meetings, and other collaboration sessions to create a feedback loop on our programs and, as with customer feedback, to

reevaluate and test assumptions and hypotheses inherent in this RP.

During our consultation process, GOES and other donor activities that will contribute toward achievement of this IR were discussed. They are as follows:

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GOES activities: The GOES has set the stage for accomplishment of this IR in a number of ways. The Legislative Assembly recently ratified several constitutional amendments which support judicial reforms, and approved the aforementioned series of criminal reforms which simplify and modernize criminal procedures and provide greater due process protections to persons accused of crimes. With support from JR II, the GOES also put into place an institutional mechanism to promote judicial reform -- the Judicial Sector Coordinating Commission (JSCC) and its executive secretariat, the Executive Technical Unit (UTE). The roles of these bodies, respectively, is to provide leadership in reform of the sector, and to coordinate efforts of the various GOES entities involved in judicial reform. The JSCC is now charged with setting overall policy for implementation of the codes, and the UTE with chairing the Inter-institutional Committee (IC) which is developing an implementation plan for the reforms. The IC is composed of an extremely broad institutional membership, including representatives from the Supreme Court, the National Council for the Judiciary, the Ministry of Justice, the Fiscalía, the Procuraduría General, the Human Rights Ombudsperson's Office (the Procuraduría para la Defensa de los Derechos Humanos, or PDDH), the National Civilian Police (PNC), the National Academy of Public Security, public and private universities and the Federation of Bar Associations.

The implementation plan under development will outline the proposed organizational structure required for the new code implementation, as well as the needs of the various individual institutions for additional staff, human resources development, communications/information systems, and equipment. Each institution is assessing its own needs, and the UTE is compiling these into the overall implementation plan. The Fiscalía, for instance, which currently has approximately 540 prosecutors throughout four Departments, will likely require an increase of 100 prosecutors for the first year of implementation to enable it to reach all 14 Departments in the country -- a requirement under the new CPC. The Public Defenders' Office within the Procuraduría General, moreover, which currently has 136 public defenders for adults defendants, may need an additional 200 public defenders, along with salary adjustments and infrastructural improvements, over the next two years. In both cases significant budget increases will be required. In the case of the Courts, however, budget levels appear to be adequate given the substantial prior year increases in the Judiciary's budget (i.e. to 6% of the total national budget).

The GOES is obviously concerned about whether it can meet the cost of implementing these reforms, which it plans to cover through incremental funding from the budgets of the Fiscalía and Procuraduría over the next several years, and through donor assistance (see below). While an overall price-tag has not yet been affixed to the plan, an estimate is expected by October, 1997. Tentative figures have already been discussed by the JSCC with the President and the Minister of Finance.

Other Donor Activities: Other donors are providing over \$35 million in assistance to the justice sector over the next three to four years in areas that complement USAID's efforts and contribute (some more directly than others) to achievement of this IR. Under the auspices of the UNDP, the international donors supporting ROL in El Salvador formed a consultative group in 1996, and meet several times a year to share information and update one another on planned activities. The ROL RP team will continue coordinating its activities with other donors through this mechanism.

With regard to specific other donor funding, the IDB's \$22.2 loan package (\$27.3 million total with the \$5.1 million in counterpart funding) is the largest, and focusses on reducing juvenile delinquency and strengthening judicial institutions in planning and information management. The UNDP is carrying out three programs in 1997 that are directly related to the IR, with close to \$5.5 million in Spanish Cooperation Agency funding: popular legal education, assistance to justices of the peace, and institutional strengthening of the Legal and Social Assistance Office of the Procuraduría General de la República. In January 1996, Sweden initiated a program with \$721,224 in funding to train prosecutors in investigation techniques, and public defenders and justices of the peace in human rights. With \$1.3 million in funding from Denmark, Norway, the Netherlands and Sweden, the UNDP is implementing a program of assistance to the Office of the Ombudsperson for Human Rights. Finally, the UNDP is in the process of developing several additional projects in the sector, with a projected funding of \$5.48 million, including a program to train judges of the first instance, and another to train litigators and law professors. (For a summary of other donor funding, see Annex I which contains a UNDP summary of donor contributions in the judicial sector.

V. Summary of USAID Activities/Expected Results

Current Activities:

The principal activities currently supporting this RP include the residual efforts under the Judicial Reform II Project (No. 519-

0376 and the Policy Analysis, Technical Training and Support Project (No. 519-0349) carried out primarily through the institutional contractor, Checchi & Company Consulting Inc. These activities are intended to address the following four objectives: (1) completing activities initiated but not entirely completed during the first four years of the Project (i.e., finishing the design and implementation of the Automated Case Tracking System in the criminal courts, the Fiscalía, and the Procuraduría, and institutionalizing the case purging system in the courts); (2) assisting in the institutional preparation for the implementation of the new CPC, particularly in the Fiscalía and Procuraduría; (3) building support, through popular education, lobbying and publicity campaigns and activities with non-governmental organizations, for the legal reforms to the criminal justice system; and (4) institutional strengthening of the UTE so that it can more effectively facilitate implementation of these legal reforms and coordinate donor activities within the justice sector. The JR II Project will terminate on December 31, 1997 (see JR II Project Paper, Semi-annual reports, Annual Operation Plans, and Checchi quarterly reports for more information about activities and achievements to date under JR II).

New Activity:

The new ROL activity will focus on three programmatic areas: (1) improving access by directly serving our democracy customers and customer representatives at the local level ("demand side"); (2) improving judicial system responsiveness, through support for institutional strengthening of our rule of law partners ("supply side"); and (3) strengthening protection of human rights through efforts to improve the independent monitoring carried out by the Office of the Human Rights Ombudsperson (OHRO). As described in the previous section, this approach is based on findings from an exhaustive process of assessing the status of democracy and rule of law in El Salvador, and consulting with a wide range of customers and partners about the best ways to address the needs identified in these various assessments/consultations.

The purpose of the new ROL Activity is to make legal/judicial protection in El Salvador more fair, impartial, and timely (i.e., more effective), and more accessible to all citizens.

Activities and anticipated results for each of the three programmatic areas are discussed below:

A. Improving Access of Customers

The purpose of USAID assistance will be to develop a local

capacity -- whether in the town hall⁴, among health promoters or within local community organizations -- to help citizens resolve conflicts informally or to provide them with orientation on how to access the formal judicial system when faced with a legal problem that cannot be resolved through mediation⁵. These efforts are also intended to encourage coordination between local level institutions responsible for public security and administration of justice (e.g., the PNC, justices of the peace, persons trained in conflict resolution), and, through awareness campaigns, to build citizen demand for legal reforms leading to more effective legal/judicial protection. Examples of activities which could be funded include training, through workshops or local media programs, for key local organizations/individuals⁶ in the following areas to enable them to provide services and orientation to fellow citizens and to build citizen demand for additional legal reforms:

- o conflict resolution techniques
- o requirements of the new CPC, the Family Code and the Juvenile Offenders Code
- o how to access the judicial system when faced with a legal problem
- o benefits of a reformed Administrative Procedures Code
- o other areas where legal/administrative reforms could improve the quality of legal/judicial services citizens receive
- o development of class action suits, particularly related

⁴ Could be modeled on Colombia's "casas de justicia" concept, wherein public prosecutors and defenders, the Government's human rights representatives, and police provide conflict resolution services to citizens, in the town hall, on an informal, pro-bono basis.

⁵ Under the new CPC, trial courts -- the first real entry point into the formal judicial system -- are located in the Departmental capitals, not in the municipalities. Local justices of the peace, of which there are 360 throughout the country, only conduct the initial arraignments ("primera audiencia") under the new CPC; currently they adjudicate all phases of a case, from beginning to end, when convenient for the parties. This change should radically diminish the workload of the justices of the peace, providing time for them to exercise the conflict resolution services proposed under this Component, once trained to do so.

⁶ "Key individuals" would include justices of the peace, municipal employees, legal aid providers (if any), community organization leaders, health care promoters, and any others in the community who residents regularly consult or go to for advice and guidance.

to land titling disputes⁷ (an issue identified as priority by our customers during the consultation process).

USAID-funded activities will be carried out in selected municipalities in El Salvador through a local NGO with expertise in legal issues. This NGO will benefit from technical assistance on specific points of law or training methodologies provided by the UTE or consultants looking to improve system responsiveness, as described below, and will work in very close collaboration with the PDDH. The benefit of this close collaboration with the PDDH will not only include access to previously-prepared training materials, but also -- it is hoped -- will result in replication by the PDDH of training programs developed under this RP elsewhere in the country. This would represent the ideal next step in the institutional development of the PDDH, i.e., "decentralization" of its watch-dog function to the local level.

Emphasis will be given in the selection of municipalities for the legal training program to municipalities judged to have the greatest potential for achieving the results outlined below and which fall into one or more of the following geographic categories:

- the Mission's four "model municipalities"
- other selected municipalities under the Municipal Development and Citizen Participation Project
- municipalities in the Department of Santa Ana, to provide linkage with ICITAP's "Community Police" and "TIMS" (Total Information Management System) programs (see next section for details)
- municipalities in the Department(s) selected by the JSCC for piloting the CPC (at the moment, La Libertad)
- municipalities within the Mission's "Poverty Focus"

Implementing Mechanisms

Funds for the legal training and access related activities for at least the first year, and possibly longer, will be channeled through the contract with Research Triangle Institute (RTI), the

⁷ Although it was noted at the RP review that, given the tremendous interest surrounding this topic, care will need to be taken not to generate more demand than the system can effectively handle -- otherwise significant frustration will be generated.

institutional contractor for the Municipal Development and Citizen Participation (MDCP) Project, and will be provided as a sub-grant to a local NGO selected through a competitive process. This sub-grant of \$200,000-\$250,000 will require that a certain amount of funds (e.g., \$50,000) be set aside for duplication and distribution of training materials from the PDDH's Human Rights Promotion and Education Office (ISDEH). The purpose for channeling funds initially through RTI is to allow for a quick start-up of activities, to give the local NGO time to develop capacity in implementing USAID activities and to ensure maximum coordination between ROL activities and other Mission activities at the municipal level, and to link explicitly into the "local agenda" process underway in selected municipalities through the MDCP Project (see Local Government RP document for further details on the local agenda process). In developing these local agendas, a local PVO assists with the citizen participation side of the process in each municipality. This PVO, and certainly other key groups and individuals in the community, will be ideal focal points for the training to be provided by the NGO selected to provide legal training. Based on preliminary surveys and discussions in the MDCP selected municipalities, the RP team fully expects that public security and crime will emerge as top priorities to be addressed by the community. The resources of this RP will be available to partially address these needs. Both RTI and the local NGO will work closely with the Mission's Training Unit in order to ensure that training best practices and guidelines for training under re-engineering -- i.e., change agent concept (leadership, training of trainers, action planning), training needs assessments, critical mass approach and multi-level training, annual training plans, and group dynamics - - are consistently applied.

During this start-up period, the Activity Manager will work with the Mission's Human Capacity Development (HCD) Unit to provide for the continuation and expansion of training activities through the HCD Contractor, in collaboration with the Local NGO. The Activity will also make use of HCD core funds for additional in-country customized training for customers and partners -- particularly in the model municipalities -- in cross-cutting topics such as leadership, empowerment skills, group dynamics, NGO strengthening, strategic planning, total quality management, sustainability approaches, customer service, gender focus, conflict resolution, and civic participation. Legal training activities will be coordinated with the OHRO and the Ministry of Justice, both of which have ongoing legal dissemination programs, as well as with other donor programs to facilitate replication of successful models developed under this RP elsewhere in the country.

Expected Results

As described in the introduction of this document, the Results Framework for SO2 identifies five lower level results important to achieving the Intermediate Result of More Effective Legal/Judicial Protection for all Citizens as follows: Effective Citizen Access to Established Channels for Conflict Resolution, More Effective Police Force, More Effective Judicial System which Meets Highest Ethical Standards, Effective Citizen Pressure for Rule of Law/Due Process, and Increased Timeliness of Administration of Justice. The RP activities described above are focussed at strengthening demand, and thus support most directly achievement of the sub-IRs addressing Citizen Access and Citizen Pressure for Rule of Law. Indicators the SO Team will use to monitor progress in reaching these sub-IRs include:

a) No. and effectiveness of community conflict resolution services in operation.

1) No. of cases/conflicts resolved through community-based conflict resolution services.

b) Percent of citizens reporting knowledge about the new CPC, appropriate mechanisms/entry points for accessing assistance of the formal judicial system related to criminal or other substantive (e.g., family, juvenile offenders) law affected by judicial reform/modernization program.

c) Changes in the legal framework and/or application of existing legislation which enhance legal protection of citizens, respect for due process and/or increase access.

1) Percent of legislators reporting action by civil society organizations to influence the passage and/or modification of reform initiatives designed to enhance legal protection of citizens.

B. Improving System Responsiveness

The results framework for the ROL RP identifies three major challenges/goals related to improving system responsiveness. the first -- a more effective police force -- is being addressed through efforts of ICITAP and other donors⁸. The focus of

⁸As mentioned earlier in this document, ICITAP is providing technical assistance and training to the PNC to improve police and prosecutor coordination on criminal investigations. ICITAP is also embarking on a "Community Police Program," being piloted in Santa Ana, which attempts to foster a culture of mutual understanding and assistance between the police and the

USAID's efforts are on a more effective judicial system and increased timeliness of the administration of justice. The new ROL activity will provide technical assistance and operational support for in-situ training and observational travel in four thematic areas:

- Specialized legal/judicial technical subjects such as case tracking, case preparation, court administrative procedures, trial court procedures, court-annex mediation and arbitration services; and specialized legal subject matter areas (e.g., juvenile justice, civil and administrative procedures);
- Community conflict resolution mechanisms and strategies;
- Organizational development and strategic planning in support of the JSCC efforts to develop a comprehensive five-year justice sector modernization plan, and
- Formal legal education.

Given the extensive prior investment of USAID in the area of criminal justice, emphasis will be given in the first two years

communities in which they work. The philosophy behind this program is that the policeman is a representative of the people to the Government, and he/she shares information with them and works in partnership with other local service organizations to improve life in the community. To the extent that a policeman builds trust among members of his/her community, the theory goes, the more effective he/she will be -- residents will more willingly pass them tips and youth at risk for involvement in crime or gang activity may be deterred if they enjoy a positive relationship with local police. After the program is piloted in Santa Ana, it is slated for national replication.

Hand-in-hand with this effort is ICITAP's "TIMS," or Total Information Management System program. TIMS is a computer-aided dispatching program which responds to the "121" emergency number and is integrated with all other emergency response and treatment services in the community -- the police, ambulances, firemen, utility companies and hospitals. TIMS works on the basis of uniform scene-of-the-crime police reports and assigns a unique incident number to every call that comes in, thus allowing for rapid and transparent case tracking. TIMS requires a detective to be placed on the case within 24 hours and that the detective begin the investigation within 48 hours. TIMS is also being piloted in Santa Ana.

of the activity to technical assistance and operational support to ensure effective implementation of the new Criminal Procedures Code and related laws. USAID's technical assistance and training will focus on implementing the new CPC in selected "pilot" departments⁹, providing "hands-on" troubleshooting assistance to local operators as they adapt their working regimen to the new requirements of the CPC. Local operators (e.g., prosecutors, public defenders, police and court personnel) will also be encouraged to form an inter-institutional committee at the Departmental level to provide a fora for identifying and resolving problem areas in CPC implementation. USAID will encourage the JSCC to select pilot sites where other ongoing programs, such as ICITAP's TIMS project or USAID's MDCP project are operating to provide for synergy with related efforts.

While implementation of the CPC will begin in mid-January, 1998, a series of additional supportive legal reform initiatives remain in various stages of drafting. These include the organic laws for the Office of the Attorney General and Solicitor General (where the public defenders service is housed) and revisions to the judicial career law, as well as the Constitutional and Administrative Procedures Codes. USAID technical assistance will be provided to both finalize these drafts and support a highly consultative and analytical process leading to a legislative consensus and passage of these reforms.

Observational travel, as well as specialized technical assistance, will also be provided to assist key judicial/legal actions to assess possibilities for designing court-annexed mediation services, professional in-service evaluation programs, small claims courts and other innovative programs to support effective implementation of the CPC and address other concerns related to due process and the impartial, effective administration of justice.

In the area of community conflict resolution mechanisms and strategies, USAID support will ensure that UTE and the NGO selected to implement legal training program have access to technical expertise in the design of conflict resolution training programs and services. Observational travel to community-based conciliation services such as Colombia's "casas de justicias" or Peru's conciliation services program may also be financed by

⁹The JSCC has indicated its intent to designate pilot departments for CPC implementation where coordinated efforts would be made to ensure adequate functioning of the new system and thus, heighten public confidence. Implementation of the CPC will, however, be on a national scale with national level training programs developed under JR II continued through other donors and host country funding.

USAID, to serve as models on which to base designs for similar programs in El Salvador.

The leadership and support of the JSCC has been critical to the passage of the series of legal reform initiatives enacted since the signing of the Peace Accords. As noted earlier, however, many of these reforms are only now in the early stages of implementation, while still others remain under study in the Assembly. As pointed out in the Democracy Sector Assessment, the success of these as yet incipient reform initiatives depends on the strong leadership of the JSCC of the reform effort and, importantly, the ability of these leaders to convey and "sell" their vision of Salvador's new judicial system to other key policy leaders and the general public.

Technical assistance provided under this RP in the area of strategic planning and organizational development will help to solidify and clarify the vision of the JSCC for the Salvador justice system in the year 2002, and to develop monitoring and indicator systems to periodically assess the impact of reforms implemented on the timeliness and effectiveness of justice under the new Procedural Codes, citizen confidence in fairness and impartiality of judicial decisions, and other variables identified by the JSCC. This technical assistance will also help to strengthen the UTE's donor coordination skills, and thus increase the impact of the significant levels of donor funding being received for justice reform.

Finally, USAID's approach to improving system responsiveness takes into account the need to address underlying problems in the quality of judicial operator skills. Stated simply, university legal education programs are deficient not only in the subject matters being taught, but also in instilling ethical standards and a commitment to upholding the law and public service essential to any effort to improve legal protection for El Salvador's citizenry. Recognizing this need, USAID will finance technical assistance to law schools to improve their curricula, teaching methodologies and law practical programs. This assistance could include "challenge grants" to law schools to provide them with incentives to improve the quality of their law graduates -- something roundly complained about during the consultation phase of this design. USIS will also be enlisted to foster U.S.-Salvadoran academic partnerships for the purpose of upgrading legal education in El Salvador. Through these partnerships, USIS will facilitate exchanges of professors, donation of textbooks, and technical assistance on curriculum development and improved teaching methodologies. Finally, through the coordinating role of the UTE, law schools will be encouraged to arrange legal aid *practica* in selected municipalities in fulfillment of the students' social hours, contributing to a commitment of public service in law school graduates while also providing greater access to legal/judicial

services for the residents of these municipalities.

Implementing Mechanisms

To provide the required assistance, the Mission will contract with: a) a Local Activities Coordinator, to handle contracting of local consultants and logistics for in-country activities and b) a U.S. Support Contractor with expertise in legal/judicial reforms and access to a broad array of international consultants. Both contractors will coordinate very closely with the UTE on implementation of the program, and particularly with the National Judicial School on training programs, given the mandate of this organization to develop human resources in the judicial sector.

Expected Results

Indicators the SO Team will use to monitor progress in attaining the IR's of a **More Effective Judicial System and Increased Timeliness of Justice** include:

- a) Average case processing time (from filing to final disposition) of criminal, family and juvenile offenders cases,
 - 1) Percentage of prison population which are unsentenced detainees and average length of pre-trial detention period.
 - 2) Number of cases (by subject matter area) brought to final disposition in any given year.
- b) Percentage of citizens expressing confidence in the judicial system's ability to render justice in a fair and impartial manner.
- c) Changes in the legal framework and/or applications of existing legislation which enhance legal protection of citizens, respect for due process and/or increase access.
 - 1) Percent of legislators reporting action by civil society organizations to influence the passage and/or modification of reform initiatives designed to enhance legal protection of citizens.
- d) Percentage of law graduates and system operators scoring 90% or better on the judicial career entrance exam.
- e) Increased sustainability of donor-financed programs

C. Strengthening Local Independent Monitoring of Human

Rights

USAID grant resources will be used to provide technical assistance and training programs to enhance the capability of the Office of the Human Rights Ombudsperson to analyze and formulate recommendations to strengthen systemic protection of human rights and to strengthen cooperation among community members and judicial actors in the resolution of conflicts. The active involvement of local NGOs, universities and other institutions in this effort will be promoted. As noted earlier, Grant funds will also be used to develop, print, and/or adapt materials now being used by the OHRO in its legal education program for distribution in this Program's targeted geographic area.

Implementing Mechanisms

Implementing arrangements under this sub-component are now being discussed with the OHRO. To initiate activities, USAID will provide its support through the local activities coordinator to be contracted as described above.

Expected Results

The impact of USAID technical assistance and training inputs to be provided will be monitored through the systemic changes and establishment of community conflict resolution mechanisms included as indicators in the previous sections.

Expected Results in terms of the SO2 Results Framework:

In summary, the following presents Activity results in accordance with the specific Sub-Intermediate Results of the ROL IR:

Sub-Intermediate Result 4.1: Effective Citizen Access to Established Channels for Conflict Resolution

By training local organizations and individuals in techniques of conflict resolution, citizens in selected municipalities across El Salvador will have an alternative to the formal judicial system (the courts may be located far from their homes) when in need of conflict resolution services. In addition, by training these local organizations and individuals in the substance of the new CPC, and in the Family and Minors Codes, their informational barriers to use of the judicial system will decrease and access will thereby increase.

Through activities designed to establish practical for law students in legal aid organizations, citizen access to justice/conflict resolution services will also be

increased. Finally, RP assistance to reduce the technical, legal and institutional constraints to improved administration of justice in preparation for implementation of the new CPC, should also increase citizens' access to judicial services.

Sub-Intermediate Result 4.2: More Effective Police Force

This Sub-IR will be met through the police training work of ICITAP and other donors, and ICITAP's "Police in the Community" and "TIMS" programs. Efforts through this RP, in collaboration with ICITAP, to coordinate the investigatory functions of the police and prosecutors under the new CPC should also lead to a more effective police force.

Sub-Intermediate Result 4.3: More Effective Judicial System Which Meets Highest Ethical Standards

Achievement of this Sub-IR will be the result of a complex interplay of many of the planned RP interventions, including training of prosecutors and defenders in the new CPC (the move to an accusatorial model and oral procedures under the new criminal legislation should lead to greater system effectiveness), institutional strengthening/improved coordination of Fiscalía and Procuraduría entities at the Departmental level to meet the requirements of the new CPC and of the OHRO in the exercise of its independent monitoring role, institutional strengthening of the UTE to enhance coordination of sectoral reforms, introduction of alternative dispute/conflict resolution, passage of additional legal reforms, and improvements in law school curricula/incorporation of ethics courses with an eye to producing more effective and ethical lawyers and judicial system operators.¹⁰

Sub Intermediate Result 4.4: Effective Citizen Pressure for Rule of Law/Due Process

Training and advocacy programs to raise the consciousness of key organizations and individuals about the need for additional legal reforms, and the need to implement reforms that have already been passed, should result in achievement of this Sub-IR.

Sub Intermediate Result 4.5: Increased Timeliness of

¹⁰ Corruption in the judiciary and in the legal profession, as elsewhere in Salvadoran society, will also be addressed through the NGO advocacy efforts supported under the Civil Society/Transparency RP. These efforts will combine with those of the ROL RP to achieve a "More effective judicial system which meets the highest ethical standards."

Administration of Justice

With more information on legal reforms and greater access by citizens to conflict resolution at the local level (Sub-IR 4.1), as well as a more effective judicial system (Sub-IR 4.3), justice should be administered in a much more timely fashion in El Salvador. Technical improvements, such as improved case tracking, made with assistance from JR II, already have and should continue to result in more timely administration of justice. Finally, if through the efforts of this RP an improved Administrative Procedures Code is passed, dealings with public sector entities should become markedly more efficient.

Pre-Implementation Activities:

In order to "jump start" implementation of the new ROL Activity before its formal implementation mechanisms are in place, the RP team will also carry out the following "pre-implementation" activities between June 1997 and early 1998:

- Research other ADR and community conciliation service models and develop a strategy, in coordination with the UTE, for supporting ADR pilot services such as court-annexed mediation, as well as community based programs.
- Sponsor a workshop for Salvadoran law faculty representatives to present the findings of their self-diagnoses on "how to improve the quality of Salvadoran law graduates/legal profession" (improving curriculum, law practical, and licensing requirements will be among the key topics, as might the subject of a mandatory Bar Association). U.S. and third country partners institutions will be invited to comment and share their experiences. The results of this workshop(s) will determine how USAID assistance can best support university upgrading.
- Review UTE's studies on: 1) the judicial sector's institutional needs for implementing the new criminal codes, and 2) donor activities supporting judicial sector institutions, to prioritize technical assistance needs for USAID to support implementation of the new CPC.
- Donor coordination. The UTE's study on donor activities will provide a basis for donor coordination.

VI. Feasibility Analyses

USAID/El Salvador has been assisting the judicial sector in El Salvador since 1984, and has done so based on recommendations contained in the numerous feasibility studies, assessments and evaluations of the sector it has sponsored over this 13 year period. A listing of these studies/assessments/evaluations is provided in Annex F. The Judicial Reform Projects I and II were designed based on these studies, as well as the new Activity -- the latter based particularly on the recent Rule of Law Design Final Report, the JR II Evaluation and the Democracy Sector Assessment. No further analyses are planned at this time, but will be undertaken as the need arises.

VII. Customer Service

Our Customers are Salvadoran citizens, with emphasis on women, rural residents, and youth, who traditionally have not had adequate protection under the law.

USAID will continue to obtain feedback from customers, through focus groups and rapid appraisals, on their experiences with legal/judicial services, about whether the quality of these services is improving over time, any need for additional services, their satisfaction with USAID programs, and how USAID can best report back to them on progress achieved under this RP. The "Customer Service Plan for Strategic Objective #2" outlines how this ongoing customer service will be carried out.

VIII. Human Capacity Development Needs

Human capacity development is occurring under current RP activities through:

- training of public defenders and administrative personnel in how to design a training plan for the Office of Legal and Social Assistance, and negotiate its execution with the Judicial Training School;
- on-site training of public defenders and defenders of minors;
- training of all public defenders in oral trial skills, interrogation of witnesses and delivery of opening and closing arguments at trial;
- training of the four members (public defenders and family law lawyers) of the "Defender Training Work Group" in curriculum design;

- staff "profile" analyses (i.e., assessments of the educational and occupational levels of all personnel) of the Fiscalía and Procuraduría's Offices, and preparation of "ideal" profiles for public defenders, per requirements introduced by the new CPC; and
- training of judicial sector officials through USIS's International Visitor (IV) program, both in-country through visiting experts and in the United States.

The FY 97 training budget for JR II is approximately \$550,000.

The specific human capacity development needs related to the new ROL Activity are being assessed and will be reflected in SO2's Human Capacity Development Plan for FYs 98 and beyond. In general terms, however, the following are examples of the broad categories in which human capacity will be developed under the new ROL Activity: local-level leaders (both municipal and community organization) will be trained in conflict resolution skills and on the substance of recent legal/judicial reforms; prosecutors and defenders in selected Departments will receive technical assistance and training on the practical aspects of implementing the revised criminal procedures; and law students will receive improved preparation in the law as a result of content and methodology reforms in law school instruction. As mentioned above in Section 5, training may also be provided by the HCD Contractor in leadership and a variety of other cross-cutting topics. Human capacity development for this RP will be funded through the new ROL Activity, the HCD Activity, and the USIS International Visitor and other USIS training programs.

IX. Implementation/Management Plan

The USAID staff devoted full time to management of this RP include the RP Team Leader/Activity Manager and a Project Management Specialist (Legal). A secretary is available to the RP team half time. Other SO team members contribute to activity management, including the Human Capacity Development Specialist who advises on training and human resources development; the Project Development Specialist who provides assistance in RP planning, evaluation and compliance with USAID regulations; the Negotiator who handles all contract and grant matters; and the Financial Management Specialists who provide support in financial analysis, audit, accounting and vouchering services to the RP. Professionals and support staff are either contracted directly by the Mission under Personal Services Contract (PSC) mechanisms and paid for from this or other RP resources, or are direct hire personnel and paid for from the Mission Operating Expenses (OE) account. (For more information on the responsibilities and

authorities of RP team members, see Annex V of the SO#2 Team Charter).

The RP Team's Partners include various agencies of the Government of El Salvador (e.g., the Supreme Court, the Public Ministry, the Ministry of Justice, the National Council for the Judiciary, the Justice Sector Coordinating Commission, and the Legislative Assembly), local NGOs and community organizations, local private sector organizations, law schools, and the consultants who provide technical assistance to implement ROL activities. The RP team will obtain feedback on performance from its partners on an ongoing basis through Extended Team meetings and other consultative mechanisms.

To assist the RP team and its Partners in implementation of current RP activities described in Section V, USAID has in place a contract with Checchi & Co., under the JR II Project. This contract will terminate on December 31, 1997. Implementation of the new Activity planned under this RP will start in Fiscal Year 98.

Assistance under the new Activity will be provided through a variety of mechanisms, as mentioned above in Section V. Careful consideration was given by the RP team, during its April 1997 retreat and afterwards, to alternative delivery mechanisms, but the following were considered to be the best options. Funds for Component 1 activities will be channeled initially (for the first year or year and a half, up to \$250,000) through the RTI contract, and will be provided as a sub-grant to a local, competitively selected Legal NGO. Administrative arrangements established for RTI under the Municipal Development Activity will be used for management of this sub-grant under the RTI Contract. RTI will disappear as the intermediary after this initial period and USAID will then coordinate/channel training through contributions to the Mission's HCD Contractor in order that it -- in collaboration with the Local NGO (which may be the recipient of a direct USAID grant by this time) -- can arrange for and provide the training required under this Component. The UTE and the PDDH, as mentioned above, will play close coordinating roles on this Component but will not have funds management or procurement responsibilities.

To meet technical assistance and operating support needs, the Mission will contract with both a Local Activities Institutional Coordinator with expertise in human resources development, preferably in the legal/judicial area, and a U.S. Support Institutional Contractor with expertise in legal/judicial reforms and access to a broad array of international consultants. (Later, the possibility of using the HCD Contractor in either of these roles will be considered). Both contractors will be selected competitively. It is anticipated that the former contract will cover the costs of administering this component and some short-

term technical assistance, and the latter contract will include the costs of one resident advisor and multiple short-term consultancies for TA that cannot be identified by the Local Activities Coordinator. Both contractors will coordinate very closely with the UTE; in fact, it is likely that they will be co-located to enhance collaboration and transfer of know-how. In addition, the Mission will enter into an inter-Agency agreement with USIS to cover (among other things, as this agreement will be multi-RP under SO2) exchange activities under the Formal Education Sub-Component of this RP.

Implementation of activities under this RP will be adjusted in accordance with performance data obtained through the monitoring and evaluation plan described in Section XI below.

X. Financial Plan and Analysis

Total USAID and counterpart resources required to achieve this Results Package over the strategy period (1997-2002) are estimated at US\$15,900,000, as shown below in Table 1. This amount is comprised of available pipeline from on-going activities (\$1,879,000 under Project 519-0376 and \$311,000 under Project 519-0349), \$7,200,000 of new obligations and \$12,805,000 of counterpart contributions. Table 2 shows the annual schedule of new obligations by USAID (\$7,200,000) and additional counterpart resources (\$8,700,000) required for the RP. Thus, as shown in Table 3, total USAID resources of \$9,390,000 and total counterpart resources of \$12,805,000 will be expended under this RP to achieve the results planned over the strategy period.

In addition to direct USAID funding and counterpart contributions, Table 3 shows the estimated costs associated with USAID management of the RP. USAID management costs have been separated by those charged to the RP budget and those charged to the Operating Expense budget. Table 4 analyzes USAID costs related to management of the RP for FY 97. These costs have been divided into two categories: costs allocated to OE budget and estimated at \$106,990 for FY 97, and costs allocated to RP management and estimated at \$20,000. FY 97 staffing costs have been used as the basis for projecting USAID management costs over the strategy period, as shown in Table 3. Increases of 5% and 10% were used for projection purposes for USDH and FSN employees, respectively.

Since benefits to be derived from the implementation of this RP are not quantifiable in financial terms, only Activity costs have been identified in this analysis. However, during the course of Activity design, careful consideration was given to the cost-effectiveness and viability of different implementation mechanisms vis-a-vis the expected results. Finally, the RP Team concluded that the proposed implementation mechanisms and related

costs represented the most reasonable trade-off between the costs and the expected results.

New USAID funds will be obligated through a strategic objective agreement (SOAG) and subsequent amendments. Counterpart contributions required for the RP will be negotiated and included in the SOAG as related activities are identified and agreed upon in the SOAG. There will be no conditions precedent to these obligations in addition to the standard ones. The following covenant will be included in the SOAG:

- o that the GOES provide adequate budget to the Judicial Sector institutions for implementation of the counterpart activities.

With regard to counterpart contributions, it is the policy of the Mission to negotiate and obtain as much counterpart contribution as possible to achieve maximum impact from its assistance, subject to the minimum of 25% mandated by law and USAID regulations. This requirement is not applicable, as a matter of law, to non-profit organizations or activities funded with Economic Support Funds (ESF). However, USAID/El Salvador has administratively determined that it will apply this requirement whenever possible. Counterpart contributions are expended and accounted for by counterpart institutions. Counterpart contribution reports are required every quarter and are followed up by the RP Team members.

TABLE 1
PIPELINE AND OBLIGATION ANALYSIS
US\$ THOUSANDS

SOURCE OF FUNDING/ ACTIVITY	AUTHORIZED AMOUNT	OBLIGATED THRU FY96	EXPENDED THRU FY96	AVAILABLE PIPELINE END FY96	ESTIMATED REQUIREMENTS FY97-02	OBLIGATIONS REQUIRED FY97-02
USAID CONTRIBUTION:						
519-0376	20,500	15,300	13,421	1,879	1,879	0
519-0349	800	800	489	311	311	0
SUB-TOTAL USAID	21,300	16,100	13,910	2,190	2,190	C
COUNTERPART CONTRIBUTION:						
519-0376: GOES	7,800	7,800	3,695	4,105	4,105	C
TOTAL PROJECT CLOSEOUT	29,100	23,900	17,605	6,295	6,295	C
NEW ACTIVITY						
USAID CONTRIBUTION:						
519-0436 - SOAG	7,000	0	0	0	7,000	7,000
USIS	200	0	0	0	200	200
TOTAL USAID	7,200	0	0	0	7,200	7,200
COUNTERPART CONTRIBUTION:						
519-0436: GOES	0	0	0	0	8,200	8,200
NGO'S	0	0	0	0	500	500
TOTAL COUNTERPART	0	0	0	0	8,700	8,700
TOTAL NEW ACTIVITY	7,200	0	0	0	15,900	15,900
GRAND TOTAL	36,300	23,900	17,605	6,295	22,195	15,900

TABLE 2
 SCHEDULE OF OBLIGATIONS BY FY
 US\$ THOUSANDS

SOURCE OF FUNDING	FY97	FY98	FY99	FY00	FY01	FY02	TOTAL
USAID CONTRIBUTION	1,200	1,360	1,160	1,300	1,280	900	7,200
COUNTERPART CONTRIBUTION:							
GOES	274	3,926	1,000	1,000	1,000	1,000	8,200
NGO'S	122	76	76	78	76	72	500
TOTAL COUNTERPART	396	4,002	1,076	1,078	1,076	1,072	8,700
GRAND TOTAL	1,596	5,362	2,236	2,378	2,356	1,972	15,900

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TABLE 3
 COST ANALYSIS BY RESULT AND BY FY
 US\$ THOUSANDS

COST ITEM	PROJECTS CLOSEOUT	N E W A C T I V I T Y					
	FY97	FY98	FY99	FY00	FY01	FY02	TOTAL
JRII Closeout (519-0376)	1,834	0	0	0	0	0	1,834
Bridge Project (519-0349)	311	0	0	0	0	0	311
Sub-IR No. 4.1	0	298	449	469	410	354	1,980
Sub-IR No. 4.2 1/	0	0	0	0	0	0	0
Sub-IR No. 4.3	0	1,002	972	891	890	660	4,415
Sub-IR No. 4.4	0	50	89	100	100	76	415
Sub-IR No. 4.5 2/	0	0	0	0	0	0	0
Total Cost of RP Activities	2,145	1,350	1,510	1,460	1,400	1,090	8,955
USAID Mgmt Costs Charged to RP	20	50	22	24	26	29	171
Evaluation	0	0	0	50	0	50	100
Audit	25	27	28	28	28	28	164
Total Costs Charged to RP Budget	2,190	1,427	1,560	1,562	1,454	1,197	9,390
							0
							0
USAID Mgmt Costs Charged to OE	107	116	126	138	150	164	801
Total USAID Costs	2,297	1,543	1,686	1,700	1,604	1,361	10,191
GOES Contribution	3,117	4,200	1,000	1,000	1,000	1,000	11,317
NGOs Contribution	0	198	76	78	76	72	500
Total Counterpart	3,117	4,398	1,076	1,078	1,076	1,072	11,817
Total RP Cost	5,414	5,941	2,762	2,778	2,680	2,433	22,008
End of FY Pipeline for USAID funds	3/ 1200	1,133	733	471	297	0	

1/ Activities funded and carried out by ICITAP

2/ No more funds needed. Its accomplishment will be through activities carried out under sub-IRs 4.1 and 4.3

3/ New Activity obligation

TABLE 4
ANALYSIS OF USAID MANAGEMENT COSTS

OPERATING EXPENSES									
USAID ORG. UNIT	EMPLOYEE TYPE	% OF TIME ALLOCATED	BASE YEAR FY97	N E W A C T I V I T Y					TOTAL
				FY98	FY99	FY00	FY01	FY02	
SO2	USDH	20	16,930	17,777	18,666	19,599	20,579	21,608	98,22
SO2	USDH	15	9,000	9,450	9,923	10,419	10,940	11,487	52,21
SO2	FSN-DH	100	35,353	38,888	42,777	47,055	51,760	56,936	237,41
SO2	FSN-PSC	50	8,040	8,844	9,728	10,701	11,771	12,948	53,99
SDO	FSN-DH	20	8,200	9,020	9,922	10,914	12,005	13,206	55,06
CONT	FSN-DH	30	8,000	8,800	9,680	10,648	11,713	12,884	53,72
CONT	FSN-DH	25	7,500	8,250	9,075	9,983	10,981	12,079	50,36
CONT	FSN-PSC	15	2,260	2,486	2,735	3,008	3,309	3,640	15,17
S01	FSN-DH	20	8,307	9,138	10,052	11,057	12,163	13,379	55,78
OCG	FSN-PSC	25	3,400	3,740	4,114	4,525	4,978	5,476	22,80
TOTAL OE		320	106,990	116,393	126,671	137,910	150,199	163,643	694,81
RP BUDGET									
SO2	FSN-PSC	100	20,000	49,914	22,009	24,210	26,631	29,294	152,05
GRAND TOTAL		420	126,990	166,307	148,680	162,120	176,830	192,937	846,87

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TABLE 5

ROL ACTIVITY EXPENDITURES BY COMPONENT/BY FY
(USAID RP FUNDING ONLY)
US \$ THOUSANDS

	PROJECTS IN CLOSEOUT TRANSITION	NEW ACTIVITY						
		FY97	FY98	FY99	FY00	FY01	FY02	TOTAL
		COMPONENT No. 1						
Sub-Grant to Legal NGO	0	250	445	500	400	382	1,977	
COMPONENT No. 2								
U.S. Support Contract	0	400	431	348	400	314	1,893	
Local Activities Coordinator	0	420	554	532	520	314	2,340	
USIS Agreement	0	200	0	0	0	0	200	
Strengthening of OHRO Monitoring Cap.	0	80	80	80	80	80	400	
Total	0	1,100	1,065	960	1,000	708	4,833	
COMPONENT No. 3								
JR II Closeout	1,793	0	0	0	0	0	1,793	
Bridge Project	352	0	0	0	0	0	352	
USAID Management	20	50	22	24	26	29	171	
Audit	25	27	28	28	28	28	164	
Evaluation	0	0	0	50	0	50	100	
Total	2,190	77	50	102	54	107	2,580	
GRAND TOTAL	2,190	1,427	1,560	1,562	1,454	1,197	9,390	

* JR II - 519-0376 & 519-0349

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TABLE 6
 ROL ACTIVITY EXPENDITURES BY COMPONENT/BY SUB IR/BY FY
 (USAID FUNDING ONLY)
 US\$ THOUSANDS

FY 97						
	SUB-IR 4.1	SUB-IR 4.2	SUB-IR 4.3	SUB-IR 4.4	SUB-IR 4.5	TOTAL
COMPONENT No. 1	0	0	0	0	0	0
COMPONENT No. 2	0	0	0	0	0	0
	0	0	0	0	0	0
FY 98						
COMPONENT No. 1	163	0	38	50	0	251
COMPONENT No. 2	135	0	865	0	0	1,000
Total	298	0	903	50	0	1,251
FY 99						
COMPONENT No. 1	289	0	67	89	0	445
COMPONENT No. 2	160	0	975	0	0	1,135
	449	0	1,042	89	0	1,580
FY 00						
COMPONENT No. 1	325	0	75	100	0	500
COMPONENT No. 2	144	0	886	0	0	1,030
	469	0	961	100	0	1,530
FY 01						
COMPONENT No. 1	260	0	60	80	0	400
COMPONENT No. 2	150	0	830	0	0	980
	410	0	890	80	0	1,380
FY 02						
COMPONENT No. 1	248	0	57	76	0	381
COMPONENT No. 2	106	0	582	0	0	688
	354	0	639	76	0	1,069
GRAND TOTAL SUB-IR	1,980	0	4,435	395	0	6,810
TOTAL COMPONENT No. 1 -100%						1,977
TOTAL COMPONENT No. 2 -100%						4,833
TOTAL COMPONENT No. 3 (Mngmt., Audit & Eval.)						390
GRAND TOTAL						7,200

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**TABLE 7
COST ANALYSIS BY SUB IR AND BY FY
USAID GRANT
US \$ THOUSANDS**

		COMPONENT	%	FY 98	FY 99	FY 00	FY 01	FY 02	TOTAL
SUB-IR #4.1: Access Through Conflict Resolution									
Activities:	- TA Legal NGO								
(1)	- TA/Training to PVOs in Conflict Resolution	One	65.00%	163	289	325	260	248	1,285
(2)	- Access the Formal Judicial System/CPC - Training Key persons in CPC - Focused Legal Education	Two	14.38%	135	160	144	150	106	695
(3)	- Practica for Law Students/Conflict Resolution	(See 4.3(4))	0	0	0	0	0	0	0
Total Sub-IR 4.1				298	449	469	410	354	1,980
SUB-IR # 4.2: More Effective Police Force: *									
Through ICITAP			0	0	0	0	0	0	0
Total Sub-IR 4.2			0	0	0	0	0	0	0
SUB-IR #4.3: More Effective Judicial System									
(1)	- TA /Training for Prosecutors & Defenders in the New CPC	Two	52.31%	495	576	518	550	389	2,528
(2)	- Coordination of Fiscalia & Procuraduria								
(3)	- UTE: Organizational Development	Two	9.58%	90	106	96	100	71	463
(4)	- Improvements in Law Schools/USIS	Two	15.46%	200	213	192	100	42	747
(5)	- Introduction of ADR								
(6)	- Passage of New Legal Reforms	One	15.02%	38	67	75	60	57	297
(7)	- Strengthening of OHRO Monitoring	Two	8.28%	80	80	80	80	80	400
Total Sub-IR 4.3				903	1,042	961	890	639	4,435
SUB-IR #4.4: - Effective Citizen Pressure for ROL /Due Process									
- Training and Advocacy Programs in Local Organization for additional legal reform, implementation of reforms passed		One	19.98%	50	89	100	80	76	395
Total Sub-IR 4.4				50	89	100	80	76	395
SUB-IR #4.5: Increased Timeliness of Administration of Justice**									
No more funds needed	- Information on legal reforms (focussed legal campaigns) and access through conflict resolution (4.1) plus more effective judicial system (4.3)			0	0	0	0	0	0
	- Passage of Administrative Procedure Code (4.3)			0	0	0	0	0	0
(Total includes 100% for Comp. 1 & 100% for Comp. 2)			200.00%	1,251	1,580	1,530	1,380	1,069	6,810

* ACTIVITIES FUNDED AND CARRIED OUT BY ICITAP

** NO MORE FUNDS NEEDED. ITS ACCOMPLISHMENT WILL BE THROUGH ACTIVITIES CARRIED OUT UNDER SUB-IRs 4.1 AND 4.3

Management of USAID Funds

In order to ensure prudent management of USAID funds, the Mission has outlined in its MOMs activity management procedures to be followed by all Activity Managers and RP team members. These procedures include:

- 1) Pre-award audits/surveys when the Mission determines that the prospective contractor/grantee (particularly new entities) need to demonstrate adequate capability to responsibly manage USAID funds. ADS Chapter 591 describes these requirements.
- 2) Close management oversight by RP staff and approval of disbursements based on duly-executed vouchers supported by sufficient evidence of achievement of planned results.
- 3) US contractors will be subject to audits required by USAID Acquisition Regulations and guided by ADS Chapter 591.
- 4) Local contractors/grantees will be subject to recipient contracted audits, per ADS Chapter 591 and RIG Guidelines.

Recurrent Costs/Sustainability Issues

The Supreme Court has picked up many of the recurrent costs related to operation of the JR II Project, including technical assistance provided for court administration and modernization, and design and implementation of case tracking systems. The UTE, moreover, which was created under the current JR II Project, has been made permanent as an autonomous institution linked to the Ministry of Justice. The UTE's Organic Law was approved on March 1, 1996 by the Legislative Assembly (decree No. 639), and the GOES provided the UTE with its own budget beginning in January 1997. Recurrent costs under JR II related to institutional support of the UTE, have now been largely picked up by the GOES.

Not until the specific agreements -- i.e., the contracts and grants planned under the RP -- are finalized, will specific areas of recurrent costs under the new ROL Activity be known. However, it is the intention of this program not to initiate major recurrent cost areas that will later require funding from other sources (GOES, other donor, or private). Rather, the ROL program is designed to provide training and technical assistance with the intention of leaving an installed capacity behind, that will not need the same level of input after the ROL program ends. Some specific recurrent cost areas may be identified later, however, and every effort will be made to address the sustainability issues associated with these costs.

Other Donor Funding

As mentioned above, these RP resources will be complemented with over \$35 million in other donor funding over the next three to four years. (For more details, see Section IV and Annex I).

XI. Performance Monitoring Plan

Progress on this RP will be measured through periodic monitoring against baseline data on the indicators presented in Section V, and through formal activity evaluations, as needed for management decision-making. A Plan for Performance Monitoring and Evaluation is being developed for SO2 and will be systematized and institutionalized within the SO. A M&E specialist serves on the ROL RP team and will be responsible for gathering data on ROL performance in accordance with this Plan. The ROL RP tables from the Plan, which include operational level indicators as well as IR and SO level indicators (i.e., the "R4" indicators reported to USAID/Washington), are contained in Annex F.

ACRONYMS AND TERMINOLOGY

ADR	Alternative Dispute Resolution
CLASP	Caribbean and Latin American Scholarship Program
CN	Congressional Notification
CONT	Office of the Controller
CPC	Criminal Procedures Code
ESF	Economic Support Fund
FY	Fiscal Year
GOES	Government of El Salvador
HCD	Human Capacity Development
ICITAP	International Criminal Investigative Training and Assistance Program (U.S. Department of Justice)
IDB/BID*	Inter-American Development Bank
ISDEH*	Instituto Salvadoreño de Derechos Humanos (Human Rights Promotion and Education Office of PDDH)
IR	Intermediate Result
IV	International Visitors Program (of USIA)
JRI	Judicial Reform Project I
JRII	Judicial Reform Project II
JSSC	Justice Sector Coordinating Commission
MDCP	Municipal Development and Citizen Participation Project
MOM	Mission Operating Manual
NAD	New Activity Description
NCJ/CNJ*	National Council for the Judiciary/Consejo Nacional de la Judicatura
NGO	Non-Governmental Organization
OCG	Office of Contracts and Grants
OE	Operating Expense
PDDH*	Procuraduría para la Defensa de los Derechos Humanos, (GOES agency within the Public Ministry charged with defending citizens' Human Rights)
PIL	Project Implementation Letter
PD&S	Project Development and Support funds
PNC*	Policía Nacional Civil (National Civilian Police)
PSC	Personal Services Contract
PVO	Private Voluntary Organization
R4	Results Report and Resources Request
RFP	Request for Proposals
ROL	Rule of Law
RP	Results Package
RTI	Research Triangle Institute
SDO	Strategic Development Office
SO	Strategic Objective
SOAG	Strategic Objective Agreement
TIMS	Total Information Management System (ICITAP program)
UNDP/PNUD*	United Nations Development Programme

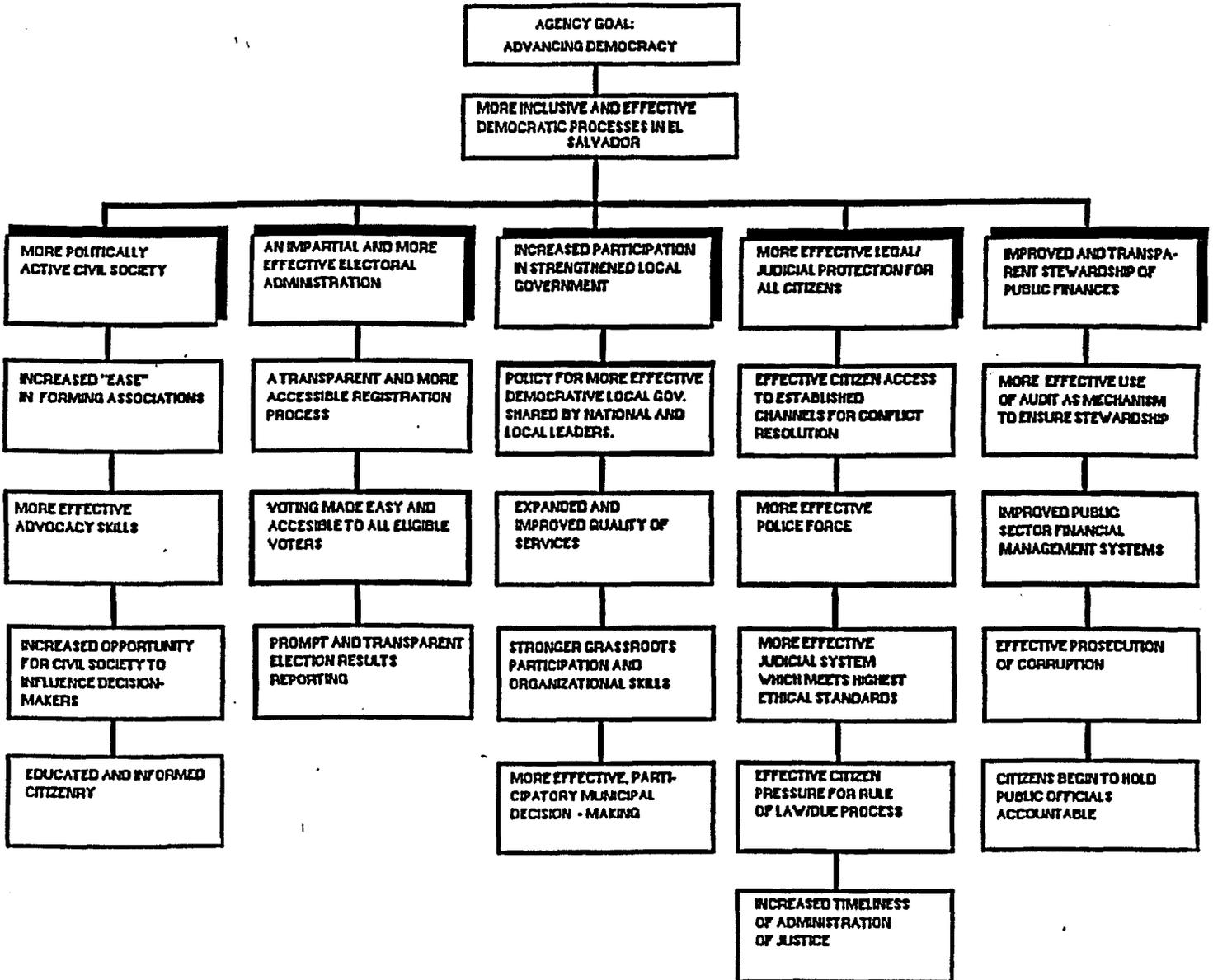
* Spanish Term or Acronym widely used by English Speakers.

USAID	U.S. Agency for International Development
USG	United States Government
USIS/USIA	U.S. Information Agency
UTE*	Unidad Técnica Ejecutiva (Executive Technical Unit 'of the CCSJ)

ANNEX A

RESULTS FRAMEWORK

RESULTS FRAMEWORK



ANNEX B

ASSISTANCE CHECKLIST

(Prepared December 12, 1996)

COUNTRY CHECKLIST FOR EL SALVADOR**A. DEVELOPMENT ASSISTANCE AND ECONOMIC SUPPORT FUND**

1. Narcotics Certification (FAA Sec. 490): If the recipient is a "major illicit drug producing country" (defined as a country in which during a year at least 1,000 hectares of illicit opium poppy is cultivated or harvested, or at least 1,000 hectares of illicit coca is cultivated or harvested, or at least 5,000 hectares of illicit cannabis is cultivated or harvested) or a "major drug-transit country" (defined as a country that is a significant direct source of illicit drugs significantly affecting the United States, through which such drugs are transported, or through which significant sums of drug-related profits are laundered with the knowledge or complicity of the government):

NA; El Salvador is not a major illicit drug producing or major drug transit country

a. Has the President in the March 1 International Narcotics Control Strategy Report (INCSR) determined and certified to the Congress (without Congressional enactment, within 30 calendar days, of a resolution disapproving such a certification), that (1) during the previous year the country has cooperated fully with the United States or taken adequate steps on its own to satisfy the goals and objectives established by the U.N. Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, or that (2) the vital national interests of the United States require the provision of such assistance?

NA

b. With regard to a major illicit drug producing or drug-transit country for which the President has not certified on March 1, has the President determined and certified to Congress on any other date (with enactment by Congress of a resolution approving such

NA

Country Checklist

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certification) that the vital national interests of the United States require the provision of assistance, and has also certified that (a) the country has undergone a fundamental change in government, or (b) there has been a fundamental change in the conditions that were the reason why the President had not made a "fully cooperating" certification.

2. **Indebtedness to U.S. Citizens (FAA Sec. 620(c)):** If assistance is to a government, is the government indebted to any U.S. citizen for goods or services furnished or ordered where: (a) such citizen has exhausted available legal remedies, (b) the debt is not denied or contested by such government, or (c) the indebtedness arises under an unconditional guaranty of payment given by such government or controlled entity?

We are not aware of any debts the Government of El Salvador owes to any U.S. citizen for goods or services that meet the criteria set forth in this section.

3. **Seizure of U.S. Property (Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, Sec. 527):** If assistance is to a government, has it (including any government agencies or instrumentalities) taken any action on or after January 1, 1956 which has the effect of nationalizing, expropriating, or otherwise seizing ownership or control of property of U.S. citizens or entities beneficially owned by them without (during the period specified in subsection (c) of this section) either returning the property, providing adequate and effective compensation for the property, offering a domestic procedure providing prompt, adequate, and effective compensation for the property, or submitting the dispute to international arbitration? If the actions of the government would otherwise prohibit assistance, has the President waived this prohibition and so notified Congress that it was in the national interest to do so?

No.

4. **Communist and Other Countries (FAA Secs. 620(a), 620(f), 620D; FY 1997**

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Appropriations Act Secs. 507, 523): Will assistance be provided: (a) to China, Cuba, North Korea, Tibet, Vietnam or another Communist country; (b) directly to Cuba, Iraq, Libya, North Korea, Iran, Sudan or Syria; or (c) indirectly to China, Cuba, Iran, Iraq, Libya, North Korea, or Syria? If so, has the President made the necessary determinations to allow assistance to be provided?

No. El Salvador is not a communist country.

5. Mob Action (FAA Sec. 620(j)): Has the country permitted, or failed to take adequate measures to prevent, damage or destruction by mob action of U.S. property? [Reference may be made to the "Taking into Consideration" memo.]

No.

6. OPIC Investment Guaranty (FAA Sec. 620(l)): Has the country failed to enter into an investment guaranty agreement with OPIC? [Reference may be made to the annual "Taking into Consideration" memo.]

No.

7. Seizure of U.S. Fishing Vessels (FAA Sec. 620(o); Fishermen's Protective Act of 1967 (as amended) Sec. 5): (a) Has the country seized, or imposed any penalty or sanction against, any U.S. fishing vessel because of fishing activities in international waters? (b) If so, has any deduction required by the Fishermen's Protective Act been made? [Reference may be made to the annual "Taking into Consideration" memo.]

No.

8. Loan Default (FAA Sec. 620(q); FY 1997 Appropriations Act Sec. 512 (Brooke Amendment)): (a) Has the government of the recipient country been in default for more than six months on interest or principal of any loan to the country under the FAA? (b) Has the country been in default for more than one year on interest or principal on any U.S. loan under a program for which the FY 1995 Appropriations Act appropriates funds?

No.

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9. **Military Equipment (FAA Sec. 620(s)):** If contemplated assistance is development loan or to come from Economic Support Fund, has the Administrator taken into account the percentage of the country's budget and amount of the country's foreign exchange or other resources spent on military equipment? [Reference may be made to the annual "Taking Into Consideration" memo.]

Yes. Taken into account by the Administrator at the time of approval of the FY 1997 OYB.

10. **Diplomatic Relations with U.S. (FAA Sec. 620(t)):** Has the country severed diplomatic relations with the United States? If so, have relations been resumed and have new bilateral assistance agreements been negotiated and entered into since such resumption?

No.

11. **U.N. Obligations (FAA Sec. 620(u)):** What is the payment status of the country's U.N. obligations? If the country is in arrears, were such arrearages taken into account by the A.I.D. Administrator in determining the current A.I.D. Operational Year Budget? [Reference may be made to the annual "Taking into Consideration" memo.]

El Salvador's U.N. arrearages, both in general and for purposes of Article 19 of the U.N. Charter, were taken into account by the Administrator at the time of approval of the FY 1997 OYB.

12. **International Terrorism**

a. **Sanctuary and Support (FY 1997 Appropriations Act Sec. 527A; FAA Sec. 620A):** Has the country been determined by the President to: (a) grant sanctuary from prosecution to any individual or group which has committed an act of international terrorism, or (b) otherwise support international terrorism, unless the President has waived this restriction on grounds of national security or for humanitarian reasons?

No.

b. **Compliance with UN Sanctions (FY 1997 Appropriations Act Sec. 534):** Is assistance being provided to a country not in compliance with UN sanctions against Iraq, Serbia, or Montenegro. If so, has the President

No.

Country Checklist

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made the necessary determinations to allow assistance to be provided?

c. **Governments That Aid Terrorist States.** (FAA Section 620G, added by section 325 of the Antiterrorism and Effective Death Penalty Act of 1996, P.L. 104-132, April 24, 1996): Is assistance being provided to a government which provides assistance to a country the government of which is a terrorist government under section 620A of the FAA? If so, has the President made the necessary determinations to allow assistance to be provided?

No.

13. **Export of Lethal Military Equipment** (FY 1997 Appropriations Act Sec. 552; FAA Sec. 620H, added by section 326 of the Antiterrorism and Effective Death Penalty Act of 1996, P.L. 104-132, April 24, 1996): Is assistance being made available to a government which provides lethal military equipment to a country the government of which is a terrorist government under sections 620A of the FAA, 6(j) of the Export Administration Act (50 U.S.C. App. 2405(j)) or 40(d) of the Arms Export Control Act? If so, has the President made the necessary determinations to allow assistance to be provided?

No.

14. **Discrimination** (FAA Sec. 666(b)): Does the country object, on the basis of race, religion, national origin or sex, to the presence of any officer or employee of the U.S. who is present in such country to carry out economic development programs under the FAA?

No.

15. **Nuclear Technology** (Arms Export Control Act Secs. 101, 102): Has the country, after August 3, 1977, delivered to any other country or received nuclear enrichment or reprocessing equipment, materials, or technology, without specified arrangements or safeguards, and without special certification by the President? Has it transferred a nuclear explosive device to a non-nuclear weapon

No.

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state, or if such a state, either received or detonated a nuclear explosive device? If the country is a non-nuclear weapon state, has it, on or after August 8, 1985, exported (or attempted to export) illegally from the United States any material, equipment, or technology which would contribute significantly to the ability of a country to manufacture a nuclear explosive device? [FAA Sec. 620E(d) permits a special waiver of Sec. 101 for Pakistan.]

16. Algiers Meeting (ISDCA of 1981, Sec. 720): Was the country represented at the Meeting of Ministers of Foreign Affairs and Heads of Delegations of the Non-Aligned Countries to the 36th General Assembly of the U.N. on Sept. 25 and 28, 1981, and did it fail to disassociate itself from the communique issued? If so, has the President taken it into account? [Reference may be made to the "Taking into Consideration" memo.]

No.

17. Military Coup (FY 1997 Appropriations Act Sec. 508): Has the duly elected Head of Government of the country been deposed by military coup or decree? If assistance has been terminated, has the President notified Congress that a democratically elected government has taken office prior to the resumption of assistance?

No.

18. Exploitation of Children (FAA Sec. 15(b)): Does the recipient government fail to take appropriate and adequate measures, within its means, to protect children from exploitation, abuse or forced conscription into military or paramilitary services?

No.

19. Parking Fines (FY 1997 Appropriations Act Sec. 552): Has the small assistance allocation of funds to a country taken into account the requirements of this section to reduce assistance by 110 percent of the amount

FY 1997 obligations will be reduced by 110% of the amount of any unpaid parking fines owed to the District of

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of unpaid parking fines owed to the District of Columbia as of the date of enactment of the FY 1997 Appropriations Act, September 30, 1996?

Columbia as determined by N/B.

20. Delivery of Humanitarian Assistance (FAA Sec. 6201, added by FY 1997 Appropriations Act Sec. 559 562): Has the government prohibited or otherwise restricted, directly or indirectly the transport or delivery of United States humanitarian assistance? If so, has the President made the necessary determination to allow assistance to be provided?

No.

21. Nuclear Power Plant in Cuba (Sec. 111 of the LIBERTAD Act, P.L. 104-114, March 12, 1996): Has the country or any entity in the country provided on after the dates of enactment of the FY 1996 Appropriations Act, January 27, 1996, or the LIBERTAD Act, March 12, 1996, assistance or credits in support of the Cuban nuclear facility at Juragua, Cuba. If so, has the overall assistance allocation of funds for that country taken into account the requirements of this section to withhold assistance equal to the sum of any such assistance or credits?

no.

22. Harboring War Criminals (FY 1997 Appropriations Act Sec. 568): Has the government knowingly granted sanctuary to persons in its territory for the purpose of evading prosecution, where such persons--

No.

a. have been indicted by the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, or any other international tribunal with similar standing under international law, or

No.

b. have been indicted for war crimes or crimes against humanity committed during the period beginning March 23, 1933, and ending on May 8,

LAC/CEN:KSmith/cklist.esn/11/12/96:7-9535

Clearances:

Clearance	Date
LAC/CEN:Dayal	12/4/96
LAC/SAM:TKellerman	12/4/96
LAC/SPM:JWeber	11/8/96
LAC/DPB:RJordan	12/12/96
LAC/GC:SAllen	12/6/96
ARA/CEN:JFeeley	12/5/96
State/IO/S/B:BLEIS	11/3/96
State/INL/P:RBryson	01/5/96
State/DRL/AAA:PLahey	01/5/96
State/M/OFN/VTC:JCintron	01/5/96

John F. ...
James Titus
John H...

Assistance Checklist

1.

II. ASSISTANCE CHECKLIST

Listed below are criteria applicable to the assistance resources themselves, rather than to the eligibility of a country to: (A) both DA and ESF assistance; (B) DA only; or (C) ESF only. .

YES

CROSS REFERENCE: IS COUNTRY CHECKLIST UP TO DATE?

A. DEVELOPMENT ASSISTANCE AND ECONOMIC SUPPORT FUND

1. Congressional Notification

a. General Requirement (FY 1997 Appropriations Act Sec. 515; FAA Sec. 634A): If the obligation has not previously justified to Congress, or is for an amount in excess of the amount previously justified to Congress, has a Congressional Notification been made?

N/A

b. Special Notification Requirement (FY 1997 Appropriations Act, "Burma" and "NIS" Title II headings and Sec. 520): For obligations for NIS countries, Burma, Colombia, Guatemala (except development assistance), Dominican Republic, Haiti, Liberia, has a Congressional Notification been submitted, regardless of any justification in the Congressional Presentation?

N/A

c. Notice of Account Transfer (FY 1997 Appropriations Act Sec. 509): If funds are being obligated under an appropriation account to which they were not appropriated, has the President consulted with and provided a written justification to the House and Senate Appropriations Committees?

N/A

d. Cash Transfers and Nonproject Sector Assistance (FY 1997 Appropriations Act Sec. 531(b)(3)): If funds are to be made available in the form of cash transfer or nonproject sector assistance, has the Congressional notice included a detailed description of how the funds will be used, with a discussion of U.S. interests to be served and a description of any economic policy reforms to be promoted?

N/A

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

3. Legislative Action (FAA Sec. 611(a)(2)): If the The Ministry of Foreign Affairs will support the ratification of the Activity by the Legis-

Assistance Checklist

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obligation is in excess of \$500,000 and requires legislative action within the recipient country, what is the basis for a reasonable expectation that such action will be completed in time to permit orderly accomplishment of the purpose of the assistance?

4. **Water Resources** (FAA Sec. 611(b)): If the assistance 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.)?

N/A

5. **Cash Transfer/Nonproject Sector Assistance Requirements** (FY 1997 Appropriations Act Sec. 531). If assistance is in the form of a cash transfer or nonproject sector assistance:

a. **Separate Account:** Are all such cash payments to be maintained by the country in a separate account and not commingled with any other funds (unless such requirements are waived by Congressional notice for nonproject sector assistance)?

N/A

b. **Local Currencies:** If assistance is furnished to a foreign government under arrangements which result in the generation of local currencies:

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

N/A

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

N/A

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

N/A

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agreed purposes?

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

N/A

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

N/A

7. **Local Currencies**

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

GOES and other counterpart contributions are monitored regularly and reported semiannually by the Results Package Team Leader.

b. **US-Owned Foreign Currencies**

(1) **Use of Currencies** (FAA Secs. 612(b), 636(h)): Are steps being taken to assure that, to the maximum extent possible, foreign currencies owned by the U.S. are utilized in lieu of dollars to meet the cost of contractual and other services.

Activity funds to be expended in local currency will be disbursed in local currency rather than in dollars.

(2) **Release of Currencies** (FAA Sec. 612(d)): Does the U.S. own non-PL 480 excess foreign currency of the country and, if so, has the agency endeavored to obtain agreement for its release in an amount equivalent to the dollar amount of the assistance?

NO

8. **Trade Restrictions - Surplus Commodities** (FY 1997 Appropriations Act Sec. 513(a)): If assistance is for the production of any commodity for export, is the commodity likely to be in surplus on world markets at the time the resulting productive capacity becomes operative, and is such assistance likely to cause substantial injury to U.S. producers of the same, similar or competing commodity?

N/A

9. **Environmental Considerations** (FAA Sec. 117; USAID Regulation 16, 22 CFR Part 216): Have the

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environmental procedures of USAID Regulation 16 been met? N/A

10. PVO Assistance

a. Auditing (FY 1997 Appropriations Act Sec. 550): If assistance is being made available to a PVO, has that organization provided upon timely request any document, file, or record necessary to the auditing requirements of USAID? N/A

b. Funding Sources (FY 1997 Appropriations Act, Title II, under heading "Private and Voluntary Organizations"): If assistance is to be made to a United States PVO (other than a cooperative development organization), does it obtain at least 20 percent of its total annual funding for international activities from sources other than the United States Government? If not, has the requirement been waived? N/A

11. Agreement Documentation (Case-Zablocki Act, 1 U.S.C. Sec. 112b, 22 C.F.R. Part 181): For any bilateral agreement over \$25 million, has the date of signing and the amount involved been cabled to State L/T immediately upon signing and has the full text of the agreement been pouched to State/L within 20 days of signing? N/A

12. Metric System (Omnibus Trade and Competitiveness Act of 1988 Sec. 5164, as interpreted by conference report, amending Metric Conversion Act of 1975 Sec. 2, and as implemented through A.I.D. policy): Does the assistance activity use the metric system of measurement in its procurements, grants, and other business-related activities, except to the extent that such use is impractical or is likely to cause significant inefficiencies or loss of markets to United States firms? Are bulk purchases usually to be made in metric, and are components, subassemblies, and semi-fabricated materials to be specified in metric units when economically available and technically adequate? Will A.I.D. specifications use metric units of measure from the earliest programmatic stages, and from the earliest documentation of the assistance processes (for example, project papers) involving quantifiable measurements (length, area, volume, capacity, mass and weight), through the implementation stage? Yes

13. Abortions (FAA Sec. 104(f); FY 1997 Appropriations

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Act, Title II, under heading " Development Assistance" and Sec. 518):

a. Are any of the funds to be used for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions? (Note that the term "motivate" does not include the provision, consistent with local law, of information or counseling about all pregnancy options.) No

b. 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

c. Are any of the funds to be made available to any organization or program which, as determined by the President, supports or participates in the management of a program of coercive abortion or involuntary sterilization? No

d. Will funds be made available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services? (As a legal matter, DA only.) No

e. In awarding grants for natural family planning, will any applicant be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning? (As a legal matter, DA only.) No

f. 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

g. Are any of the funds to be made available to any organization if the President certifies that the use of these funds by such organization would violate any of the above provisions related to abortions and involuntary sterilization? No

14. Procurement

a. Source, Origin and Nationality (FAA Sec. 604(a): Will all procurement be from the U.S., the recipient country, or developing countries except as Yes

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otherwise determined in accordance with the criteria of this section?

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

c. **Insurance** (FY 1997 Appropriations Act Sec. 528A): Will any A.I.D. contract and solicitation, and subcontract entered into under such contract, include a clause requiring that U.S. insurance companies have a fair opportunity to bid for insurance when such insurance is necessary or appropriate? N/A

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

e. **Construction or Engineering Services** (FAA Sec. 604(g)): Will construction or engineering services be procured from firms of advanced developing countries which are otherwise eligible under Code 941 and which have attained a competitive capability in international markets in one of these areas? (Exception for those countries which receive direct economic assistance under the FAA and permit United States firms to compete for construction or engineering services financed from assistance programs of these countries.) N/A

f. **Cargo Preference Shipping** (FAA Sec. 603)): Is the shipping excluded from compliance with the requirement in section 901(b) of the Merchant Marine Act of 1936, as amended, that at least 50 percent of the gross tonnage of commodities (computed separately for dry bulk carriers, dry cargo liners, and tankers) financed shall be transported on privately owned U.S. flag commercial vessels to the extent such vessels are available at fair and reasonable rates? No

g. **Technical Assistance** (FAA Sec. 621(a)): If technical assistance is financed, will such assistance be furnished by private enterprise on a contract basis to the fullest extent practicable? Will the facilities and resources of other Federal agencies be utilized, Yes

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when they are particularly suitable, not competitive with private enterprise, and made available without undue interference with domestic programs?

h. **U.S. Air Carriers** (Fly America Act, 49 U.S.C. Sec. 1517): If air transportation of persons or property is financed on grant basis, will U.S. carriers be used to the extent such service is available? Yes

i. **Consulting Services** (FY 1997 Appropriations Act Sec. 549): If assistance is for consulting service through procurement contract pursuant to 5 U.S.C. 3109, are contract expenditures a matter of public record and available for public inspection (unless otherwise provided by law or Executive order)? Yes

j. **Notice Requirement** (FY 1997 Appropriations Act Sec. 561): Will agreements or contracts contain notice consistent with FAA section 604(a) and with the sense of Congress that to the greatest extent practicable equipment and products purchased with appropriated funds should be American-made? Yes

15. **Construction**

a. **Capital Assistance** (FAA Sec. 601(d)): If capital (e.g., construction) assistance, will U.S. engineering and professional services be used? N/A

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

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

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

18. **Narcotics**

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

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

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

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

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

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

23. **Export of Nuclear Resources (FY 1995 Appropriations Act Sec. 506):** Will assistance preclude use of financing to finance, except for purposes of nuclear safety, the export of nuclear equipment, fuel, or technology? Yes

24. **Publicity, Propaganda and Lobbying (FY 1997 Appropriations Act Sec. 546; Anti-Lobbying Act, 18 U.S.C. § 1913; Sec. 109(1) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989, P.L. 100-204):** Will assistance be used to support or defeat legislation pending before Congress, to influence in any way the outcome of a political election in the No

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United States, or for any publicity or propaganda purposes not authorized by Congress?

25. **Commitment of Funds** (FAA Sec. 635(h)): Does a contract or agreement entail a commitment for the expenditure of funds during a period in excess of 5 years from the date of the contract or agreement? No

26. **Impact on U.S. Jobs** (FY 1997 Appropriations Act, Sec. 538):

a. Will any financial incentive be provided to a business located in the U.S. for the purpose of inducing that business to relocate outside the U.S. in a manner that would likely reduce the number of U.S. employees of that business? No

b. Will assistance be provided for the purpose of establishing or developing an export processing zone or designated area in which the country's tax, tariff, labor, environment, and safety laws do not apply? If so, has the President determined and certified that such assistance is not likely to cause a loss of jobs within the U.S.? No

c. Will assistance be provided for a project or activity that contributes to the violation of internationally recognized workers rights, as defined in section 502(a)(4) of the Trade Act of 1974, of workers in the recipient country, or will assistance be for the informal sector, micro or small-scale enterprise, or smallholder agriculture? No

B. DEVELOPMENT ASSISTANCE ONLY

1. **Agricultural Exports (Bumpers Amendment)** (FY 1997 Appropriations Act Sec. 513(b)), as interpreted by the conference report for the original enactment): 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 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 N/A

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commodity; or (b) in support of research that is intended primarily to benefit U.S. producers?

2. **Recipient Country Contribution** (FAA Secs. 110, 124(d)): Will the recipient country provide at least 25 percent of the costs of the activity with respect to which the assistance is to be furnished or is this cost-sharing requirement being waived for a "relatively least developed" country?

Yes

3. **Forest Degradation** (FAA Sec. 118):

a. Will assistance be used for the procurement or use of logging equipment? If so, does the an environmental assessment indicate 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?

No

b. Will assistance be used for: (1) actions which will significantly degrade national parks or similar protected areas which contain tropical forests, or introduce exotic plants or animals into such areas; (2) activities which would result in the conversion of forest lands to the rearing of livestock; (3) the construction, upgrading, or maintenance of roads (including temporary haul roads for logging or other extractive industries) which pass through relatively undergraded forest lands; (4) the colonization of forest lands; or (5) the construction of dams or other water control structures which flood relatively undergraded forest lands? If so, does the environmental assessment indicate 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

4. **Deobligation/Reobligation** (FY 1997 Appropriations Act Sec. 510): If deob/reob authority is sought to be exercised under section 510 in the provision of DA assistance, are the funds being obligated for the same general purpose and for countries within the same region as originally obligated, and have the House and Senate Appropriations Committees been properly notified? [Note: Compare to no-year authority under section 511.]

N/A

5. **Capital Assistance** (Jobs Through Export Act of

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1992, Secs. 303 and 306(d)): If assistance is being provided for a capital activity, is the activity developmentally sound and will it measurably alleviate the worst manifestations of poverty or directly promote environmental safety and sustainability at the community level? N/A

6. Loans

a. **Repayment Capacity** (FAA Sec. 122(b)): Information and conclusion on capacity of the country to repay the loan at a reasonable rate of interest. N/A

b. **Long-Range Plans** (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? N/A

c. **Interest Rate** (FAA Sec. 122(b)): If development loan is repayable in dollars, is interest rate at least 2 percent per annum during a grace period which is not to exceed ten years, and at least 3 percent per annum thereafter? N/A

d. **Exports to United States** (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 percent 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? N/A

7. **Planning and Design Considerations.** Has agency guidance or the planning and design documentation for the specific activity taken into account the following, as applicable?

a. **Economic Development.** FAA Sec. 101(a) requires that the activity give reasonable promise of contributing to the development of economic resources or to the increase of productive capacities and self-sustaining economic growth. N/A

b. **Special Development Emphases.** FAA Secs. 102(b), 113, 281(a) require that assistance: (1) effectively involve the poor in development by extending access to economy at local level, increasing labor-intensive production and the use of appropriate Yes

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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; (2) encourage democratic private and local governmental institutions; (3) support the self-help efforts of developing countries; (4) promote the participation of women in the national economies of developing countries and the improvement of women's status; and (5) utilize and encourage regional cooperation by developing countries.

Yes

c. **Development Objectives.** FAA Secs. 102(a), 111, 113, 281(a) require that assistance: (1) effectively involve the poor in development, by expanding access to economy at local level, increasing labor-intensive production and the use of appropriate technology, spreading investment out from cities to small towns and rural areas, and insuring wide participation of the poor in the benefits of development on a sustained basis, using the appropriate U.S. institutions; (2) 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; (3) support the self-help efforts of developing countries; (4) promote the participation of women in the national economies of developing countries and the improvement of women's status; and (5) utilize and encourage regional cooperation by developing countries?

The activity will involve the participation of citizens in the decision-making process at the regional level.

d. **Agriculture, Rural Development and Nutrition, and Agricultural Research.** FAA Secs. 103 and 103A require that: (1) **Rural poor and small farmers:** assistance for agriculture, rural development or nutrition be specifically designed to increase productivity and income of rural poor; and assistance for agricultural research take into account the needs of small farmers and make extensive use of field testing to adapt basic research to local conditions; (2) **Nutrition:** assistance be used in coordination with efforts carried out under FAA Section 104 (Population and Health) to help improve nutrition of the people of developing countries through encouragement of increased production of crops with greater nutritional value; improvement of planning, research, and education with respect to nutrition, particularly with reference to improvement and expanded use of indigenously produced foodstuffs; and the undertaking of pilot or

N/A

N/A

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demonstration programs explicitly addressing the problem of malnutrition of poor and vulnerable people;

(3) **Food security:** assistance increase national food security by improving food policies and management and by strengthening national food reserves, with particular concern for the needs of the poor, through measures encouraging domestic production, building national food reserves, expanding available storage facilities, reducing post harvest food losses, and improving food distribution.

N/A

e. **Population and Health.** FAA Secs. 104(b) and (c) require that assistance for population or health activities emphasize low-cost, integrated delivery systems for health, nutrition and family planning for the poorest people, with particular attention to the needs of mothers and young children, using paramedical and auxiliary medical personnel, clinics and health posts, commercial distribution systems, and other modes of community outreach.

N/A

f. **Education and Human Resources Development.** FAA Sec. 105 requires that assistance for education, public administration, or human resource development (1) strengthen nonformal education, make formal education more relevant, especially for rural families and urban poor, and strengthen management capability of institutions enabling the poor to participate in development; and (2) provide advanced education and training of people of developing countries in such disciplines as are required for planning and implementation of public and private development activities.

Activity assistance will strengthen and promote civic education through nonformal education approaches.

g. **Energy, Private Voluntary Organizations, and Selected Development Activities.** FAA Sec. 106 requires that assistance for energy, private voluntary organizations, and selected development problems may be used for (1) data collection and analysis, the training of skilled personnel, research on and development of suitable energy sources, and pilot projects to test new methods of energy production; and facilitative of research on and development and use of small-scale, decentralized, renewable energy sources for rural areas, emphasizing development of energy resources which are environmentally acceptable and require minimum capital investment; (2) technical cooperation and development, especially with U.S. private and voluntary, or regional and international development organizations; (3) research into, and evaluation of,

N/A

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economic development processes and techniques; (4) reconstruction after natural or manmade disaster and programs of disaster preparedness; (5) special development problems, and to enable proper utilization of infrastructure and related projects funded with earlier U.S. assistance; (6) urban development, especially small, labor-intensive enterprises, marketing systems for small producers, and financial or other institutions to help urban poor participate in economic and social development.

h. **Appropriate Technology.** FAA Sec. 107 requires that assistance emphasize use of appropriate technology (defined as 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

i. **Tropical Forests.** FAA Sec. 118 and FY 1991 Appropriations Act Sec. 533(c) as referenced in section 532(d) of the FY 1993 Appropriations Act) require that:

(1) **Conservation:** assistance place a high priority on conservation and sustainable management of tropical forests and specifically: (i) stress the importance of conserving and sustainably managing forest resources; (ii) 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; (iii) support training programs, educational efforts, and the establishment or strengthening of institutions to improve forest management; (iv) help end destructive slash-and-burn agriculture by supporting stable and productive farming practices; (v) help conserve forests which have not yet been degraded by helping to increase production on lands already cleared or degraded; (vi) conserve forested watersheds and rehabilitate those which have been deforested; (vii) support training, research, and other actions which lead to sustainable and more environmentally sound practices for timber harvesting, removal, and processing; (viii) support research to expand knowledge of tropical forests and identify alternatives which will prevent forest destruction, loss, or degradation; (ix) 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

No

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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; (x) seek to increase the awareness of U.S. Government agencies and other donors of the immediate and long-term value of tropical forests; (xi) utilize the resources and abilities of all relevant U.S. government agencies; (xii) be based upon careful analysis of the alternatives available to achieve the best sustainable use of the land; and (xiii) take full account of the environmental impacts of the proposed activities on biological diversity.

(2) **Sustainable Forestry:** assistance relating to tropical forests assist countries in developing a systematic analysis of the appropriate use of their total tropical forest resources, with the goal of developing a national program for sustainable forestry.

No

j. **Biological Diversity.** FAA Sec. 119(g) requires that assistance: (i) support training and education efforts which improve the capacity of recipient countries to prevent loss of biological diversity; (ii) be provided under a long-term agreement in which the recipient country agrees to protect ecosystems or other wildlife habitats; (iii) support efforts to identify and survey ecosystems in recipient countries worthy of protection; or (iv) by any direct or indirect means significantly degrade national parks or similar protected areas or introduce exotic plants or animals into such areas.

No

k. **Benefit to Poor Majority.** FAA Sec. 128(b) requires that 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, it be designed and monitored to ensure that the ultimate beneficiaries are the poor majority.

The Activity includes institutional strengthening of local NGOs.

l. **Indigenous Needs and Resources.** FAA Sec. 281(b) requires that an activity recognize the particular needs, desires, and capacities of the people of the country; utilize the country's intellectual resources to encourage institutional development; and support civic education and training in skills required for effective participation in governmental and

The Activity will implement a civic education participation program and educate citizens of rights and responsibilities in government decision-making.

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political processes essential to self-government.

m. **Energy.** FY 1991 Appropriations Act Sec. 533(c) as referenced in section 532(d) of the FY 1993 Appropriations Act) requires that assistance relating to energy focus on: (1) end-use energy efficiency, least-cost energy planning, and renewable energy resources, and (2) the key countries where assistance would have the greatest impact on reducing emissions from greenhouse gases.

N/A

n. **Debt-for-Nature Exchange.** FAA Sec. 463 requires that assistance which will finance a debt-for-nature exchange (1) support protection of the world's oceans and atmosphere, animal and plant species, or parks and reserves; or (2) promote natural resource management, local conservation programs, conservation training programs, public commitment to conservation, land and ecosystem management, or regenerative approaches in farming, forestry, fishing, and watershed management.

N/A

C. ECONOMIC SUPPORT FUND ONLY

Activity will be funded with ESF funds

1. **Economic and Political Stability (FAA Sec. 531(a)):** Does the design and planning documentation demonstrate that the assistance will promote economic and political stability? To the maximum extent feasible, is this assistance consistent with the policy directions, purposes, and programs of Part I of the FAA?

N/A

2. **Military Purposes (FAA Sec. 531(e)):** Will this assistance be used for military or paramilitary purposes?

N/A

3. **Commodity Grants/Separate Accounts (FAA Sec. 609):** If commodities are to be granted so that sale proceeds will accrue to the recipient country, have Special Account (counterpart) arrangements been made? (For FY 1997, this provision is superseded by the separate account requirements of FY 1997 Appropriations Act Sec. 532(a), see Sec. 532(a)(5).)

N/A

4. **Generation and Use of Local Currencies (FAA Sec. 531(d)):** Will ESF funds made available for commodity import programs or other program assistance be used to generate local currencies? If so, will at least 50 percent of such local currencies be available to support activities consistent with the objectives of FAA sections 103 through 106? (For FY 1997, this

N/A

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17.

provision is superseded by the separate account requirements of FY 1997 Appropriations Act Sec. 532(a), see Sec. 532(a)(5).)

5. **Capital Activities** (Sec. 306, Jobs Through Exports Act of 1992, P.L. 102-549, 22 U.S.C. 2241a): If assistance is being provided for a capital project, will the project be developmentally-sound and sustainable, i.e., one that is (a) environmentally sustainable, (b) within the financial capacity of the government or recipient to maintain from its own resources, and (c) responsive to a significant development priority initiated by the country to which assistance is being provided.

N/A

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ANNEX C

CONGRESSIONAL NOTIFICATIONS

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JUL 30 1997

**UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT
ADVICE OF PROGRAM CHANGE**

Country : El Salvador

Project Title : Democratic Consolidation and Governance

Project Number : 519-0436

FY 1997 CP Reference : Statistical Annex, p. 173

Appropriation Category : Development Assistance (DA)
Economic Support Fund (ESF)

Life-of-Project Funding : \$ 9,000,000 (DA)
\$ 3,000,000 (ESF)
\$12,000,000 TOTAL

Intended FY 1997 Obligation : \$ 2,055,000 (DA)

This is to advise that USAID intends to obligate \$2,055,000 of Development Assistance Funds in FY 1997 for the Democratic Consolidation and Governance Activity in El Salvador. A Congressional Notification is required because this is a new activity. The activity will be managed by USAID/El Salvador, in the Bureau for Latin America and the Caribbean.

The purpose of this activity is to improve access to and responsiveness of the Salvadoran legal system, local government, and public institutions to concerns of the Salvadoran poor and other marginalized groups. Efforts will focus on enhancing citizen involvement in the definition and implementation of reforms and technical assistance to improve the response capabilities of targeted institutions/services.

Annex: Activity Data Sheet

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT **BEST AVAILABLE COPY**
ACTIVITY DATA SHEET

PROGRAM: El Salvador

CP 81-05 (4-85)

TITLE Democratic Consolidation and Governance		FUNDING SOURCE Development Assistance Economic Support Fund	PROPOSED OBLIGATION (In thousands of dollars)		
			FY 1997 2,055 DA	LIFE OF PROJECT (Authorization) 12,000	
NUMBER 519-0434 GRANT <input checked="" type="checkbox"/>	LOAN <input type="checkbox"/>	NEW <input checked="" type="checkbox"/> CONTINUING <input type="checkbox"/>	PRIOR REFERENCE CP Statistical Annex, FY 1997, p. 173	INITIAL OBLIGATION FY 1997	ESTIMATED FINAL OBLIGATION FY 2002
				ESTIMATED COMPLETION DATE OF PROJECT FY 2002	

Purpose: To improve access to and responsiveness of the Salvadoran legal system, local government, and public institutions to concerns of the Salvadoran poor and other marginalized groups. Efforts will focus on enhancing citizen involvement in the definition and implementation of democratic reforms and technical assistance to improve the response capabilities of targeted institutions/services.

Background: El Salvador is in the very early stages of democratic transition and consolidation to a mature, sustainable democracy. Even though considerable gains in the area of legislative reform have taken place, the passage of legislation is only the first step in the complex process of implementing policy and legal reforms needed to enhance democracy and achieve objectives called for in the Peace Accords. Implementation of the policy and legal reforms promulgated remains a challenge. This activity builds on the achievements and experience of USAID in El Salvador in the democracy area, including judicial reform and strengthening of local governance.

Description: This new activity will facilitate democratic consolidation and improve the quality of governance through support to enhance citizen participation in implementation and/or formulation of democratic reform proposals to achieve greater legal protection/security and more responsive local governance. Activities will be organized in three areas: a) legal protection, where efforts will focus on street law type educational programs, professional strengthening and specialized technical assistance to facilitate implementation of criminal and other justice reforms; b) local government, where efforts will be directed toward enhancing citizen involvement in municipal affairs and improved municipal administration; and c) greater citizen participation and transparency in governance, where efforts will focus on policy advocacy training for NGOs, greater openness in the legislative process, and support for activities to improve transparency in public decision-making process. A small portion of the funds will also be used for activity administration and public opinion polling and surveys to assess advances and obstacles to democratic consolidation.

Beneficiaries: This activity will directly benefit citizens and community groups at the local level (demand side) as well as public officials-municipal and departmental (supply side). Direct beneficiaries are municipal officials and citizens of the selected municipalities. Indirect beneficiaries are the population of all the municipalities in El Salvador by a more participatory, efficient, and responsive local government and a more active civil society. Emphasis will be given to women, rural residents, and youth.

Host Country and Other Donors: This activity supports the Government of El Salvador (GOES) Modernization of the State Plan, specifically in areas related to citizen participation and a more mature political society; strengthening the rule of law and security; and economic growth through the promotion of local development. Other donors, such as the European Union, Sweden, Germany (GIZ), Spain, UNICEF, and Japan, are supporting activities through the GOES and NGOs to assist in the rule of law area, public security, citizen participation at the local level, and strengthening of local governments. The GOES has also signed a loan with the Inter-American Development Bank (IDB) for support to modernize the judicial sector.

Results:

- Rural population in at least 15 municipalities with increased knowledge of the laws and methods for accessing the formal justice system.
- Establishment of pilot programs using conciliation and/or other alternative dispute resolution mechanisms for resolving community conflicts.
- Increased timeliness in the administration of justice in at least 3 criminal court jurisdictions.
- Increased incidence of civil society organizations in legislation and policy formulation.
- Increased citizen knowledge and participation in decisions on how municipal and national level resources are used.
- Increased investment in municipal infrastructure.

	U.S. DOLLARS (In thousands of dollars)			PRINCIPAL CONTRACTORS OR AGENCIES
	Obligations	Expenditures	Colliquidated	
Through September 30, 1995	0	0	0	<ul style="list-style-type: none"> • Justice Sector Coordinating Commission, including the Human Rights Commission and the Technical Executive Unit. • Corporation of Municipalities of the Republic of El Salvador (COMUREP) • Legislative Assembly • Various local PVOs/NGOs • Local Universities • U.S. contractors to be selected.
Estimated Fiscal Year 1996	0	0		
Estimated Through Sept. 30, 1996	0	0	0	
		Future Year Obligations	Estimated Total Cost	
Proposed Fiscal Year 1997	2,055	2,055	12,000	

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ANNEX D

INITIAL ENVIRONMENTAL EXAMINATION



Agency for International Development
 United States of America A.I.D.
 c/o American Embassy
 San Salvador, El Salvador, C.A.

So4 - Environment Office

INITIAL ENVIRONMENTAL EXAMINATION

Activity Location:	El Salvador
Strategic Objective Title:	SO#2 More Accountable Government Institutions*
Results Package Title:	RP#2 Rule of Law**
Results Package IEE Prepared BY:	Peter H. Gore Environmental Officer USAID/El Salvador
Recommended Threshold Decision:	Categorical Exclusion
Mission Threshold Decision:	Concur with Recommendation
Date Prepared:	December 18, 1996
Attachments:	Current Activities Proposed Activities

Carl H. Leonard
Mission Director

12/27/96

Date

*The title of the SO#2 was changed and approved on April, 1997, during the R4 presentation in Washington, D.C., to "MORE INCLUSIVE AND EFFECTIVE DEMOCRATIC PROCESSES".

**As of September 1, 1997, the name of this Results Package was changed to "MORE EFFECTIVE LEGAL/JUDICIAL PROTECTION FOR ALL CITIZENS".

Categorical Exclusion of Initial Environmental Examination

Strategic Objective Title: SO#2 More Accountable
Government Institutions *

Results Package Title: RP#2 Rule of Law**

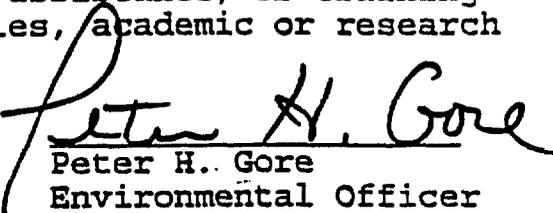
I. Results Package Description

The Package presently consists of the Judicial Reform II Activity whose purpose is to accelerate and deepen the judicial reform process so that citizens' due process and equality before the law are guaranteed. Future activities are contemplated as a follow-on to Judicial Reform II to consolidate reforms achieved under the original activity. No new kinds or types of activities beyond these are anticipated.

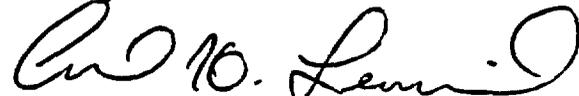
II. Recommendation

Based on the information attached which documents the current activities being implemented under this Results Package, and the description of proposed future activities, we recommend that this Results Package be given a Categorical Exclusion from an Initial Environmental Examination.

Since the actions currently being implemented under approved IEE Number LAC-IEE-92-30 (Categorical Exclusion) do not have an effect on the natural or physical environment, and the contemplated activities for the future will not have an effect on the natural or physical environment, this Results Package qualifies for a Categorical Exclusion under Section 216.2(c)(2)(i), "Education, technical assistance, or training programs," and (iii), "Analyses, studies, academic or research workshops and meeting," of 22CFR.


Peter H. Gore
Environmental Officer
USAID/El Salvador

Concurrence:


Carl H. Leonard
Mission Director
USAID/El Salvador

*The title of the SO#2 was changed and approved on April, 1997, during the R4 presentation in Washington, D.C., to "MORE INCLUSIVE AND EFFECTIVE DEMOCRATIC PROCESSES".

**As of September 1, 1997, the name of this Results Package was changed to "MORE EFFECTIVE LEGAL/JUDICIAL PROTECTION FOR ALL CITIZENS".

ANNEX E

FEASIBILITY ANALYSES

Annex E: Feasibility Analyses

Principal USAID Documents and Sector Assessments/Evaluations:

Development Associates, Rule of Law Design Final Report, May 1997

Development Associates, Democracy Sector Assessment, May 1997

Management Systems International, Judicial Reform II Evaluation,
January 28, 1997.

USAID, Judicial Reform II, Project Paper, Project No. 519-0376,
1992: Annex V - Institutional Analysis, Annex XI -
Economic Analysis

USAID, Judicial Reform I, Project Paper Amendment No. 1, Project
No. 519-0296, 1989: Annex 5 - Technical Analysis: J.
Cassaus and R. Leeth Report on Court Administration, Annex 6
- Technical Analysis: T. Nafisi Study on Judicial Education

Florida International University and ILANUD, Court Assessment,
1987 (? is this the same as Annex 5 above, which is dated
11/23/88)?

USAID, Judicial Reform I, Project Paper, Project No. 519-0296,
1984: Annex 5 - Technical Report - Analytical Review Paper
for the Judicial Reform Project, Annex 5 - Issues Analysis
on the Special Investigative Unit

Assessments By Subject Area:

Public Awareness:

Borge, Victor. La comunicación en Apoyo de la Reforma Judicial
en El Salvador. USAID/El Salvador. (April 1991)

Borge, Victor and Maria Rosales. Campaña de Concientización
Pública. USAID/El Salvador. (April 1992)

Stewart, Stephen. Moral and Civic Values in El Salvador Today.
(draft). USAID/El Salvador. (December 1991)

_____. Encuestas Nacional y de Elites sobre la Situación de
Administración de Justicia en la República de El Salvador.
USAID/El Salvador. (January 1991)

_____. Estado de Situación de la Justicia en América Central.
San José, Costa Rica: ILANUD. (August 1991)

_____. Democratic Issues Performance Monitoring Study. USAID/
Washington, D.C. (January 1991)

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The Reform Agenda:

Cassaus, Jesse, et al. Analysis and Recommendations for Judicial Reform II in El Salvador. USAID/El Salvador. (August 1992)

O'Hara, Frank, et al. The Democratic Study. USAID/El Salvador. (October-November 1991)

Sancinetti, Marcelo. Análisis de la Situación de la Justicia Penal en El Salvador. USAID/El Salvador. (April 1991)

Sancinetti, Marcelo, et al. Programa para una estrategia de reforma Judicial de USAID. USAID/El Salvador. (?March 1991)

Sarmiento, Marco. Reforma a la Administración de Justicia. USAID/El Salvador. (June 1991)

Schifffrin, Leopoldo. Análisis de Identificación de Areas de Reforma Legal y Constitucional. USAID/El Salvador. (June 1991)

Williams, Jaime, et al. Estrategia para un Proyecto de Reforma Judicial. Período Posterior a 1992. USAID/El Salvador. (July 1991)

_____. Reformas Inmediatas al Código Procesal Penal (2 vols). San Salvador: CORLESAL, 1987.

_____. AID's Experience with Democratic Initiatives: A Review of Regional Programs in Legal Institution Building. Program Evaluation Discussion Paper No. 29. USAID/Washington. (February 1991)

_____. Assessing the AOJ Program. (draft document) USAID/Washington. (December 1991)

Institutional Strengthening and Coordination

Cassaus, Jesse and John A. Leeth. Plan de implementación para un sistema de manejo de flujo de casos y un sistema de reporte de estadísticos. USAID/El Salvador. (November 1988)

Cosacov, Gustavo, et al. Pilot Program for Case Management and Tracking (draft). USAID/El Salvador. (September 1992)

Florida International University. Diagnóstico sobre el Organó Judicial en El Salvador. USAID/El Salvador. (1987)

Gregory, Peter. Project for Increasing the Efficiency of the Public Sector. USAID/El Salvador. (July 1991)

National Center for State Courts. Trial Court Performance Standards. Washington, D.C.: Department of Justice, 1990.

_____. An Assessment of the El Salvador Attorney General's

Office. USAID/El Salvador. (May 1992)

_____. Administration of Justice Program Stocktaking of 1986-1991. USAID/Guatemala. (October 1991)

_____. Regional Administration of Justice Support Project Paper, 598-0669. USAID/Washington. (January 1991)

Human Resource Development

Cassaus, Jesse, et al. Analysis and Recommendations for Judicial Reform II in El Salvador. USAID/El Salvador. (August 1992)

Nafisi, Terry. Recommendations for Development and Administration of a Judicial Continuing Education Program in El Salvador. USAID/El Salvador. (October 1988)

_____. Manual para Juzgados de Paz de la República de Honduras. Tegucigalpa: Supreme Court of Justice, undated.

_____. Proyectos de Capacitación Permanente y Escuelas Judiciales. San José, Costa Rica: ILANUD, undated.

Assessment Visits:

In April 1983, USAID and U.S. Department of State sent of team to El Salvador to assess problems in the administration of justice. The team called attention to the need for:

- better education and continued training for judges and prosecutors;
- increases in salaries needed to attract and keep highly qualified personnel in the judicial system;
- technical support for the Fiscalía and the courts;
- support for GOES' efforts to review and reform Salvadoran penal codes;
- support to improve the administration of the criminal justice system;
- support for Salvadoran legal journals and publications;
- greater private sector involvement, particularly support for independent legal associations in El Salvador; and,
- the establishment of an Inter-Agency Working Group to recommend long term projects to improve the administration of justice in El Salvador.

A series of more targeted assessment were subsequently carried out, providing more evidence of the need for a judicial reform effort, as follows:

- a team of U.S. Marshalls visited El Salvador in July 1993, to advise the government on witness and judicial protection techniques;
- an FBI team visited El Salvador in early 1984, to report on

the manpower training needs and capabilities of three law enforcement agencies of the government - the Treasury Police, the National Guard and the National Police; and

- a former U.S. District Judge visited El Salvador in 1983 at the request of the Secretary of State to conduct an independent review of the evidence in the churchwomen's case, and give specific recommendations on how the case could be successfully concluded.

ANNEX F

PERFORMANCE MONITORING PLAN
TABLES

PERFORMANCE DATA TABLES

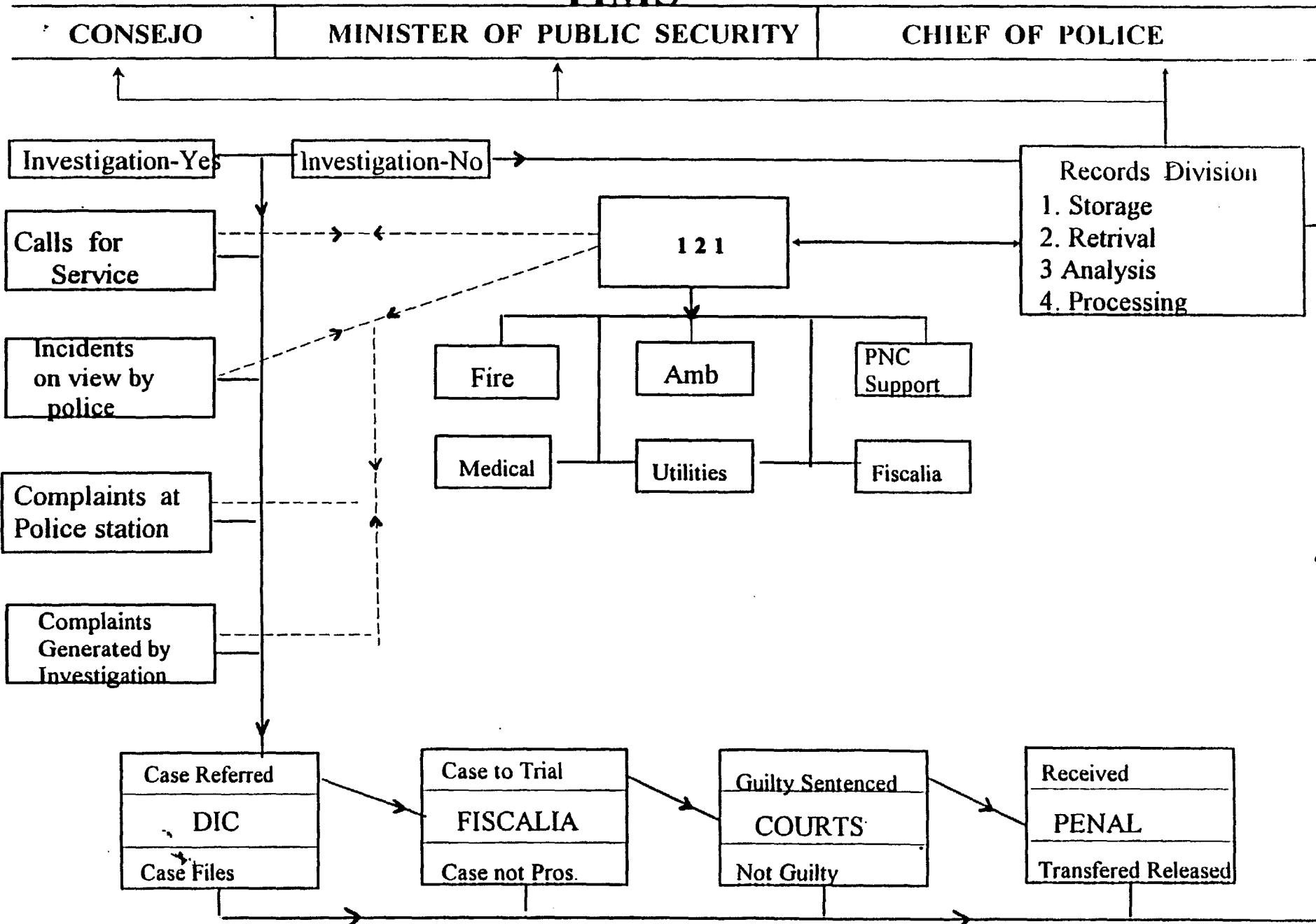
STRATEGIC OBJECTIVE 2: MORE INCLUSIVE & EFFECTIVE DEMOCRATIC PROCESSES			
APPROVED: 11/19 /96 COUNTRY/ORGANIZATION: USAID/EI Salvador			
INDICATOR No. 1: Status of reforms to: a) electoral; b) legal/judicial; and c) local development and participation processes.			
UNIT OF MEASURE: Significant, Moderate, Little, or No progress. (cumulative measure) SOURCE: Qualitative assessment to be carried out annually with members from the SO Extended Team. INDICATOR DESCRIPTION: In each of the three areas, a listing of the key reform goals, drawn primarily from the Peace Accords, has been developed, as well as an expected timetable for compliance/execution of key stages. The evaluation will look at these stages/factors, which include: legitimization of the reform, strength of domestic reform constituency, financial commitment, and pace/extent of implementation coverage. COMMENTS: By the year 2002, continued, sustainable progress is expected in all areas. The Democracy Sector Assessment has been used to establish the baseline data.	YEAR	PLANNED a) b) c)	ACTUAL a) b) c)
	1996 (B)		N M L
	1997	L M L	
	1998	M M M	
	1999	M M M	
	2000	M S M	
	2001	M S S	
	2002 (T)	S S S	

STRATEGIC OBJECTIVE 2: MORE INCLUSIVE & EFFECTIVE DEMOCRATIC PROCESSES			
APPROVED: 11 /19/96 COUNTRY/ORGANIZATION: USAID/EI Salvador			
RESULT No. 2.4: More effective legal/judicial protection for all citizens			
INDICATOR: a) general perception of fairness of justice system and b) access to legal information/services related to the criminal jurisdiction in a timely fashion			
UNIT OF MEASURE: Total, Significant, Moderate, Little, None SOURCE: CID/Gallup, IUDOP, and national stratified random sample surveys carried out every 2 years INDICATOR DESCRIPTION: The focus of b) on criminal justice is based on the human rights impact of the lack of access to information/services by the accused and victims, and USAID's substantial investment in this area. The level of citizen confidence in the justice sector will influence usage by citizens. Effective legal protection begins with citizen knowledge and/or access to legal information on a timely basis. COMMENTS: Baseline data for a) is based on responses to a 1995 survey question asking respondents "To what extent do they believe that the courts guaranteed a just trial?" The courts scored 3.2 on a 7-point scale and were ranked lowest among 6 institutions. Baseline data for b) is based on results of the January 1997 CID-Gallup Omnibus Poll and quantitative data from judicial actors (e.g., access to public defense).	YEAR	PLANNED a) b)	ACTUAL a) b)
	1996 (B)		L L
	1998	L L	
	2000	M M	
	2002 (T)	M M	

ANNEX G

ICITAP'S "TOTAL INFORMATION MANAGEMENT SYSTEM" (TIMS) PROGRAM

TIMS



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ANNEX H

UNDP SUMMARY OF OTHER DONOR
FUNDING

PROYECTO/OBJETIVO	SITUACION DEL PROYECTO	DURACION	RECURSOS EXTERNOS REQUERIDOS US\$
<p>ELS/95/017. Asistencia Técnica y fortalecimiento a microempresas de ex-combatientes FMLN y desmovilizados de las FAES.</p> <p>Fortalecer las microempresas instaladas mediante un programa de asistencia técnica, capacitación adicional (o complementaria) y desarrollo de mecanismos de refinanciamiento de deudas; considerando además alternativas de reconversión y/o fusión. La formulación del proyecto constituye uno de los propósitos de la asistencia preparatoria en actual ejecución.</p>	<p>Asistencia preparatoria (AP) concluida. Se dispone de una propuesta de asistencia técnica. Se investigó la situación de los 3.081 beneficiarios que recibieron crédito y la situación de los 1.136 microempresas efectivamente constituidas. La propuesta fue distribuida al GOES y representantes de los beneficiarios, quienes aún no efectuaron comentarios o definieron solicitar la cooperación de Naciones Unidas en el proceso de movilización de recursos.</p>	<p>3 meses AP Inicio Feb 96</p> <p>2 años asistencia técnica Inicio 1997</p>	<p>23,000 AP Otorgados por Noruega</p> <p>1,681,000 Costo proyecto Asistencia Técnica</p>
<p>ELS/95/012. Vivienda progresiva para beneficiarios del Programa de Transferencia de Tierras (PTT).</p> <p>Proveer 2,000 viviendas de construcción progresiva para beneficiarios del PTT, contribuyendo al proceso de reinserción productiva y la recomposición del tejido comunitario y familiar.</p>	<p>Este proyecto es la continuación de una iniciativa similar ejecutada con éxito, la cual permitió el asentamiento de un significativo número de beneficiarios del PTT y sus familias. Los gobiernos de Noruega y Suecia financian esta iniciativa. Fue concluida la selección de beneficiarios para la primera etapa. Se consultan a otros donantes para ampliar el proyecto.</p>	<p>2 años. Inicio: administrativo junio 96 y operativo sept. 96.</p>	<p>3.788,186 Comprometidos por Suecia y Noruega</p>
<p>ELS/95/016. Proyecto de Vivienda para Ex-combatientes Discapacitados del FMLN.</p> <p>El objetivo del proyecto es construir 21 viviendas unifamiliares dirigido a 21 ex-combatientes, lisiados a consecuencia del conflicto bélico, que se califican en la categoría de grandes discapacitados (ciegos).</p>	<p>Formulación del documento de proyecto concluida. Propuesta entregada al Gobierno para observaciones y comentarios. Concluido el proceso de compatibilización se enviará la propuesta a potenciales donantes.</p>	<p>2 meses Inicio 1997</p>	<p>275,032</p>
B. ATENCION A LISIADOS Y DISCAPACITADOS			
<p>ELS/95/011. Fondo de Protección de Lisiados y Discapacitados a consecuencia del conflicto armado (FPLD).</p> <p>Brindar asistencia técnica para el fortalecimiento del FPLD en las áreas de Gestión, Administración y Financiamiento. Capacitar al personal del Fondo en la preparación de programas de rehabilitación y proyectos que faciliten la incorporación laboral; desarrollar una capacidad de movilización de recursos en el Fondo así como una adecuada capacidad de gestión.</p>	<p>Mediante un proyecto de asistencia preparatoria (AP) se elaboró un diagnóstico y con base en el mismo se identificaron prioridades de asistencia técnica requeridas por esa Institución.</p> <p>El proyecto de asistencia técnica se inició en septiembre de 1996. En la primera etapa de esta iniciativa se dio énfasis a las actividades relacionadas con el fortalecimiento técnico del Fondo y las bases para promover la incorporación laboral de lisiados e impedidos físicos.</p>	<p>10 meses, AP Inicio abril 1995</p> <p>2 años. Inicio, Sept. 1996</p>	<p>40,000 AP (30,000 Noruega 10,000 PNUD)</p> <p>809,600 Compromiso de Suecia</p>
C. ADMINISTRACION DE JUSTICIA			
<p>ELS/95/L06. Capacitación de Fiscales en Técnicas de Investigación del Delito y Defensores Públicos y Jueces de Paz en Derechos Humanos.</p> <p>Capacitar Fiscales en investigación de delitos de crimen organizado y político, y defensores públicos y jueces de paz en derechos humanos</p>	<p>Actualmente en completa ejecución en todo el territorio nacional. El primer grupo de fiscales y defensores públicos terminó su capacitación el presente mes. La primera evaluación de rendimiento del proyecto se concluye recientemente y se prevé una reunión de análisis para el primer bimestre de 1997.</p>	<p>2 años. Inicio enero 1996</p>	<p>721,224</p> <p>Suecia comprometió 535,000.</p>

PROYECTO/OBJETIVO	SITUACION DEL PROYECTO	DURACION	RECURSOS EXTERNOS REQUERIDOS US\$
<p>ELS/95/L07. Diagnóstico Global de la Escuela de Capacitación Judicial (ECJ) y Diseño Curricular.</p> <p>Elaboración diagnóstico y diseño curricular de la Escuela de Capacitación Judicial.</p>	<p>Propuesta inicial concluida, la cual fue aprobada por el Consejo Nacional de la Judicatura y su Escuela. Las recomendaciones preliminares han sido objeto de discusión con funcionarios nacionales y con los de una Escuela de Capacitación Judicial de Brasil. El organismo de ejecución nacional pondrá en práctica la propuesta de la nueva curricula para la que será necesario obtener recursos complementarios al esfuerzo nacional. Se prevén tres encuentros de diálogo a diferentes niveles y distintos pro</p>	<p>1-4 meses.</p> <p>Inicio, enero 1996</p>	<p>109,000</p> <p>Financiamiento otorgado por Suecia</p>
<p>ELS/95/L08. Apoyo a la Puesta en Marcha de la Escuela Penitenciaria.</p> <p>Diseño del Pensum de estudios y operación de la Escuela Penitenciaria.</p>	<p>La Asistencia Preparatoria finalizó con resultados positivos aprobados por el Ministerio de Justicia. El país donante ha comprometido el financiamiento de US\$129,000 para la segunda etapa, consistente en poner en marcha la Escuela.</p>	<p>2 meses AP feb. 96</p> <p>4-6 meses, Proyecto enero, 97</p>	<p>15,000</p> <p>Contribución Países Bajos</p> <p>129,980</p> <p>Compromiso Países Bajos</p>
<p>ELS/95/L09. Divulgación de la Normativa Jurídica Penal y Derechos Humanos de El Salvador.</p> <p>Divulgación de los nuevos Códigos Penal y Procesal Penal en la Asamblea Legislativa y sociedad civil.</p>	<p>Razones de tipo político-administrativo en la Asamblea Legislativa relacionadas con nuevas propuestas de reforma constitucional han impedido ejecutar los componentes centrales del proyecto en las fechas previstas. El proyecto inició actividades substantivas el pasado mes.</p>	<p>6 meses.</p> <p>Inicio, noviembre 1996</p>	<p>84,000</p> <p>Financiamiento otorgado por Suecia</p>
<p>ELS/96/L04 "Educación Legal Popular"</p> <p>Coadyuvar los esfuerzos locales para poner en marcha y garantizar el desarrollo de campañas de educación pública a fin de que la población y varios actores vinculados a la administración de justicia conozcan los nuevos códigos de familia, menores, las funciones de la PNC y del Ministerio Público. También se abarcará la difusión de los principios básicos que orientan los nuevos códigos penal y procesal penal y el alcance de la aplicación de tratados internacionales.</p>	<p>La Comisión Coordinadora del Sector Justicia y su Unidad Técnica Ejecutora serán responsables de la coordinación de las actividades del proyecto.</p>	<p>1 año</p> <p>Inicio Dic. 1997</p>	<p>611,740</p> <p>(España 611,740. Contribución GOES 20,000 en especie)</p>
<p>"Asistencia a los Juzgados de Paz" (ELS/96/L02, preparado por el PNUD)</p> <p>Fortalecer a 319 Juzgados de Paz dotándoles de una infraestructura adecuada con medios de comunicación modernos. Formación y capacitación en el trabajo de los Jueces de Paz, Secretarios y demás personal de los Tribunales de paz, para proveer un mejor servicio al usuario facilitando de esta manera la agilización de los procesos de la administración de justicia a ese nivel.</p>	<p>La contraparte central del proyecto son la Corte Suprema de Justicia y el Consejo Nacional de la Judicatura. Para una adecuada coordinación del trabajo se incluyen como organismo asociado de ejecución a la Unidad Técnica Ejecutora de la Comisión Coordinadora del Sector Justicia. El proyecto formulado con la cooperación del PNUD, es ejecutado mediante acuerdo bilateral entre España y el GOES.</p>	<p>3 años</p> <p>Inicio Nov. 1996</p>	<p>3,694,349</p> <p>(España comprometió 3,694,349. Contribución GOES 115,000 en especie)</p>
<p>ELS/96/L01 "Asistencia a la Defensa Pública Penal"</p> <p>Fortalecer el Departamento de Defensoría Pública Penal de la Procuraduría General de la República como entidad en la cual descansará una parte de rápida y efectiva administración de justicia, especialmente cuando entren en vigencia los códigos penal y procesal penal.</p>	<p>Para alcanzar plenamente la coordinación y desarrollo del proyecto, la iniciativa será ejecutada en estrecha coordinación con la Unidad Técnica Ejecutora de la Comisión Coordinadora del Sector Justicia. España comprometió recursos para el primer año.</p>	<p>3 años</p> <p>Inicio Dic. 1996</p>	<p>1,166,000</p> <p>(España comprometió 488,260. Contribución GOES 115,000 en especie)</p>

PROYECTO/OBJETIVO	SITUACION DEL PROYECTO	DURACION	RECURSOS EXTERNOS REQUERIDOS US\$
<p>Fortalecimiento del Sistema de Justicia (ES 0090) A través de esta iniciativa, el BID colabora con los esfuerzos salvadoreños de fortalecer el sistema de justicia mediante reformas sistematicas y paulatinas. Las acciones prioritarias de este proyecto se encuentran relacionadas con la corrección de deficiencias de carácter organizativo, de recursos humanos, de capacidad técnica y de elaboración/instrumentación de normas que permitan disponer de un sistema de justicia adecuado y eficiente.</p>	<p>El BID elaboró un documento de programa de fortalecimiento del sistema de justicia con cuatro componentes: reformas legales y actividades de capacitación y divulgación jurídica; mejora del Sistema de Justicia de Menores; fortalecimiento de las instituciones co-ejecutoras en materia de planeamiento y sistema de información; y supervisión de obras y agencia especializada. El préstamo ratificado por la Asamblea Legislativa y su implementación se efectúa próximamente.</p>	<p>4 años Inicio Sept. 1996</p>	<p>22,200,000 Préstamo BID (Contribución del GOES 5.1 millones)</p>
D. SEGURIDAD PUBLICA			
<p>ELS/95/L05. Programa de Asistencia Técnica a la Policía Nacional Civil. Garantizar la seguridad y el goce y vigencia de los Derechos Humanos en el país. Fortalecer y mejorar el funcionamiento de la División de Investigación Criminal y los Organos de Fiscalización de la PNC. Coadyuvar el esfuerzo de protección del medio ambiente. Brindar asistencia para la elaboración de instructivos, manuales de servicio y capacitación de recursos humanos.</p>	<p>Esta iniciativa se coordina y complementa con otros proyectos en actual ejecución. La Unión Europea, España y Suecia, a través de diferentes mecanismos, financian este programa elaborado por la PNC con la asistencia del PNUD y ONUSAL.</p> <ul style="list-style-type: none"> ● El Gobierno español aprobó la comisión de servicios de nueve expertos policiales, por un período de un año y medio. ● La Unión Europea (UE) suscribió a finales de 1995 un convenio de contribución por US\$1.28 millones (ECUS 950,000), tomando como base el proyecto presentado por el PNUD en el proceso de movilización de recursos externos no reembolsables. ● La Agencia de Cooperación Sueca para el Desarrollo (ASDI), aprobó US\$169,900. La existencia de diversos proyectos, implicó un cambio en los objetivos iniciales definidos por ASDI y PNUD. Mediante este aporte se contribuirá a la protección del medio ambiente, particularmente los manglares costeros. Fortalecerá y mejorará el funcionamiento de la División del Medio Ambiente e Investigación Disciplinaria de la PNC. <p>■ Se requerirá cooperación adicional para 1997/98.</p>	<p>2 años. 1,5 años contribución de España y la UE Inicio, oct 95 1 año, Contribución Suecia. Inicio Oct. 96</p>	<p>TOTAL 1,452,400 y 264 m/p comisión de servicios 1,282,500 Financiamiento UE y 162 m/p Comisión expertos españoles 169,900 Financiamiento Sueco a través del PNUD</p>
<p>ELS/95/014 Mejoramiento de la Capacidad de Gestión y Operación de la PNC. ELS/95/015 Mejoramiento de la Capacidad de Gestión y Operación de la ANSP. Brindar asistencia técnica para la consolidación y desarrollo de la capacidad administrativa, operativa y de programación de los Cuerpos de Seguridad Pública. Garantizar una adecuada coordinación y funcionamiento con el Ministerio Público, Procuraduría para la Defensa de los Derechos Humanos y otras instituciones del Estado</p>	<p>Ambas propuestas, se elaboraran a través de un proyecto de asistencia preparatoria(AP), ELS/95/007 "Asistencia Preparatoria para el Mejoramiento de la Capacidad de Gestión y Operación de la ANSP y PNC", en actual ejecución y recursos complementarios del proyecto ELS/95/L10, para el caso de la ANSP. El desarrollo de esta iniciativa se ejecuta en estrecha coordinación con personal de la PNC, de la ANSP y personal de los diversos proyectos financiados por España, Estados Unidos (ICITAP), Francia, Noruega, Suecia y la Unión Europea. Las propuestas derivadas de la Asistencia Preparatoria estarán distribuidas durante el primer trimestre de 1997.</p>	<p>1 año AP Inicio administrativa, Dic. 95 2 años, (desarrollo proyectos) Inicio mayo 97</p>	<p>68,000 AP Noruega aprobó 41,000 850,000 Estimación inicial proyecto PNC 700,000 Estimación inicial proyecto ANSP.</p>

AS