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USAID/COLOMBIA

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PART I

FACTORS AFFECTING PROGRAM PERFORMANCE

Background

Colombia has a population of 36 million, enjoys a stable and growing economy and is one of Latin America's oldest democracies. Nevertheless, the democratic system and the economy itself have been challenged over the last decade by increased narcotrafficking and its attendant corruption, a seemingly intractable guerrilla problem, and to a lesser extent, environmental degradation and population growth. In the past year, repeated allegations of sizeable contributions of narco money to the 1994 campaign of President Ernesto Samper have seriously affected his ability to govern, and at the present time threaten to bring down his presidency. Needless to say, the March 1 1996, Presidential Determination to decertify Colombia has increased pressure on Mr. Samper to step down, and exacerbated the already existing strain on bilateral relations created by the simmering political crisis. Despite this difficult situation, however, the continuing significant levels of Colombian narcotics production and shipments to the United States dictate that the overriding U.S. interest in Colombia remains counternarcotics cooperation.

PROGRAM PERFORMANCE

A. Administration of Justice

A wide variety of U.S. agencies, including USAID, have been working together with the GOC to address the causes and effects of the perplexing narcotics question. USAID was assigned the complicated task of improving and strengthening the weak and corrupt Colombian Justice system, and has been working on this problem since 1991. Pursuant to this assignment, USAID developed a Strategic Objective (SO) within the Agency goal of Building Democracy which aims to improve the effectiveness of the Colombian criminal justice system. USAID and the U.S. Department of Justice (DOJ) are working with the GOC to achieve this objective using a mix of technical and material assistance and training provided through the Justice Sector Reform Program (JSRP). One of the most complex challenges has been to develop a performance tracking system that would tell us and the government how well the justice system is doing. That system is now in place in large part, and it indicates that much remains to be done. With our assistance the GOC is holding its own in terms of caseload management, but needs more help if we expect to see significant reductions in case levels and the time it takes for justice to be served. Current USAID program resources, projected to run out by September 1997, are simply insufficient to achieve the goal of an effective and reliable justice system. Further training and organizational help, requiring an estimated \$4.0 million, are needed by judges, prosecutors, public defenders and police. Approval and obligation of these additional resources in FY 1997 will greatly improve the prospects for achieving the SO by the end of FY 1999.

The JSRP is an integral part of the U.S. anti-drug strategy in Colombia. It is fully consistent with USG objectives set forth in National Security Directive (NSD) 14, and is incorporated in the Embassy's Mission Program Plan (MPP). The Project is also the GOC's principal tool for implementing the 1991 constitutional reforms, and it has contributed significantly to the government's efforts to address structural flaws in the country's justice system. This is being accomplished through training, technical assistance and a number of pilot activities carried out in selected geographical jurisdictions. The major training activities are conducted by the DOJ's International Criminal Investigation Training Assistance Program (ICITAP) and Office for Professional Development and Training (OPDAT), respectively.

Major accomplishments since the inception of the JSRP include: development of a nationwide training program for prosecutors and investigators; establishment of thirteen alternative dispute (mediation) centers; design of a master plan to support pilot units of the Public Defender's Office in six major cities; strengthening of the investigative unit of the Attorney General's Office which deals with human rights abuses and public sector corruption; assistance to the Superior Judicial Council in the organization of seminars to train judges and magistrates in the oral, accusatorial process, application of the new criminal code and court administration; development and installation of an information and caseload management system for five regional prosecutorial units; and introduction of an administrative and organizational improvement program for thirty local prosecutorial units.

Current accomplishments attributable to USAID interventions have occurred in the following key areas:

- 1) assistance in the design and drafting of the GOC's first Justice Sector Development Plan, covering the period 1994-1998;**
- 2) development and implementation, in collaboration with the DOJ, of a national training plan for Colombian prosecutors, magistrates, public defenders and police investigators;**
- 3) development and installation of computerized information systems for caseload management in the Ministry of Justice, the Attorney General's Office and the Office of the Prosecutor General; and**
- 4) development of alternative dispute resolution mechanisms and offices, and the establishment of community service centers to provide better, more accessible justice services to poorer communities.**

Nonetheless, weaknesses in the criminal justice system continue to hamper the GOC's ability to address effectively the narco-trafficking and corruption that fray the social and democratic fabric of Colombian society. Difficult problems remain to be addressed. Criminal activity has increased dramatically during the past two years, putting additional

pressure on an already overloaded system. The backlog of pending criminal cases is still unacceptably high, and widespread impunity creates a negative and cynical attitude toward the entire system. In view of these continuing difficulties, as well as the findings of the mid-term evaluation, USAID, the GOC and DOJ project managers have decided that the best prospects for achieving measurable positive impact on these constraints lie in a focused and intensive training program for all court officials, and an enhanced outreach program designed to draw civil society NGOs into a constructive dialogue with the GOC on ways to improve the effectiveness and accessibility of the justice system. The additional funding requested for FY 1997 will support these initiatives.

As was mentioned in the introduction, the government of President Ernesto Samper is in serious trouble. Three of the President's Ministers are under indictment, and another is in jail. The President himself stands accused by high level GOC and USG officials of having full knowledge of and contact with sources of drug money contributions to his 1994 presidential campaign. Samper is now floating the idea of having early elections (this year) as a solution to the political crisis. Meanwhile, impeachment proceedings against him continue in the Congress, although the betting is that he will escape conviction. No matter the outcome, the President's effectiveness has been seriously compromised, and it remains very much to be seen whether his government will survive the year.

The threat of a change in government in a non-election year presents us with mixed prospects in the justice sector. Briefly, three of the four major entities with which we deal would be unaffected by a change of government, in that they exist outside of the executive branch. They are the court system, the Prosecutor General's Office (Fiscalia) and the Public Defender's Office. Civil society organizations with which we deal would also be unaffected. The most troubling possibility at present is that of a change in the Minister of Justice, which would happen if Samper were to leave. The current Minister, who has been in office almost three months, has shown himself to be interested in the JSRP, and is quite willing to provide active leadership for it on behalf of the GOC. For the first time since the Program's inception, we now have a high level GOC liaison person (the Vice-Minister of Justice) who takes a day-to-day, hands-on approach to managing the Program in its entirety. Obviously, the departure of the President would put this happy state of affairs at risk.

Over the past year, we have come to place more and more emphasis on using the Fiscalia as the operational centerpiece of the Program, focusing training, commodity and technical assistance on that entity, albeit not exclusively. We are also managing important training and other assistance programs in conjunction with the judiciary and the Public Defender's Office. As such, those programs are insulated from the immediate effects of any change in government. Nevertheless, the Ministry of Justice has served over time as the point of leadership for the overall government, which arrangement has taken on more importance of late because of the commitment to directing the Program on a results oriented basis. Loss of the present Minister would certainly throw overall leadership for the program into question.

What to do? There is not much we can do at the moment other than to proceed as quickly and determinedly as possible. As mentioned, most operational aspects of the Program would continue unabated, and we would continue working with those unaffected entities while waiting for a new GOC and a new Minister, at which point we would have to determine how to manage the situation.

B. Environment

Colombia's rich and diverse ecological patrimony and natural resource base is threatened by various forms of environmental depredation, including slash and burn agriculture, mining and logging, and, increasingly, coca leaf and opium poppy production and processing. It is clearly in the U.S. interest to assist the GOC in its efforts to reverse these destructive trends. To this end, the two countries signed a debt-reduction agreement in 1992, under the Enterprise for the Americas Initiative (EAI). The agreement allows the GOC to convert interest owed on official debt to the USG into local currency, which is deposited into a special account and used to support environmental improvement projects managed by Colombian non-governmental organizations (NGOs). The EAI agreement will provide the peso equivalent of \$42.0 million over ten years. The implementing entity for the program is a local NGO, ECOFONDO. The fund is administered, however, by an eight-member council, on which the USAIDREP serves as the official representative of the U.S. Government.

In 1995, USAID/C received approval to establish a Special Objective (SpO) to improve the management of environmental endowments and other natural resource funding mechanisms to ensure long-term, sustainable financing. At the same time, the Mission's modest request for \$150,000 over a two-year period to support this SpO was also approved. This money will be used to strengthen ECOFONDO's administrative financial and project management capabilities. This, in turn, will help the USAIDREP to ensure that the EAI funds are utilized as intended under the terms of the debt reduction agreement.

On April 22, 1995, the EAI Administrative Council was formally constituted. During the following six months, the Council drafted and secured approval for its by-laws; developed a five-year strategic plan for management of the fund and defined project selection criteria. In addition, the initial \$30,000 of the funding mentioned above was utilized, through the mechanism of the LAC regional Inter-Country Technical Transfer (ITT) Project, to finance a strategy planning workshop for ECOFONDO central and regional staff, a follow-on management for sustainability seminar for thirty representatives from fifteen Colombian environmental NGOs and a management audit of ECOFONDO. The remaining \$120,000 will be used during FY 1996 to support similar, institutional strengthening technical assistance and training.

The LAC regional Parks in Peril Program (PiP) also provides assistance to Colombia through The Nature Conservancy, which, in turn, works with local NGOs. Four Colombian national parks benefit from this program, which began in 1990. Approximately

\$400,000 per year have been allocated to the Colombia component of the program.

As in the Justice Sector, a change in Government would affect our efforts somewhat, but not so much as to stymie our work. ECOFONDO is an NGO, of course. The Administrative Council would most likely lose its two GOC representatives, but there are six other members to carry on, so short-term effects would be slight to nil.

THE CURRENT SITUATION

It is stating the obvious to note that the single most important factor affecting achievement of the Mission's justice sector strategic objective at this time is the cut-off of assistance to Colombia consequent to the decertification determination. Ironically, this is occurring at the same time that burgeoning scandals involving the Colombian Congress and Executive Branch, up to and including the President himself, have dramatically increased public awareness of the insidious, and potentially catastrophic, effect of the drug trade on Colombian institutions -- especially the justice system -- and civil society; and, in turn, highlighted the importance of a decent justice system to a healthy society and polity. This heightened awareness has created a highly receptive environment for USAID and the GOC to build upon past accomplishments in judicial reform and to implement the recommendations of the project evaluation completed in April 1995.

USAID is engaged in drafting a wind-up plan, which incorporates the justification for continuing the JSRP as an essential component of U.S. narcotics-related assistance to Colombia. The requirement to prepare the wind-up document coincides with the completion a restructuring plan for the JSRP and the request for an additional \$4.0 million of counter-narcotics financing to complete underfunded training and technical assistance elements of the program. The action memorandum requesting AA/LAC approval to continue JSRP activities, the restructuring proposal and the request for funds were submitted to USAID/Washington between March 11 - 22, and should be read in conjunction with the R4.

The EAI debt reduction funds are not affected by decertification. The proposed FY 1996 PiP funding (\$415,000) as well as the ITT funding, however, will have to be justified in the wind-up plan as programs which support biodiversity protection activities.

PART II (A). PROGRESS TOWARD STRATEGIC OBJECTIVE No. 1 : Improve the effectiveness of the Colombian Criminal Justice System with emphasis on the Regional and other selected Prosecutorial Units and Criminal Courts

A. SUMMARY OF DATA The achievement of this Strategic Objective/Project Purpose is tracked by the following Indicators

1. Percentage of court findings on serious crimes resulting from the preliminary investigations of such crimes.

This first indicator is a composite of performance data provided by the three stages of the criminal system: the preliminary investigation, the formal investigation, and the trial. Exhibits No. 1 and 2 below present the basic indicators to measure progress on the performance of the criminal system's first two stages: preliminary and formal investigation both at the regional and at the ordinary level. These two stages take place within the Prosecutor General's Office (PGO) - Fiscalía General de la Nación (FGN)

1) Exhibit No. 1 establishes baseline data, progress, and targets for the JSRP impact indicators set for the Regional Prosecutorial Units. As seen in the Exhibit No. 1 the Regional Prosecutorial Units, both at the preliminary and formal stages, are making a slow, but steady progress to decongestion. Considering the high crime rates still prevalent in the country, the Regional units have made a remarkable effort to keep roughly the same backlog levels. The PGO's Planning Office just completed an ambitious project funded through the JSRP which reviewed and updated all the PGO's performance data since its foundation. The new data presented in the two exhibits come from that very important effort.

2) Exhibit No.2 and Graphs No.1 and No.2 display baseline data sets (calculated before the establishment of the PGO in July 1, 1992), and subsequent measures for the first three years of operation of the five PGO's selected ordinary sections in which the JSRP has invested the major portion of its resources. Those sections are located in the following cities: Bogotá, Medellín, Cali, Barranquilla, and Ibagué. Both the exhibit and the graphs present baseline data, subsequent measures, and targets for the performance indicators which are calculated adding the statistics of the five selected sections and taking the resulting number as a whole for those sections.

The exhibit and the graphs show again the tremendous effect of the high crime rates prevalent in the country during the last 18 months on the PGO's workload. In spite of the positive contributions of the JSRP and the very remarkable internal reorganization process of the PGO, the sectional prosecutorial units continue facing an increasing backlog.

EXHIBIT No. 1
CRIMINAL JUSTICE SYSTEM
Prosecutor General's Office (PGO)'s Five Regional Offices
Baseline Data for Performance Indicators of Regional Prosecutorial Offices

INDICATOR	PRELIMINARY INVESTIGATION				FORMAL INVESTIGATION			
	(1) Cases addressed (* out of total investiga- -tions %	(2) Decisions out of total cases addressed %	(3) Decisions out of total investiga- -tions %	(4) Pending cases out of total investiga- -tions %	(5) Cases addressed out of total investiga- -tions %	(6) Decisions out of total cases addressed %	(7) Decisions out of total investiga- -tions %	(8) Pending cases out of total investiga- -tions %
07/92-06/93	25.1%	43.2%	10.8%	74.9%	14.9%	71.8%	9.7%	85.1%
01-12/93	34.0%			66.0%	23.5%			76.5%
07/93-06/94	28.2%	31.3%	8.9%	71.8%	29.4%	74.7%	22%	70.6%
01-12/94	25.6%			74.4%	34.4%			65.6%
01-11/95	25.8%			74.2%	32.0%			68.0%
TARGET (by 09/ 97)	40.0%				40.0%			
TARGET (by 09/ 98)	60.0%				60.0%			

Source: FGN - Second Official Statistics Report - August 1994 - Annex No. 3

Important Notes: 1. The row "FIVE OFFICES COMBINED" presents performance indicators which are calculated adding the statistics of the five offices and taking the resulting number as a figure for a whole big office: the regional division of the PGO.

EXHIBIT No. 2
CRIMINAL JUSTICE SYSTEM
Prosecutor General's Office
Baseline and Annual Measures of Performance Indicators for the Five Selected Ordinary Sections of Prosecutorial Units
July 1991 to June 1995

Indicator	PRELIMINARY INVESTIGATION				FORMAL INVESTIGATION			
	(1) Cases addressed out of total investigations %	(2) Decisions out of total cases addressed %	(3) Decisions out of total investigations %	(4) Pending cases out of total investigations %	(5) Cases addressed out of total investigations %	(6) Decisions out of total cases addressed %	(7) Decisions out of total investigations %	(8) Pending cases out of total investigations %
Time Period								
07/91-6/92 (BL)	51.8%	37.4%	19.4%	48.2%	26.3%	36.1%	9.4%	73.8%
07/92-6/93	58.4%	39.3%	23.0%	41.8%	54.9%	48.0%	26.3%	45.1%
1/93-12/93	60.7%	29.0%	17.6%	39.3%	50.6%	45.7%	23.1%	49.4%
1/94-12/94	58.6%	34.0%	19.9%	41.4%	30.3%	24.8%	7.5%	69.7%
1/95-6/95 (*)	46.8%	n/a	n/a	53.2%	24.9%	n/a	n/a	75.1%
Target(by 09/97)							35%	
Target(by 09/98)							55%	

Source: PGO's Planning Office

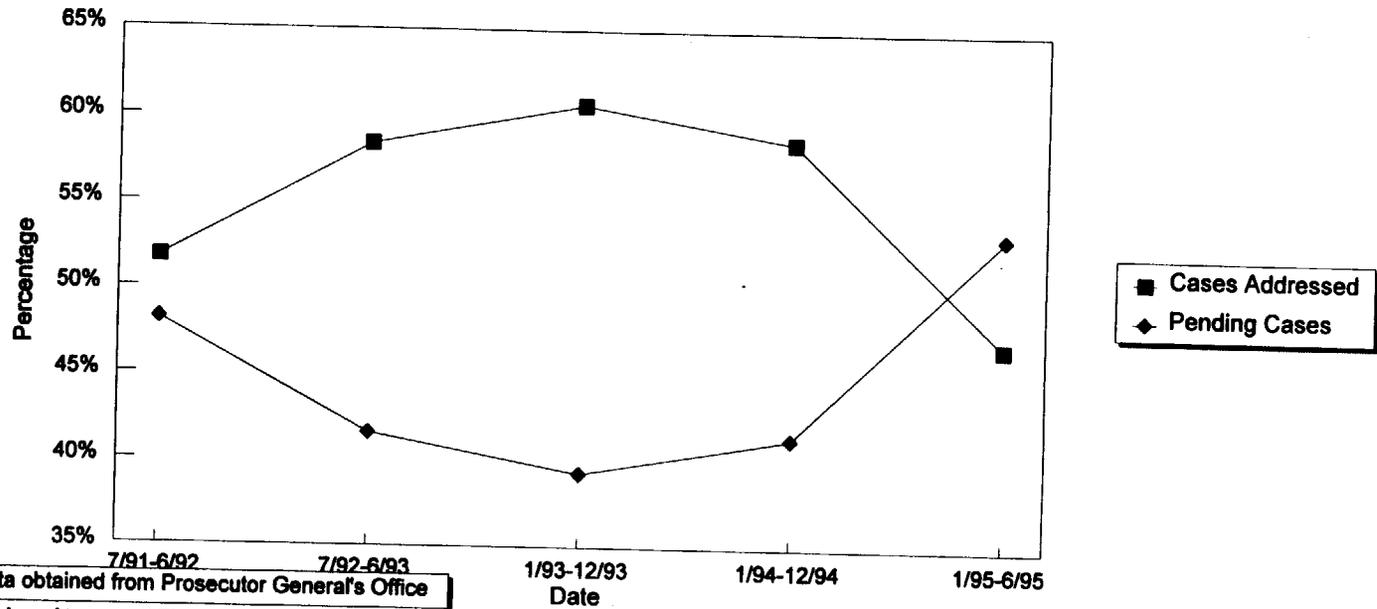
BL: Baseline

(*) For this time period, the PGO did not report information for the Bogota Section for the month of January, and for the Cali Section for the period March-June. Mission is working with the PGO to finalize this data in time for the R4 review; i.e., by mid-April

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GRAPH No. 1

Cases Addressed and Pending Cases out of Total Investigations
Data for Preliminary Investigations (July 1991 to June 1995)



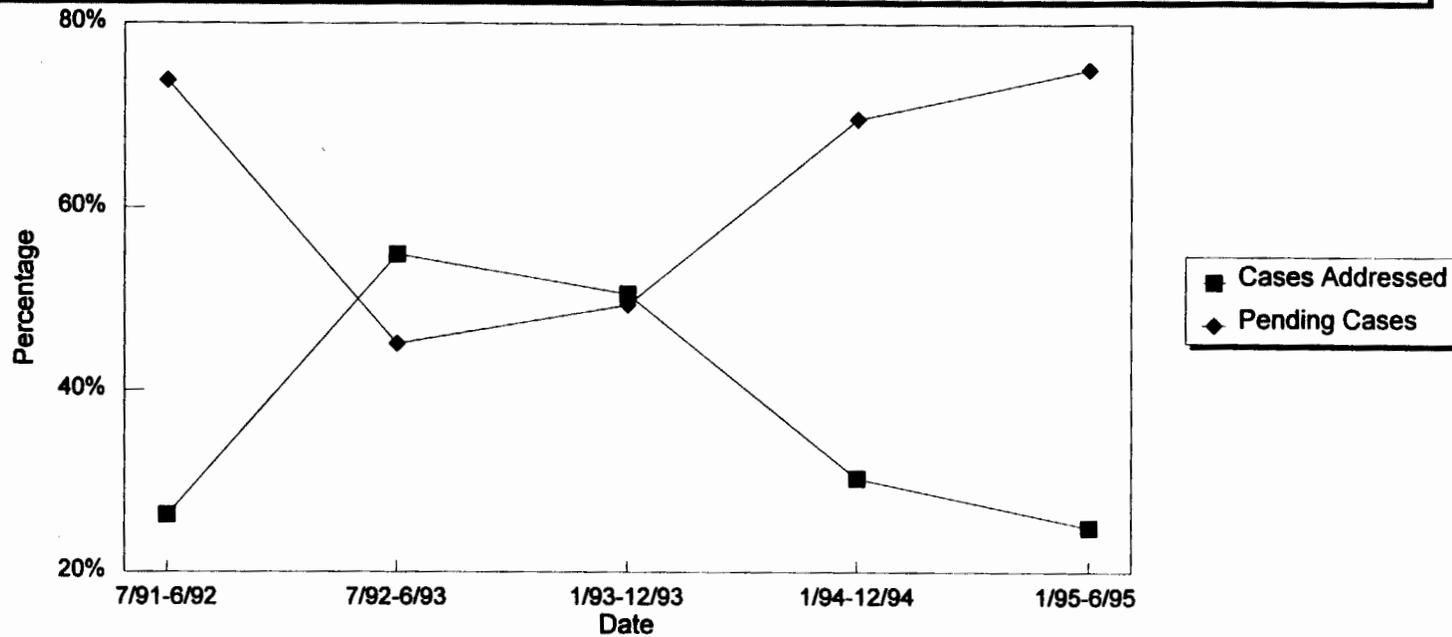
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5B

GRAPH No. 2

Cases Addressed and Pending Cases out of Total Investigations

Data for Formal Investigations (July 1991 to June 1995)



Data obtained from the Prosecutor General's Office

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IMPORTANT NOTES FOR EXHIBITS AND GRAPHS

(*) Cases addressed include decisions (which can be opening or closing of a formal investigation) and referrals. Therefore, the number of total investigations is equal to the number of total cases addressed plus the number of total cases pending. As seen in the chart, percentages of columns (1) and (4), and (5) and (8) sum up both 100%I

Definition of terms for the two exhibits and graphs:

1. Preliminary investigation is the first stage of the criminal process. In this stage, a preliminary prosecutorial unit starts an introductory investigation to determine if there is enough evidence to continue to one of the next three actions: to open a formal investigation, to close the case definitely, or to refer the case to another jurisdiction due to some specific circumstances such as lack of legal competence to decide on it or legal suspension.

2. Formal Investigation is the second stage of the criminal process. In this stage, a specialized prosecutorial unit initiates a formal investigation based on the decision of the preliminary prosecutorial unit. As in the case of the preliminary unit, the specialized unit can also continue to one of the next three actions: to present the case to the judge, to terminate the case definitely, or to remove the case due to some specific circumstances such as lack of legal competence to decide on it or legal suspension.

3. Total investigations is the number of pending cases from last periods plus the number of new cases that were accepted by the system during the current period. The actual number is presented in Chart No. 1.

4. Cases addressed is the total number of cases removed from total investigations in a given period due to one of the next three actions, which the Prosecutor can take: to open a formal investigation, to close the case definitely, or to refer the case to another jurisdiction due to some specific circumstances such as lack of legal competence to decide on it or legal suspension.

5. Decisions : for the case of the preliminary investigation stage, include only the number of number of final determinations that the Prosecutor can take on a given case. As explained above, those determinations can be :opening a formal investigation or ceasing the case definitely. Naturally, the number of cases addressed (or removed) should be equal or higher that the final decisions taken by the Prosecutor. For the case of the formal investigation stage, decisions include the number of cases presented to the judge, and the number of cases terminated definitely.

6. Pending cases are the ones that remained unresolved during the reporting period.

INDICATORS	PROGRESS TO DATE			
<p>2. Length of time for a criminal case to be completed from the opening of the preliminary investigation to the court finding.</p>	<p>With respect to the length of time for a case to be completed, indicator No. 2, the Exhibit No. 3 below presents the baseline data calculated with a JSRP project implemented through the Superior Judicial Council. As noted, the national average for the Regional Jurisdiction is a little more than year and a half for a case to be resolved. Within this average, the Bogotá Regional office which handles the most complex cases is a little below the average. The PGO's Planning Office evaluated the feasibility of calculating the average length of time it takes to handle cases in the entire PGO. Its conclusion was that a very specific task at each prosecutorial unit would be necessary to obtain meaningful information for the entire entity. Therefore, an essential part of the OPDAT pilot units' effort will be to develop a methodology to calculate length of time for a case to be resolved, and to do the calculation in the pilot units. This is expected to happen by the end of FY97 when then it will be reported in this table. See also, "Comments", below.</p>			
<p>EXHIBIT No. 3 CRIMINAL JUSTICE SYSTEM Prosecutor General's Office (PGO) and the Superior Judicial Council (SJC) Baseline Data for the Length of Time for Criminal Cases</p>				
<p>Indicator No. 2: Length of time for a criminal case to be completed from the opening of the preliminary investigation to the court findings.</p>				
<p>Unit: Average days</p>		<p>Year</p>	<p>Planned</p>	<p>Actual</p>

Source: Prosecutor General's Office and the Superior Judicial Council	Baseline	06\01\93 - 05\31\94	---	574.2 days (Regional Prosecutorial Units and Courts)
Comments: Note: *** : To be established A previous JSRP sub-project was able to calculate the baseline data for this indicator just for the Prosecutorial Units and Courts. The PGO has established the technical reporting system and formats which can establish actual, nationwide figures. However, the PGO has encountered difficulties in getting all prosecutors to fill out forms which allow the PGO to compile this data. Resolution of this issue will take time, continued direction and pressure on the part of PGO leadership and training in the usefulness of the system for all prosecutors. Finally, it is worth noting that the targets should be established according to the length of time set by the current Criminal Procedure Code (CPC). As seen for the case of the Regional Units and Courts, the current length of time is below the length established in the CPC.		1994		***
		1995		***
		1996		***
	Target [According to the current CPC]	1997	360 days (Regional) 665 days (Ordinary)	
	Target [According to the current CPC]	1998	315 days (Regional) 665 days (Ordinary)	

3. Popular perception of effectiveness of and accessibility to the criminal justice system (measured by public opinion polls)

During the last six months , USAID\Bogotá and FES conducted a comprehensive public perception survey to establish this indicator. The poll surveyed three population groups: justice sector experts, direct users of the judicial system, and general public.

In brief, the results of the survey are:

1) The experts confirm that in spite of continuous efforts and investments made by the GOC and international development agencies to strengthen the judicial system's operation, the system is still slow, and outdated. Access to the system is perceived as being difficult and confusing due to general distrust and disbelief in the syetem and lack of information on its operations and services. Team work between the different justice sector agencies is seen as a powerful way of counteracting the criminal organizations currently operating in the country.

2) 57.4% (See note *** below) of the 271 direct users interviewed knew how to get access to the justice system before they actually did it. In a 1-10 scale to measure trust on the capacity of the system, users gave an average 5.4 grade. Finally, 87.7% of users believed that judges are being bribed to make favorable decisions.

3) A total of 4903 citizens were interviewed about trust, fairness, access, and rectitude of the justice system. On a 1-10 trust scale, 5 was the average grade with a 2.2 standard deviation. In a 1-10 fairness scale, the average grade was 4.8 with a 2.1 standard deviation. 80.9% (See note*** below) of the citizens knew where to go to deal with a legal problem. Finally, 96.8% felt that to some extent judges are inclined to accept financial compensation for their decisions.

TARGETS
(By 09/97)
(By 09/98)

Fairness (1-10 scale) : 7 ; Access (1-10 scale): 8

Fairness (1-10 scale): 7.5 ; Access (1-10 scale): 8.5

Note *** : Direct users were asked more technical and specific questions on where and how they got access to the justice services, whereas the general public were asked more generic questions on where--according to their opinion-- it was possible to get some justice system assistance, including the national police. Therefore, the percentage of general public knowing where to get justice

B. ANALYSIS OF THE DATA

USAID/Colombia carries only one Strategic Objective in its portfolio. Carried under the Democracy and Governance rubric, the S.O. is to "improve the effectiveness of the Colombian criminal justice system with emphasis on regional and other selected prosecutorial units and criminal courts." The S.O. has three principal program indicators, as follows:

- 1. Percentage of court findings on serious crimes resulting from the preliminary investigations of such crimes.** This indicator tracks to number of cases that are managed in a sufficiently competent manner so as to enable judges and the courts to come to decisions as to the innocence or guilt of defendants.
- 2. Length of time for a criminal case to be completed from the opening of the preliminary investigation to the court finding.** This indicator tracks to speed/efficiency with which courts cases are prosecuted through the system.
- 3. Popular perception of effectiveness of accessibility to the criminal justice system, as measured by public opinion polls.**

Results.

Indicators Nos. 1 and 2. Detailed information on progress/performance against each of the indicators listed above is contained in section A. Summary of Data (Above). As part of USAID's assistance program in the sector, we have been working with the Prosecutor General's Office (Fiscalia) of Colombia to develop a series of computerized case load management systems which will provide timely and reliable data for measuring performance against the indicator targets. Beginning in late 1994, the Mission began to receive the first reasonably comprehensive data which allowed us to begin carrying out trend analyses with respect to case loads. The management information systems have been producing data on a semiannual basis, have moved toward quarterly reports, and are now almost ready to begin producing case load data on a monthly basis. While this trend is a positive one, correlation and corroboration problems have slowed down the formal submission of data to USAID and to the Prosecutor General's Office, and there are gaps in the data.

In order to appreciate the tables shown in section A. above, a bit of background on the Colombian justice is necessary. Briefly, under the Colombian system of justice which is evolving from an inquisitory system to an accusatory system, a given case goes through two principal stages roughly analogous to a grand jury and a formal trial.

Under the first stage, known as the preliminary investigation, investigators (i.e., the police) and prosecutors are charged with gathering evidence, depositions, carrying out interviews, etc., and then making a determination as to whether the case merits submission

for formal judgement by a court. Decisions taken at this point represent the first major chokepoint in the system and are a good indicator as to how efficient and effective investigator/prosecutor teams (and to a lesser extent the judges/magistrates) are in bringing cases to the formal investigation, or what we would call trial stage of the case.

The formal investigation stage of the case brings the role of the judge/magistrate much more to the forefront in the process, and it is here that most of the interaction occurs between the judge, the police and the prosecutors and on occasion public defenders. Decisions taken at this stage of the process represent exit of cases from the case load pipeline. They are also the second indicator of the efficiency with which the trial system deals with the overall caseload.

In the foregoing context, the data received through November 1995 indicate that the situation as measured against the two first program outcome indicators listed above has remained at the same backlog levels in the Regional Prosecutorial Units, and has deteriorated somewhat in the selected Ordinary Prosecutorial Units. It appears that the overall case load of the justice system as reported by the Fiscalia has held steady and even increased a bit as shown in the statistics listed in Exhibits No.1 and No.2, together with their explanatory graphs.

Outcome No.3. The first public opinion poll commissioned under the Justice Sector Reform Program was completed in September and transmitted to USAID and the GOC in November. The Mission passed a copy of the summary of the poll to AID/W in November. Here again, the news is not good. In brief, the polling team found that majority of the 4,900 respondents interviewed considered the justice system to be corrupt, slow and ineffective, with preferential treatment given to the wealthy members of society (statistics vary from question to question; see attached summary sheet at Exhibit No.3)

Comment.

As mentioned above, performance information available to us at this point is not positive. Case load management information provided us appears to show stagnant or slightly negative trends, while the public opinion poll is very negative.

These developments warrant comments from two different perspectives, that of the current situation state of play within the justice sector, and that of the indicators being used, and their quality.

1. Performance Indicators. With respect to the indicators, one of the subprojects being implemented under the Justice Sector Reform Program is designed solely to assist the Fiscalia in developing a comprehensive, nationwide case load tracking system. The information contained in the attachments to this report for the period ending June 30, 1995 and November 30, 1995, depending on the indicator, derive from the initial work done under this subproject. Information available prior to that time stems from data collection

work done by the Fiscalia using a sample system developed at the Fiscalia's inception. A genuinely complete system in which every Fiscal in the country reports on a monthly basis is expected to come on line in mid-February, with the first summary overviews and analyses available to the Fiscalia in March/April. In sum, the vision of case load indicators and their use as management tools at the national level in Colombia is still a work in progress - a work which is nearing completion, but one that has yet to provide the Fiscalia and USAID with all of the desired information. All this means that while our perception case load management trends is negative at this writing, the more complete and comprehensive reports we expect to begin receiving in the near future may tell us a more upbeat story regarding those trends.

The situation with respect to the opinion polls is different. The poll cited in this report is the first of its kind carried out under the USAID Program. Carrying out survey work and analysis, and preparation of the report itself took months. The report is dated November 1995 but work on contracting of the polling firm actually began in February. We feel that the poll in and of itself is a reliable indicator, but we have no other polls with which to determine trends. In all frankness we have no reason to believe that the perception problem was any better one or two years ago, but at the same time, we don't know if it was any worse. As with the case load management system, the intention to work with the GOC and NGO's see what can be done not only to improve the public's opinion of the justice system, but to see what can be done to regularly measure those same opinions.

2. Performance to Date. USAID/Colombia carried out a mid-term evaluation of the Justice Sector Program in March of 1995, prior to development and receipt of the performance information discussed here. That said, though, by the summer, both the Mission and the GOC had enough anecdotal information consisting of case load information from late 1994 and early 1995 plus a sense of the sector from the government the JSRP team and the evaluation team regarding performance as to cause us to conclude that a major restructuring of the Program was indicated.

The consensus of USAID, the Department of Justice (OPDAT and ICITAP) and the GOC, after extended conversations, is that given the fact that the Program has passed the midway mark in terms of time, the best prospects for achieving measurable impact on the case load and public perception appear to lie in focussed and intensive training programs for all court officials (judges, police, prosecutors and public defenders) and an enhanced program of outreach to NGO's designed to draw the NGO's into a constructive dialogue with the GOC on how civil society groups might help improve things in the sector.

3. Selected Accomplishments since the beginning of the project in 1991 and Overall Status

In spite of the somehow discouraging figures included in the charts presented above, the JSRP has made remarkable contributions in dealing with the fundamental causes of the problems currently faced by the Colombian justice system. However, to assess the impact of such contribution it is worth noting that the JSRP is just part of the overall effort being

made by the GOC and other donors to support the justice system.

The JSRP has reported the following results (not all inclusive):

- Assistance through the OPDAT program for the Prosecutor General's Office (PGO) and the Criminal Courts in developing a nation-wide training program on investigative and prosecutorial skills, and total quality management for investigators, prosecutors, and administrative officers.
- Initiation of a similar program by OPDAT for judges and magistrates, in conjunction with the Superior Judicial Council (SJC) and the Ministry of Justice to train magistrates and judges on the accusation system of justice and to familiarize them with the oral process and court administration techniques.
- A major program for administrative and organizational improvement of 30 ordinary prosecutorial units (this activity includes facility repair and upgrading, and design and implementation of improved administrative systems: as of September 30, 1995, 22 units had been repaired and upgraded, and administrative systems of two units had been improved.)
- Development of the structure of an information network and of the software of a case management program for the five Regional (narcotics and terrorism) Prosecutorial Units.
- Development of a project to install a complete information and data management system for the 328 District Prosecutors of the five largest sections of the PGO. The system will be fully installed by May 1996.
- Physical security upgrades at the Prosecutor General's Office and the Supreme Court of Justice.
- Development of a critical project to reduce sharply the backlog of cases in the five regional prosecutorial units and in five selected ordinary prosecutorial units (the sub-project engaged 10 advisors to work with these units, who defined specific work plans to decrease backlogs and designed Performance Agreements, based on specific performance and impact indicators, to be signed by the Prosecutors).
- Installation of a complete information and data management system for the Attorney General's Office (Procuraduría), and strengthening of the division of the Attorney General's Office which investigates human rights abuses and corruption cases through intensive training and design of an management information system (MIS). A similar MIS, albeit smaller, was also designed and installed for the Ministry of Justice.
- Design of a master plan to support pilot units of the Public Defender's Office to be established in the country's six major cities.

- Establishment of over 137 alternative dispute (mediation) centers, development of basic documentation, and training of centers' personnel.
- Development of an integrated, sectoral planning system to strengthen the planning process between justice sector institutions.

ICITAP

- A fundamental component of the JSRP is the work made by the ICITAP Program to improve the effectiveness of the criminal investigative.

The most important achievements of the ICITAP program are summarized as follows:

■ Both judicial police officers and prosecutors have received high quality and practical instruction from ICITAP, including increased emphasis on training of trainers to help institutionalize a higher level of performance. From the beginning of the project, ICITAP has trained over 2100 individuals from the four principal investigating institutions: 326 from DAS; 730 from the National Police; 615 from the Fiscalia; and 170 from Legal Medicine. In addition, ICITAP has trained 148 officers from the Procuraduria and 145 from the Ministry of Justice.

■ At Legal Medicine, ICITAP has contributed substantially to a real success story. The combination of ICITAP's skill in delivering quality services and Legal Medicine's superior organization has produced outstanding results. Especially important is the extent to which Legal Medicine has institutionalized what has been learned through this training. One outstanding example, based on an ICITAP sponsored internship in the U.S., is the establishment of the chain of custody for evidence, a critical technique for preserving the evidence.

■ At the Prosecutor General's Office, ICITAP assistance has made a significant difference at its Investigative School. The school has completely institutionalized ICITAP's teacher training material and methodology. The course, which is mandatory for all new professors, has been used to standardize teaching and to maintain continuity and quality control. Also, many of ICITAP's technical courses are now offered by the school. Thanks in large part to ICITAP, this has become a first rate school for providing its students with both basic investigative techniques and the range of skills required to perform the various tasks related to carrying out proper criminal investigations.

■ At DAS, ICITAP has trained 326 investigators and experts. The students have been taught both theory and practice, frequently using equipment donated by ICITAP. Such equipment has been well distributed between DAS offices in Bogota and outlying cities. Further, wherever the equipment is sent, it is entrusted to trainees who have learned how to use it.

● At the National Police, ICITAP has been so successful in its human rights training, through a course entitled "Human Dignity", that the National Police Academy is duplicating it for all students. Results of the course, which actually makes the trainee feel the sensations associated with loss of dignity, have been impressive. The Academy, in its attempt to change both the behavior and the image of the police, has realized the effectiveness of this course as a means toward that end.

● National Police Officers trained by ICITAP confirm that the program has changed how they think about the law, people, and themselves, and strongly support expansion of the training for their fellow officers. The National Police Force has 18 schools throughout the country, and ICITAP trainees are now having a positive impact in all of these institutions.

In summary, the ICITAP Program has provided intensive training, technical assistance and equipment to the Prosecutor General's Office and other investigative agencies. As a result, increased numbers of preliminary investigations are reaching the formal stage, and the time required for progressing from one stage to the next has been reduced.

OPDAT

The OPDAT Program, which is implemented through an operational agreement between USAID and the Department of Justice (DOJ), through its Office of Professional Development and Training (OPDAT), in working with the Colombian Prosecutor General's Office (Fiscalía), has the principal goals of institutionalizing the accusatorial process mandated by the Constitution, and of institutionalizing training cadres within prosecutorial, judicial, and public defender corps.

The Program has been divided into three generations of approximately one year each. In the first generation, conceptual training has been taken to the 2,200 primary prosecutors and approximately 800 principal judges and magistrates through a series of 10 training modules passed on through a "training of trainers program". Each module dealt with a critical and distinct aspect of the accusatory form of justice mandated by the 1991 Constitution.

The Program has proved to be a tremendous success in terms of implementation. The GOC represented by the Fiscal General, the Ministry of Justice, the Public Defender's Office (PDO), and the Superior Judicial Council has adopted the Program as its own (it is now known as the National Training Program of the Fiscalía) and is working to replicate and expand the 'training of trainers" model through the entire country. ICITAP is presently undertaking development of a complementary, nationwide training program for the judicial police, using the same approach, and aiming at the same goals: institutionalizing police training programs, and orienting all of them to the accusatorial system of justice.

C. CONTRIBUTION OF USAID ACTIVITIES

The USAID's JSRP has been the fundamental instrument used by the Government of Colombia (GOC) to advance in the development and implementation of a new criminal accusatorial system as established by the 1991 Constitution. The leadership exerted by the JSRP is reflected in four essential areas:

1) **The first GOC's Justice Sector Development Plan.** Through its FES supported activities, the JSRP designed and tested a series of schemes, approaches, and proposed solutions to deal with the most difficult problems of the justice sector, particularly the criminal system. Such schemes, which ranged from case management systems and performance agreements in pilot units to conciliation centers and Casas de Justicia, all provided invaluable results and conclusions.

For the preparation of its 1994-1998 Justice Sector Plan, the GOC collected and analyzed the information provided by all these 52 JSRP FES-supported sub-projects, and produced the Plan, which is now the fundamental document to guide the GOC's investment in the justice sector. This document, together with the restructuring plan of the JSRP will serve as conceptual frameworks for a results oriented management philosophy which the GOC and the JSRP will employ to change the justice sector for the better.

2) **The Fiscalía's National Training Plan.** After several exploratory and unsuccessful attempts to institute the accusatorial system of justice mandated by the 1991 Constitution and by the Code of Criminal Procedure, the GOC made a formal request to the USG for assistance in implementing those mandates. As said before, the result was an agreement between USAID and the Department of Justice (DOJ), through OPDAT, in working with the Fiscalía in training court officers in the accusatorial system. The resultant program, entitled "The Fiscalía's National Training Plan", has done extremely well, so much so that it has become the banner Training Program of the entire Colombian justice sector. We intend to use this (the OPDAT) model to train all judges, magistrates, prosecutors, and public defenders in the country, and do the same job with the judicial police through a complementary and parallel ICITAP program.

3) **The Fiscalía's IDB loan.** To continue its strengthening and development, the Fiscalía General sought and obtained a 3 year, \$9.6 million Interamerican Development Bank (IDB) loan (20 year terms) with \$5.0 million counterpart from the GOC. To design and finally formulate the Plan to utilize these resources, the IDB and the Fiscalía's team contacted the USAID's JSRP team and engaged with them in a very important dialogue which resulted in a clear definition of the three major components:

A. Institutional strengthening to be done through reengineering of six critical operating processes in the Fiscalía.

B. Assistance to the Fiscalía in strengthening/maintaining its case

load management systems. This would entail essentially continuation on the JSRP major MIS program which, while quite large, is basically pilot in nature.

C. Assistance to overall policy development and implementation. Entails technical assistance, data collection and training, primarily of an administrative nature.

In closing on this point, the Mission wishes to note that the IDB program is intended to complement and follow on to the JSRP, to the point where the Spanish name of the IDB program is the same as the USAID project.

4) NGO's. Based on the JSRP efforts to determine the public opinion on the justice sector, and promote more participation of the community in the supervision and support of the criminal system, a group of prominent individuals, including top bankers and journalists, are creating a NGO, known as the Corporation for Excellence in Justice, to design, promote, and obtain reforms to strengthen the operation of the system. This NGO will start operations very shortly, and the JSRP will support some of its activities as part of a broader effort to promote dialogue between NGO's and the GOC regarding improvements in the justice sector. The Mission considers this to be just a start in what will grow to be a key element of the program, entailing much more citizen participation in the sector. One hoped-for by-product from this work would be an NGO-managed (and institutionalized) opinion poll/survey system for the justice sector.

D. EXPECTED PROGRESS IN FY 1996, 1997, AND 1998

Based on the results of FY 1995 and recommendations of the mid term evaluation of the program, USAID's sense of the Project is that in light of the noted accomplishments and problems:

-- Remaining program resources should be used in more focused and more results oriented manner to achieve specific and clear targets agreed upon by the GOC and USAID. Completion of all of the training needed to achieve true, permanent changes in the institutional mindset will require additional financial resources and time, as is discussed elsewhere in this section.

In consequence, USAID has undertaken a restructuring strategy to achieve the following results by September 1998:

-- Thirty-two pilot prosecutorial units and criminal courts staffed by investigators, prosecutors and judges, with capabilities to conduct oral trial procedures will be up and running, demonstrating the efficacy, efficiency and transparency of a full accusatorial system.

-- All regional, sectional and municipal prosecutors (estimated 3,200) and 160 judges will have received the equivalent of 10 weeks of training in the practical aspects of prosecution work within the accusatorial judicial system now coming into use.

-- All regional, district, and circuit judges (estimated 3,700) will have received six weeks worth of training in the practical aspects of court administration and case load management. To be done through the Ministry of Justice, and OPDAT.

-- Two hundred and twenty public defenders will have received 12-24 weeks of training in accusatorial system principles and operation.

-- Approximately 6,000 police officers will be trained in variety of investigatory techniques. This training and that of the prosecutors and judges will be coordinated, to strengthen that special attention given to police - fiscal linkages.

-- A comprehensive Prosecutor's Manual will be completed and distributed to all major sections of the Fiscalía, and all prosecutors will have been trained in its use.

-- A similar program (i.e., user's manual and concomitant training) will be done for all public defenders. (Note that ICITAP has already developed an Investigator's Manual, and is developing a training program for its use.

-- A complete training and curriculum -review agreement will be signed and implemented

between the top law schools in the country and OPDAT to enhance preparation of new prosecutors and judges under the framework of the 1991 Constitution's accusatorial system.

-- Automated case load management system will be up and running in the two largest regions or sections managed by the fiscalia.

-- Automated case load tracking system will be up and running in the Ministry of Justice and will be linked with that of the Fiscalia.

To achieve these results, USAID will develop the following major implementation strategy:

-- As part of the restructuring, USAID and the Ministry of Justice (MOJ), in consultation with appropriate parties, have reduced the management configuration of the JSRP to six to eight units (sub-projects) which link directly and clearly to the three JSRP impact indicators (reduction of case load, reduction in the age of cases and improved public perception of the justice system as a whole), and their supporting principles of increased efficiency, access and accountability to the people. While these sub-projects are expected to be completed by September 1997, impact and overall effort, as we appreciate it, will by no means have been achieved "in toto". (See, also, Program Resources Section.)

-- During FY 1996, 1997, and 1998, consolidation and strengthening of the JSRP in fundamental criminal process areas will be oriented at achieving the project's strategic objective in such a manner as to institutionalize it - i.e., make it permanent within the justice sector framework. During these three years, the project will achieve specific impact targets, first on a pilot basis (as intermediary results) in selected prosecutorial units, and then on a national basis (See also Section III A).

In consequence, USAID will focus its funds on the following three major areas:

A) NATIONAL TRAINING PROGRAMS WITHIN THE CRIMINAL SYSTEM

This area will encompass the training of the four major professional cadres in the sector: judges, prosecutors, judicial police officers, and defenders. The specific implementation strategies to carry this out are:

- a. Significant expansion of training for the judges at the Judicial School "Rodrigo Lara Bonilla";
- b. Inclusion of more judges under the OPDAT program administered through the PGO's training academy; and
- c. The addition of funding to the ICITAP program
- d. Expansion of the Public Defender's training to train all of the public defenders and

institutionalize the training system in that entity; complete development of the information system in that entity.

B) JUSTICE SECTOR MONITORING AND EVALUATION SYSTEMS

This area will include the design, implementation, and performance tracking of 32 pilot prosecutorial units and criminal courts. Additionally, activities to support implementation of pilot units will be considered. Among them:

-- Completion of work on case load management information system in the PGO and its linkage to that of the Courts and the MOJ .

-- Any training or technical assistance which might be required by the PGO to help it accomplish the objectives of its decongestion program

-- Evaluation of the work made thus far in the two pilot Casas de Justicia, and expansion of their use in other selected regions of the country mainly to support development of pilot units.

-- Seminars to "raise the consciousness" of key sector managers (e.g., the Fiscal General and the President of the Superior Judicial Council) regarding philosophy/importance of managing for results, and the techniques for motivating their staffs along the same lines.

C) COMMUNITY INVOLVEMENT IN THE SUPERVISION OF THE JUSTICE SECTOR

This area will provide resources to furnish technical assistance and/or training which will further the objective of involving NGO's in strengthening or otherwise improving efficiency, accountability in and access to the justice system.

PART III. STATUS OF THE MANAGEMENT CONTRACT

A. STRATEGIC OBJECTIVE CHANGES OR REFINEMENTS

USAID does not anticipate any change in the current strategic objective of the JSRP, which is to improve the effectiveness of the Colombian Criminal Justice System with emphasis on the Regional and other selected Prosecutorial Units and Criminal Courts.

In fact during the next three fiscal years, the JSRP will concentrate its resources even more in acquiring and providing the required inputs to design, establish, track, evaluate, and pass in full operation to the Fiscalía 32 prosecutorial units and criminal courts, where full use of the criminal accusatorial system principles will be used, and where oral trial proceedings will be fully utilized. Thses pilot units will constitute the spearhead of the GOC's effort to achieve the institutional/cultural changes (i.e., toward an accusatorial system) requisite to sustainable, positive impact as described in this paper.

Given this stronger emphasis on the pilot units, the JSRP monitoring system will be further refined to operate in the following way:

- 1) The three JSRP impact indicators(case load, length of time for a case to be resolved, and public perception) will be calculated as intermediary results, ONLY in the pilot units for the period March 1996- February 1997.**
- 2) Beginning March 1997, the three indicators will be again calculated on a national basis, since we believe that by then the Fiscalía will have fully incorporated and expanded to the entire country the principles tested in the pilot units.**

The monitoring system which will allow us to calculate national indicators must be initially refined at the pilot level. Additionally, this will track more directly the impact attributable to the JSRP, and its provision of training/changing mindsets for results. As we have said, it is expected that such impact will be expanded to the national level by the end of the Program.

PART II (B). PROGRESS TOWARD SPECIAL OBJECTIVE No. 1: Improve management of environmental endowments and other natural resource funding mechanisms to ensure long-term sustainable financing.

A. Summary

USAID's environmental Special Objective (SpO), originally proposed as a Strategic Objective (SO), was approved in the FY 1996-97 Action Plan as a target of opportunity. The DAEC determined that the activity was not at a level high enough, nor for a timeframe long enough to be considered an SO. Likewise, the requested funding in the amount of \$150,000 over an 18-month period for PD&S type technical assistance and training did not warrant development of a full-blown SO. Nevertheless, USAID/C's involvement in management of the \$42.0 million Enterprise for the Americas Initiative (EAI) environmental fund, and Colombia's wealth of biodiversity were deemed sufficiently important to justify the "target of opportunity" designation.

The Mission's rationale for proposing establishment of this objective was based on the following factors.

- 1) The mutual desire of the USG and the GOC to protect Colombia's vast biodiversity and natural resource base led to the signing, in 1992, of a debt reduction agreement within the framework of the EAI. The fund established by this agreement would amount to \$42.0 million in local currency to be deposited in a special account over a ten year period.
- 2) The GOC-designated implementing entity was a newly established Colombian NGO, ECOFONDO. Overall responsibility for management of the fund, however, was vested in an administrative council (the Americas Council) to which the USAIDREP was appointed as the official USG representative.
- 3) Within the context of the Summit of the Americas "Partnership for Biodiversity" initiative, Colombia is considered a priority country.
- 4) Although the special account had been established, and the GOC had begun to make deposits according to the agreed upon schedule, the Americas Council had not yet been constituted. Further, ECOFONDO lacked expertise in project design, monitoring and evaluation, strategic planning and financial management.

Given the magnitude of the fund, its potential, if properly managed, for providing a source of long-term financing for environmental activities and USAID's responsibility to ensure compliance with the EAI agreement, the Mission considered it essential to assist ECOFONDO in strengthening its administrative and managerial capabilities. To this end, USAID requested \$150,000, to be made available during the fourth quarter of FY 1995, and throughout FY 1996, to finance technical assistance and training aimed at strengthening and institutionalizing the administrative and managerial capacity of ECOFONDO and some

of its member organizations. Assistance would also be provided, as needed, for Americas Council start-up requirements, and establishment of an endowment with a portion of the EAI funds. The mechanism through the funds were made available was the LAC regional Inter-Country Technical Transfer Project (598-0616.34).

The principal outcomes envisioned from this modest amount of assistance were:

- a) improvement of financial and administrative management capabilities and practices of ECOFONDO and other selected NGOs;
- b) development of a strategic plan and adequate project selection criteria for use of EAI funds; and
- c) establishment of an environmental endowment fund.

B. Performance

Institutional Strengthening: ECOFONDO. Three activities were financed with the initial \$30,000 of ITT funding provided in late FY 1995.

- 1) A three-day strategy planning workshop was conducted by The Nature Conservancy (TNC) for ECOFONDO main office and regional staff. The workshop goals were to:
 - provide training in strategic planning methodology, including introduction to the concept of impact indicators;
 - obtain regional input for a national strategic plan;
 - examine and discuss regional objectives;
 - clarify the role of the Americas Council, and project funding process; and
 - examine and discuss technical unit objectives.

As a result of the training:

- all participating staff became familiar with respective regional initiatives;
- recommendations were developed for integration into the national strategic plan; and
- programming for 1996 operations was initiated.

- 2) A three-day Organizational Management for Sustainability (OMS) workshop was presented by LAC TECH consultants for 30 participants representing 15 Colombian NGOs. The OMS format was modified to place greater emphasis on administrative and financial systems development and new business development; i.e., ways to increase income. The first two days of the workshop focused on understanding OMS strategy to enhance sustainability, particularly the potential of an overhead rate as organizational management tool. The third day involved a series of activities focused on international standards for quality management and quality systems elements.

This workshop was a follow-up to a highly successful, earlier OMS presentation, in

response to demand for this type of training on the part of a number of Colombian NGOs, including the national NGO confederation

3) USAID contracted for an organizational evaluation of ECOFONDO, carried out by Center for Research and Special Projects of Bogota's Universidad Externado. The study included a review and evaluation of the organization's administrative, operational and financial systems and procedures. Recommendations contained in the final report are being used as a basis for discussion with ECOFONDO on ways to improve and streamline management systems, with a view to reducing administrative costs. The Canadian International Development Agency, which is also a major donor to ECOFONDO, is collaborating with USAID in utilizing the outcomes of the study to help the NGO improve management of Canadian resources as well. The results of the evaluation were presented the Americas Council and the ECOFONDO Board of Directors in early March, and planning sessions are now underway to determine a strategy for acting upon the recommendations of the study

Americas Council. After months of active recruitment and evaluation of prospective candidates by the USAIDREP, and extensive consultation and negotiation with the GOC, the Council was formally constituted on Earth Day, April 22, 1995. As mandated by the EAI agreement, the five private members are broadly representative of the NGO community, including child survival, environmental, foundation and academic institutions. The Council has met monthly since its inception. By-laws were drafted, and approved by the EAI Board of Directors in Washington. A five-year strategic plan, and project selection criteria have been developed and approved by the Council. Relationships with ECOFONDO have been better defined, and approval was obtained for purchase of building to house ECOFONDO's operation. The next step will be to begin review and approval of project proposals, and the first disbursements EAI funds.

C. Contribution of USAID Activities

The USAIDREP, assisted by an FSN Environmental Program Advisor and an FSN Program Assistant, has played the leading role in organizing the Americas Council, ensuring effective donor coordination, and obtaining resources for the above mentioned institutional strengthening activities. USAID is the lead USG agency in environmental matters in Colombia, and coordinates closely with the Foreign Commercial Service on matters related to promotion of U.S. environmental technology, and with the Economic Section of the Embassy on matters involving science and technology such as global warming and toxic substance control. In addition, USAID is in the principal contact with the Ministry of the Environment, the environmental unit of the National Planning Department (NPD) and private and civil sector environmental interests. Further, USAID provides liaison with the EAI Board of Directors in the U.S., including representatives from the Departments of Treasury and State.

The Mission believes, based on the experience of the past 12 months, that it can, and will

have a major impact on the establishment and management of an environmental endowment for Colombia. It is also well positioned to act as a facilitator and catalyst for biodiversity

protection activities in the country. For example, with the use of a small amount of reprogrammed ESF local currency, and the collaboration of G/ENV, we have been able to provide valuable support to an NPD project to include environmental costs in the national accounts. In a word, USAID/C's lead role among donors in the environmental area in Colombia, albeit with limited human and financial resources is a good example of of the "small Mission model" which appears to be the future for much of the Agency.

PROGRAM RESOURCES

USAID/Colombia is requesting \$120,000 of development assistance in FY 1996, and \$4.0 million of counter-narcotics funding in FY 1997.

Development Assistance

As part of its FY 1996-97 Action Plan, USAID was authorized to establish a Special Objective in the environment/biodiversity preservation area. At the same time, a funding request for \$150,000 was approved to provide technical assistance and training to strengthen ECOFONDO, the Colombian NGO responsible for implementation of the \$42.0 million Enterprise of the Americas Initiative (EAI) environmental protection program. A first tranche of \$30,000 was provided in FY 1995, under the LAC Regional Inter-Country Technical Transfer Project (ITT 598-0616.34). The remaining \$120,000 is required, as originally proposed, in FY 1996, to ensure that ECOFONDO is capable of carrying out its EAI program management responsibilities, and thus, protecting a multi-million dollar investment.

Counter-Narcotics Assistance (State/INL)

USAID/C's principal activity is the Justice Sector Reform Program (JSRP 514-9002). On the basis of the recommendations of the JSRP mid-term evaluation, completed in April 1995, the project has been restructured, and additional funding requirements identified. With the full and active support of the Ambassador and the Embassy Narcotics Affairs Section (NAS) Chief, this funding is being sought from INL counter-narcotics resources.

The Mission's JSRP restructuring proposal is being reviewed by the LAC Bureau, together with the justification for continuing the program as an integral and essential component of the USG's counter-narcotics program in Colombia. The additional funding requested would be provided in FY 1997, and the PACD would be extended for two years, until 09/30/99.

The history and progress to date of the Justice Sector Program are amply discussed throughout this paper. Results to date are modest, as we say. As is cited here, however, and in the paper entitled "Restructuring the Justice Sector Reform Program: USAID/Colombia", we believe that we are on the right track toward true, complete and sustainable change for the better in the justice sector. At the same time, there is not enough time or money left to achieve the desired outcome of training all justice sector official, and institutionalizing the training programs; i.e., by the fall of 1997, and within the current budget.

We estimate that an additional \$4.0 million in ESF funds will be needed beginning in FY 1997, to maintain continuity of effort to effect change and improvement in the system, and that the Justice Program should be extended until September 30, 1999. This will allow time for expenditure of those funds and completion of activities needed to achieve our goals of improved case load management and improved public belief in, and support of the justice system. Funds would be used to: a) complete training of the judicial police corps, and complete the institutionalization of that training system; b) expand the pilot unit operation system, which will serve to put the results of all the training programs to practical use, and, in so doing, institutionalize them; and c) complete the work in training sector entities to plan and work for concrete results in the sector

Annex 1

**ALL RESOURCES TABLE
USAID/Colombia
(\$000)**

Funding Category	FY 1996*	FY 1997		FY 1998	
		Base**	Base - 20%	Base - 10%	Base -30%
Development Assistance/ SEED/FSA/ESF/IDA ***	120 0	0 4,000	0 3,200	0 0	0 0
Economic Growth					
Of which: Field Support ****					
Population/Health					
Of which: Field Support ****					
Environment	120	0	0	0	0
Of which: Field Support ****	0	0	0	0	0
Democracy	0	4,000	3,200	0	0
Of which: Field Support ****	0	0	0	0	0
Humanitarian Assistance/Transition					
Of which: Field Support ****					
PL480:					
Title II					
Title III					
Other (HG, MSED, ECA) ***					
GRAND TOTAL	120	4,000	3,200	0	0

* The FY 1996 level is from operating bureau allocations based on 75 per cent of the FY 1996 CP request level, except for PL480 programs for which appropriations have been enacted.

** Base is defined as operating bureau allocations based on the FY 1997 OMB request level. These allocations shall be ACSI code driven.

*** FY: SEED= Support for Eastern European Democracy FSA= Freedom Support Act (NIS countries); IDA= International Disaster Assistance.

HG = Housing Guaranty; MSED= Micro and Small Enterprise Development, ECA=Enhanced Credit Authority

**** Refers to all Field Support -- both Global-obligated and Mission-obligated.

**Annex 2
Funding Scenarios by Objective***

(000)

OBJECTIVE	FY 1996**	FY 1997		FY 1998	
		Base***	Base - 20%	Base -10%	Base - 30%
Strategic Objective # 1: Improve Colom. Criminal Justice System Effectiveness					
Development Assistance/SEED/FSA****					
Economic Support Funds	0	4,000	3,200	0	0
PL480: Title II					
Title III					
International Disaster Assistance					
Other (HG,MSED,ECA)****					
Special Objective # 1: Improved Mgt. of Environmental Endowment Fund					
Development Assistance/SEED/FSA****	120	0	0	0	0
Economic Support Funds					
PL480: Title II					
Title III					
International Disaster Assistance					
Other (HG,MSED,ECA)****					
Strategic Support Objective # ___: (text)					
Development Assistance/SEED/FSA****					
Economic Support Funds					
PL480: Title II					
Title III					
International Disaster Assistance					
Other (HG,MSED,ECA)****					
Total					
Development Assistance/SEED/FSA****	120	0	0	0	0
Economic Support Funds	0	4,000	3,200	0	0
PL480: Title II					
Title III					
International Disaster Assistance					
Other (HG,MSED,ECA)****					

* Use all funding epigots, including DA, SEED, FSA, EBF, PL480, IDA, HG, MSED, and ECA.

** The FY 1996 level is from operating bureau allocations based on 75 per cent of the FY 1996 CP request level, except for PL480 programs for which appropriations have been enacted.

*** Base is defined as operating bureau allocations based on the FY 1997 OMB request level.

**** Please disaggregate by funding category.

PROGRAM MANAGEMENT REQUIREMENTS

The attached Table 4 reflects operating expense and staffing requirements based upon the assumption that the Justice Sector Reform Program (JSRP 514-9002) will continue through FY 1999.

Operating Expenses

-- FY 1996 OE dollar and trust fund amounts are based on provisional levels contained in 95 State 281874, dated 12/07/95. They include costs for transfer of the D/USAIDREP to USAID/W.

-- The slight decrease in the FY 1997 request reflects the deletion of one USDH position and a decrease in office operation costs due to the move to the new Embassy. The U500 function code for FY 1996 included funds for the move and for the restoration of the USAID Lutaima Building offices to their original condition, as required by the rental contract.

-- FY 1997 levels include a 10% increase for inflation and post assignment travel and freight estimates related to the departure of the current USAIDREP and the arrival of his replacement.

-- Based on FY 1995 figures, FAAS costs (not included in Table 4 totals) had been straight-lined at \$49,000 per year. Mission understands from pilot post experiences, however, that new ICASS cost-sharing system for administrative expenses could mean significantly higher costs for USAID in FY 1997 and beyond. At present, we have no way of projecting what those costs might be.

-- FY 1998 inflation increases are mostly offset by projected personnel reductions.

-- The FY 1996, 65%-35% split between U.S. dollar and local currency trust fund resources has been carried through FY 1997 and FY 1998.

Staffing

-- "Other" includes one USPSC and two FSNPSC employees contracted through the ICITAP component of the JSRP, and one DOJ long-term advisor and four FSNPSCs hired under the OPDAT PASA.

-- The program-funded USPSCs are required for adequate and effective management of the JSRP, and so are retained through FY 1998. Retention of these two positions is critical in view of the deletion of the second USDH position in FY 1996. ICITAP and OPDAT staff are also essential to the implementation of the JSRP, as restructured.

-- FSN positions related to JSRP project management, as well as those related to essential administrative support, will also be maintained through FY 1998.

TABLE 4
USAID/Colombia
OE Funding Requirements
(\$000)

OE/TRUST FUNDED LEVELS By Major Function Code:	FY 96	FY 97	FY 98
U100 U.S. Direct Hire	42.0	89.1	52.3
U200 F.N. Direct Hire	95.7	105.0	118.9
U300 Contract Personnel	210.3	221.1	221.7
U400 Housing	49.4	34.0	34.4
U500 Office Operations	218.0	194.6	220.2
U600 NXP Procurement	46.0	10.0	10.0
Total Mission Funded OE/TF Costs	661.4*	653.8**	657.5**
Of which TF Funded	231.4	228.8	230.5

* Must not exceed FY96 OE levels provided by LAC/DPB.

** Should not exceed reduced levels provided by LAC/DPB.

Mission Staffing Requirement																		
	FY96						FY97						FY98					
	USDH*	USPSC	TCNPSC	FSN	Othe r	Tota l	USDH*	USPSC	TCNPSC	FSN	Othe r	Tota l	USDH	USPSC	TCNPSC	FSN	Othe r	Tota l
Total Authoriz ed Position s	2	2	0	14	8	26	1	2	0	13	8	24	1	2	0	10	8	21
of which Program funded	0	2	0	2	8	12	0	2	0	2	8	12	0	2	0	1	8	11

* May not exceed USDH on-board position level provided by LAC/DPB.

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ORIGIN AID-00

ACTION OFFICE(S): IASLP
INFO OFFICE(S): AAG AALA BHR FMP IG IGII LADP LASA LBEG
LENV LRSD POP PPSP PVC STN

INFO LOG-00 ARA-01 TEDE-00 /001R

DRAFTED BY: AID/LAC/SPM:GBERTOLIN:GB
APPROVED BY: AID/AA/LAC:MSCHNEIDER AID0098
AID/PPC/PC:VCUSUMANO (DRAFT) AID/LAC/SPM:JWEBER
AID/LAC/SAM:WTATE (DRAFT) AID/LAC/DAA:NPARKER
AID/G/PDSP:TMAHONEY (DRAFT) AID/LAC/RSD:SEPSTEIN (DRAFT)
AID/LAC/DPB:RMEERAN (DRAFT) STATE/ARA/AND:AWELLS (DRAFT)
-----CBF9C7 022046Z /38

R 022037Z JUN 95
FM SECSTATE WASHDC
TO AMEMBASSY BOGOTA

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AIDAC

E.O. 12356: N/A

TAGS:

SUBJECT: FY 96-97 ACTION PLAN FOR COLOMBIA

1. THE FY 96-97 ACTION PLAN FOR COLOMBIA WAS REVIEWED ON MAY 9, 1995. THE DAEC WAS CHAIRED BY AA/LAC MARK SCHNEIDER. IN ATTENDANCE WERE REPRESENTATIVES FROM BHR, G, PPC, M, STATE/ARA AND INL AS WELL AS ALL APPROPRIATE LAC OFFICES. USAID REPRESENTATIVE LARS KLASSEN AND STAFF MEMBER LUIS ROA PRESENTED THE ACTION PLAN. THE ACTION PLAN WAS APPROVED BY THE BUREAU, SUBJECT TO THE GUIDANCE

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PROVIDED BELOW.

2. THE FIRST ISSUE ADDRESSED BY THE DAEC WAS WHETHER A TERMINATION/CLOSEOUT DATE FOR THE USAID/COLOMBIA PROGRAM SHOULD BE ESTABLISHED. THE ARGUMENTS FOR CLOSEOUT WERE BASED LARGELY ON COLOMBIA' RELATIVELY STRONG SOCIAL-ECONOMIC INDICATORS. THE AA/LAC MADE THE POINT THAT THE RATIONALE FOR USAID ASSISTANCE TO COLOMBIA IS TO STRENGTHEN THE JUDICIAL SECTOR. THE CONCLUSION WAS THAT LAC/W WOULD EXAMINE THE TERMINATION/CLOSEOUT ISSUE AGAIN IN 1997 TO CONSIDER PROGRESS AND DETERMINE WHETHER THERE IS A CONTINUING NEED FOR USAID ASSISTANCE IN THIS SECTOR. TO ASSIST IN THAT ASSESSMENT, THE AA/LAC NOTED THAT THERE

SHOULD BE SOME STANDARDS DEVELOPED AGAINST WHICH PROGRESS ON THE IMPACT OF JUDICIAL REFORM COULD BE MEASURED. THESE MAY BE MORE QUALITATIVE AND AT A HIGHER IMPACT LEVEL THAN THE MANAGEMENT LEVEL INDICATORS CURRENTLY IN PLACE AND BEING USED BY THE COLOMBIANS AND USAID.

3. THE SECOND ISSUE WAS WHETHER THERE SHOULD BE AN ENVIRONMENTAL S.O. AS PROPOSED IN THE ACTION PLAN. THE PROPOSED STATEMENT OF THE OBJECTIVE WAS JUDGED TO BE AT A LEVEL TOO LOW TO BE CONSIDERED AN SO. IT WAS AGREED THAT THIS WILL BE A TARGET OF OPPORTUNITY, BUT WILL RECEIVE THE RESOURCES REQUESTED IN THE ACTION PLAN-- DOLS 30 THOUSAND IN FY 95 AND DOLS 120 THOUSAND IN FY 96. SINCE COLOMBIA IS LIKELY TO BE DESIGNATED BY THE GLOBAL BUREAU AS A PRIORITY COUNTRY FOR BIODEVERSITY, SHARED G-LAC FUNDING OF THIS TARGET OF OPPORTUNITY WILL BE EXPLORED.

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4. THE ACTION PLAN ALSO PROPOSED FUNDING FOR ALTERNATIVE DEVELOPMENT PROGRAM DEVELOPMENT. THE CONCLUSION OF THE

DAEC WAS THAT NEITHER USAID NOR STATE HAVE ANY FUNDS TO SUPPORT THE EFFORT, AND THAT WE SHOULD ENCOURAGE THE COLOMBIANS AND OTHER DONORS TO FINANCE ANY PROGRAM DEVELOPMENT COSTS. USAID/COLOMBIA CAN AND SHOULD REMAIN ENGAGED ON SUBJECT, BUT WILL NOT PROVIDE FINANCIAL RESOURCES WITH ABOVE UNDERSTANDING.

5. THERE WAS GREAT INTEREST AND DISCUSSION AT ALL THE COLOMBIA ACTION PLAN RELATED MEETINGS ON HOW TO PROCEED VIS A VIS THE RECENTLY COMPLETED EVALUATION OF THE JUDICIAL SECTOR REFORM PROGRAM. THE DAEC CONCLUSION WAS THAT THE USAID REPRESENTATIVE SHOULD DISCUSS THE EVALUATION FINDINGS AND RECOMMENDATIONS WITH THE GOC AND, BASED ON THE EVALUATION AND THESE DISCUSSIONS, DEVELOP A PLAN ON HOW TO RESTRUCTURE AND REFOCUS THE PROJECT. USAID COLOMBIA WILL THEN PRESENT A PROPOSAL TO MODIFY THE PROJECT TO LAC/W FOR REVIEW ALONG WITH THE FINAL EVALUATION DOCUMENT. THE NATURE OF THE CHANGES USAID/COLOMBIA EXPECTS TO PROPOSE SHOULD NOT REQUIRE A FORMAL PP AMENDMENT.

6. THE USAID REPRESENTATIVE DESCRIBED THE ACTIONS HE HAS BEEN TAKING WITH REGARD TO THE ONGOING GOC REVIEW OF THE REGIONAL COURTS AND HIS MEETING WITH A LEADING HUMAN RIGHTS NGO ON THIS POINT. THERE WAS DISCUSSION OF NEW NGO CHARGES THAT CONVICTIONS IN REGIONAL COURTS WERE BEING OBTAINED WITH TESTIMONY OF PAID MILITARY INFORMANTS. THERE WAS AGREEMENT THAT INTERNAL GOC REVIEW AND POSSIBLY OTHER REFORMS TO STRENGTHEN DUE PROCESS GUARANTEES WILL BE

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NEEDED TO AVOID PREMATURE CALLS TO DISMANTLE THE REGIONAL COURTS BEFORE THE SECURITY SITUATION ALLOWS- WHILE THE

DAEC AGREED THAT THE AOJ PROJECT MAY CONTINUE TO SUPPORT THE REGIONAL COURTS, WE EXPECT THE USAID REPRESENTATIVE TO PAY CLOSE ATTENTION TO HUMAN RIGHTS CONCERNS.

7. PARTICIPANTS AT THE DAEC ALSO DISCUSSED WHETHER OR NOT USAID/COLOMBIA SHOULD HIRE A US TECHNICAL ADVISOR IN THE JUSTICE SECTOR. THE JUSTICE ADVISOR POSITION WOULD ALLOW THE US MISSION GREATER ABILITY TO ENGAGE GOC OFFICIALS ON A MORE SUBSTANTIVE, POLICY-ORIENTED BASIS WHILE STILL CARRYING OUT THE INTENSIVE EFFORT REQUIRED BY THE PROJECT'S MONITORING AND TRACKING SYSTEM. THIS ADVISOR WOULD ALSO BE BENEFICIAL TO BOTH GOC AND US MISSION IN EXTRACTING AND APPLYING ON A SYSTEMS WIDE BASIS THE LESSONS LEARNED FROM THE OVER 50 SUB-PROJECTS CARRIED OUT UNDER THE FES. G IS PREPARED TO ASSIST IN THE IDENTIFICATION OF SUCH AN INDIVIDUAL. THE USAID REPRESENTATIVE FELT THAT SUCH AN INDIVIDUAL WOULD NOT BE APPROPRIATE AT THIS TIME THOUGH. OTHERS IN THE MEETING WERE CONVINCED THAT SUCH AN ADVISOR IS NEEDED. AA/LAC INSTRUCTED THE USAID REPRESENTATIVE TO REVIEW THE PROPOSAL FOR A JUSTICE SECTOR ADVISOR WITH HIS STAFF IN COLOMBIA AND TO ADVISE LAC/W OF HIS CONCLUSION.

8. THE COLOMBIA 1996-1997 ACTION PLAN DID NOT MENTION THE POPULATION PROGRAM IN ANY DETAIL. USAID REPRESENTATIVE LABS KLASSEN INDICATED THAT THIS HAS AN OVERSIGHT; HE PROVIDED AS AN ADDENDUM TO THE ACTION PLAN A LIST OF USAID FUNDED POPULATION PROJECTS. NEXT YEAR'S ACTION PLAN

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SHOULD INCLUDE A DISCUSSION OF THE POPULATION PROGRAM. MISSION DIRECTOR AND THE GLOBAL REPRESENTATIVE STATED THAT THE FY 1995 FUNDING LEVELS WILL COMPLETE ALL OUTSTANDING POP FUNDING REQUIREMENTS. THEREFORE, THE DOLS 2.545 MILLION CURRENTLY BUDGETED BY G FOR COLOMBIA WILL BE REALLOCATED.

9. THE USAID REPRESENTATIVE AGREED TO FACILITATE TRAVEL TO AND FROM COLOMBIA TO ENABLE FAMILY PLANNING PROGRAMS IN OTHER COUNTRIES TO USE PROFAMILIA AS A SOURCE OF TECHNICAL ASSISTANCE AND AS A TRAINING CENTER. THE LESSONS LEARNED FROM 20 YEARS OF USAID ASSISTANCE TO PROFAMILIA REPRESENT A RICH SOURCE OF POTENTIAL SOUTH-SOUTH COLLABORATION AND A

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POSSIBLE SOURCE OF REVENUES FOR PROFAMILIA THROUGH THE PROVISION OF TECHNICAL ASSISTANCE AND TRAINING. THIS WOULD IMPROVE PROFAMILIA'S FINANCIAL SUSTAINABILITY.

10. ENTERPRISE FOR THE AMERICAS: TO DATE NO FUNDS HAVE BEEN DISBURSED FOR CHILD SURVIVAL ACTIVITIES. RECENTLY A REPRESENTATIVE FROM THE CHILD SURVIVAL PVO COMMUNITY HAS INVITED TO SIT ON THE ADMINISTRATIVE PANEL. WE REQUEST THE MISSION REPORT ON THIS IN NEXT YEAR'S ACTION PLAN.

11. BUDGET. THE CURRENTLY AVAILABLE DA BUDGET LEVELS FOR USAID/COLOMBIA INCLUDING GLOBAL FIELD SUPPORT ARE DOLS 5.908 MILLION IN FY 95 AND DOLS 120,000 IN FY 96. THESE FIGURES REFLECT THE APPROVAL OF DOLS 30 THOUSAND IN FY 95 AND DOLS 120 THOUSAND IN FY 96 FOR THE ENVIRONMENT TARGET OF OPPORTUNITY.
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