

# IDB Experience in Justice Reform

## Lessons Learned and Elements for Policy Formulation

Christina Biebesheimer  
J. Mark Payne

**Inter-American Development Bank**

Washington, D. C.

**Sustainable Development Department  
Technical Papers Series**

**Cataloging-in-Publication provided by the  
Inter-American Development Bank  
Felipe Herrera Library**

Biebesheimer, Christina.

Assessment of IDB experience in justice reform : recommendations for policy formulation /  
Christina Biebesheimer, J. Mark Payne.

p.cm. (Sustainable Development Department Technical papers series ; SGC-101)  
Includes bibliographical references.

1. Law reform--Latin America. 2. Justice, Administration of--Latin America. 3. Inter-American Development Bank. I. Payne, J. Mark. II. Inter-American Development Bank. Sustainable Development Dept. State, Governance and Civil Society Div. III. Title. IV. Series.

340.3 B44—dc21

Christina Biebesheimer is a principal specialist on modernization of the state issues and Mark Payne is a consultant in the State, Governance and Civil Society Division of the Sustainable Development Department. The authors acknowledge comments and suggestions received from Thomas Carothers of the Carnegie Endowment for International Peace, Lisa Bhansali of The World Bank, and Miguel Coronado, Álvaro Herrero, and Stefano Tinari of the Inter-American Development Bank. Bárbara Zegers provided valuable research support and Ana María Schuett helped with the production and editing of the document. Any errors or omissions are, however, the responsibility of the authors.

The opinions expressed herein are those of the authors and do not necessarily reflect the official position of the Inter-American Development Bank.

November 2001

This publication (No. SGC-101) can be obtained from:

State, Governance and Civil Society Division  
Stop W-0300  
Inter-American Development Bank  
1300 New York Avenue, N.W.  
Washington, D.C. 20577

E-mail: [anamarias@iadb.org](mailto:anamarias@iadb.org)  
Fax: 202-623-3029  
Web site: <http://www.iadb.org/sds/scs>

## Foreword

Justice reform is a relatively new field for the Inter-American Development Bank, which began its work in support of modernizing justice systems in Latin America and the Caribbean with a 1993 conference in Costa Rica. This conference alerted the Bank to the interest in this issue. In its wake, strengthening justice systems became a new Bank mandate. Justice reform has become steadily more important in the agenda of the Bank and its member countries over the last decade. Because of its importance to the effective functioning of a market economy, to enhancing equity, and to good governance and strong democratic institutions, reform of the justice system has become a key area in overall State reform efforts.

Although the IDB has been working in justice reform for less than a decade, it has already approved more than 80 projects in 21 countries supporting reforms that vary widely in scope and content. Serious problems with the justice sector in the region are spurring the demand for this type of project. These problems include the lack of legal predictability in economic transactions, low levels of confidence in the judicial system, delays and backlogs in the courts, rising criminal activity and violence, and growing citizen demands for fairness, transparency, and access, among others. In response to these challenges, the countries of the region have placed strengthening their justice systems at the center of efforts to address corruption and control crime and violence; support the market economy; and strengthen a fair, legitimate and orderly democratic political system as a condition for equitable development.

It appears likely that justice will continue to be an increasingly important area of work for the Bank and its member countries. Indeed, the importance of this topic is reflected in the fact that the Bank has created state and civil society divisions in each of its three regional departments. This means that more staff in the Bank will be working on state reform projects in general and justice projects in particular. Thus, the time is ripe for exploring the lessons of the past several years. The aim of this first assessment of the IDB's work in the field of justice reform is to spark a dialogue about how to improve these projects. To that end, this report provides a useful collection of information and knowledge to help those working on justice projects, and to support the preparation of Bank and government policies in the sector.

Edmundo Jarquín  
Chief  
State, Governance and Civil Society Division

# Executive Summary

This paper reviews the Bank's experience with justice reform projects in order to help focus and inform the discussion of lessons learned and to contribute to the formulation of Bank policy in the area of justice reform. It focuses on the process of project preparation, design and initial implementation.

Evidence from public opinion surveys, ratings of experts, and statistical information show that *justice reform should continue to be a priority area of work for the IDB, given that:*

- There are unusually large numbers of cases pending in the region's judicial systems. The average delay is extraordinarily long and in many countries has gotten significantly worse since 1987.
- The homicide rate for the region has followed an almost exponential pattern of growth between the early 1970s and the early 1990s. Moreover, it is considerably higher in Latin America than in either the OECD countries or other developing countries. Latin America leads most other global regions in terms of crime in general.
- A rule of law index and an aggregate corruption index rank Latin America and the Caribbean slightly ahead of Sub-Saharan Africa, South Asia, and the former Soviet Republics, but well below the high income countries and lower than the rest of the developing world. Firm managers agree that the unpredictability of the judiciary presents a major problem for their business operations. Business executives indicate a high level of distrust in the independence and impartiality of the judiciary.

Ratings over time tend to show a slight but steady improvement in measurements of the degree of "law and order" (the extent to which there is an established law and order tradition, a strong court system, and provisions for an or-

derly succession of power) and the level of corruption in the political system from 1982 to 1995. Statistical and survey evidence also indicates that there is considerable variation in the functioning of justice systems among countries of the region.

## **IDB JUSTICE PROJECTS REFLECT THE CHARACTERISTICS AND REQUIREMENTS OF THE REGION.**

From 1993 to June of 2001, the Bank approved 18 loans and 65 technical cooperation operations to promote some aspect of justice sector reform in 21 of its 26 borrowing member countries. Including the country counterpart contribution, these projects amount to about \$461 million in investment in the past eight years. This total investment is divided roughly evenly over three overarching categories: civil justice reform, access to justice, and criminal justice reform. Total investment is divided among four types of reform processes: institutional strengthening, law reform, consensus-building activities, and research. Institutional strengthening is by far the greater investment of these four categories, while investment in research has been relatively low.

The aim of many projects to reform civil law systems is to improve the functioning of market economies. The IDB portfolio of justice projects extends beyond such market-driven reforms to encompass projects aimed at increasing access to justice by the disenfranchised, at building consensus about the need for greater judicial independence in a democratic system, and at building the justice system's ability to respond to crime and violence. IDB projects in areas such as access to justice, property dispute mediation, criminal justice, and violence prevention at the community level, make the Bank's work in this area the broadest among the multilateral development banks. Other MDBs have aimed their judicial reform programs primarily at the civil (as opposed to criminal) law system, and particularly at commercial law reform. The IDB's focus on

areas not emphasized by other MDBs arises from the needs and interests of the region's countries.

### **THE BANK SHOULD BE IN JUSTICE REFORM FOR THE LONG TERM**

Reforming the justice system is a profound and difficult task. The process of justice reform requires persistence over time. Improvements in quality and effectiveness will tend to be slow in developing. Reforming the justice system is a task that is highly political in nature, affecting the balance of national institutional power among the executive, legislative, and judicial branches of government, and the balance of power among diverse social and political groups in society. It entails far-reaching changes in multiple and crosscutting institutions, the long-term enhancement of human resources and managerial capacities, as well as changes in cultural norms and values. Thus, the IDB will need to support countries in a long-term, incremental reform process. This means that it will need to be able to measure incremental progress, and it should not expect major changes in the near term.

### **EARLY PROJECT IMPLEMENTATION IS PROMISING, BUT SHOWS SOME DANGER SIGNALS**

The Regional Operations Support Office's system for analyzing the disbursement record for projects in implementation shows that, of 13 active justice loans, one (7.7 percent) is considered to be a "problem" project and six (46.2 percent) are considered to be "at risk." This is not very different from projects in education, where out of 38 active loans, two are in the "problem" category and 16 are considered to be "at risk." In the health sector a smaller percentage is perceived as "at risk" but a larger percentage are in the "problem" category. The percentage of justice sector loans that are "problem" projects is lower than the percentage for the overall Bank portfolio. The percentage of "at risk" projects, however, is considerably higher than that of the overall Bank loan portfolio, though it is similar to

the percentage of "at risk" loans in the social sector.

### **DIFFICULT ISSUES ENCOUNTERED AND SOME LESSONS LEARNED**

Some of the most frequent and important problems that the IDB has encountered during design and implementation of justice reform projects so far include entry conditions, coordinating execution, and changes in political administrations.

*Entry conditions are not always ideal.* The Bank is sometimes asked to work on justice reform projects in countries or institutions in which consensus for reform is only partial. It is also asked to undertake reform projects in the absence of judicial independence. It would be counterproductive for the Bank to refuse to do any justice reform work in the absence of full consensus for reform or full judicial independence. Instead, the Bank should work to bring about greater consensus for reform and greater judicial independence. Both judicial independence and political consensus should be assessed in the diagnostic stage of project preparation, and projects should be designed to build, realistically, on the base that is present. Since profound reforms have a better chance to be successful in institutions that demonstrate a great interest for change, the Bank should try to respond with agility when consensus for change is present. This paper outlines some potential strategies for developing judicial independence and consensus for reform.

*Coordinating execution across powers of government is complex.* The nature of the justice sector and the problems it confronts mean that justice sector projects often involve several government ministries and more than one branch of government. Sometimes the judicial, executive and legislative branches are all involved in a single project. It is probably safe to generalize that the simpler the execution structure, and the more ample the time for execution, the better the chance for smooth project implementation. However, in those cases in which problems can

only be solved by the coordinated activities of more than one entity, some level of complexity in execution structures will be necessary. It is important to assess the strengths and weaknesses of the different execution models being used in justice projects in order to ascertain which ones work better under what circumstances.

*A change in political administrations, leaders or consensus can hit justice projects hard.* The Bank needs to skillfully assess political will at the diagnostic stage. The challenge presented by changes in political administrations, leaders or consensus also suggests the need for flexibility and hands-on involvement during implementation. Many justice projects depart from more traditional Bank projects in that they define outputs for only the first year of execution and for final overall execution. Then they require a joint meeting of the Bank and the executing agency to review the past year's execution and develop a work plan for the next year. This design structure permits flexibility during execution, since it calls for on-going monitoring, feedback and planning of project activities. However, administrative missions and mid-term evaluations place greater demands on staff time at headquarters and country offices. A design structure that permits modification of the content or rhythm of reform during execution must be based on very solid progress and impact indicators, as well as evaluation and feedback mechanisms and capabilities, so that the Bank and the executing agency can determine how the project is moving and how it could best be modified.

### **IMPROVING THE DESIGN AND IMPLEMENTATION OF JUSTICE PROJECTS**

*Be more hands-on in the technical supervision of projects.* The fact that many justice loans are classified as "at risk" indicates that on-going assistance from Bank staff during project execution is key to project success. Executing units often need hands-on technical assistance from the Bank, especially in the first year of implementation, and a critical factor in project exe-

cuting success is the expertise and time that the country office (COF) specialist and the project team dedicate to the project. The continuing need for project team involvement during the first year of execution represents a greater workload both for headquarters and country office staff, but it also presents opportunities for careful observation of project execution and adjustments to project strategies as necessary.

*Maintain the ability to work generally in the sector, but identify a few key areas for in-depth expertise.* The contents and sequence of second-generation reforms (such as justice system reform) will vary from country to country, responding to windows of social and political consensus, and adapting to local institutional structures, cultures, and conditions. It is important, then, that the Bank have a broad menu of expertise to offer in governance projects in general, and justice reform in particular. If the Bank is to bring cutting-edge expertise to its member countries, however, it will also need to select a few priority areas and develop a depth of expertise in them. Justice systems throughout the region are grappling with a lack of credibility, court delay and rising crime; thus the Bank should make a special effort to develop expertise to help deal with these problem areas. If the Bank operates *only* as a source of generalist knowledge across the whole broad spectrum of justice reform, it will not be able to offer real cutting-edge, value-added technical expertise and advice to member countries in their areas of greatest need. This paper suggests several areas for Bank focus, both in terms of projects and research. It also suggests two areas, police reform and prison reform, in which some limits to Bank work may be appropriate. Bank project teams need guidance in assessing the eligibility of projects for funding and in ensuring quality in project design. Cross-departmental working groups are preparing operational guidelines in these areas. Once those guidelines have been in place and revised to reflect experience, Bank staff can prepare a policy for consideration by the Board of Directors.

*Develop core staff in justice reform.* If the Bank is to develop special expertise in certain areas of justice reform, as well as to have familiarity with the whole sector and with methodologies for good project design in a field in which there are no one-size-fits-all models, staffing and staff training become critical. Many of those working on justice reform projects are either generalists or experts in somewhat related fields applying knowledge from other fields to justice reform. This makes a requirement for training especially important. Everyone working on justice reform projects should have training in core justice reform theory and practice. The Bank could develop a course on justice reform to be offered by the Office of Learning. It can also offer short workshops on the topic and publish best practice papers on specific issues. In order to assure the quality of justice projects that, for the most part,

are prepared by generalists, the Bank will also need a core of staff with in-depth expertise in law and justice reform. The formation of State and Civil Society Divisions in each of the Regional Operational Departments would appear to present an opportunity to bring in experts on legal and justice reform.

*Learning fast from experience requires better monitoring and feedback.* The Bank needs to collect and apply the lessons from experience as it is gained. This paper suggests many ways to do this, among them: develop an excellent diagnostic tool and better impact indicators; design methodologies for project preparation, including means of analysis of the policy and political contexts and institutional capacity; collect and disseminate best practice papers; and carry out on-going and impact evaluations that present concrete, constructive observations useful to Bank staff working on project design. Project monitoring and evaluation mechanisms are necessary not only for successful execution of individual projects, but also for developing data and learning regarding the process of justice reform. Conclusions of field studies and evaluations to date tend to be too general to be very useful to staff working on project design. More staff time and funds dedicated to practical research that will allow staff to learn from project implementation would make it possible for the Bank to get better results with each operation, and would provide input for the training proposed in the prior recommendation.

## Purpose and Methodology

Both among development institutions and the countries of Latin America and the Caribbean, a consensus has formed that an effective justice system is an essential element of a well-functioning market economy and a fair, legitimate, orderly, and institutionalized democratic political system. It is broadly understood that an effective justice system is necessary to oversee the regulation of newly privatized or opened markets, to allow the impartial and predictable application of rules necessary to attract private sector investment, and to provide a credible deterrent to criminal behavior and justice for the victims of crime. Growing citizen demands for fairness, transparency, and access; rising criminality and violence; lack of legal predictability in economic transactions; and the frequent denial of justice because of backlogs and delays in the court system, among other factors, are focusing attention on the need for justice system reform. The IDB helped to focus attention on the growing consensus for justice reform among countries of the region. In response to that consensus, the Bank is funding projects intended to improve the administration of justice in the region.

The Report on the Eighth General Increase in the Resources of the Inter-American Development Bank (Document AB-1704), approved by the Board of Governors in August 1994, formally endorsed the objective of supporting member countries in strengthening and modernizing their judicial systems. The document affirms, "Bank support should be geared towards ensuring that the judicial system is independent and effective, that it guarantees the rights of citizens, and that it contributes to effective and rapid settlement of disputes."

This paper reviews the Bank's experience to date in supporting the justice sectors of member countries in order to help focus and inform the discussion of lessons learned and to contribute to the formulation of Bank policy in the area of justice reform. It focuses mainly on the process of

project preparation, design and initial execution, and examines the Bank's experience in light of available data on the state of the justice sector in Latin America and the Caribbean, and in light of the experience of other institutions with the reform process. This paper does not attempt to set forth best practice conclusions with respect to specific areas of justice reform, such as how to best carry out judicial training, or how to structure legal aid programs, for example. Given the relative absence of knowledge and training manuals to support justice reform efforts, cross-national empirical research and best practice papers bringing together such lessons would be quite valuable. Such efforts are recommended in particular areas, but the paper's principal aim is to review the IDB's experience in the justice sector as a whole.

### **THE NATURE OF JUSTICE REFORM PROJECTS AND NEED FOR PERIODIC ASSESSMENTS**

Reforming the justice system is a profound and difficult task. On the one hand, it is highly political in nature, given that it affects the balance of national institutional power among the executive, legislative, and judicial branches of government, and that it inevitably affects the balance of power among diverse social and political groups in society. (For example, enhancing the degree of impartiality in the rendering of justice may reduce favoritism toward a particular socioeconomic group.) On the other hand, the effective reform of justice systems entails far-reaching changes in multiple and cross-cutting institutions, the long-term enhancement of human resources and managerial capacities, as well as changes in cultural norms and values. Thus, the process of justice reform requires persistence over time. Improvements in quality and effectiveness, if they are achieved, will tend to be slow in developing.

As a result, reflecting the particular character of justice reform efforts, Bank projects in this area are likely to be unusual in comparison to those in other areas. Like government reform projects generally, rule of law or justice reform projects<sup>1</sup> require a consensus for change and may therefore be feasible only within relatively narrow windows of opportunity. Given the long-term nature of the task of institution building, such efforts are likely to extend beyond any one project cycle. Such projects are likely to entail coordination among multiple agencies from both the judicial and executive branches of government, and sometimes also the legislature. Many of the projects are cross-disciplinary in nature. Given that this is a new area of Bank work, entering into it requires staff to learn new expertise, and raises questions as to what types of limits, if any, should be placed on Bank activity in the sector (such as in the areas of criminal justice generally, and police or prison reform particularly).

The challenges raised by the nature of these projects make it necessary for the Bank to assess its work in this sector on a periodic basis. In this way, the development of future projects can take into consideration the lessons learned

---

<sup>1</sup> Projects intended to reform laws and institutions of justice go by several names. They are often called *rule of law* projects. The concept of rule of law is sometimes defined narrowly and sometimes broadly, but since it may be understood to include reform of regulatory agencies (e.g., those that oversee banking or securities activity), it is not used in this paper. In the United States, justice reform projects are often called *administration of justice* projects. This term, especially when translated into Spanish, was sometimes interpreted in the IDB as referring to projects limited to purely administrative (as opposed to managerial or substantive law) reform. The term *justice reform* is used in this paper because it embraces all projects involving those institutions traditionally understood to be justice sector institutions (i.e., the court system, ministries or departments of justice, prosecutors, police, public defenders, ombudsmen, legal aid institutions, and organizations that assist in rendering mediated or arbitrated decisions that are recognized as law). The term is used also to indicate that the projects aim not only at administrative reform, but work at every level of the institutions involved, in many substantive areas of law.

through the positive innovations, as well as the mistakes, of past projects. On the basis of such assessments it should be possible to recommend policies or strategies that the Bank could implement with the aim of ensuring that its projects have a significant and positive impact on justice reform in Latin America and the Caribbean.

## OBJECTIVES OF THE PRELIMINARY ASSESSMENT

Since the Bank's experience with justice reform dates only to 1993, the bulk of the projects approved to date in this sector are still being implemented. Now that the IDB is beginning to accumulate some significant experience with project execution, it can begin to analyze the development impact of its justice projects. Such an analysis will be very important to determine how effectively Bank and member country resources are being invested in justice reform. A serious impact analysis will require extensive fieldwork for each project studied. That fieldwork has not been undertaken for this preliminary assessment, however, which limits itself to examining the Bank's experience to date with the process of project development and initial execution in order to gain an understanding of the issues highlighted below.

- The obstacles encountered and lessons learned in the phases of project design and initial execution: Are any changes in the process of project design and preparation, or in project content, warranted?
- Whether Bank projects build on lessons learned by other organizations, and whether they represent a continuation of the trajectory of justice reform already underway in the countries in which Bank projects have been developed, or a change in that trajectory.
- Whether the Bank is having an important impact on justice reform in Latin America and the Caribbean, and is prepared to ascertain that impact as it happens.

- Where, given its institutional strengths and abilities, the Bank might best focus its energies and resources in order to be of maximum assistance to the countries of Latin America and the Caribbean.

### **METHODOLOGY OF THE PRELIMINARY ASSESSMENT**

This report is based on a questionnaire sent to Bank officials and their counterparts in member countries working on Bank justice reform projects; on the results of an in-house workshop held

in Washington in March of 1998,<sup>2</sup> on a 1999 evaluation of selected IDB justice projects carried out by the Inter-American Bar Foundation at the request of EVO,<sup>3</sup> on an evaluation of MIF-funded commercial arbitration and mediation projects; and on a review of Bank project documents and disbursement data relating to justice reform. It is, thus, a self-assessment, presenting a view of where the Bank stands and where it might go in the area of justice reform. This assessment also includes an analysis of the evidence available regarding the state of justice and adherence to the law in Latin America and the Caribbean.

---

<sup>2</sup> The workshop was attended by Bank staff who had participated in the design and execution of justice projects, justice officials from countries in which Bank projects are in preparation or execution, and coordinators of project execution units for these projects.

<sup>3</sup> Inter-American Bar Foundation, Assessment of Selected Activities related to the Administration of Justice, February 3, 1999, which reviews IDB justice projects in Argentina, Costa Rica, Panama and Peru with regard to project identification and preparation and how well the project appears to deal with the particular needs and circumstances of each borrower.

# The Context for IDB Justice Projects: Brief Overview of the Justice Sector in Latin America and the Caribbean

Preferably, any long-term reform effort should first start with an idea of what a more effective justice system would look like, a specification of the primary shortcomings of the present system with respect to that vision, and the definition of a strategy for moving toward the improved state. Any practical strategy for reform must take into account the costs and benefits of the reform for the nation as a whole as well as for particular social groups, court officers, politicians and other stakeholders. If such a long-term and complex process is to lead to real improvements, then reform efforts must be planned in stages, taking into consideration short- and long-term needs, available resources, and political obstacles to reform.

This section first briefly outlines the elements of an effective justice system. It then examines the perceived state of justice systems in Latin America and the Caribbean in respect to some of these criteria using the information available from public opinion surveys, country sector studies, and other sources. This information can serve as a baseline for evaluating the extent to which Bank-supported projects have centered on areas of great need and for informing the discussion of future Bank emphases in the sector.

## KEY ELEMENTS OF AN EFFECTIVE JUSTICE SYSTEM

While an analysis of all elements of a properly functioning justice system is beyond the scope of this paper, it is important to bear in mind that an effective justice system is one that is able to capably perform its broad functions of upholding and interpreting the law, providing for the peaceful resolution of conflicts among societal actors, and providing for the security of property and persons. The central characteristics of a justice system that is able to perform its functions effectively are fairness and impartiality, sound decisions, accessibility, efficiency, independence and accountability, and credibility.

*Fairness and Impartiality:* Judicial and prosecutorial decisions are rendered on the basis of the facts of the case and the law, and not on the basis of personal favoritism, external or internal pressures, or biases related to income, ethnicity, gender, social status, etc.

*Soundness of Decisions:* Decisions of judges, prosecutors, police, etc. reflect knowledge of the law and high professional standards, and hold up under scrutiny.

*Accessibility:* The relative absence of income, ethno-linguistic, or gender biases in obtaining access to the justice system or in obtaining an effective defense or representation in court.

*Efficiency:* Cases are resolved or settled within a reasonable period of time and at a reasonable cost.

*Independence (Particularly of the Judiciary) and Public Accountability:* The judiciary is not beholden to any other branch of government, political party or societal interest, but can act as independent arbiter of issues such as the constitutionality of actions of government officials and as guardian of the separation of powers; justice institutions are transparent and accountable to the public.

*Credibility:* Citizens perceive that the justice system is essentially fair and able to carry out its core tasks effectively.

Building a fair, impartial, accessible, and efficient justice system inevitably entails a broad set of actions across a wide array of institutions sustained over many years. If the justice system is to function adequately, judges, prosecutors, police, prison officials, legal aid attorneys, ombudsmen, rehabilitation officers, civil society organizations that provide alternative dispute resolution or victim assistance, and the private bar—all must be able to carry out their portion of the administration of justice.

## EVIDENCE ON THE PERFORMANCE OF LATIN AMERICAN AND CARIBBEAN JUSTICE SYSTEMS

### Available Data and its Limitations

Interest in the legal framework as an important factor influencing the estimated rate of returns on investment, the expansion of markets, and the pace of economic growth, has increased markedly over the last few years. One result is that consulting agencies that assess business risk, think tanks, multilateral organizations, and polling agencies are more closely scrutinizing the performance of justice systems, particularly in emerging markets. As a consequence, there is a growing, though still fairly limited and impressionistic, body of information about characteristics of societies related to the performance of the judiciary.

*Survey Data:* One set of indicators is based on surveys of either the general public or business executives or managers. These surveys, particularly the former, are not limited to those individuals who have been users of the justice system. In particular countries, surveys of legal professionals or users of court services have also been conducted.

*Ratings of Analysts:* Another set of indicators is based on the ratings of analysts, such as those working in specific countries or regions for investment risk firms or for think tanks. Aggregate ratings in respect to such matters as the *rule of law*, *corruption*, and *respect for civil liberties* have been compiled on the basis of scores given by analysts across a number of evaluation criteria that are supposed to be applied consistently in each country. In making their judgments they typically rely on publicly available information.

*Quantitative Data:* In cooperation with judicial administrations, researchers in some countries have extracted quantitative information for some indicators of judicial efficiency, such as the average length of time between the filing of a case and its resolution and the ratio of the number of cases pending to the number adjudicated or withdrawn in a given period. Other quantitative

measures that have been considered in some studies are the percentage of cases reversed upon appeal and the number of judges subject to disciplinary action in a given period (Burki and Perry, 1998). The weak capacity of the region's justice system institutions prevents them from producing statistical data that would make direct, cross-country comparisons possible.

In addition, statistics on crime, the number of prisoners as a share of the population, and the length of time prisoners are held before trial are objective indicators that can provide important information relevant to the performance of the justice system.

*Limitations and Usefulness of Data:* Evaluating the quality and effectiveness of a justice system is a very difficult enterprise. Evaluations based on perceptions are just that. They are not objective measures of the performance of the justice system, though they may have some relation to those measures. Surveys of random samples of the general public are limited by the fact that those surveyed may not have had direct experience with the justice system, and so may not have an objective basis for their assessments. If any evidence is considered it is almost by definition anecdotal. At the same time, it is doubtful that experts have sufficiently detailed knowledge and objective evidence about the judicial system and country they are evaluating, let alone about a sufficiently large number of other countries, to produce assessments that are comparable and valid across nations. Survey data are useful, however, in providing a general sense of where Latin American and Caribbean justice systems stand in relation to other regions of the world.

Though perceptions may not accurately reflect the "true" effectiveness of the judicial system, in societies with free flowing information they provide at least one broad indication. And, more importantly, perceptions themselves are important. It is investors' perceptions—and not the judiciary's objective performance—which will determine how willing they are to undertake complicated and risky business transactions or to make investments. And it is citizens' perceptions that shape their disposition to use the justice system to resolve conflicts and their broader

feelings about the quality and equity of democracy.

While quantitative indicators (such as the average length of time between the filing of a case and its resolution) can potentially provide useful and cross-nationally comparable information about the efficiency of justice systems, in most cases this type of information does not allow more qualitative judgments about such matters as the fairness and impartiality of court decisions. Taken in isolation, such measures can create a misleading impression of the state of the justice system in a given country. On the other hand, outcome data, such as crime statistics, can be examined to assess trends of the degree to which the justice system is meeting the ultimate objective of enhancing respect for laws and protecting the security and property rights of citizens. In addition, outcome data of this nature is highly relevant to the definition of the key areas toward which resources and reform efforts need to be directed.

The sections that follow present and analyze the quantitative and survey data available to indicate the state of the rule of law in Latin America and the Caribbean.

### **Quantitative Data on the Justice System, Public Security and Respect for the Law**

Efforts to evaluate judicial systems on the basis of quantitative data are recent. As a part of the process of diagnosis and preparation of reform plans and scholarly research, some information has been compiled and published for particular countries for specific periods of time. The most frequently cited data relate to the efficiency of the courts, using indicators such as the number of cases pending and the average delay litigants encounter before their case is resolved. In terms of the countries for which there is such data, it is clear that there are an unusually large number of cases pending and that the average delay is extraordinary long in the typical Latin American judicial system. It also appears that the problem worsened between the 1980s and 1990s (Figure 1). One recent study reports that the median delay in the disposition of cases and the number of pending cases increased in Argentina, Brazil,

Chile, Colombia, and Venezuela between 1983 and 1993. According to this study, the 1993 median times to disposition in the civil jurisdictions of Argentina, Ecuador, and Venezuela are 2.5, 1.9, and 2.4 years, which represent an average increase of 76 percent since 1987 (Buscaglia and Dakolias, 1996). When specific areas of the law are considered, the situation looks grim. The expected duration of property cases in Argentine courts is almost 10 years, while domestic relations cases take 12 years, and commercial cases 3 years. The story for Ecuador is similar.

Clearly, for many types of cases a delay on the scale of several years diminishes, if not eliminates, the utility of the eventual court decision for the plaintiffs or the parties to a dispute. Judicial inefficiency reduces the risk of punishment or penalty for law-breaking or contract infringement. Procedures that can be used or misused to delay the process increase the advantages of those who have the resources to hire skilled lawyers who can readily find ways to postpone consideration of the case.

Time series data about the prevalence of different categories of crime that are comparable and reliable across countries are difficult to find. The most reliable data are available for homicides

The homicide rate for the region as a whole grew almost exponentially between the early 1970s and the early 1990s (Figure 1). From 10 per 100,000 people in 1970-74 the rate has climbed to over 20 per 100,000 in 1990-94. This homicide rate is considerably higher than the average among OECD countries (about four per one hundred thousand persons) or the rest of the developing countries (about nine per one hundred thousand persons). As can be seen in Figure 2, El Salvador, Colombia, the Bahamas, and Jamaica not only have homicide rates that are among the highest in the region, they also show the most marked increase in those rates. Guatemala also had a particularly high murder rate in the early 1990s but no data is available for the early 1970s. By contrast, in Chile, Argentina, Uruguay, Trinidad and Tobago, and Costa Rica the murder rate is comparatively low and it has experienced only a slight increase or has fallen.

Victimization surveys suggest that Latin America leads most other regions not only in terms of homicides but also in crimes in general and violent crime in particular (Figures 3 and 4) (United Nations, 1999). In addition, the majority of survey respondents in every country believe that crime has increased a lot in the past year and in several countries the proportion believing this exceeds 90 percent (Latinobarometer, 1997). Such surveys also indicate that relative to other regions, victims of contact crimes and burglaries in Latin America and the Caribbean are least satisfied with the handling of their cases by the police (United Nations, 1999).

These and other available data on crime indicate that Latin American justice systems are facing a tremendous challenge. If criminals perceive that there is only a slight chance that they will be caught or face punishment, it is likely that the crime rate will continue to rise. Justice systems must certainly become more effective not only in order to strengthen the disincentives to criminal activity, but also to ensure that the demand for retribution and for public safety does not lead to an erosion of civil liberties, due process, and judicial fairness.

### Comparing Latin America to Other Regions

Figure 5 shows the position of Latin America and the Caribbean relative to other regions in terms of an index of *the rule of law*, which is an aggregation of most of the available cross-national indicators of such matters as the extensiveness and costs of crime, the enforceability of contracts and property rights, the predictability and impartiality of the judiciary, and the extent of tax evasion.<sup>4</sup> This aggregate index, which because of its comprehensiveness (in terms of the number of sources used and the countries covered) is arguably the best currently available, includes measures based on surveys of firm managers and polls of experts.<sup>5</sup> In terms of this

<sup>4</sup> This aggregate indicator was developed by Kaufmann, Kraay, and Zoido-Lobaton (1999a, 1999b) using a variant of an unobserved components model to combine information from different indicator sources.

<sup>5</sup> The method for building the estimates also permits a calculation of the associated error for each estimate. Given the large size of the confidence interval associ-

ated with the estimates, one must exercise great caution in interpreting the scores for individual countries or regional averages. The errors are sufficiently large that except for comparisons between countries or regions at the extremes of the distribution (i.e. between the first and fourth quartile) it is not possible to establish a relative position with any statistical certainty.

index, Latin America and the Caribbean is ranked slightly ahead of Sub-Saharan Africa, South Asia, and the former Soviet Republics, but well below the high income countries, and slightly lower than the Middle East and North Africa, East Asia, and Central and Eastern Europe. The relative positions are roughly similar for the aggregate corruption index (Figure 6), except that in this case the Middle East and North Africa moves from second to fifth, behind Latin America and the Caribbean.

The most geographically representative indicator that focuses more directly on the judicial system is the World Bank's *World Development Report* 1997 private sector survey question on judicial predictability. Latin America's relative ranking according to this indicator is similar, but South Asia switches places with the Middle East and North Africa, assuming the second position behind the developed countries (Figure 7).<sup>6</sup> For the eight Latin American countries covered in this survey, firm managers tended to agree that the unpredictability of the judiciary presents a major problem for their business operations. Responses from the annual survey of business executives conducted by the World Economic Forum also indicate a high level of distrust in the independence and impartiality of the judiciary in most of the Latin American countries considered.<sup>7</sup>

<sup>6</sup> In this figure South Asia (SA) is represented only by one country (India) and the Middle East and North Africa (MENA) by only two countries (Jordan and Morocco). Thus, the bars for these regions are clearly not representative of the region as a whole. The other regions are better represented in the *World Development Report* sample, but the coverage is still fairly light for East Asia (5 countries) and Latin America (8 countries).

<sup>7</sup> On average, the seven Latin American countries included in this publication score well below the developed countries and are below the mean for the developing countries included in the sample. Chile is ranked 28<sup>th</sup> and Brazil 37<sup>th</sup> out of 53 countries, while

## Trends in Justice in Latin America and Other Regions

Given the increased attention paid to judicial reform in recent years it would be valuable to also examine how evaluations of the performance of the justice system or outcomes related to it (prevalence of respect for the law, level of crime and corruption, etc.) have evolved. Unfortunately, with the partial exception of crime, there are few such indicators that are available for at least ten years, so it is not possible to build an aggregate indicator of the type used above that combines information from a variety of sources.

However, since 1982 a business risk agency—Political Risk Services (Syracuse, N.Y.)—has published ratings in its *International Country Risk Guide* of the level of corruption in the political system and the degree of *law and order* (defined as the extent to which there is an established law and order tradition, a strong court system, and provisions for an orderly succession of power).<sup>8</sup> On the basis of this agency's *law and order* measure, Figure 8 shows that the average score for Latin America experienced a slight improvement from 1982 to 1984 and then climbed again from 1992 to 1995. During the whole period Latin America's score increased by slightly more than one point. In terms of this measure, Latin America would appear to be performing below the High Income Countries, Central and Eastern Europe, East Asia, and the Middle East and North Africa. Over most of the period, Latin America has been in a higher position than Sub-Saharan Africa and in recent years has occupied a position very close to that of the for-

---

the other five Latin American countries are 45<sup>th</sup> and higher. However, since this survey does not cover a large number of developing countries from each region it is difficult to make meaningful comparisons across regions. World Economic Forum *The Global Competitiveness Report 1998*. Geneva, Switzerland: World Economic Forum, 1998.

<sup>8</sup>These assessments are based on analyses by a worldwide network of experts, and are subject to a peer review process at subject and regional levels to ensure their coherence and comparability across countries.

mer Soviet Republics (for this indicator only Russia is included in this group) and South Asia.<sup>9</sup>

In terms of the corruption rating by Political Risk Services, Latin America's average score also experienced an improvement from 1982 to 1998, but in this case it was less significant (about ½ of one point) (Figure 9). Steady but slight increases in the region's average corruption score (meaning lower prevalence of corruption), led to an improvement in its relative position as it surpassed Russia and East Asia.

Latin America is the locus for a significant trend in criminal justice over the last fifteen years. Argentina, Bolivia, Chile, Colombia, El Salvador, Honduras, Guatemala, Uruguay and Venezuela are implementing major reforms of their criminal procedure, moving from an essentially written, judge-driven investigation and decision process, to an adversarial process that emphasizes oral, public trials. The countries undertaking this reform started it as a way to make the criminal justice system better able to deal with crime, and to make it fairer to victims of crimes as well as to those accused of them. The reforms seek to make criminal investigation more professional, criminal trials faster (many systems were plagued with long delays and case backlogs), the trial process more public and transparent, and to ensure due process rights for those accused of crimes. The reforms move from a system in which the judge oversees (primarily through review of written submissions) the investigation, trial and sentencing, to a system of oral trials before juries in which the police work under the supervision of prosecutors who take on the role of initiating investigations and trying those accused of crimes. Judges, public defenders, prosecutors, the private bar, the police and pri-

---

<sup>9</sup>Even stronger precautions must be taken in interpreting the relative ranks shown in this graph since, unlike the case of the data used in Figures 1 and 2, the measures in Figures 8 and 9 are based on only one source. Thus, the errors associated with the estimates are inevitably larger. And, one region—that comprising the 15 former Soviet republics—is only represented by the Russian Federation until 1995. In 1998 Belarus and the Ukraine are also included. Thus the score shown for CIS after 1990 is clearly not representative of the whole region.

vate citizens (as parties, witnesses and jury members) all must take on entirely new responsibilities under the new system.

This major reform process has resulted in some important changes. Some countries have begun to reduce the number of defendants who languish in prison awaiting trial and some have begun to speed up the trial process. Nonetheless, the data cited in the sections above show that fifteen years of significant reform have not yet produced greater confidence in the criminal justice system, nor reduced rates of crime or impunity. Clearly the reform process is not yet complete. It must be continued, and perhaps altered and deepened, if it is to achieve the goals set for it.<sup>10</sup>

### **Divergent Perceptions of Justice System Performance**

Latin America and the Caribbean make up a large geographical region comprising countries with sharp differences in terms of their level of development, ethnic composition, and historical experience with democracy. Justice systems of the region also vary considerably from one country to the next. Some systems are based on common law, while others are based on civil law. These differences could be one of the reasons for the wide variation across countries in the scores received on the composite indices of *rule of law* and *corruption* (Figures 10 and 11) and a wide divergence in citizens' confidence in the judicial system and their perceptions of the degree to which people are treated equally under the law (Figures 12 and 13).

Figure 12 shows that Latin Americans are significantly less confident in their judicial systems than citizens of the larger western European countries.<sup>11</sup> While 65 percent of citizens were

reasonably confident in their judicial systems in Europe (in 1985), only 33.8 percent expressed such confidence in Latin America (based on an average across countries of responses from the 1996, 1997, 1998, and 1999/ 2000 surveys). But the Latin American average hides considerable variation between countries, with Uruguay fairly close to the European average and Argentina and Peru at the other extreme. The distribution of countries with respect to perceptions of equality under the law is similar to that for confidence in the judicial system (Figure 13).

### **RELEVANCE TO IDB WORK ON JUSTICE REFORM**

Though we must exercise caution in interpreting the data presented above, it does confirm the common perceptions that (in general) Latin American judiciaries are not as independent, impartial or timely in rendering decisions as citizens would like; and other justice institutions face challenges in enforcing laws and deterring crime. Justice sector performance is lagging in much of Latin America and the Caribbean in comparison with other regions of the world, and the countries of the region themselves recognize that injustice is a major social problem, encompassing not only high crime rates but also a prevalent social injustice that justice systems of the region are not responding to in an adequate way.

Long delays in civil cases and the expense of hiring an attorney mean that the cost of bringing a lawsuit is prohibitive for most, so an entire class of people has essentially no access to the formal justice system. Good legal representation for the poor—whether in the form of legal assistance for civil cases or public defense for those accused of crimes—is close to nonexistent in a number of countries of the region. This means that many live without being able to rely on contracts, to complain about illegal actions of a landlord, to seek a divorce, to request protection from an abusive spouse or neighbor, or to take action in response to improper actions by police or other government officials. Fear of kidnapping, theft and other crimes determines the daily routines of whole societies, and those businesses and individuals who are able invest significant resources into protection from these

---

<sup>10</sup> The IDB, along with several governments of the hemisphere and the World Bank, is supporting a comparative study by the Justice Studies Center of the Americas to analyze the effectiveness and impact of these criminal justice reform processes.

<sup>11</sup> Since the United States is not included in the region-wide surveys presented in Figure 12, data from it are not shown. But, in a recent survey 50% expressed confidence in the Supreme Court (Scheb and Lyons, 1998).

crimes. This may benefit the private security industry, but it also has a significant negative economic impact on the cost of doing business and on tourism, and a serious economic and social impact on citizens. In many countries of the region, a poorly functioning criminal justice system means that those who are arrested and jailed do not know if or when they will receive a trial or how long they may have to stay imprisoned.<sup>12</sup> Thus, the first conclusion that appears to stand out from a review of statistical and survey data is that justice reform should continue to be a priority area of work for the IDB.

The statistical and survey evidence reviewed here also indicates that the deficiencies in justice systems do not appear to be limited to particular dimensions or substantive areas. Rather, there is distrust regarding fundamentals of the system, such as its impartiality. Thus, a holistic approach to analyzing needs of reform, that starts with the fundamentals of judicial independence and impartiality and moves on to the more practical issues of administrative efficiency, appears to be warranted. The statistical and survey evidence also indicates that there is considerable variation in the functioning of justice systems among countries of the region. The IDB must therefore be able to respond to differing needs if it is to be responsive to each of its borrowing member countries. Nonetheless, some common trends are discernable: court delay and rising crime are major issues with which justice systems throughout the region are grappling. The Bank should target its assistance to help deal with these problem areas.

The important trend toward reforming criminal justice systems in the region points out just how difficult and long-term the process of reforming justice systems is. Few developing countries have managed to firmly establish the rule of law, although many have been struggling to do so for

a considerable time. This seems to indicate that the IDB will need to support countries in a long-term, incremental reform process. It also means that countries engaged in justice reform, as well as institutions such as the IDB that are assisting in the process, will need to be able to measure incremental progress and should not expect major changes in the near term.

Finally, this review of statistical, survey and expert data on justice reveals that the measuring devices themselves are not sufficiently detailed to be as useful as they might be. The indicators are not highly developed, and the measuring instruments are often of a very general nature. In this regard, it might be beneficial for the IDB to work with those carrying out expert analyses or public opinion surveys (such as Latinobarometer) to encourage them to craft additional or better questions so as to make it possible to learn more about perceptions of the functioning of court systems and their evolution over time. In addition, support for institutional strengthening of the justice sector in individual countries should include the enhancement of case management information systems to improve efficiency, and also to provide baseline data in order to permit evaluation of the impact of reform efforts. Development of better general indicators of the functioning of justice systems might help build consensus for reform and spur action toward the areas of greatest need. The need for better indicators is discussed again in the context of the discussion of diagnostic studies.

---

<sup>12</sup>A study of this issue conducted from 1987 to 1992 found that the percentage of prisoners awaiting trial were: Argentina 50%; Bolivia 60%; Brazil 45%; Chile 50%; Colombia 50%; Costa Rica 30%; Dominican Republic 90%; Ecuador 69%; Guatemala 74%; Honduras 92%; Mexico 45%; Panama 65%; Paraguay 95%; Peru 72%; Uruguay 90%; Venezuela 70%. Source: Human Rights Watch. *Global Report on Prisons*, 1993.

# Areas of Assistance in IDB Justice Projects

## BRIEF HISTORY OF BANK WORK IN JUSTICE REFORM

The Bank initiated its work in support of the modernization of justice systems in Latin America and the Caribbean by hosting a 1993 region-wide conference in Costa Rica titled *Justice in Latin America and the Caribbean in the 1990's: Challenges and Opportunities*. This event, which solicited input from and facilitated discussion among chief justices, ministers of justice and attorneys general, served to communicate to the Bank that its borrowing countries are interested in seeking Bank assistance with justice reform. It also helped to coalesce interest in this topic in borrowing countries.

In response to that conference, the goal of modernization and strengthening of the justice systems was incorporated into the Bank's Eighth General Increase in Resources, which identifies modernization of the state as a key area of Bank activity, and provides that the Bank "can help governments that request assistance in supporting their efforts to promote strengthening and modernization of the judicial system" (paragraph 2.37(h)).

Elaborating on the Eighth Replenishment goals, the Bank's Board of Directors approved a document in 1996 entitled *Frame of Reference for Bank Action in Programs for Modernization of the State and Strengthening Civil Society* (GN-1883-5). This document establishes general principles and criteria for Bank action. With respect to the justice sector, it recommended Bank involvement in institutional reform areas such as law reform, administrative strengthening of the judiciary, alternative methods of conflict resolution, legal aid and civic education programs, training, infrastructure and public safety. This document, too, provides general guidance, and leaves room for the Bank to develop some field experience in a range of justice reform projects before formulating a detailed strategy for the sector. Since the 1993 confer-

ence (and through March of 2001), approximately 18 loans and 65 technical cooperation operations to promote some aspect of justice sector reform have been approved in 21 of the Bank's 26 borrowing member countries.

## OVERVIEW OF AREAS OF ASSISTANCE

Many countries in the region are engaged in a process of reform of their court systems and justice institutions. In a region encompassing a wide geographical area and rich cultural diversity, there are, naturally, important differences in justice systems from one country to the other— institutional structures differ, and both civil law and common law systems are present. Nonetheless, a surprisingly broad consensus seems to have formed throughout the region that something must be done about inadequate justice systems that are hampering social and economic development. There is agreement that an effective justice system is necessary to oversee the increasingly central regulatory role of governments now that they are becoming more focused on setting and implementing policy rather than on directly delivering services; that clear rules of the game and their impartial application are critical for attracting private sector investment; that the justice system must play a role in confronting rising violence and dealing with new conflicts arising from an increasingly integrated world; that justice delayed may very well be justice denied; and that the justice systems in developing democracies must address demands from recently-enfranchised citizens for fairness, transparency, and access.

Countries throughout the region find that their justice institutions may not have the political or financial independence; the organizational structure; the human, financial and infrastructure resources; or the managerial practices necessary to meet these demands for the effective administration of justice. In response, every country of the region is engaged in some effort to improve their justice system. The objectives of Bank jus-

tice projects reflect these realities. They concentrate on establishing predictability and certainty in laws and law enforcement; creating a more efficient and reliable justice system; improving access to justice; strengthening judicial independence; increasing transparency in the judicial process; increasing public safety and the effectiveness of justice institutions; facilitating business transactions through more rapid dispute resolution; and improving the quality of justice rendered.

A review of projects approved to date shows that the Bank is working in all of the areas of justice documents. The institution is thus poised to gain project experience in a wide range of justice reform permitted or encouraged by its policy

documents. The institution is thus poised to gain project experience in a wide range of justice reform activities.

As Table 1 shows, as of June 2001, the Bank sponsored a total of 83 justice sector projects, including 18 loans and 65 technical cooperations. When the counterpart contribution is added, these projects amount to about \$461 million in investment in the past eight years. As Table 2 indicates, 14 out of the 26 borrowing member countries of the IDB have received loans to support their justice sector reform efforts. Twenty-one countries have either received loans or benefited from technical cooperation support. In addition, 21 technical cooperation projects funded regional cooperation efforts in the areas of justice sector reform, violence prevention and citizen safety.

**Table 1. Justice System, Violence Prevention and Citizen Safety Loans and TCs<sup>13</sup>**  
(US\$)

	<i>Total Project Amount</i>	<i>Total IDB Loan Amount</i>	<i>Number of Projects</i>
<b>Loans</b>	418,154,000	274,429,285	18
<b>TCs</b>	43,332,088	36,018,534	65
<b>Total</b>	461,486,088	310,447,819	83

Note: The totals shown in this table reflect the total estimated costs of the projects including the costs incurred by the executing agencies for implementation and unforeseen expenses. Only the justice sector portion of the project resources is counted for the loans that only partly relate to the justice sector (Argentina: Modernization of the Cordoba Provincial Government; Brazil: Federal Government Modernization Program, and Uruguay: Program to Strengthen Social Areas).

<sup>13</sup> For the purposes of this assessment, all of the loans and technical cooperation projects that involve justice sector institutions were reviewed. Thus, violence prevention and citizen safety operations, which often involve police, prosecutors, and parole and rehabilitation officers, are included in the review. (Table 3 shows figures for investment in violence prevention and citizen safety separately from other justice projects).

**Table 2. Justice Sector, Violence Prevention and  
Citizen Safety Loans by Country  
(US\$)**

<i>Country</i>	<i>Loans</i>	<i>No. of Loans</i>	<i>TCs</i>	<i>No. of TCs</i>	<i>All Projects</i>	<i>All Proj- ects</i>
Argentina	\$25,745,000	2	\$1,000,000	1	\$26,745,000	3
Belize			\$150,000	1	\$150,000	1
Bolivia	\$3,000,000	1	\$450,000	2	\$3,450,000	3
Brazil	\$16,500,000	1	\$2,440,400	2	\$18,940,400	3
Chile			\$1,300,000	1	\$1,300,000	1
Colombia	\$111,366,000	2	\$1,808,000	1	\$113,174,000	3
Costa Rica	\$16,000,000	1	\$2,102,000	3	\$18,102,000	4
Dominican Republic	\$40,000,000	1	\$1,011,000	6	\$41,011,000	7
Ecuador			\$3,047,618	2	\$3,047,618	2
El Salvador	\$27,300,000	1	\$1,330,500	4	\$28,630,500	5
Guatemala	\$31,000,000	1	\$1,100,000	5	\$32,100,000	6
Guyana			\$1,170,000	2	\$1,170,000	2
Honduras	\$8,000,000	1	\$2,274,000	2	\$10,274,000	3
Mexico			\$2,231,000	1	\$2,231,000	1
Nicaragua	\$15,000,000	1	\$7,064,662	4	\$22,064,662	5
Panama	\$27,000,000	1	\$470,000	1	\$27,470,000	2
Paraguay	\$33,900,000	1	\$830,000	1	\$34,730,000	2
Peru	\$28,600,000	1	\$1,870,000	2	\$30,470,000	3
Trinidad and Tobago			\$590,000	1	\$590,000	1
Uruguay	\$34,743,000	3	\$1,680,000	1	\$36,423,000	4
Venezuela			\$1,500,000	1	\$1,500,000	1
Regional			\$7,912,908	21	\$7,912,908	21
<b>TOTAL</b>	<b>\$418,154,000</b>	<b>18</b>	<b>\$43,332,088</b>	<b>65</b>	<b>\$461,486,088</b>	<b>83</b>

In order to provide a useful overview of the Bank's work in the justice sector, the discussion that follows examines two different perspectives. The first section analyzes the projects according to the *substantive areas of the law* which they focus on. The second section analyzes Bank justice projects according to the *types of reform processes* that they employ in order to achieve project objectives.

The categories of activities in which the Bank has concentrated assistance are simply meant to give an overall idea of the major types of activities to which project funds are going. The number of projects and approximate dollar amounts that have been invested is specified for each of these categories.<sup>14</sup> It is important to note that the

<sup>14</sup> Dollar amounts reflect both Bank and country coun-

number of projects and amount of financial resources assigned to each area is not necessarily an indication of the intensity or importance of the Bank's work in a given area.

### **Substantive Areas of the Law Addressed**

IDB justice projects seek to improve those portions of the civil law system that are considered to be important for the functioning of a market economy, often supporting civil law reform efforts to assist efficient and equitable growth. However, justice projects go beyond market-driven reforms, to encompass those aimed at

terpart resources; they typically do not include recurrent costs, unallocated funds reserved for unforeseen expenses, financing costs, or costs of administering the program.

increasing access to justice by the disenfranchised, at building consensus about the need for greater judicial independence in a democratic system, and at building the justice system's ability to respond to crime and violence. Thus, IDB projects include both civil and criminal justice reform entailing work with the judiciary; with executive branch agencies, such as ministries of justice, public defenders, police, prison officials, and rehabilitation officers; with civil society organizations active in the justice sector; and with legislatures responsible for legislation affecting the justice sector.

The categories below do not represent terms of art, and often one category blends into another. In the interest of gaining an overview of the work in progress, the list that follows provides a broad survey of the substantive areas of law addressed in Bank projects.

*Civil Law Reform.* This is a very general category of activities aimed at improving the civil (*civil* used in this context refers to the whole body of law and justice administration which is not *criminal law*) law system in a country. Civil law reform in IDB projects has included the substantive areas of the law described below.

- *Constitutional Law:* support of initiatives such as creation of constitutional tribunals or ombudsmen; reform in processes for nominating judges.
- *Real Property Law:* reform of laws and institutions dealing with ownership of and title registration for real property, often in connection with land reform or land dispute resolution projects.
- *Commercial Law:* reform of laws and dispute resolution mechanisms in areas such as banking and securities law.
- *Labor Law:* including support for labor courts and revision of labor codes.
- *Consumer Protection Laws:* drafting laws or regulations that help consumers to seek redress for purchase of defective products or services.

- *Administrative Law and Review:* support for laws, procedures and courts that allow citizens to bring complaints about the content or application of regulations by government agencies.

Several projects assisted legislatures and justice institutions in reviewing national legislation across the board, and provided technical assistance to draft or revise laws in priority reform areas.

Thirty-two out of 83 projects were devoted to civil law reform. These projects accounted for approximately \$131 million in project resources.

*Access to Justice.* This category comprises activities to assist institutions that have a role in assuring that all citizens are able to seek resolution of their disputes from an entity having the ability to make binding decisions. In addition, they should be able to gain this access at an affordable price and in a place and a proceeding accessible to them. Access to justice also includes activities addressing issues such as access to representation by a lawyer in criminal or civil disputes, and access to education about rights and responsibilities under the law. To this end, it includes support to first-level trial courts and justices of the peace (that is, the local judicial institutions), as well as establishing small-claims courts and consumer complaint hotlines. It also includes activities such as making court and case information available to the public; providing translators for those whose first language is not that of the court proceeding; organizing public defense and legal aid offices to provide lawyers to represent indigent clients; providing civic education about justice institutions, the judicial process and citizen rights; and providing opportunities for resolution of disputes through mediation or arbitration.

A category of access projects that has received significant funding and has been implemented in 20 countries across the region is that of *alternative dispute resolution* (ADR). This refers to support for the resolution of conflicts through measures such as negotiation, mediation or arbitration, which do not necessarily involve a pro-

ceeding before a court. Many ADR projects financed by the Bank deal with commercial mediation and arbitration because that has been an area of particular emphasis in grants made by the Multilateral Investment Fund. But some justice loans also include ADR in forms such as the establishment of community mediation centers, training for youths and adults in peaceable means of conflict resolution, and helping courts to set up court-annexed mediation.

In a region where there is a great deal of political openness and debate, there is growing interest and willingness to invest in a judicial system that will provide protection and access to *all* citizens, and that will thus contribute to the democratic balance of power. IDB justice projects focusing on access by disenfranchised citizens (women, children, minorities, and the poor) have received the enthusiastic support of the Bank's Manage-

Access to justice activities engage about \$86 million and encompass 32 projects.

*Criminal Justice Reform.* Under this heading are included activities aimed at improving the institutions involved in administering criminal justice. Such projects stem primarily from demand from countries in the region, where crime and violence statistics are, in some cases, alarming and worsening. Some of the project activities include providing training to court officials, prosecutors, public defenders and the private bar in the implementation of new criminal procedure codes; strengthening the offices of attorneys and prosecutors general; drafting crime-prevention policies; strengthening the system's ability to rehabilitate offenders; and computerizing crime statistics and penitentiary information systems. Several projects specifically address strengthening the protection of human rights and focus on

**Table 3. Investment by Substantive Area (US\$)**

<i>Substantive Area</i>	<i>IDB + Counterpart Funds</i>	<i>% of Total</i>	<i>No. of Projects</i>	<i>% of Projects</i>
General Administration of (Civil) Justice	\$130,602,410	41.66	32	38.55
Access to Justice	\$86,523,222	27.60	32	38.55
ADR	\$14,910,612	4.76	20	24.10
General Criminal and Human Rights	\$116,643,666	37.21	32	38.55
Juvenile Justice	\$24,312,000	7.75	4	4.82
Violence Prevention and Citizen Safety	\$71,118,666	22.68	19	22.89
<b>Total</b>	<b>\$333,769,298</b>	<b>100.00</b>	<b>83</b>	

Note: Totals are the sum of IDB and counterpart funds assigned to specific components as per the project documents. The component specific costs do not include the project's recurrent costs, unallocated funds reserved for unforeseen expenses, financing costs, or costs of administering the program.

ment and Board of Directors. Because the Bank has traditionally focused on social sectors and poverty alleviation, access to justice seems a natural outgrowth of its traditional work along these lines.

the rights of criminals to due process. Three of the Bank's approved justice projects contain major criminal justice reform components that represent an investment of approximately \$29 million. Work in criminal justice reform has led

the Bank to begin to grapple with the issue of whether and to what extent the institution should be engaged in activities such as strengthening police forces or carrying out prison reform.

A significant subcategory of criminal justice reform work is that of juvenile justice reform activities that include the establishment of juvenile courts and procedures, the provision of rehabilitation and job training for adolescents serving time for crimes committed, and the training of social workers, judges and police on how to best deal with youth and juvenile offenders.

An important corollary to criminal justice reform are recent Bank projects aimed at helping communities to develop policies and programs to discourage violence, encourage the peaceful resolution of conflicts, and promote public safety. The Bank's violence prevention and public security projects, while not exclusively focused on justice sector institutions, often heavily involve those institutions. The Bank has financed approximately 19 projects, entailing about \$77 million (\$71 million of which fund a project on Peaceful Coexistence and Citizen Security in Colombia).

### **Types of Reform Processes Funded**

In pursuit of the goals of bringing about change in the areas of civil and criminal law and in access to justice, described above, the Bank has worked through a number of different types of reform processes: institutional strengthening, law reform, consensus-building activities, and research.

*Institutional Strengthening and Reform.* This category comprises assistance designed to bring about organizational change, reform the management of the justice system and promote the process of change. It does not include law reform. It does include projects to increase the independence of the judiciary and the public accountability of justice system institutions; modernize managerial and administrative structures, procedures and processes; create the capacity for strategic planning, including mechanisms to gather data and create databases; install com-

puterized systems; and provide training. (The latter encompasses not only training in administrative areas, but also substantive training for judges and other justice system personnel in areas such as how to apply international human rights law in cases before national courts, courses in professional ethics, etc.) Infrastructure support is also included in this category, despite the fact that the IDB ordinarily categorizes infrastructure investment separately from institutional reform (see Table 4). It is included here because infrastructure investments in justice projects include construction of courthouse space to enable justices of the peace to work in rural areas; construction of basic justice complexes to enable trial judges, prosecutors, legal aid lawyers and public defenders to occupy the same space and provide comprehensive access to justice; construction of shelters for victims of violence; and renovation or construction of structures to make it possible to rehabilitate convicted juveniles. The infrastructure investments present in justice projects to date thus appear to be outgrowths of or requirements for institutional reform.

Most Bank justice projects contain some components of institutional strengthening and reform while some consist almost entirely of this type of activity. Institutional strengthening in Bank projects is aimed at modernizing judiciaries as well as executive branch justice agencies. Fifty-six of 83 Bank projects approved to date include significant institutional reform components, entailing an investment of approximately \$327 million. Table 4 shows the breakdown of institutional strengthening activities.

*Law Reform.* This category includes activities aimed at getting good laws drafted, passed and implemented. It thus comprises assistance in the revision or drafting of legislation, technical assistance to legislatures to improve their capacity to draft laws, and training for justice officials in the application of the new laws. Laws being written or revised in Bank projects include civil and

**Table 4. Approximate Investment Levels for Institutional Strengthening Activities (US\$)**

	<i>Project Funds</i>	<i>% of Total Funds</i>	<i>No. of Projects</i>	<i>% of Projects</i>
1. General Management in Justice Sector	\$105,066,496	29.48	29	34.94
2. Policy Formulation for Justice Sector Institutions	\$27,552,000	7.73	10	12.05
3. Training	\$44,837,995	12.58	36	43.37
4. Infrastructure Renovation/Construction	\$72,010,350	20.20	10	12.05
5. Information Systems/Plan for Information Processing	\$66,522,600	18.66	17	20.48
6. Support CSOs to Increase Their Ability to Provide Justice Services	\$10,647,933	2.99	17	20.48
<b>Total</b>	<b>\$326,637,374</b>	<b>91.64</b>	<b>56</b>	<b>67.47</b>

Note: Totals are the sum of IDB and counterpart funds assigned to specific components as per the project documents. The component specific costs do not include the project's recurrent costs, unallocated funds reserved for unforeseen expenses, financing costs, or costs of administering the program.

A criminal procedure codes, domestic violence law, commercial codes, administrative codes, constitutional provisions, and family and juvenile law.

About \$7.6 million of project resources are dedicated to this category of activity. While it represents a major component in four projects, this category is present in some form in 22 projects.

*Building Consensus and Preparing the Way for Justice Reforms.* This is a category of activities that, while relatively small in dollar amount, has been an important component of Bank action. It comprises activities to develop a consensus among officials of the justice sector, legislators and the general public on the general importance of justice reform, and to establish priorities for action. Often, this process is required before real reform can be undertaken. Included in this category are regional operations that financed seminars and workshops on specific topics of justice reform, as well as country-specific projects that funded studies and workshops to define reform strategies. The Bank has financed conferences on justice and development; a judicial roundtable in Williamsburg, Virginia; a workshop on access to justice in Rio de Janeiro, Brazil; seminars for judges on international human rights standards; and national work-

shops to build consensus on justice reform in Costa Rica, Honduras, the Dominican Republic, Colombia, Guatemala and Venezuela. Almost \$17.7 million have been dedicated to consensus building and preparation for justice reform. Twenty-nine projects contain consensus-building components.

*Research.* In addition to staff time spent on research, the Bank has also begun to approve projects aimed at increasing knowledge of justice reform to improve the quality of projects. To date, research has concentrated on the identification of best practices that may be useful in guiding the reform in particular areas of court administration and the judicial process in the region. The Bank has also supervised research and publication of papers on various aspects of justice reform, including human rights and experiences from outside the region that may be useful in guiding the process of reform. In addition, the Bank has sponsored regional conferences on citizen security and violence prevention. Approximately \$4.5 million have been invested in this category (1.3 percent of total investment, a very modest investment in research).

**Table 5. Level of Investment by Type of Reform Process**

	<i>Project Funds</i>	<i>% of Total Funds</i>	<i>No. of Projects</i>	<i>% of Projects</i>
Institutional Strengthening	\$326,637,374	91.64	56	67.47
Law Reform	\$7,644,250	4.96	22	26.51
Consensus Building, Preparing for Justice Reforms	\$17,676,008	2.14	29	34.94
Research, Seminars, Conferences	\$4,482,666	1.26	16	19.28
<b>Total</b>	<b>\$356,440,298</b>	<b>100.00</b>	<b>83</b>	

Note: Totals are the sum of IDB and counterpart funds assigned to specific components as per project documents. The component specific costs do not include the project's recurrent costs, unallocated funds reserved for unforeseen expenses, financing costs, or costs of administering the program.

The foregoing descriptions provide an overview of the categories of Bank work in justice reform, but do not fully reflect the whole variety of activities now underway. Annex A contains a brief description of the 83 approved projects in this area.

The considerable breadth of IDB work in the justice sector is striking, both in terms of the reform processes undertaken and the content of reforms supported. The institution's broad focus on many substantive areas of the law arises from the needs of borrowing member countries. Statistical and survey evidence indicates that there is considerable variation in the functioning of the justice sector from one country to another. As a result, the Bank must be able to respond to widely differing needs.

### **Evolution of the Content of Bank Projects**

The description of justice activities by category fails to show the evolution of the content of Bank projects over time, which has changed significantly since the first project was approved in 1994. The Bank's first operations, for example, addressed only the civil judicial process; the scope of more recent projects has been extended to embrace institutions of the executive branch as well as the judiciary, and to work with criminal as well as civil justice issues. The Bank has also begun to work with subnational entities (often municipal authorities) in justice and in citizen

security projects. This may prove a fruitful area for future Bank action, especially in the case of federal countries in which important functions of justice administration occur at the local level.

In addition, the objectives of Bank justice projects appear to be growing more specific over time. Early projects focused on broadly improving the administration of justice, while later ones address specific problems (such as, for example, disputes over land ownership) and work with justice institutions to resolve them. By developing smaller projects with more specific goals, the Bank may be able to carry out a series of projects that build upon one another and produce concrete results in the relatively short run.

### **THE INTERDISCIPLINARY NATURE OF JUSTICE PROJECTS**

An interesting feature of justice projects is their interdisciplinary and cross-departmental nature. Juvenile justice and violence prevention, for example, involve both justice and social sector expertise. Some teams working on interdisciplinary projects have been staffed across Bank departments. The Women in Development Unit, for example, has assigned staff to justice projects dealing with drafting and enforcement of domestic violence law, or to institutional strengthening projects that train justice officials on how to treat women in a fair and unbiased way. The Social Development Division, the State, Governance and Civil Society Division and the Regional De-

partments have jointly staffed projects to prevent violence and improve community safety. Another area that could benefit from cross-divisional and cross-departmental staffing is juvenile justice. Incorporating personnel with experience in street children or education would allow the Bank to address the multifaceted problems involved in justice administration and violence prevention

### **THE CONTENT OF IDB JUSTICE PROJECTS DIFFERS FROM THAT OF OTHER MULTILATERAL DEVELOPMENT BANKS**

The World Bank, the European Bank for Reconstruction and Development, and the Asian Development Bank have thus far aimed their judicial reform programs primarily at the civil (as opposed to criminal) law system, and particularly at reforms that are considered to be important for the functioning of a market economy, such as commercial law (World Bank, 1995). More recently, the World Bank is also seeking to address access to justice issues. IDB projects in areas such as access to justice, property dispute mediation, criminal justice, and violence prevention at the community level, make its justice work the broadest among the multilateral development banks (MDBs).

In addition to the IDB, USAID and the World Bank are the two entities investing significant funds in justice reform in Latin America and the Caribbean. The UNDP has provided technical assistance in this area. The European Union and Canada are providing assistance in the Caribbean. Many countries are also beneficiaries of smaller grants or technical assistance from various bilateral foreign aid programs, as well as from a host of foundations from all over the world. While the World Bank, like the IDB, is a relative newcomer to justice reform, USAID has several decades of experience working on civil and criminal law issues in Latin America and the Caribbean.

In part, the IDB's focus on areas not emphasized by other MDBs arises from requests made by its borrowing member countries. In a region

of democracies pursuing further institutionalization there is increasing interest and willingness to invest in a judicial system that will provide voice, protection and access to all citizens, and that will strengthen the system of checks and balances. IDB justice projects to improve criminal justice and deal with juvenile offenders also arise primarily from demand from countries in the region.

Bank involvement in the reform of criminal justice systems has been somewhat controversial because of the need to set some limits. The IDB is now grappling with that issue in areas such as police and prison reform. However, staff, management and the Board have shown a willingness to deal with regional realities in crafting justice projects. Public security and safety, provided in a way that protects human and due process rights, is one of the basic deliverables expected from the justice system and one of the tasks that is most important to citizens in the region. The academic literature makes it clear that crime and violence have a direct negative impact on economic development. Countries in which tourism is important, of which there are many in Latin America and the Caribbean, are very sensitive to the relationship between crime and growth.<sup>15</sup> In addition, projects in areas such as juvenile justice and crime prevention seem to provide a natural follow-up to IDB work to aid street children and youth in especially difficult circumstances. Again, this work seems to be a natural outgrowth of the IDB's focus on the social aspects of development.

---

<sup>15</sup> See in particular Andrew Morrison and María Beatriz Orlando, "Social and Economic Costs of Domestic Violence: Chile and Nicaragua" in Morrison and Biehl (eds.) *Too Close to Home: Domestic Violence in the Americas*. Washington, D.C. IDB, 1999; Mayra Buvinic and Andrew Morrison, "La violencia como obstáculo para el desarrollo," *Notas Técnicas: Prevención de la Violencia*. Washington, D.C., IDB, 1999.

### **Box 1. Examples of the Different Scope of IDB-Supported Justice Projects**

#### **Relatively Broad Scope**

##### ***El Salvador: Program to Support the Reform of the Justice System (Approved in 1996)***

The aim of this program is threefold. First, it attempts to help El Salvador implement a series of recently-approved legislation related to commercial and criminal law, administrative procedures and alternative dispute-settlement. Second, it works with all five justice sector institutions (the Judiciary, Ministry of Justice, Attorney General's Office, Solicitor General's Office, and National Council of Magistrates) as well as the Salvadoran Institute for the Protection of Minors (ISPM) to better deal with juvenile delinquency and at-risk youth. Third, it strengthens the strategic planning and management capacity of all six of the institutions involved in the project, and promotes integrated planning and coordination across the sector.

To assist in the implementation of new laws, the loan supports a wide range of training programs in the content and application of the laws, as well as in specific skills such as mediation techniques. The trainees are judges, the private bar, legal aid attorneys, prosecutors, public defenders, law students, and those working with juvenile delinquents and at-risk youth.

Activities aimed at achieving the second objective include renovation and construction of juvenile detention centers so that young offenders are not held in adult prisons, development of vocational training and social educational programs for at-risk youth, remodeling technical training centers for juvenile inmates, developing clinics to treat inmates addicted to drugs or alcohol, and establishment of a training program for administrators of the juvenile justice system.

The third objective involves technical assistance for developing statistical systems and performance indicators, improving financial planning and human resource administration systems, and running training programs for executive and technical staff, as well as the development of information systems. The program seeks to improve coordination in the justice sector as a whole by supporting a sector-wide planning committee and a pilot integrated justice center that brings judges, solicitors and prosecutors together under one roof to provide a range of services in one place.

#### **Comparatively Narrower Scope**

##### ***Dominican Republic: Program to Modernize the Real Property Adjudication and Registration System (Approved in 1997)***

This program provides technical assistance for revising the Land Registry Act, changing the territorial division of responsibility among the agencies involved, reassigning jurisdictional and administrative functions among those agencies, and modifying titling and registry procedures to make them more efficient.

The program helps the Superior Land Tribunal to make reforms in its organizational structure, budget and personnel administration, budget planning and execution, and management information systems. The Superior Land Tribunal is responsible for regulating land tenure, carrying out titling and deed registration. The program funds new cadastral technology and information systems to help with these tasks and to facilitate sharing documents with other courts. The program also funds improved facilities and equipment at central, regional and local property registration offices and land courts, to ensure adequate collection, maintenance and storage of support documents for property ownership and public access to the pertinent information.

A final component of the project aims to strengthen the human resources in the Real Property Adjudication and Registration System and to enhance public awareness of the procedures of the new system and the ways to access the services.

## SHOULD THE BANK SPECIALIZE?

The objectives of justice projects range very widely. This raises the question of whether the Bank ought to be doing a little of everything in the justice arena, that is, essentially adopting a strategy of meeting demand as it arises, or whether the Bank should seek to develop cutting edge excellence in several areas (niche strategy), or a combination of the two.

### **The Importance of Maintaining Broad Sector Expertise**

Scholarly research and practical experience with governance projects is increasingly pointing to the fact that it will not be possible to identify a consensus list (such as the Washington Consensus) of ten points for second or third generation reforms. Unlike first generation reform, the contents and sequence of second-generation reforms will vary from country to country, responding to windows of social and political consensus, and adapting to local institutional structures, cultures, and conditions. It is important, then, that the Bank have a broad menu of expertise to offer in governance projects in general, and justice reform in particular.

### **Focus on Areas Appropriate for In-Depth Expertise**

Nevertheless, the IDB may want to develop in-depth expertise in some areas. The Multilateral Investment Fund has financed projects in commercial ADR in 18 countries, making the IDB a recognized expert in this area in Latin America. Analysis of the impact of these projects seems to indicate that the sheer number, and the resulting ability of countries to share expertise among themselves (with Bank support in the form of seminars and workshops) has had a significant impact on the development of commercial mediation and arbitration in the region.

In deciding whether to seek special expertise in certain areas, the Bank needs to ascertain the future demand for justice system projects as well as the expertise that is already being provided by

other donors. Seven years of experience show some areas in which there is a general need, and in which other donor agencies are not currently meeting the needs of countries. These are the areas in which the Bank could seek to develop cutting-edge expertise. Examples include efforts to reduce delays in the court systems and continued institution building (this is a long-term proposition that has only just begun in the justice sector). In addition, not many donors appear to be working in areas such as juvenile crime, rehabilitation of offenders and community sentencing. These issues are also ripe for IDB involvement given that they are essential to the prevention of violence. Requests from IDB member countries have centered on programs to assist youths who are already in the justice system, as well as programs to prevent youth violence. The demand for violence prevention projects is likely to grow in the next few years, especially if programs currently in place prove successful. Finally, there is demand to provide reasonable access to justice for all citizens.

This leads us to conclude that the Bank could develop unique specialization in the areas of management of the justice sector, access to justice and specific aspects of criminal justice reform such as rehabilitation and juvenile justice.

*Justice Sector Management.* The largest portion of IDB investments in justice projects currently goes into institutional strengthening. It is at the institutional level that the battle for judicial reform will be won or lost, since the ability to measure and build institutional capacity to carry out reform is a necessary first step in many justice projects. It is probably fair to say that the Bank's expertise in this area is broad, but not as deep as it might be. The Bank could develop in-depth expertise in several aspects of justice sector management, including institutional analysis and strengthening and public sector management. How can the Bank better measure a system's capacity for transformation and help design a strategy to effect transformation? What are the most effective methods to reduce court delays and manage cases? How can judicial management be employed as a tool in controlling

corruption? How can the Bank support judicial independence and accountability?

*Access to Justice.* Given its expertise in civil society and assistance to the poor and disenfranchised, access to justice is a natural area for Bank focus. Indeed, Bank projects have naturally gravitated in this direction, including innovative use of information technology to encourage citizen access to courts; support for local, community-based justice; and development of alternative means of dispute resolution. The Bank has put research funds to work in this area, too, publishing works on public defense (see Wilson, 19997) and legal assistance and access (see Rhudy, 2000). An increased emphasis on civic education regarding justice, to help the public better understand and access the justice system, and help form or consolidate consensus regarding the need for reforms in the system, might be a logical next step for Bank access programs.

*Specific Aspects of Criminal Justice Reform, Such as Rehabilitation and Juvenile Justice.* A criminal justice system that provides for public security and protects the due process and human rights of defendants is a key element in a democratic state. Working in criminal justice permits the IDB to assist countries to consider implementing progressive and cutting-edge programs such as rehabilitation and alternative sentencing (community service, for example) for those guilty of minor, nonviolent crimes, in order to reduce costs and recidivism. Youth violence is a serious challenge in several countries of the region. This population group is a target of IDB violence prevention and justice projects. Bank experience in education, job creation and street children projects could be brought to bear on rehabilitation as part of violence prevention. For example, a project to strengthen mechanisms of alternative dispute resolution in Peru that includes a component to teach youths techniques for peaceful resolution of disputes was a resounding success. Several Latin American countries have very modern legislation in this area and are implementing innovative juvenile court projects that could be shared with other countries in the region. The Bank could play an important role in this area by disseminating information about these practices.

Nevertheless, criminal justice is an area in which some policy limits on Bank work would be prudent.

### **Areas in Which Defined Policy Limits to Bank Action Make Sense**

Member countries are asking the Bank for assistance in strengthening police forces and dealing with burgeoning prison populations (by building more prisons or through rehabilitation, alternative sentencing and the like). These sorts of requests for assistance raise the question of whether the Bank ought to be engaging in work in areas such as modernization of police forces, penitentiary reform, and drug interdiction. The Bank has received country requests for such projects and worked around the edges of some of these themes: training for police in community policing; technical assistance for revising police academy curricula; technical assistance for formulation of prison management policies and plans for prison rehabilitation; employment training for detained juveniles; and renovation of youth detention and rehabilitation centers.

IDB justice projects containing components on police training or prison reform have spurred discussion about the limitations on Bank action in the criminal justice arena that might be appropriate. Interestingly, unlike the experience of the World Bank, discussion at the IDB has not suggested that the Bank's Charter forbids certain activities.<sup>16</sup> Rather, discussion has suggested that there are some activities that the Bank ought to get into only after a thorough policy discussion and design of detailed guidelines for action. The policy of the Bank in justice reform, as with modernization of the state generally, has been to

---

<sup>16</sup> The Agreement Establishing the Inter-American Development Bank states, in Article I, Section I, that the "purpose of the Bank shall be to contribute to the acceleration of the process of economic and social development of the regional developing member countries, individually and collectively." Whereas the World Bank has ruled out much work in criminal or constitutional law as not having direct and obvious economic results, the IDB has established a unit on violence prevention and worked directly on criminal law issues.

provide general guidelines for action,<sup>17</sup> gain some field experience, and draft a more detailed policy on the basis of the experience gained. Policy guidelines in areas such as police and prison reform will assist Bank staff in assessing the eligibility of projects for funding, and ensuring quality in project design.

*Police Reform.* Several Bank projects have included components to provide training to the police on community policing and on how to deal with juveniles, as well as technical assistance for revision to the police academy curricula. This is an area in which a detailed policy regarding what the Bank will and will not finance, and what sort of assistance it intends to emphasize, will be helpful to project teams and Bank managers. A cross-departmental working group chaired by the Social Development Division (SDS/SOC) has prepared guidelines for Bank action in the area of violence prevention, which deals in detail with police reform. The group included a representative from the Legal Department to assist with analysis of possible Charter limitations on work in this area. These guidelines may be modified or broadened with additional experience.

*Prison Reform.* Member countries have asked the Bank to provide assistance for the construction of prisons. While it has not funded such projects to date, the Bank has provided assistance to do planning for the penitentiary system and carry out the statistical research, data gathering and analysis necessary to formulate a proposal for funding prison construction. The Bank has also funded improvements in electricity, portable water, and infrastructure necessary for the renovation of juvenile detention centers (See ES-0090). In including these components in loan and technical assistance projects, the Bank has recognized that planning for and managing prisons and rehabilitation programs is part of the role of the justice system, that human rights abuses that occur in penitentiary systems often result from inadequate policies and oversight, and that prison and rehabilitation systems are important to promote public safety and prevent violence.

---

<sup>17</sup> See *Guidelines for Actions in Modernization of the State*.

The Bank has formed an interdepartmental working group that will develop guidelines for the reform of the penitentiary system.

One of the critical issues in prison reform is that building new structures is a relatively easy, but rarely adequate, solution to prison overcrowding problems. New infrastructure does not guarantee improvements in the human rights of prison inmates. Too many detainees in Latin America languish in prisons waiting for a trial. As mentioned, the data on inmates who have not had a trial in much of Latin America are truly frightening. In many cases, prisoners are being held without trial for longer than the law would permit them to be incarcerated had they been convicted of the crime for which they are accused. The solution to the problem of prison overcrowding in these cases is probably not building more prison cells. Rather, it is getting prisoners to trial more expeditiously. This example suggests that it might be useful to develop a checklist of criteria for IDB financing of prison infrastructure.

The Bank could require, for example, that project teams examine the number of prisoners being held without trial, and recommend construction only in cases where that number is not excessive. Similarly, the Bank could finance prison construction only in those countries in which statistics (from such sources as the Inter-American Commission of Human Rights, for example, or civil society groups such as Amnesty International or Human Rights Watch) indicate that human rights violations in prisons are kept in check. For those countries that do not meet these criteria, the Bank could fund projects aimed at helping them to meet the requirements.

Bank analysis of the need for prison construction should also include studies of alternatives to construction that might provide more room to house prisoners, such as alternative sentencing programs and programs to reduce recidivism. The Bank could also provide technical assistance in planning for prison reform, studying the possibility of involving the private sector in building or running prisons, producing manuals for prison staff, training for personnel, and support for re-

habilitation programs. It should be noted that the building of secure structures such as prisons requires very specialized expertise, which the Bank would have to acquire in order to evaluate proposals and designs by architects and builders.

Projects developed in new and relatively more controversial areas such as police and prison reform should be regarded as pilot projects. This means that extra care should be taken in designing evaluation mechanisms that will make it possible for the Bank to determine whether and to what extent such projects might be replicable in other settings.

There are some areas of criminal justice in which other donor agencies have already developed considerable expertise and experience. An example is drug interdiction as promoted and carried out by the United Nations Drug Control Program. In areas such as these, the Bank need not duplicate existing expertise, but can work in a complementary

complementary fashion to projects designed and carried out by other donors.

### **Means of Developing Expertise in Selected Areas of Justice Reform**

Staffing as well as staff training and learning are critical components of efforts to develop expertise. The Bank will need to make a concerted effort at hiring and training staff in selected areas, to develop a depth of expertise in the institution. In addition, brief, pragmatic papers setting out state-of-the-art knowledge in selected areas of justice reform and discussing some of the approaches that have been successful in different settings would be helpful to staff working in this area. The State, Governance and Civil Society Division is committed to preparing such papers and to developing workshops on areas that staff identify as ones in which they need more training and expertise in order to design effective justice projects. Making training opportunities (such as participation in courses and conferences) available to staff working in these new areas would also help develop the Bank's institutional expertise in the field. Perhaps the lessons of field experience as it is gained could form the basis of a course for Bank staff working on justice sector projects that could be taught through the Learning Office.

# The Project Design Process

This chapter will look at whether the way in which the Bank is going about designing justice projects seems likely to deal well with the peculiarities and difficulties inherent in the justice reform effort as discussed in the previous chapters.

## PRE-PROJECT ANALYSES

### The Importance of Solid Analyses

Early Bank justice projects tended to be based on rather general diagnoses of the justice sector while later projects developed more sophisticated analyses. The Bank is now conducting in-depth studies of the public sector, which include justice sector studies in the Dominican Republic, the Caribbean, Bolivia and Suriname. These studies were initiated in recognition of the need to improve diagnostic tools and sector studies in this area, and to permit the establishment of medium- to long-term strategies for reform of public sector management. This is important because the problems faced by justice institutions cannot be solved in one project cycle alone and because more than one source of international aid is likely to be involved. Thus, a long-term strategy, to be implemented over several project cycles, is key to establishing an organizing idea for the projects developed in the sector, and to help ensure coordination among the many actors working to better the administration of justice.

The Bank has an opportunity to develop diagnostic instruments and justice sector studies into useful tools of analysis and strategy formulation. It would be useful, for example, to develop a list of questions that, at a minimum, should be addressed by any analysis of the justice sector. This would facilitate staff work in supervising the execution of sector diagnoses, and would provide some continuity in Bank work from country to country. Annex B presents a rough outline of such a checklist.

Indicators of a well-functioning justice system might make it easier to identify problem areas and to plan more appropriate reform steps. They might also help in the development of better data collection systems to allow for better strategic planning and improved management of the court system. Widespread use of indicators could even help to build a consensus for reforms targeted at specific problems. An example is the corruption indicators developed and disseminated by Transparency International.

However, it is important to recognize that the development and use of indicators is not in itself a panacea, and may sometimes even be counter-productive. USAID experimented with the use of quantitative indicators in its justice projects, but abandoned it when project managers began emphasizing activities that could easily be measured rather than those that might be most important in terms of improving the quality and effectiveness of the justice system. That said, however, there are indications that the Bank's diagnostic process could be improved by the use of checklists and indicators. Research efforts should be devoted to their development. Measures of the performance of the justice system and related outcomes are needed to establish priorities for reform, to enhance the rigor and relevance of sector studies that underlie reform projects, and to facilitate impact evaluations. The IDB should develop a menu of indicators that could provide assistance to staff in the design of projects.

The diagnostic process is also important to the analysis of existing institutional capacity, including the capacity for transformation. This would require an analysis of political will, within and outside of the institution, and of ways of influencing it. An institutional diagnosis is essential to the design of a successful project.

**The Diagnostic Is Only One Input in the**

## Reform Process (and Project Content)

A solid analysis of challenges and problems plays an important role in the development of a country's strategy for justice reform and on the content of IDB justice projects. It is not, however, the only factor that determines the strategy for reform. A country's justice reform agenda is also likely to be influenced by the broader political agenda of the government in office. Each country's strategy is influenced by public opinion and the perspective of civil society organizations. And decisions regarding the types of reforms to pursue with IDB loans are influenced by the size of the financial investment available for justice reform. The diagnostic is thus only one input in the design of a reform agenda. To ensure that the diagnostic study is credible, and has a meaningful impact on the country strategy and the content of IDB projects, it should be objective and undergo a broad consultation process.

### **PARTICIPATION OF STAKEHOLDERS IN PROJECT DESIGN AND EXECUTION: BUILDING CONSENSUS**

The participation of civil society in justice operations has important ramifications. Citizen participation increases the accountability of projects to the users of the justice system; however, allowing for a definition of priorities from the ground up may also increase the design time. Clear objectives and full participation by stakeholders in a project helps to generate consensus for reform, a critical element discussed in the prior section. Without stakeholder participation in project design it is very difficult to analyze the demand for justice, that is, the needs of the users of the justice system. And without such participation it is nearly impossible to design a project whose aim is expanding access to justice. This requires consulting those who do not have access to determine what they perceive to be the obstacles to access.<sup>18</sup> The Bank should thus require signifi-

cant stakeholder participation in the design of justice projects. The IDB Resource Book on Participation (IDB, 1996) provides a very useful guide to methodologies and techniques for inclusion of stakeholders in project design, execution and evaluation, and includes some examples of justice projects.

Although the degree of participation in Bank justice projects varies, most tend to be quite participatory either in design or execution. The Costa Rica project, for example, was designed through an extensive participation process that sought input from all levels of the judiciary as well as citizen groups. The Civil Society and Access to Justice project in Bolivia is participatory in design and execution. The El Salvador justice project involves NGOs and the private sector in job training for delinquent youth and includes seed money grants to community organizations to carry out innovative projects in prevention or treatment of juvenile crime.

These examples make clear that some Bank justice projects include input from those affected in both the design and the execution. It also points to the fact that there is no one model for participation in these projects. It may be that models or alternatives for citizen and NGO participation, not only in the design but also in the execution of justice projects, should be developed and disseminated to project officers and government officials working them. It may also be necessary to emphasize the participatory nature of Bank justice projects more clearly and make that information more widely available outside the Bank.

---

<sup>18</sup> See *Halfway to Reform: the World Bank and the Venezuelan Justice System*, Lawyers Committee for Human Rights and Venezuelan Program for Human Rights Education and Action, 1996, on the importance of participation in the development of justice projects.

## **ANK STAFFING AND FUNDING STRUCTURES FOR JUSTICE PROJECTS**

### **Missions, Consultancies, Staff Time and Expertise**

Justice reform projects are often carried out by government agencies that have not previously worked with the Bank and may not have worked with any other external financing agency. As a result, these projects may require more missions and greater investments in terms of studies, consultancies and consensus-generating activities than is standard for other Bank operations. The initial step for these projects is often a request that Bank project teams work with country authorities to establish priorities and strategies for reform. Real expertise is required to perform these tasks well. This suggests that concerted efforts to train Bank staff in the area of judicial reform would enable the Bank to bring the most competent assistance to member countries.

### **Mechanisms for Bank Action**

The Bank has carried out work in the area of justice reform by means of loan and technical cooperation operations. These operations require the preparation of fairly detailed project plans, which are discussed and approved at several managerial levels of the institution, often culminating with Board approval. This process may have made it difficult to respond to political changes with speed, flexibility and innovation. The Bank's new flexible funding mechanisms may be particularly appropriate to some types of justice projects. The scarcity of grant financing for research, conferences, and participation by civil society organizations presents a serious challenge for the IDB in justice reform.

### **Donor Coordination**

In order for Bank projects to build wisely on the reform base that may already have been established or started in a country, it is important to start with an understanding of exactly what reform projects country agencies are working on, and what projects other donors may have done or be doing. The experience of project teams indicates that it is not always easy to find out what sort of modernization efforts have been carried out in any one country. Often, justice sector institutions do not have information about precisely what efforts are being or have been carried out, and it is sometimes difficult to get that information in an organized way from other donors. It often seems that donor coordination depends upon the individuals on the project teams. If the project team is willing to visit all of the potential donors' local offices in a country to try to understand what they have done and are thinking, and if the individuals in other donor entities are willing to share information, then coordination happens. This ad hoc method of coordination is not ideal and could be made more methodical, possibly by developing a greater capacity for coordination among donors in the country offices.

As mentioned previously, coordination with other donor efforts might be improved through the preparation of long-term justice sector strategies. Terms of reference for justice sector diagnostics should always request analysis of other donor's actions in the sector. Consultation with local civil society organizations active in the justice sector can also be helpful because they often have institutional knowledge of the efforts undertaken by various donors.

## Project Strategies: Responding to the Unique Characteristics of Justice Projects

Given some of the characteristics of justice projects identified in this paper, particularly the need for political will and long-term planning and their cross-disciplinary nature, it is necessary to ascertain if the projects being designed address these features. For example, do some conditions have to exist before a justice reform project can be started? Do project strategies appear viable in light of what is known about the conditions and history of justice interventions in specific countries? Are they designed to bring about a sustainable impact on the administration of justice?

### **ENTRY STRATEGIES: OPTIONS FOR THE BANK WHEN APPROPRIATE CONDITIONS ARE LACKING**

Reform is not a short-term task and it is not easy. An important requisite of reform is broad-based consensus—consensus within the organization undertaking reform, among users of that organization’s services and, often, willingness on the part of the government and the general public to finance and support a long-term reform process.<sup>19</sup> The Bank is sometimes asked to participate in justice reform projects in countries or institutions where consensus is partial or nonexistent. Because judicial independence (the judic-

---

<sup>19</sup> In the case of the reform of one court, for example, this would mean that the judges, registrars or clerks, and technical and administrative staff of the court would need to agree on the basic goals of a planned reform; lawyers, businesspeople, civil society groups and citizens who often appear in litigation before the court would need to support (or at least not actively oppose) the project; the appropriate executive branch authority and perhaps the legislature would need to be willing to make a budget available to the court for reform; and a politically difficult reform (such as one that calls for implementing a method of selecting judges that puts more emphasis on their professional competence and less on their party or personal ties) might require general public interest and pressure for reform.

ary’s ability to manage its administration and finances and function without undue outside interference) is considered to be a *sine qua non* of the effective administration of justice, it is also sometimes argued that entities such as the Bank should not undertake reform projects in the absence of such independence. This argument is often the basis for suggestions that judicial independence be established as a condition for approval of justice reform projects.

Bank projects approved to date are being carried out in countries where broad-based support for reform and judicial independence exist, as well as in countries or situations in which this is not the case. When consensus is not broad-based, the Bank has funded consensus-building activities. When independence does not exist, the Bank has developed projects that address some of the obstacles to independence. The jury is still out as to the efficacy of these strategies when consensus and independence do not exist.

However, experts appear to agree that the Bank should be working to develop the policy environment that will enable judicial reform to take place. It would be counterproductive for the Bank to refuse to work in countries that do not meet standards for judicial independence or consensus necessary for reform. Instead, the Bank is working to bring about these conditions.

It is clear, at any rate, that judicial independence and consensus or political will should be carefully assessed in the diagnostic stage of project preparation, and that projects should be designed to build upon existing conditions. Since profound reforms have a better chance to succeed in institutions that are interested in changing, the Bank should respond quickly when a consensus for reform becomes apparent. The discussion that follows outlines some potential strategies for

developing judicial independence and the consensus for reform.

### **Strategies for Strengthening Judicial Independence**

Given the importance of judicial independence to successful reform, a first priority is the removal of obstacles to independence. Clearly, strategies to increase judicial independence must take local political, cultural and institutional conditions into consideration. Nevertheless, administrative and financial independence as well as accountability should be basic components of project strategies.

Increasing the administrative independence of the judiciary could involve supporting a process of selecting, evaluating, promoting and disciplining judges that is based on merit rather than on party affiliation, political loyalty, or the popularity of judicial decisions among different constituencies. Increasing administrative independence also involves building managerial competence, not only so that courts are well-run and responsive to the needs of their communities, but also to permit the judiciary to take on greater managerial and budgetary responsibility. Institutional strengthening projects that introduce managerial processes to control corruption may tend to make judicial decisions less dependent on outside influences. The judiciary needs the managerial ability to plan and execute justice programs in a coordinated (but not subservient) way with justice sector agencies of the executive and legislative powers.

There are many models of court administration. The Bank should assist member countries to analyze the obstacles they face and determine the institutional model likely to be of use in that situation. Some countries, for example, have looked to magistrates' councils (*consejos de magistratura* or *consejos de judicatura*) as a means of professionalizing the administration of the judiciary and to achieve judicial independence, while others have employed the model of a professional court administrator. Many hopes were pinned on magistrates' councils as a means to solve the dilemma of permitting judicial independence while improving managerial competence. To date, the effectiveness of these coun-

cils has fallen short of expectations in many countries in which they are operating. The experience of several countries indicates that magistrates' councils cannot solve all the problems faced by judiciaries. The same is probably true of the appointment of a professional court manager. Bank staff should be knowledgeable about alternative institutional models, their advantages and disadvantages.

The aim of project strategies to increase judicial independence should also be to ensure financial independence for the judiciary, that is, the ability to draft, defend and oversee an adequate budget for judicial activities.

Independence without public accountability is not desirable. Projects to increase judicial independence should also seek to make the judiciary more transparent, responsive, and accountable. Project teams could benefit from research and guidance on how to decrease judicial corruption and increase judicial accountability.

### **Strategies for Strengthening Consensus for Reform**

There is a relationship between building consensus around judicial reform and building judicial independence in that judicial independence is not likely to result fully without broad public support. Consensus for judicial independence may result from the recognition that an impartial and fair judicial process is not possible without it.

Justice reform projects tend to require ongoing political support and imply radical changes in laws, institutions and the attitude of government officials as well as the general public. Participants in the workshop convened to discuss Bank justice projects concluded that project strategies should explicitly recognize the need for bringing about cultural change in the principal social, economic and political actors. Projects should thus include training and the mobilization of civil society groups toward this end.

It is sometimes difficult to ascertain if these factors are considered from a simple reading of Bank project documents. Issues such as the windows of opportunity for political change may

not be discussed in the project document. Nonetheless, Bank staff working on projects say that the variety of project strategies may in itself be an indication that project teams are factoring in many of these conditions. For example, some projects work on a modest level with one justice sector entity, while others comprise multi-institutional strategies. This variation may stem from a project team analysis of what level of institutional complexity is appropriate in any one setting, and may also flow from a decision to take advantage of windows of opportunity in specific institutions as they appear.

The decision regarding what kind of justice reform to carry out is ultimately up to the citizens of the country in which the reform will take place. The Bank has helped to facilitate discussions aimed at generating consensus by sponsoring workshops and conferences, for example, or providing technical assistance in the form of expertise to carry out diagnostic studies that will form the basis for the debate. The Bank will play a particularly positive role in consensus building to the extent that it helps make that process highly transparent and participatory. In this context, civic education projects might be important tools for building political consensus for reform.

## PROJECT STRATEGIES

### Bottom-Up or Top-Down?

Bank-sponsored workshops as well as field experience suggest that, when there are no openings or consensus from the top for reform, it can take place from the bottom up—that is, with justices of the peace and first-level trial courts, with legal aid officers and civil society organizations. Bank project teams should not hesitate to work with local justice institutions, or at the lowest levels of those institutions. Modest pilot projects in one part of a larger institution, the results of which can be evaluated and disseminated, are also an alternative. The Inter-American Bar Association (1999) study notes that a justice project in Argentina works with prosecutors and provincial courts because it was determined that it would be difficult to work directly with the fed-

eral judiciary. An access to justice project in Peru works with the federal court system, but aims at justices of the peace and first-level trial courts; that is, it seeks to work from the bottom up within the judiciary. The Peru MIF project, now completed, included pilot projects in civic education such as peaceful means of conflict resolution for primary and secondary students living in conflict zones. The report notes that the four judicial administration projects studied grew from local seeds and built on local reform efforts, adapting to markedly different political circumstances in each country (Inter-American Bar Association, 1999).

### Project Strategy as Part of a Longer Range Plan

Most project documents in the justice area describe the history of the justice sector and the major challenges it faces, as well as the role the project will play in allowing the sector to meet some of those challenges. In countries in which there have been prior efforts to reform the system of justice, project strategies encompass attempts to build on the progress already achieved. The objective of many project strategies is preparing the way for future reforms. That said, however, most projects are not defined as partial efforts to achieve a broader, longer-range goal because most developed so far have not been preceded by a country sector study which could help establish a long-range strategy.

One of the conclusions of the workshop convened to discuss Bank justice projects was that to implement and execute a reform project requires a systemic vision; that is, a long-term strategy and a sector-wide vision taking into account both the state and civil society. Justice reform may require a series of programs and projects. An integrated strategy will help identify those projects that are priority in terms of their impact and catalytic potential for bringing about additional changes in the system. The workshop emphasized that, though justice reform projects require long-term strategies, a successful project will also include some short-term results to avoid reform fatigue and sustain enthusiasm.

In reaching these conclusions, workshop participants are probably out ahead of individual project teams. Projects will need to catch up with this thinking. Formulation of project strategies will be helped by better diagnostics, and may begin to be defined within longer-range sector strategies once more sector studies are available to project teams.

### **Do IDB Justice Project Strategies Differ from Those of Other Aid Organizations?**

Is the way in which Bank projects go about reaching their objectives different from methodologies used by other institutions? IDB project strategies appear to build on the USAID experience in justice reform, which recognizes the need for consensus and custom designed projects that fit local institutional and political circumstances. An influential USAID report emphasized a sequence of activities that is required to make institutional reform possible, suggesting, for example, that consensus-building and changes to legal frameworks should precede training and work with organizational structures (Blair and Hansen, 1994). IDB practice indicates that a defined sequence of reforms may not be as important as a solid analysis of the consensus, leadership, policy and institutional environment necessary to permit a desired reform to go forward. Sometimes working first on the weakest link in the process of administration of justice may make sense. If, for example, a justice institution in which there is consensus about the need for change does not have the institutional capacity to carry out an IDB project (which calls for the capacity to manage an organizational change process as well as to oversee international public bidding processes) then developing the capacity for carrying out a reform project might be a necessary first step.

### **Strategies for Using Technology in Justice Reform Projects**

From the very beginning of the Bank's entrance into the justice sector, courts and justice ministries have requested Bank financing for improved technology, seeking funding to purchase computers and to automate record-keeping and case-processing. It is likely that technology will continue to be an important part of strengthening institutions in the justice sector. The Bank has learned some lessons about the technology of justice, as well as about the role of technology in reform projects.

Though upgrading technology does not, in itself, constitute reform or modernization, it can be an important tool to achieving transparency and more efficient functioning of institutions. If technology is to be an efficient tool in the process of reform, however, there must be a tight relation between organizational change and systematization of procedures and processes. It is not helpful to automate inefficient processes. In order for information systems to be practical and sustainable over time, the designer of the system must know the requirements of the agency and change the information system in accordance with needs. The very latest technology may not be called for. This design process must be realistic in identifying the human and financial resources available for investment in technology in order to avoid the mistake of buying very advanced computers that wind up being used as expensive typewriters.

Participatory design is especially important to information processing in the justice sector. Information systems should be developed from the bottom up. Users should participate in diagnoses and design of information systems. Automation must be well adapted to local clients and sources of information. Education and training of judiciary staff and systems operators is a critical element in the implementation of institutional change in information systems.

Computerization, like justice reform in general, would benefit from development of a sector strategy because the efficient administration of

justice requires compatibility among the computer systems of governmental agencies. Analysis of information systems could be included in the long-term strategy mentioned previously.

### **PROJECT MANAGEMENT: INSTITUTIONAL STRUCTURES FOR PROJECT EXECUTION**

Unlike transportation or education projects, for example, justice projects often involve several government ministries and more than one branch of government. The nature of the sector and the problems it faces means that sometimes the judicial, executive and legislative branches are all involved in a single justice reform project. For example, it is not possible to provide access to equitable justice working with the court system alone. Prosecutors, public defenders, legal aid attorneys, the private bar, rehabilitation workers, prison personnel and the police must all perform their roles in order for the court process to go forward expeditiously and fairly. Even in relatively small projects, such as MIF commercial ADR projects, both private sector (represented by chambers of commerce, bar associations or other organizations that house mediation and arbitration programs) and public sector entities (the judiciary and the legislature) must be involved to ensure the expedited judicial execution of arbitrated agreements. Institutional complexity is a given in justice projects.

Execution structures reflect this complexity. Of ten loans that address judicial or justice administration, seven involve two or more entities; two (in Uruguay and Nicaragua) work exclusively with the judiciary; and one (in Colombia) works exclusively with the Attorney General's office. The seven justice administration loans that deal with more than one entity also deal with entities from at least two separate branches of government, the judicial and executive branch. Some include the public ministry, which in some countries is also an autonomous branch of government. There is considerable variation in the execution structures for these seven projects, but all but one of them have a coordinating (or policy or advisory) committee that includes representation from the heads of all the institutions involved in

project execution. This execution structure derives from the Bank's experience with projects that work across several powers of the government: namely, that some means of sector-wide coordination is required. Bank experience seems to show that, even if the aim of a project is to work exclusively within the judicial branch, it is also important to involve the executive branch and create a sense of consensus and ownership.

Most loans that involve activities by more than one branch of government deal with the independence of each of those entities by establishing each of them as co-executors and creating separate project executing units in each. Nevertheless, three projects (in Honduras, Costa Rica, and Peru), name the Supreme Court as the executing agency. In Honduras the Supreme Court entered into formal written agreements with agencies of other branches of government that have a role in the project; in Costa Rica each of the other agencies involved appointed a liaison to the project executing unit; and in Peru there is no formal mechanism defining the relationship between the executing agency and the other organizations involved in the project. There are examples of success in early stages of implementation for both the co-executing-agency model, and for the single-executing-agency model in which there is some sort of formal mechanism coordinating the participation of other entities that are not named as co-executors.

Staffing of project executing units for institutional reform projects requires a careful balance. These units must have the expertise required for the program to run effectively and professionally, which may require outside hiring. However, it is also important to involve personnel from the line agencies in order to transfer knowledge to the persons who will operate the justice system once the project is completed. Some projects rely almost entirely on specialized professional management firms to run the day-to-day- project activities, and others rely much more heavily on line personnel assisted by consultants. In two loans (Guatemala and El Salvador), existing planning units in the executing agencies are strengthened with consultants to take on the tasks of project

executing units. In one project (Uruguay) consultants have been hired to assist the executing units during two of the three years of project implementation. Their tasks will be phased out as line personnel learn to carry them out. The degree of reliance on consulting services probably reflects the assessment of the project teams with respect to the institutional capacity of the executing agencies.

Clearly, the simpler the execution structure and the more ample the time for execution, the better the chance for smooth project implementation. However, in those cases in which problems can only be solved by the coordinated activities of more than one entity, some level of complexity in execution structures will be necessary. All of the loans reviewed in this section are still being implemented. It will be important to observe the strengths and weaknesses of these different execution models as implementation goes forward, and begin to formulate lessons about which ones work better under particular circumstances.

## **MECHANISMS FOR PROJECT MONITORING AND EVALUATION**

### **The Logical Framework**

Most Bank justice reform projects employ a logical framework methodology; MIF projects use a slightly modified logical framework. The logical framework is a methodology that encourages stakeholder input and assists in the analysis of needs and potential obstacles to reform. It also results in a table of indicators by which to measure project success.

Most justice projects define quite specific quantitative goals and indicators for components and activities (specifying that, for example, ten laws should be passed or 500 people trained), such that it should be possible to measure accurately, over time, whether the components have been executed as designed. Not all projects, however, define final impact indicators (that is, indicators designed to measure whether and how the project has made a difference in the way justice is rendered to citizens). A review of the means for

verifying indicators in justice projects shows that not many include means of measuring accountability to the public (through polls or surveys, for example) and not many are geared toward measuring improved public service. Bank staff consider that they would benefit from enhanced expertise in designing progress and impact indicators for justice projects.

### **Annual Reviews**

A number of Bank justice projects depart from traditional Bank projects by establishing outputs for only the first year of execution and for final overall execution, instead of doing so for the entire project cycle. They also require a joint meeting of the Bank and the executing agency to review the past year's execution and a work plan for the next year prepared by the executing agency. This design structure permits a good deal of flexibility during execution, since it essentially calls for on-going monitoring, feedback and planning of project activities. This sort of feedback and on-going adjustment may be especially appropriate for projects designed to bring about institutional reform given that it is difficult to foresee, at the moment the project is designed, the collateral impact the reform process may have, and the new demands and challenges that may arise during project execution. Institutional reform, in other words, is a dynamic process and institutional reform projects must be designed with this in mind.

In addition to increasing the likelihood of project success, the feedback and adjustment process could also provide the information necessary to put together lessons about the reform process. This calls for greater participation by Bank staff during the project execution stage (adding to the Bank's project administration costs), and means that executing units must be able to monitor and propose adjustments to project activities during execution. A design structure that permits changes in the content or rhythm of reform during execution must be based on very solid progress and impact indicators. It must also include evaluation and feedback mechanisms and capabilities so that the Bank and the executing

agency can monitor the project and determine the changes that may be needed.

### **Monitoring for Feedback and Learning**

Project monitoring and evaluation mechanisms are necessary not only for successful execution of individual projects, but also for developing data and learning regarding the process of justice reform. As its justice projects are executed in the field, the Bank may want to consider monitoring

activities designed to identify best practices in specific work areas such as case-flow management or in civic education to promote the rule of law. Other organizations, and the Bank itself, are developing lessons learned to make projects most effective in these areas. The Bank will need to ensure that the lessons learned from the experience are put into practice in its projects. To do so it will need to disseminate the information to all staff working in this area. It might be helpful for SDS/SGC to produce a bibliography of useful materials.

# Lessons from the Initial Phase of Execution

## JUSTICE PROJECT DISBURSEMENT COMPARED WITH OTHER BANK SECTORS

### Justice Loans Compared with Social Sector Loans

The disbursement record for *active* justice loans can be examined in comparison with loans in the education and health sectors by using internal Bank ratings. The IDB Regional Operations Support Office (ROS) classifies projects in execution as *normal*, *problem*, or *at risk* depending upon their perceived likelihood of achieving their development objectives, their success in execution, and their enabling conditions. *Normal* projects are those viewed as likely to achieve their development objectives, experiencing no significant execution problems, and encountering favorable enabling conditions. *Problem* projects are those that are unlikely to achieve their development objectives. *At risk* projects are likely to achieve their development objectives, but are currently experiencing execution problems and/or face unfavorable enabling conditions. Thus, the percent of *problem* and *at risk* projects is a good indicator of the disbursement and broader execution record of active projects.<sup>20</sup> It is im-

---

<sup>20</sup> In particular, projects are classified as *at risk* if they are either a) rated unsatisfactory or very unsatisfactory in terms of implementation progress; b) rated low in their assumptions; or c) identified as having two or more indicators of potential problems among the following: 1) disbursement period equal to or greater than 3 years (after eligibility) with less than 25% disbursed; 2) disbursement period equal to or greater than 5 years (after eligibility) with 25% to 75% disbursed; 3) time elapsed to achieve first eligibility (from contract signature date or ratification date) equal to or greater than 12 months; 4) less than 10% of opening balance disbursed over the past 12 months for projects eligible for 3 or more months; 5) time elapsed to reach validity (approval to contract signature) equal to or greater than 11 months (in countries not requiring ratification); 6) time elapsed to reach validity (approval to ratification) equal to or greater than 17

portant to keep in mind, however, that only a relatively small percentage of *at risk* projects fail in the end to be fully disbursed or to satisfactorily achieve their development objectives.

In terms of these classifications, out of the 13 *active* justice loans (as of April 2001), one (7.7 percent) is considered to be a *problem* project and six (46.2 percent) are *at risk*. This is not very different from projects in education, where out of 38 active loans two (5.3 percent) are in the *problem* category and 16 (42.1 percent) are *at risk*. In the health sector a smaller percentage are *at risk* (seven out of 23 or 30.4 percent) but a larger percentage are *problem* projects (4 out of 23 or 17.4 percent).

### Justice Sector Technical Cooperation Projects

Sixty-five of 83 IDB projects with justice sector components are technical cooperations rather than loans, which indicates how important technical cooperation is in this sector. (Technical cooperation operations emphasize the provision of expertise rather than investments in equipment or infrastructure.) Of these projects, 15 have already been completely disbursed. On average, it takes four and a half years from the date of Bank approval to fully disburse technical cooperation operations. Over one fifth of the total amount of the project is typically disbursed during the first year. The *at risk* and *problem* classifications are not used for technical cooperation projects, in part, because disbursement of technical cooperation operations is often less problematic. Technical cooperations often involve carrying out a seminar, producing technical papers or performing other activities to generate a consensus. As a result, they do not always require the

---

months (in countries requiring ratification); 7) extensions for final disbursement date equal to or greater than 24 months; and 8) presentation of audited financial statements that are overdue for six months or more.

same sort of complicated institutional change that is often involved in loans. Technical cooperation projects also usually have shorter implementation periods than loans. One technical cooperation in the justice sector was cancelled for failure to disburse, but none of the others would meet the criteria for *problem* or *at risk* loan operations.

### **Justice Sector Loans Compared with Bank Projects Overall**

At the end of 1999, the Bank's country offices reported that 10 percent of the entire IDB loan portfolio was made up of problem projects while 25 percent of projects were *at risk* (IDB, 2000). The percentage of problem projects in the justice sector is lower (7.7 percent) than the Bank average. However, the percentage of *at risk* projects (42 percent) is considerably higher although it is similar to that of social sector loans. The fact that many loans are at risk indicates that ongoing assistance from Bank staff during project execution is key to project success.

### **THE ROLE OF BANK STAFF IN PROJECT IMPLEMENTATION**

Even though only a few justice projects are underway, it is already clear that executing units often need hands-on technical assistance from the Bank, especially in the first year of execution. It appears that a critical factor in the success of projects is the expertise and time that the country office specialist in particular and the project team in general dedicate to the project. This is a challenge to the Bank. These are complex operations that run the risk of failure if technical personnel are not available to oversee and assist with their execution. Involving staff from country offices in project design facilitates technical supervision by the local office during implementation. The greater the knowledge of the sector and technical (as opposed to administrative) oversight on the part of the country office, the more successful the implementation.

Project teams for some justice programs are participating actively in assistance and oversight of project execution; other teams play relatively minor roles. The involvement of the project team

seems to depend on the interest of the country office specialist in involving other members of the team, on the time that the project team at headquarters can dedicate to the project, and the availability of funds for administrative missions. There has been a good deal of informal coordination between headquarters and country offices, as well as administrative missions to assist in getting the projects off the ground and running smoothly. The need for project teams to stay involved in giving technical advice in the first year of implementation represents a greater workload both for headquarters and country office staff, but it also presents opportunities for careful observation of project execution and adjustments to project strategies as necessary.

### **WHAT IS WORKING WELL?**

Several commercial mediation and arbitration projects financed by the Multilateral Investment Fund have been completed or are nearly completed. The execution period for these projects is usually between 12 to 24 months (as opposed to three to five years for Bank loans). The MIF, through its facility to provide seed capital to encourage private sector growth, has financed 18 projects in Latin America and the Caribbean to promote the use of arbitration and mediation to resolve commercial disputes.

These projects most often work through chambers of commerce or similar non-governmental organizations, helping them to set up commercial arbitration and mediation centers. One project (Peru) also assists some courts to establish court-annexed mediation centers. Another (Argentina) works with the Ministry of Justice to set up mediation centers. The projects very often include technical assistance to draft new legislation or revise existing laws on mediation and arbitration. They always include specialized training for arbitrators and mediators, as well as more general education for lawyers, judges, the business community and the general public on how arbitration and mediation can be useful and what sort of disputes they are most appropriate for. Often, judges are trained to recognize the type of cases are most appropriate for referral to mediation or arbitration, and how to deal with a medi-

ated or arbitrated decision should it come back before the court because one party has breached that agreement. (Happily, rates of compliance with mediated and arbitrated agreements are high, but judges need to know how to deal with the exceptional cases.)

These projects often have simple execution structures in comparison to Bank justice reform loans. They are usually carried out by chambers of commerce or other relatively small nongovernmental organizations. Chambers of commerce differ from public sector institutions in that they can (and do) call on the managerial capacity of the private sector—their membership base—to help implement these projects. In these ways, they are not typical of justice loans that aim to reform public sector institutions.

As recently as the early 1990s, businesses in many Latin American countries did not have the option to turn to locally provided arbitration or

mediation services to resolve commercial disputes out of court. Arbitration and mediation laws were often outdated or nonexistent, and there were few arbitration and mediation centers operating in the region. Today, most countries have arbitration and mediation centers and new legislation is in place. The MIF projects have made a significant contribution to bringing about these changes. In a number of countries these projects seem to have helped put arbitration and mediation on the map—whereas these processes were very little talked about five years ago, now business communities, lawyers and judges are conversant with the terms and have a general understanding of the usefulness of the processes (though the private bar often remains somewhat suspicious of ADR, concerned that its use might diminish lawyers' workloads).<sup>21</sup> Although commercial dispute resolution needs are still far from being met, these projects appear to be reaching their goals.

**Box 2: Colombia. Program to Strengthen Alternative Methods of Commercial Dispute Resolution (Approved in 1995)**

Colombia had 107 mediation and arbitration centers established by 1993, many of which sprang up overnight in response to passage of a law allowing these centers to be run by the private sector, with oversight by the Ministry of Justice and Law. Only about half of the centers actually offered mediation services. This MIF project undertook to help eligible mediation and arbitration centers run by chambers of commerce, universities, and other entities to offer a better and more professional service. The project financed the development of administrative procedural manuals; training courses for directors and staff; a software program for administering a center; a system of evaluation and follow-up of the services offered; and a tutoring scheme by which more developed and established centers give assistance to other nearby centers. The project also provided assistance to the Ministry of Justice and Law to improve its coordination of mediation and arbitration centers, and funded development of an information network to create a statistical database to record the results of mediations and arbitrations. In addition to training mediators, arbitrators, and administrative personnel working in arbitration and mediation centers, the project trained 50 trainers, to create a permanent capacity for ADR training in Colombia.

At the start of the project, there were more mediation and arbitration centers than there was demand for their services. The project included a market analysis to determine what sectors of business were most likely to use ADR, and an educational and outreach effort (including a national seminar to promote the use of ADR for commercial cases, and a series of workshops by universities on specific aspects of ADR) to disseminate information about the role and benefits of alternative methods for resolving commercial disputes, to generate demand in the private sector over the short and long terms. By the end of project execution, demand for mediation and arbitration had begun to exceed the capacity of the centers.

and in 1998, 8.3 percent of cases brought to the ICC included at least one party from Latin America.

Though technical cooperation projects to establish mediation and arbitration for resolution of commercial disputes are quite different from broader administration of justice projects, some general lessons regarding justice project execution can be gleaned from these operations. In spite of their relatively straightforward execution structures and activity schedules, many of these projects required hands-on assistance from country offices and headquarters. It also appears that persons involved with these projects in the chambers of commerce and IDB country offices benefited from the exchange of information between project directors across countries. The MIF sponsored regional workshops and conferences that contributed to the successful execution of projects.

### **PROBLEMS AND SOLUTIONS**

Given the difficulty of reforming the way in which a society delivers justice to its citizens, it is not surprising that a host of difficulties arise in the context of implementing such reforms. Some of the most frequent and important problems that the IDB has encountered during implementation of justice reform projects so far include:

- the complexity of coordinating execution among institutions from different branches of government, private sector entities and civil society organizations;
- the sometimes negative consequences of changing political administrations or leaders; and
- waning support for a project from one branch or another of the government.

Though project teams anticipate these types of problems during project preparation, it is difficult to design solutions at the preparation stage that will fully mitigate them. The Bank has tended to deal with these problems as they come up in projects by sending administrative missions, often in conjunction with mid-term project reviews. These missions have often recommended changes in project activities, or moved funding from categories in which it was not being used

efficiently to other categories in which institutions were able to advance project priorities. This methodology (sending administration missions and designing flexibility into project implementation) seems to be working fairly well. However, administrative missions and the involvement of headquarters and country office staff in mid-term evaluations place greater demands on staff time.

Although it is early in the development of this area of work to formulate a definitive assessment of Bank justice projects, the time is ripe to examine the progress of project implementation in order to use that information to improve the quality of projects. Conclusions of field studies and evaluations to date tend to be too general to be very useful to Bank staff working on project design. The Bank's work in this area would be greatly aided by the development of evaluation methodologies that produce lessons learned which can be used right away in designing new projects. Waiting for a significant number of projects to complete execution, and for the results of ex-post evaluations, would mean that the Bank would not be able to use its field experience as it is gained.

# Summary of Recommendations

## AREAS OF BANK WORK

### Continue to Work in Justice Reform

According to statistical and survey data, firm managers agree that the unpredictability of the judiciary is a major problem for their business operations in Latin America and the Caribbean and that there is considerable distrust in the independence and impartiality of the judiciary in the region. For the countries for which there is such data, it is clear that there are an unusual number of cases pending and the average delay is extraordinarily long. Victimization surveys suggest that the region leads most other areas in terms of homicides and crime in general, and that crime has increased significantly in recent years. All of this leads us to the conclusion that justice reform is a priority area for the economic and social development of Latin America and the Caribbean, and should continue to be a priority area of work for the IDB. Given that various countries and agencies have been involved in working to improve the justice sector for some time, it is also clear that improvements will not come quickly or easily.

### Build on the Ability to Work Broadly Across the Sector

Statistical and survey evidence indicates that there is considerable variation in the functioning of justice systems in the region, a wide variation across countries in scores on composite indices of *rule of law* and *corruption* and a wide divergence in citizens' confidence in the judicial systems and their perceptions of the degree to which they are treated equally under the law. This suggests that justice projects will need to be adapted to local realities. Current research in the field shows that there is no sequence or menu of second generation reforms that is appropriate for every country. Therefore, second generation reforms will vary from country to country, responding to windows of social and political con-

sensus, and adapting according to institutional structures and capacities. The IDB must be able to respond to widely differing needs, if it is to act as a truly regional development bank, and be responsive to each one of its member countries in the region. (The diagnostic process discussed in this paper, which includes assessment of institutional capacity and political opportunity for reform, would make it possible to design a reform sequence appropriate for each context.)

The Bank has worked across a much broader range of justice reform than other MDBs. Bank work in criminal justice, juvenile justice, violence prevention, and its many projects in access to justice, is in direct response to the region's development needs. Some of these areas will be polemical. They will require the crafting of careful policies to set limits on Bank involvement, and may put the Bank's public image at some risk. It would be easier for the IDB not to work in these areas at all, but it is precisely in these areas that assistance is needed, and the IDB is the only large donor addressing such needs.

### Aim for Depth of Expertise in a Few Key Areas

Though there is great variation in the state of justice across the region, some common trends are evident. Justice systems throughout the region are grappling with lack of credibility, court delays and rising crime. The Bank should make a special effort to develop expertise and outstanding projects to help deal with these problem areas. If the Bank operates *only* as a source of generalist knowledge across the whole spectrum of justice reform, it will not be able to offer cutting-edge, value-added technical expertise and advice to member countries. Suggested areas for Bank focus, both in terms of projects and research, are justice sector management, access to justice, and specific areas of criminal justice reform such as rehabilitation and juvenile justice.

*Justice Sector Management.* The battle for judicial reform will be won or lost at the institutional level. Only effectively managed organizations will be able to guarantee an end to impunity, delays and bias in the administration of justice. The Bank should strive to bring state-of-the-art expertise gained in area of public sector management reform to justice systems in the region. How can judicial management be employed as a tool in controlling corruption? How can the Bank better measure a system's capacity for transformation and help in the design of a strategy to effect that transformation?

*Access to Justice.* Given its expertise in civil society and assistance to the poor and disenfranchised, access to justice is a natural area for Bank focus. Indeed, Bank projects have naturally gravitated in the direction of access to justice. The Bank could make greater use of this expertise in justice projects by involving, for example, staff from the Indigenous Peoples and Community Development Unit as well as civil society experts in justice project teams. The Bank should ensure that staff are able to assess obstacles to access and design projects that encourage access to justice for all citizens.

*Specific Areas of Criminal Justice Reform Such as Rehabilitation and Juvenile Justice.* Crime and violence are major problems in the region, and the IDB is one of the few large donors that can work in this important field. Work in criminal justice reform will require Bank staff to be able to develop projects that increase public security as well as ensure protection for the due process and human rights of those accused of crime. Youth violence is as a serious challenge in several countries of the region, and youth are a target group in violence prevention and justice projects. Bank experience in education, job creation and street children projects could be brought to bear on juvenile justice projects. A Bank focus on rehabilitation and alternative sentencing efforts could help member countries reduce recidivism and the costs of incarceration.

### **Establish Policy Limits to Work in Some Areas**

*Police Reform.* Some Bank projects include components for training police to deal with juveniles, community policing, and technical assistance for revising the police academy curriculum. Project teams and Bank managers will benefit from a detailed policy regarding what the Bank will and will not finance in the area of police reform, and what sort of assistance the Bank intends to emphasize. To address the complex issue of police reform, a cross-departmental working group chaired by SDS/SOC has prepared guidelines for Bank action.<sup>22</sup>

*Prison Reform.* The Bank has been asked by member countries to assist in the construction of prisons. While it has not funded prison infrastructure to date, the Bank has provided assistance in *soft* areas such as planning for prison reform, preparation of manuals for prison staff, staff training, and support for renovation programs. The Bank has also funded improvements in electricity, running water, and infrastructure necessary for renovation programs in juvenile detention centers. A critical issue in prison reform is that building new structures is a relatively easy, but rarely adequate, solution to prison overcrowding and human rights abuses. It would be useful for the IDB to develop checklist of criteria to be considered before it funds prison infrastructure (examples of some of these criteria are described in this report). For countries that do not meet the criteria, the Bank could fund projects to help them do so. A cross-departmental working group is preparing guidelines in this area.

---

<sup>22</sup> *Guidelines for the Design of Violence Reduction Projects.* June 2001—draft to be considered by the IDB Programming Committee.

## THE PROJECT DESIGN PROCESS

### Methodologies Are Key

Because no project content recipe will be applicable across the variety of country needs and strengths in justice reform, it will be key for the Bank to develop sound design methodologies to ensure that projects are of high quality. Analytical methodologies, unlike recipes for project content, could be standardized to some degree.

### Projects Should be Modest, but they Should Fit into the Long-Term, Sector-Wide Strategy

Reform of judicial and justice systems is a long-term process which is likely to encompass two or three Bank project cycles. The Bank's somewhat lengthy preparation and approval process prevents it from responding rapidly to demand. However; the Bank is in a position to take a long-term view and provide assistance through a series of projects to accomplish long-term goals. To capitalize on that ability, the Bank, together with borrowing countries and other donor agencies, should develop justice sector studies that set medium- to long-term goals and provide organizing principles and priorities for project work.

Ideally, sector studies should set baseline indicators and construct a framework for a long-term plan. Individual projects should then define, refine and implement portions of that plan. Individual projects could be quite specific in terms of objectives and relatively modest in dimension, working toward one goal of the long-term plan. This would permit the development of pilot projects designed to achieve concrete results in the relatively short run, and allow for a series of projects that build sequentially upon one another.

Projects should be designed so that successes and failures are clearly measurable, providing an opportunity for successive projects to build on the lessons learned in earlier projects.

Preparation of long-term sector-wide strategies would also improve donor coordination, which is

consistently decried as a major problem of assistance efforts in the justice arena.

### Diagnostic Studies Should Include Analysis of Entry Strategies, the Policy and Political Context and Institutional Capacity

The Bank has an opportunity to develop diagnostics and justice sector studies into very useful tools of analysis and strategy formulation. Judicial independence and consensus or political will should be carefully assessed in the diagnostic stage of project preparation. Projects should be designed realistically and build on the existing base. The diagnostic process is also critical to the analysis of existing institutional capacity, including the capacity for transformation, to permit design of an intelligent reform strategy. This would need to include an analysis of political will, within and outside of the institution, and of how to influence the fundamental conditions necessary for justice institutions to perform their tasks well. Since profound reforms have a better chance to be successful in institutions that demonstrate a great interest in change, the Bank should try to respond with agility when consensus for change, and thus possibilities for reform, are apparent in countries of the region.

It is recommended that the IDB devote research resources to the development of a methodology for sector and institutional diagnostics. This effort can take into account similar work taking place at the World Bank and other development institutions.

### Develop Impact Indicators and Assist in Measuring Them.

Through the diagnostic process, the Bank could work with member countries to ascertain the characteristics of an effective justice system and develop appropriate indicators to measure it. This exercise might help to build a consensus around the importance of moving in the direction pointed to by the indicators and spur action in the areas of greatest need. For example, indicators could be designed to be verifiable and encourage public accountability and a service orientation. A diagnostic process organized around indicators would

also help justice systems to design data collection systems to determine how they are doing and help establish priorities for reform. It would not be necessary for Bank projects to target all the indicators at once; project teams could select and extrapolate from a list of indicators. The development and use of indicators will not in itself be a panacea, and could be counterproductive if they encourage project managers to emphasize activities that can easily be measured rather than those that might be most important in terms of development impact. However, measures of performance and related outcomes are needed to establish priorities, enhance the rigor and relevance of sector studies, and permit the evaluation of project impact.

This paper's review of statistical, survey and expert data on justice reveals that the measuring devices themselves are not sufficiently detailed to be as useful as they might be. The indicators are not highly developed, and the questions are often of a very general nature. Therefore, it might be useful for the IDB to work with those carrying out expert analyses or public opinion surveys (such as the Latinobarometer) to encourage them to craft additional or better questions in an effort to learn more about perceptions of the functioning of court systems and their evolution over time.

### **Collect and Disseminate Learning about Project Strategies**

The Bank has gained some important experience in areas such as strategies for supporting judicial independence, strategies for forming and strengthening consensus for reform, and strategies for using technology in justice reform projects. Analysis and dissemination of best practices on these topics would assist Bank staff and member countries in the development of better projects. Concept papers in areas such as how to design project components to encourage judicial accountability and discourage corruption in the justice sector would also be helpful.

### **Make Project Design Rigorously Participatory**

The participation of civil society in justice operations makes the projects more accountable to the users of the justice system and increases the transparency of the reform process, although it also may increase the design time when the project team allows for the establishment of priorities from the ground up. Participation by stakeholders in a project helps to generate consensus for reform. Without stakeholder participation in project design it is very difficult to analyze the demand for justice; that is, the needs of the users of the justice system. And without such participation it is nearly impossible to design a project that expands access to justice, since to do so requires consulting those who do not have access to determine what they perceive to be the obstacles to access. Components such as information systems that are not designed from the bottom up with user input tend to fail. Clearly, the Bank should require significant stakeholder participation in the design of justice projects; however, the potential universe of stakeholders is vast and project teams need to decide who to include and what level of participation is appropriate. The IDB Resource Book on Participation (1996) provides a useful guide to methodologies and techniques for inclusion of stakeholders in project design, execution and evaluation, and includes some examples of justice projects. This Resource Book, and the Bank's experience in justice projects, show that there is no one model for participation in these projects. Indeed, determining the appropriate level of participation in project design and implementation is an issue that many donor organizations are now grappling with.

### **Encourage the Creation of Cross-Departmental, Multidisciplinary Teams**

The nature of some projects requires project teams that include staff from several disciplines and departments. This is the case, for example, of juvenile justice, violence prevention, public safety, and civic education projects that also involve other sectors (such as education). To improve the quality of the Bank's technical advice

and the impact of its administration of justice and violence prevention operations, project teams should include personnel with expertise from various disciplines.

## **PROJECT EXECUTION, OVERSIGHT AND EVALUATION**

### **Commit to Continued Project Team Involvement**

Executing units often need hands-on technical assistance from the Bank, especially in the first year of implementation. It appears that a critical factor in successful execution is the expertise and time that the COF specialist in particular and the project team in general has to dedicate to the project. These complex operations run the risk of failure if technical personnel are not available to oversee and assist with their execution.

Informally, there is a good deal of coordination among headquarters and the country office staff to make possible the greater time commitment required in the design and supervision of execution of this sort of project. There have also been a number of administrative missions to assist in getting projects off the ground and running smoothly. The Bank could strengthen training of staff working in this area to increase their efficiency. It may also be necessary to review budgetary resources that reflect the commitment that these projects require. For instance, project teams from headquarters often need to travel on more missions, hire more consultants, and be more involved in supervision than in projects in sectors in which the Bank and the Bank's member countries have more experience.

Project teams for some justice programs are participating actively in assistance and oversight of project execution; other teams have relatively minor roles. The involvement of the project team seems to depend to the greatest extent on the interest of the country office specialist in involving other members of the team, on the time that project teams in headquarters have available, and on the availability of funds for administrative missions. Project teams' involvement during the first year of execution represents a greater

workload both for headquarters and country office staff, but it is also an opportunity for careful observation of project execution and adjustments to project strategies as necessary.

### **Execution Structures**

Institutional complexity appears to be a given in justice projects, which often involve several government ministries and more than one branch of government. Sometimes, justice reform projects require the involvement of the judicial, executive and legislative branches. (For example, it is not possible to provide access to equitable justice working with the court system alone: prosecutors, public defenders, legal aid attorneys, the private bar, rehabilitation workers, prison personnel and police must all perform their roles in order for the court process to be able to go forward expeditiously and fairly.) Execution structures reflect this institutional complexity, and Bank projects include several different models for coordinating execution among and across powers of government. This is an area that deserves careful follow-up in evaluations, and preparation of best-practice guidelines for staff, since execution structures are vital for assuring that a project goes forward and has an important impact on whether or not knowledge about how to manage a project is effectively transferred to the host country.

### **On-going Evaluation and Identification of Best Practices**

Evaluation, monitoring and feedback are critical to successful project execution because they can lead to improved implementation and learning in the Bank and in justice institutions in the region. Evaluations that happen during rather than at the end of project execution, and that provide pragmatic lessons useful to those designing justice projects, would be an enormously important tool in increasing staff expertise and project quality. Conclusions of field studies and evaluations to date tend to be too general to be very useful to Bank staff working on project design. A methodology that permits rapid learning from successes and failures will aid in preventing problems and correcting them as they arise. Waiting

for a significant number of projects to complete execution, and for the results of ex-post evaluations, would mean that the Bank would not be able to use its field experience as it is gained.

The Bank may want to carry out some evaluations or monitoring along cross-country, thematic lines to identify best practices within specific areas (best practices in case flow management, for example, or in civic education to promote the rule of law). Other organizations, and the Bank itself, are developing lessons learned on how to make projects most effective in these areas. The Bank should make sure that lessons learned are disseminated broadly so that they can be taken into account in Bank projects.

## **DEVELOPING IN-HOUSE EXPERTISE**

### **Training and Staffing Should Aim for Breadth and Depth**

Many of those working on justice reform projects are professionals trained in fields other than justice who apply knowledge from other areas to justice reform. If the Bank intends to continue to work very broadly across all the issues and institutions of the justice sector, borrowing staff from other disciplines will probably continue to be necessary because it would not be realistic to staff with experts for such a range of activities. This makes training critically important. Everyone working on justice reform projects should be appropriately trained. The Bank could create a course on justice reform, in addition to short workshops and best practice papers on specific topics.

In order to guarantee the quality of justice projects that are largely prepared by generalists, the Bank will also need a core staff with formal training and work experience in the justice sector and in developing justice reform projects (lawyers, court administrators, judges, prosecutors, and others who have experience in institutional analysis and reform).

Maintaining a core staff with education and experience in law and justice reform will also be important if the Bank plans to develop depth of expertise in a few priority areas. The formation of State and Civil Society Divisions in each of the regional departments is an opportunity to bring in experts on legal and justice reform.

### **Learn Quickly from Experience**

The Bank needs to collect and apply the lessons from experience as it is gained. Many of the recommendations summarized above suggest ways to do this: develop an excellent diagnostic tool and better impact indicators; design methodologies for project preparation, including means of analysis of the policy and political contexts and institutional capacity; collect and disseminate best practice papers; and carry out on-going and impact evaluations that present concrete, constructive observations useful to Bank staff working on project design. Practical research, monitoring and feedback to permit staff to learn from project implementation would make it possible for the Bank to improve with each operation, and would provide input for the proposed training.

## Bibliography

- Ayres, Robert L. 1998. *Crime and Violence as Development Issues in Latin America and the Caribbean*. Washington, D.C.: World Bank, World Bank Latin America and Caribbean Studies Viewpoints.
- Ball, Patrick et al. *State of Violence in Guatemala, 1960-1996: A Quantitative Reflection*. AAAS.
- Becker, David G. *The Rule of Law in Latin America: A Framework for Analysis*. mimeo.
- Blair, Harry W. and Gary Hansen. 1994. *Weighing in on the Scales of Justice: Strategic Approaches for Donor-Supported Rule of Law Programs*. Arlington, VA: USAID Development Information Services Clearinghouse (DISC), February.
- Burki, Shahid Javed and Guillermo E. Perry. 1998. The Challenge of Judicial Reform. In *Beyond the Washington Consensus: Institutions Matter*. Washington, D.C.: The World Bank.
- Buscaglia, Edgardo and Thomas Ulen. 1997. A Quantitative Assessment of the Judicial Sectors in Latin America. *International Review of Law and Economics*. Vol. 17, 1997.
- Buscaglia, Edgardo, Maria Dakolias, and William Ratliff. 1995. *Judicial Reform in Latin America: a Framework for National Development*. Stanford, CA: Hoover Institution on War, Revolution and Peace, (Essay in Public Policy, no. 65), 1995
- Buscaglia, Edgardo and Maria Dakolias. 1995. Judicial Reform in Latin America: Economic Efficiency vs. Institutional Inertia. Working Paper Series, School of Business Administration, Georgetown University. Washington, D.C.
- Buscaglia, Edgardo and Maria Dakolias. 1996. *Judicial Reform in Latin American Courts: The Experience in Argentina and Ecuador*. World Bank Technical Paper No. 350 Washington, D.C.
- Buscaglia, Edgardo and William Ratliff. 1997. Judicial Reform: The Neglected Priority in Latin America. *Annals of the American Academy of Political and Social Science*. No. 550: 59-71, March.
- Buvinic, Mayra and Andrew Morrison. 1999. La violencia como obstáculo para el desarrollo. *Notas Técnicas: Prevención de la Violencia*. Washington, D.C.: IDB.
- Carothers, Thomas. 1998. The Rule of Law Revival. *Foreign Affairs*. Vol. 77, No. 2.
- Correa Sutil, Jorge. 1999. Judicial Reforms in Latin America: Good News for the Underprivileged? In Juan E. Mendez et al. (eds.) *The (Un)Rule of Law and the Underprivileged in Latin America*. Notre Dame, IN: University of Notre Dame Press.
- Dakolias, Maria. 1994. Ecuador Judicial Sector Assessment Washington, D.C.: The World Bank.

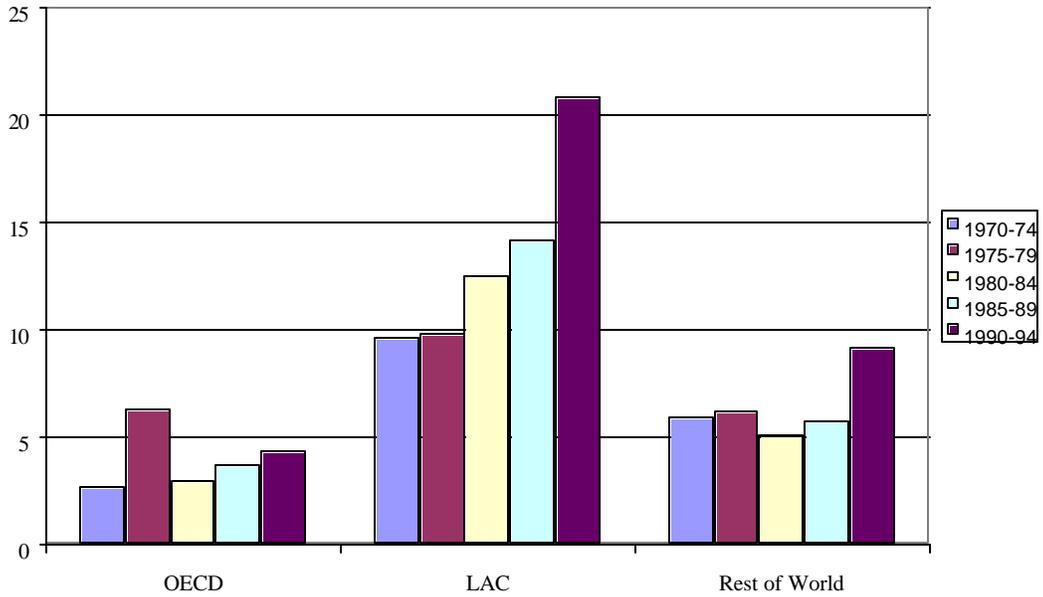
- Dakolias, Maria. 1996. *The Judicial Sector in Latin America and the Caribbean: Elements of Reform*. World Bank Technical Paper No. 319. Washington, D.C.
- Dakolias, Maria. 1999. *Court Performance around the World: A Comparative Perspective*. World Bank Technical Paper No. 430. Washington, D.C.
- Eyzaguirre, Hugo. 1996. *Institutions and Economic Development: Judicial Reform in Latin America*. DPP Strategy and Policy Working Papers No. 103. Washington, D.C.: Inter-American Development Bank.
- Garro, Alejandro M. 1999. *Access to Justice for the Poor in Latin America*. In Juan E. Mendez et al., (eds.) *The (Un)Rule of Law and the Underprivileged in Latin America*. Notre Dame, IN: University of Notre Dame Press.
- Gaviria, Alejandro and Carmen Pagés. 2000. *Patterns of Crime Victimization in Latin America*. Research Department Working Paper Series 408. Washington, D.C.: Inter-American Development Bank.
- Gregorio, Carlos G. 1996. *Case Management and Reform in the Administration of Justice in Latin America*, DPP Strategy and Policy Working Paper No. 105. Washington, D.C. Inter-American Development Bank.
- Hammergren, Linn A. 1998. *The Politics of Justice and Justice Reform in Latin America: The Peruvian Case in Comparative Perspective*. Boulder, CO: Westview Press.
- Hammergren, Linn A. 1998. *Institutional Strengthening and Justice Reform*. Washington, D.C.: U.S. Agency for International Development, PN-ACD-020.
- Human Rights Watch. 1993. *Global Report on Prisons*. New York: Human Rights Watch.
- Inter-American Bar Association. 1999. *Assessment of Selected Activities Related to the Administration of Justice*. February.
- Inter-American Development Bank. 2000. *Annual Report on Projects in Execution, 1999*. June.
- Inter-American Development Bank. 1996. *Frame of Reference for Bank Action in Programs for Modernization of the State and Strengthening of Civil Society*. Document GN-1883-5.
- Inter-American Development Bank. 1994. *Report on the Eighth General Increase in the Resources of the Inter-American Development Bank*. Document AB-1704. August.
- Jarquín, Edmundo and Fernando Carrillo, eds. 1998. *Justice Delayed: Judicial Reform in Latin America*. Washington, D.C.: Inter-American Development Bank.
- Kaufmann, Daniel, Aart Kray and Pablo Zoido-Lobaton. 1999a. *Governance Matters*. World Bank Policy Research Paper 2196. Washington, D.C.: The World Bank.
- Kaufmann, Daniel, Aart Kray and Pablo Zoido-Lobaton. 1999b. *Aggregating Governance Indicators*. World Bank Policy Research Paper 2195. Washington, D.C.: The World Bank.

- Knack, Stephen and Philip Keefer. 1995. Institutions and Economic Performance: Cross-Country Tests Using Alternative Institutional Measures. *Economics and Politics*, vol. 7 (no. 3) pp. 207-227. November.
- Latinobarómetro. *Informes Metodológicos*. 1996, 1997, 1998, 1999/2000, 2001.
- Lawyers Committee for Human Rights and Venezuelan Program for Human Rights and Education and Action (PROVEA). 1996. *Halfway to Reform: The World Bank and the Venezuelan Justice System* New York: Lawyers Committee for Human Rights.
- Messick, Richard E. 1999. Judicial Reform and Economic Development: A Survey of the Issues. *World Bank Research Observer*, Vol. 14, No. 1 February.
- Morrison, Andrew and María Beatriz Orlando. 1999. Social and Economic Costs of Domestic Violence: Chile and Nicaragua. In Andrew Morrison and María Loreto Biehl (eds.) *Too Close to Home: Domestic Violence in the Americas*. Washington, D.C. Inter-American Development Bank.
- O'Donnell, Guillermo. 1999. Polyarchies and the (Un)Rule of Law in Latin America: A Partial Conclusion. In Juan E. Mendez et al. (eds.) *The (Un)Rule of Law and the Underprivileged in Latin America*. Notre Dame, IN: University of Notre Dame Press.
- Ostrom, Brian J. and Kauder, Neal B. 1996. *Examining the Work of State Courts, 1994: A Perspective from the Court Statistics Project*. Williamsburg, VA: National Center for State Courts.
- Political Risk Services. 1998. *International Country Risk Guide*. May.
- Posner, Richard A. 1998. Creating a Legal Framework for Economic Development. *The World Bank Research Observer*.
- Rabier, Jacques-Rene, Helene Riffault, and Ronald Inglehart. 1986. *Eurobarometer 21: Political Cleavages in the European Community*, April 1984. Inter-University Consortium for Political and Social Research, Ann Arbor, MI..
- Rhudy, Robert. 2000. Expanding Access to Justice: Legal Aid Models for Latin America. In Christina Biebesheimer and Francisco Mejia (eds.) *Justice Beyond Our Borders: Judicial Reforms for Latin America and the Caribbean*. Washington, D.C.: Inter-American Development Bank.
- Rodriguez Pinzon, Diego. 1999. *Socio-economics of Crime and Justice*. Washington, D.C.: Inter-American Development Bank.
- Rowat, Malcolm, Waleed H. Malik, and Maria Dakolias, eds. 1995. Judicial Reform in Latin America and the Caribbean (Proceedings of a World Bank Conference). World Bank Technical Paper No. 280. Washington, D.C.
- Scheb II, John M. and William Lyons. 1998. The Public Perception of the Supreme Court in the 1990s. *Judicature* Vol. 82, No. 2 (September-October, 1998).

- Sherwood, Robert M., Geoffrey Shepherd, and Celso Marcos de Souza. 1994. Judicial Systems and Economic Performance. *The Quarterly Review of Economics and Finance*.
- Stotzky, Irwin P. 1993. *Transition to Democracy in Latin America: The Role of the Judiciary*. Boulder, CO: Westview Press.
- Tyler, Tom R. 1990. *Why People Obey the Law*. New Haven: Yale University Press.
- United Nations. 1999. *Global Report on Crime and Justice*. Graeme Newman, ed. New York: Oxford University Press, published for the United Nations Office for Drug Control and Crime Prevention.
- United Nations. 1995. *The Fifth United Nations Survey of Crime Trends and Operations of Criminal Justice Systems*. New York: United Nations.
- Wilson, Richard J. 1997. *Lessons Learned: Public Defense in Latin America and the United States*. DPP Working Paper Series No. 109. Washington, D.C.: Inter-American Development Bank, October.
- World Economic Forum. 1998. *The Global Competitiveness Report 1998*. Geneva, Switzerland: World Economic Forum.
- World Bank. 1995. *The World Bank and Legal Technical Assistance, Initial Lessons*. World Bank Policy Research Working Paper 1414. Washington, D.C.: The World Bank, January.

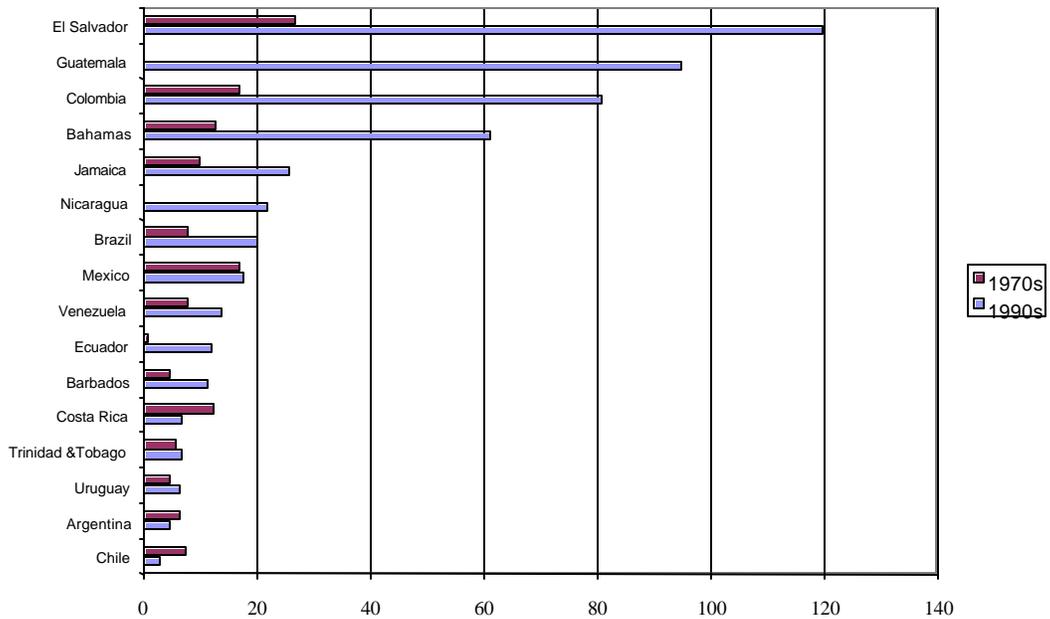
## FIGURES

**Figure 1. Homicides/100,000 People**



Source: United Nations: The Fifth United Nations Survey of Crime Trends and Operations of Criminal Justice Systems

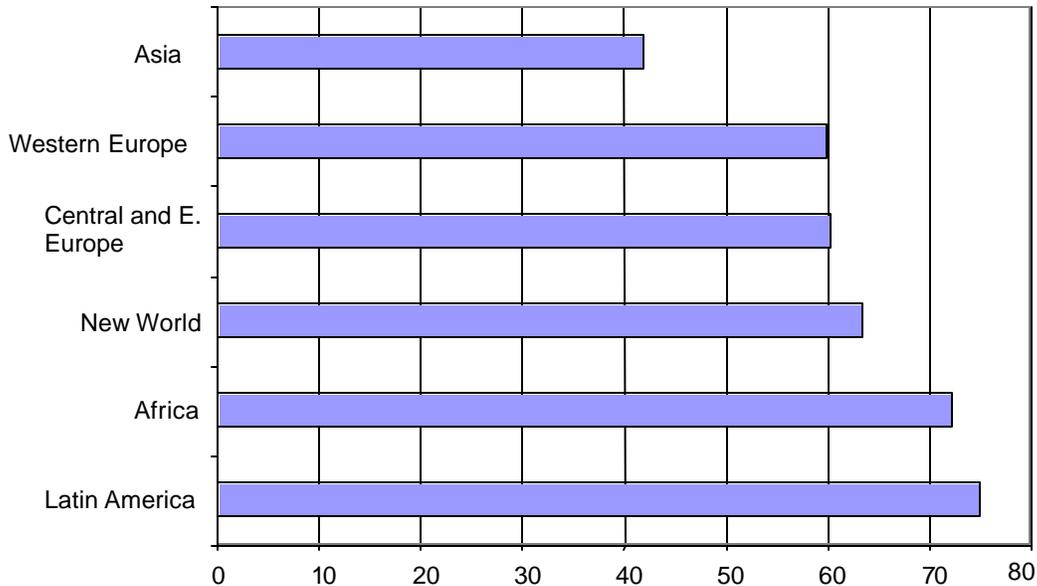
**Figure 2. Intentional Homicides in the 1970s and 1990s**



Sources: United Nations: *The Fifth United Nations Survey of Crime Trends and*

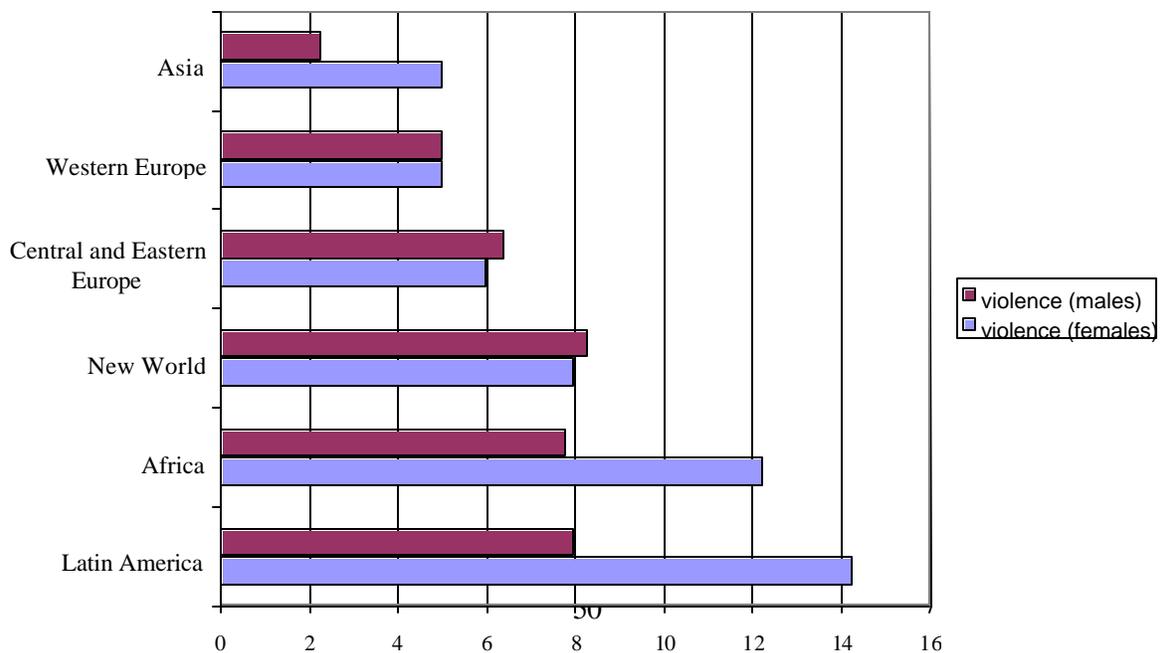
*Operations of Criminal Justice Systems* except for the cases of El Salvador and Guatemala. For El Salvador, *Los Retos del Desarrollo Sostenible y Equitativo*, Documento de Discusión, IDB. For Guatemala, Patrick Ball, et al. "State of Violence in Guatemala, 1960-1996: A Quantitative Reflection," AAAS. Includes disappearances and assassinations for 1995.  
 Note: For Uruguay data from the 1980s and 1990s is used.

**Figure 3. Percentage of the Public Victimized by Any Crime in Urban Areas, by Region, 1989-96**



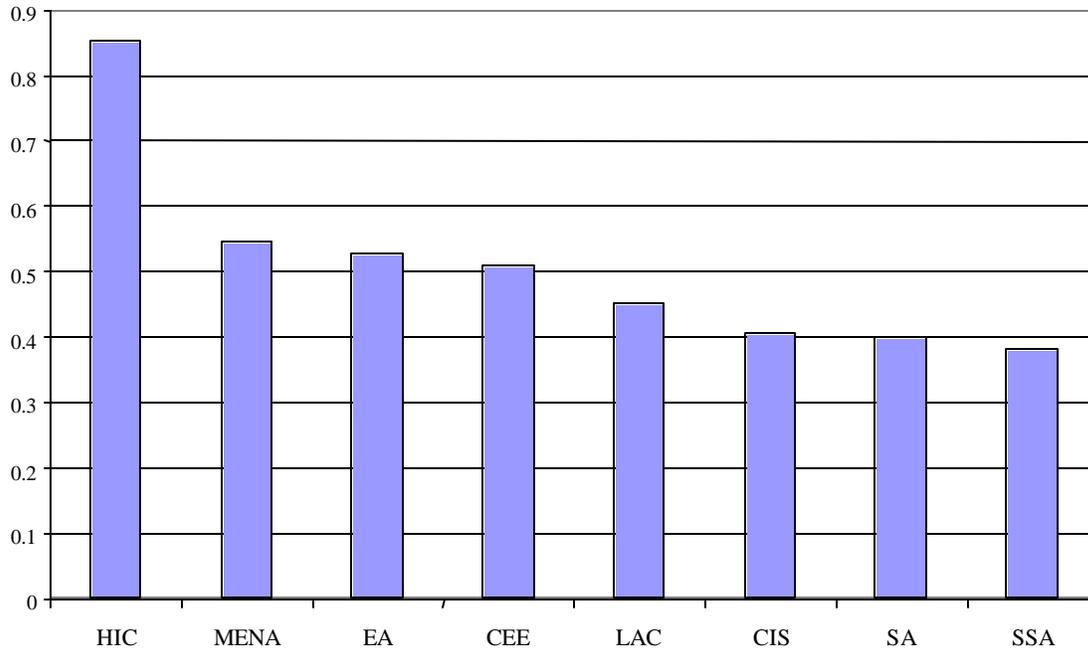
Source: United Nations. *Global Report on Crime and Justice*, Graeme Newman, ed. New York: Oxford University Press (for the United Nations Office for Drug Control and Crime Prevention), 1999. P. 26.

**Figure 4. Percentage of Men and Women Victimized by Violent Crimes Over Five Years in Urban Areas, 1989-96**



Source: United Nations. *Global Report on Crime and Justice*, Graeme Newman, ed. New York: Oxford University Press (for the United Nations Office for Drug Control and Crime Prevention), 1999. P. 27.

**Figure 5. Rule of Law Index - Comparing World Regions**

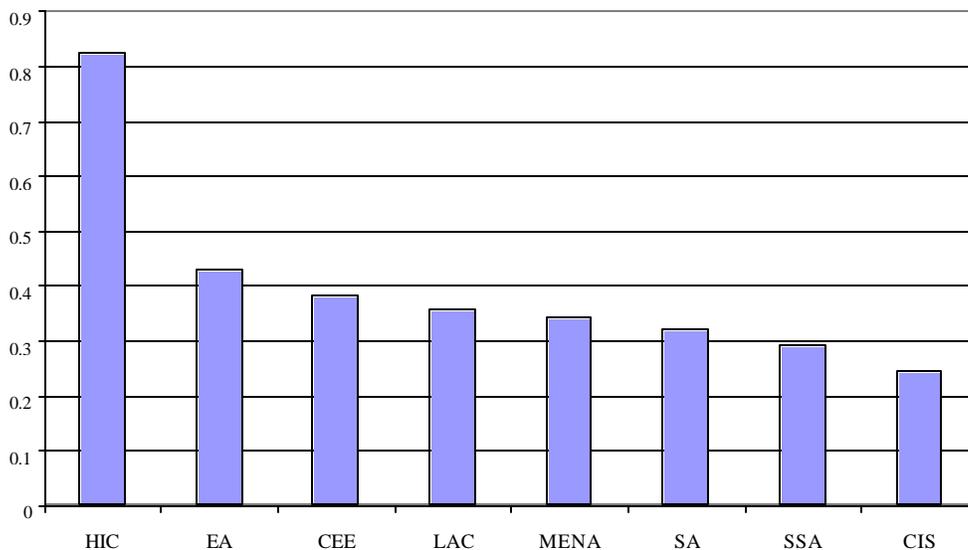


Note: HIC = High Income Countries; MENA = Middle East and North Africa; EA = East Asia; CEE = Central and Eastern Europe; LAC = Latin American and Caribbean Countries; CIS = Former Soviet Republics; SA = South Asia; SSA = Sub-Saharan Africa

Source: Kaufmann, Kray, and Zoido-Lobaton (1999a and 1999b).

Note: The indicator has been normalized from 0 to 1 with higher scores indicating greater degrees of respect for the rule of law.

**Figure 6. Corruption Index -Comparing World Regions**

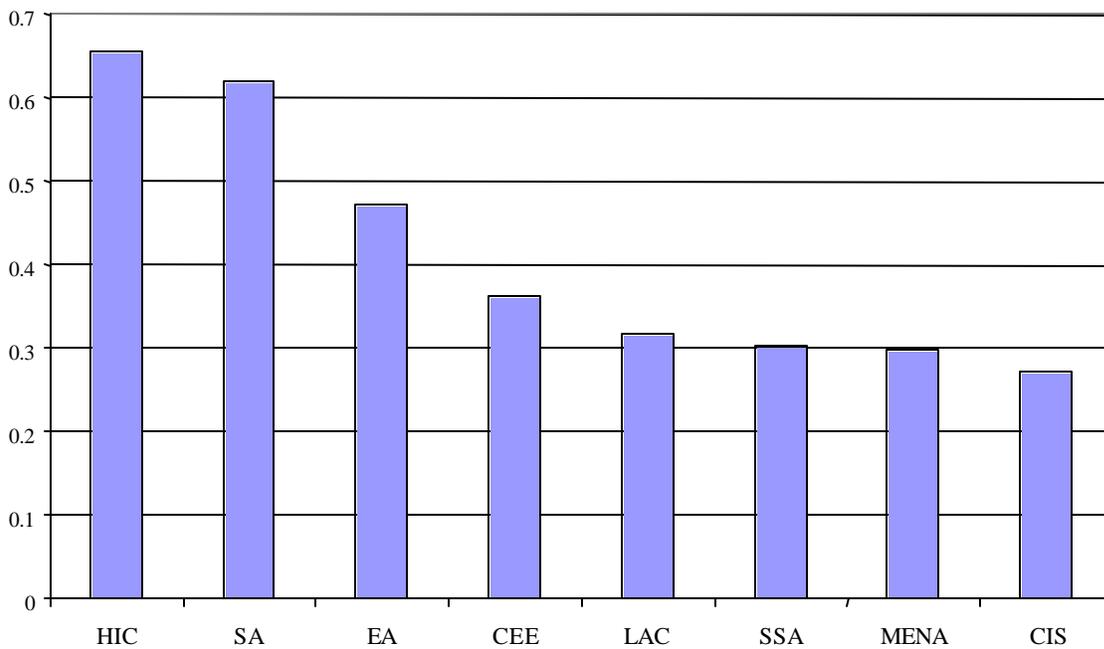


Note: HIC = High Income Countries; EA = East Asia; CEE = Central and Eastern Europe; LAC = Latin American and Caribbean Countries; MENA = Middle East and North Africa; SA = South Asia; SSA = Sub-Saharan Africa; CIS = Former Soviet Republics.

Source: Kaufmann, Kray, and Zoido-Lobaton, (1999a and 1999b).

Note: The indicator has been normalized from 0 to 1 with higher scores indicating lower levels of corruption.

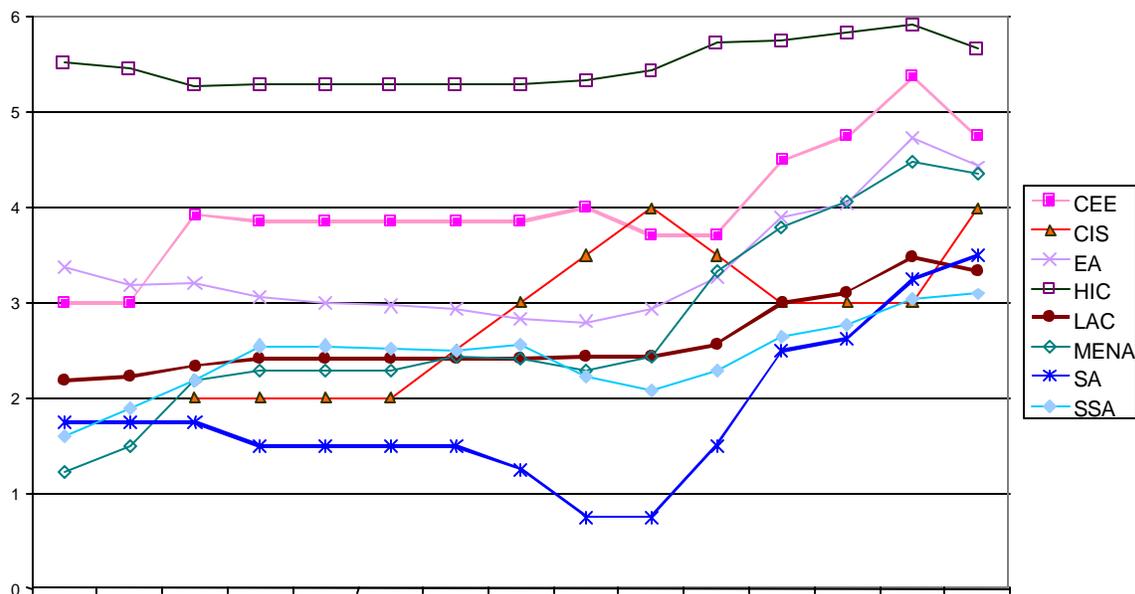
**Figure 7. Predictability of the Judiciary - Comparing World Regions**



Note: HIC = High Income Countries; SA = South Asia; EA = East Asia; CEE = Central and Eastern Europe; LAC = Latin American and Caribbean Countries; SSA = Sub-Saharan Africa; MENA = Middle East and North Africa; CIS = Former Soviet Republics

Source: Kaufmann, Kray, and Zoido-Lobaton (1999a and 1999b).

**Figure 8. PRS Average Rating of Law and Order for Each Region,**



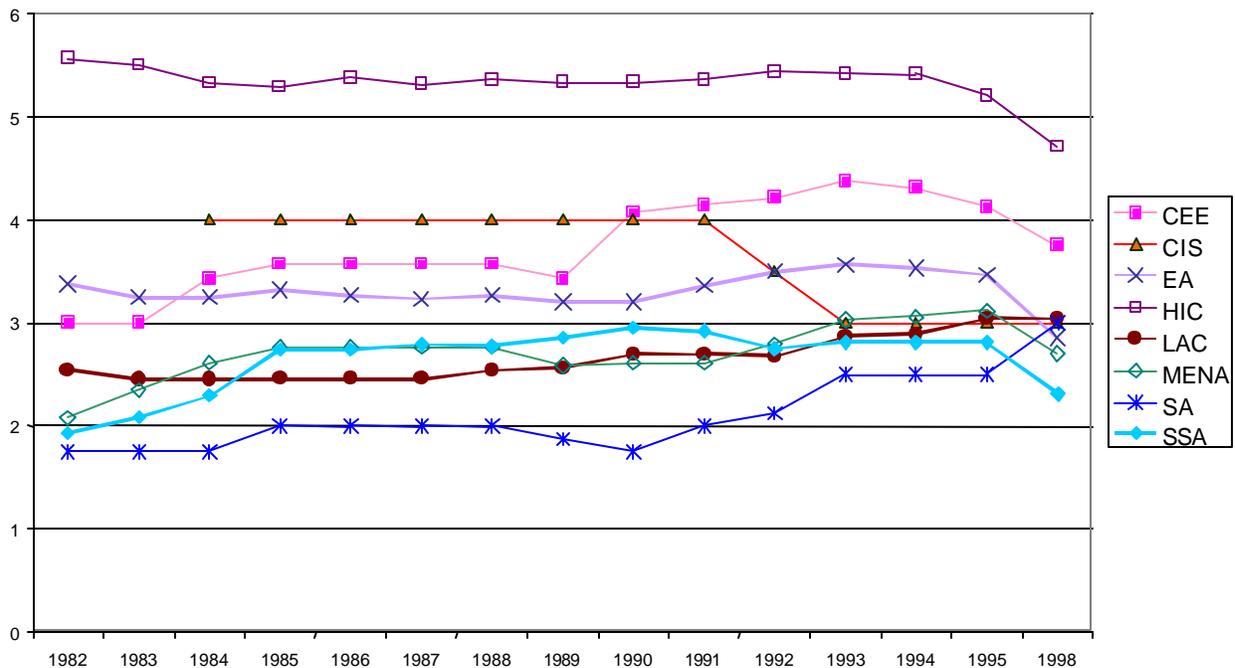
### 1982-98

Note: HIC = High Income Countries; SA = South Asia; EA = East Asia; CEE = Central and Eastern Europe; LAC = Latin American and Caribbean Countries; SSA = Sub-Saharan Africa; MENA = Middle East and North Africa; CIS = Former Soviet Republics.

Source: Political Risk Services. *International Country Risk Guide*. May 1998. Prior years obtained from Stephen Knack and Philip Keefer, "Institutions and Economic Performance: Cross-Country Tests Using Alternative Institutional Measures," *Economics and Politics*, November 1995, vol. 7 (no. 3) pp. 207-227.

Note: The rule of law measure of the Political Risk Services ranges from 1 to 6. Larger scores indicate higher levels of respect for the rule of law.

**Figure 9. PRS ICRG Average Corruption Rating for Each Region, 1982-98**

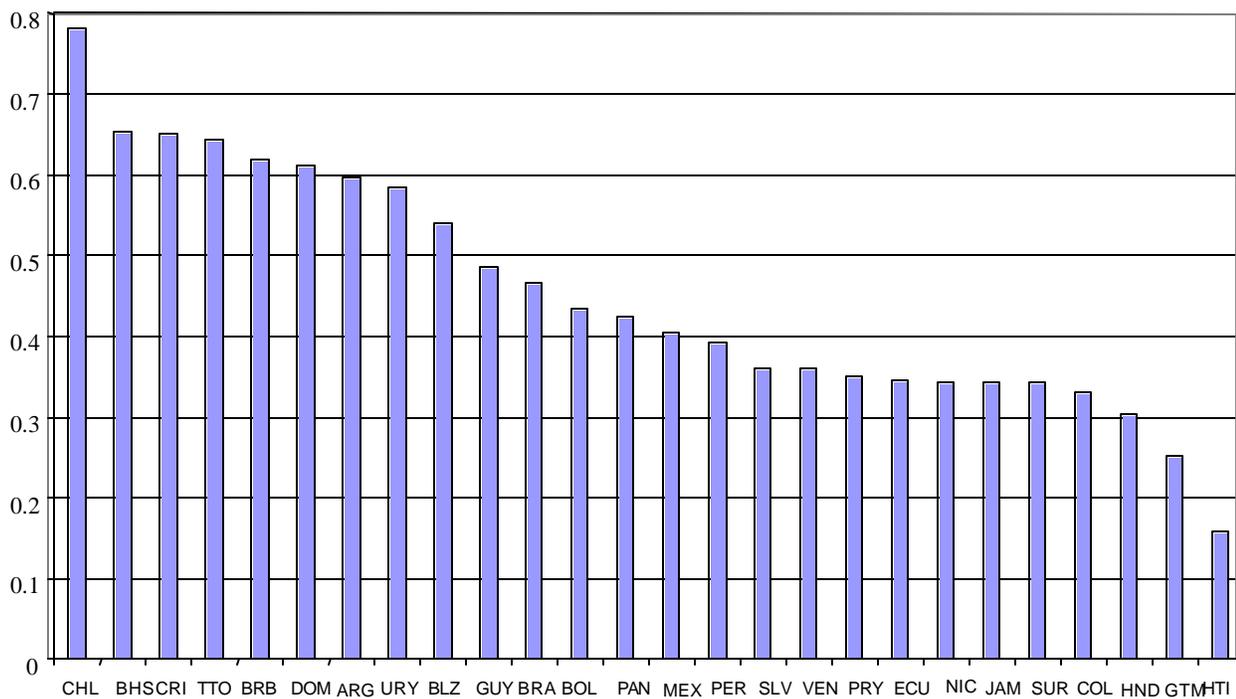


Note: HIC = High Income Countries; SA = South Asia; EA = East Asia; CEE = Central and Eastern Europe; LAC = Latin American and Caribbean Countries; SSA = Sub-Saharan Africa; MENA = Middle East and North Africa; CIS = Former Soviet Republics

Source: Political Risk Services. *International Country Risk Guide*. May 1998. Prior years obtained from Stephen Knack and Philip Keefer, "Institutions and Economic Performance: Cross-Country Tests Using Alternative Institutional Measures," *Economics and Politics*, November 1995, vol. 7 (no. 3) pp. 207-227.

Note: The corruption measure of the Political Risk Services ranges from 1 to 6. Larger scores indicate lower levels of corruption.

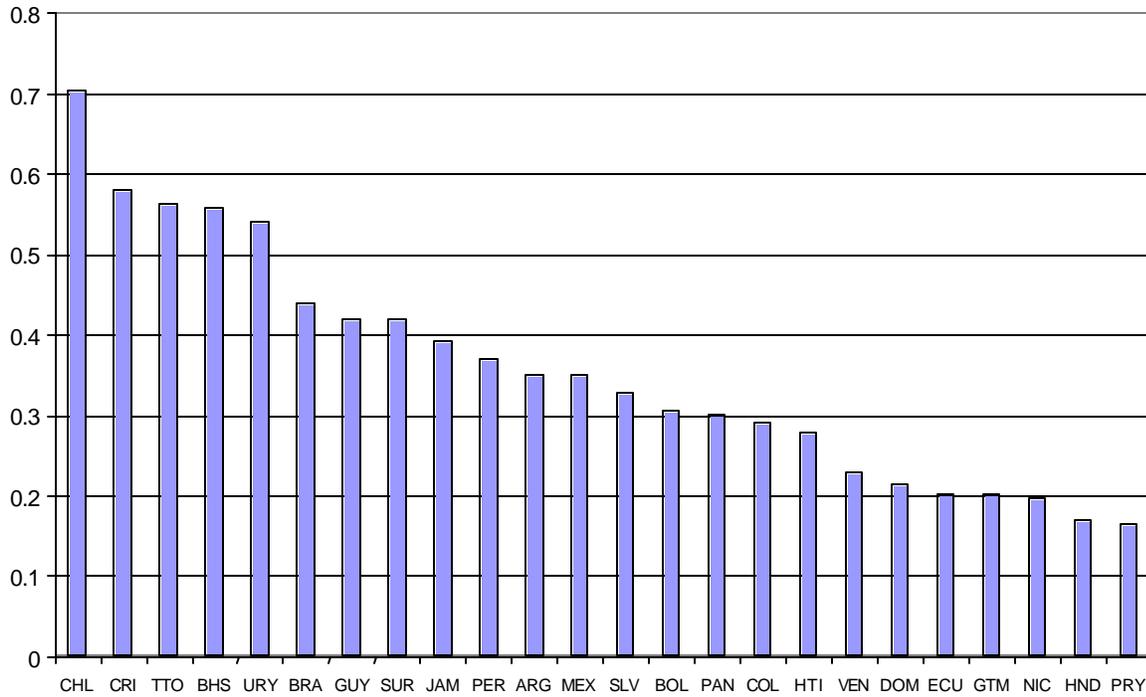
Figure 10. Rule of Law Index - LAC



Source: Kaufmann, Kray, and Zoido-Lobaton (1999a and 1999b).

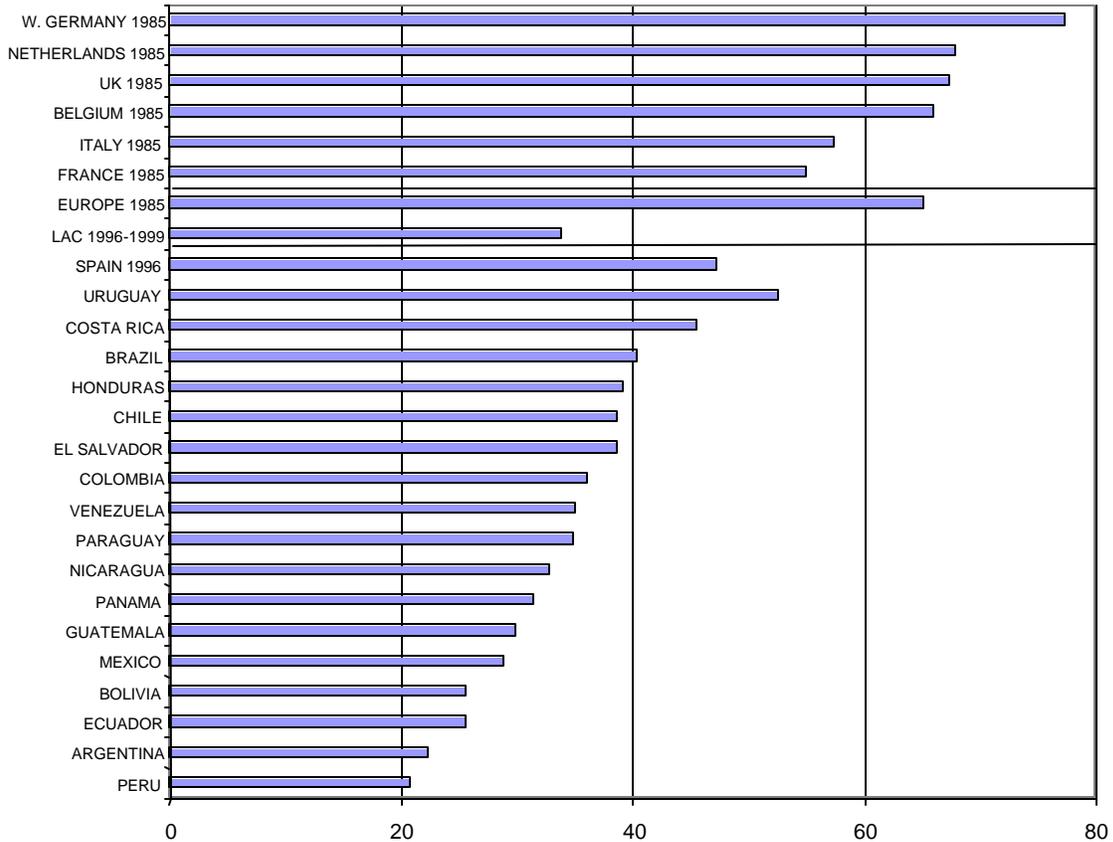
Figure 11. Corruption Index - LAC

Source: Kaufmann, Kray, and Zoido-Lobaton (1999a and 1999b).



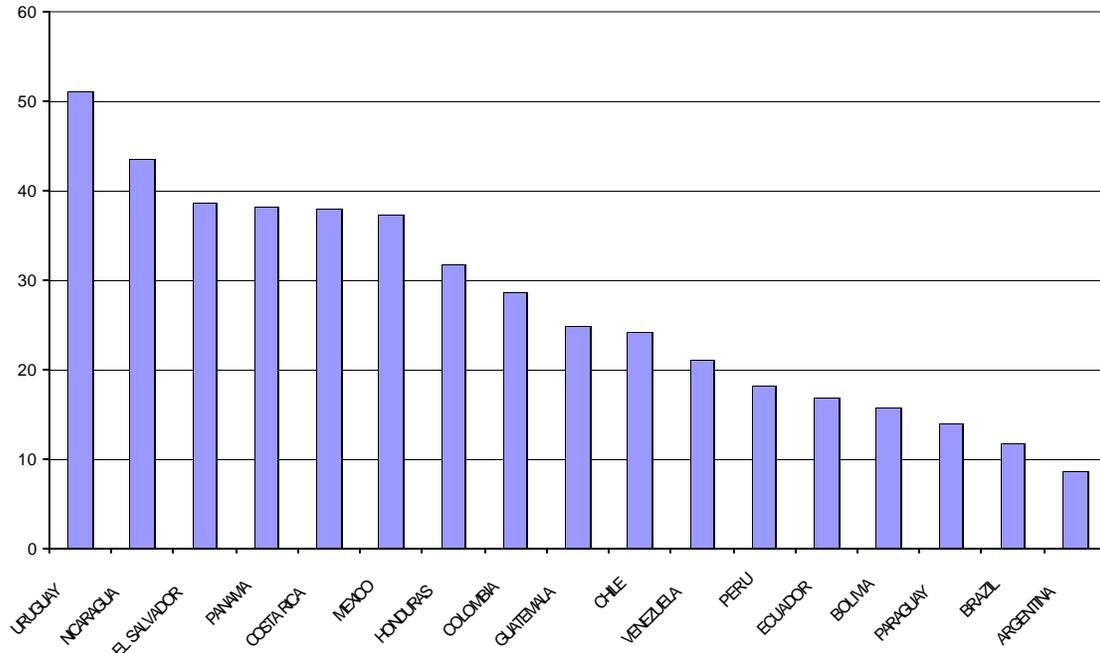
Note: The indicator has been normalized from 0 to 1 with higher scores indicating lower levels of corruption.

**Figure 12. Confidence in the Judiciary (LAC 1996-99 vs. W. Europe 1985)**



Source: For Latin America, Latinobarometer, 1996-2000. For Europe, Jacques-Rene Rabier, Helene Riffault, and Ronald Inglehart, "Eurobarometer 21: Political Cleavages in the European Community", April 1984. Inter-University Consortium for Political and Social Research, Ann Arbor, MI, 1986.

Figure 13. Perceptions of Equality Before the Law



Source: Latinobarometer, 1997.

## **Annex A**

### **Approved Projects in the Areas of Justice Reform and Citizen Safety**

## ANNEX A

### APPROVED PROJECTS IN THE AREAS OF JUSTICE REFORM AND CITIZEN SAFETY Through first quarter of 2001

<b>JUDICIAL REFORM</b>		
<b>I. Loan Operations</b>		
1994 Uruguay	Program to Strengthen Social Areas (includes a small justice component)	811/OC-UR (PR-1975)
1995 Colombia	Program to Modernize the Administration of Justice	909/OC-CO (PR-2095)
1995 Costa Rica	Program to Modernize the Administration of Justice	859/OC-CR (PR-2002)
1996 El Salvador	Program to Support the Reform of Judicial Sys- tem	919/OC-ES (PR-2113)
1996 Honduras	Program to Modernize the Administration of Justice	974/SF-HO (PR-2116)
1996 Paraguay	State Modernization Program	934/OC-PR (PR-2129)
1997 Argentina	Judicial System Reform	1082/OC-AR (PR-2269)
1997 Brazil	Program to Modernize The Executive Branch of the Federal Government	1042/OC-BR (PR-2221)
1997 Dominican Republic	Program to Modernize Real Property Adjudica- tion and Registration System	1097/OC-DR (PR-2264)
1997 Peru	Improving Access to Justice System	1061/OC-PE (PR-2244)
1998 Guatemala	Program in Support of Judicial Reform	1102/OC-GU (PR-2307)
1998 Panama	Improvements in the Administration of Justice (stage 1)	1099/OC-PN (PR-2280)
1999 Bolivia	Program for Civil Society and Access to Justice	1038/SF-BO (PR-2399)
2000 Argentina	Modernization of the Cordoba Provincial Gov- ernment	(PR-2536)
2000 Uruguay	Judiciary Modernization	1277/OC-UR (PR-2519)
2001 Nicaragua	Judiciary Modernization	1074/SF-NI (PR-2561)
<b>II. Non-reimbursable Technical Cooperation</b>		
<b>Alternative Dispute Resolution for the Commercial Sector</b>		
1994 Peru	Development of Alternative Dispute Settlement Systems	ATN/MT-4740-PE (MIF/AT-22)
1995 Colombia	Promotion of Alternative Methods of Commercial Dispute Settlement	ATN/MT-4910-CO (MIF/AT-43)
1995 Costa Rica	Establishing Systems for Settling of Commercial Disputes	MIF/AT-50
1995 Uruguay	Support Program for the Conciliation and Arbi- tration Center	ATN/MT-5061-UR (MIF/AT-61)

1996 El Salvador	Modernizing Commercial legislation and Developing Alternative Methods of Commercial Dispute Resolution	ATN/MT-5391-ES (MIF/AT-95)
1996 Honduras	Promoting Alternative Methods of Commercial Dispute Settlement	ATN/MT-5453-HO (MIF/AT-113)
1996 Panama	Promoting Alternative Methods of Settling Commercial Disputes	ATN/MT-5452-PN (MIF/AT-107)
1997 Ecuador	Mediation and Arbitration Center	ATN/MT-5440-EC (MIF/AT-105_)
1998 Guatemala	Program to Strengthen Alternative Methods for Commercial Dispute Resolution	ATN/MT-6210-GU (MIF/AT-204)
1999 Brazil	Program to Strengthen Labor Dispute Negotiation and Mediation	ATN/MT-6603-BR (MIF/AT-270)
1999 Brazil	Strengthening Alternative Dispute Resolution Methods	ATN/MT-6378-BR (MIF/AT-235)
1999 Chile	Expansion and Improvement of Commercial Arbitration and Mediation Services	ATN/MT-6376-CH (MIF/AT-232)
1999 Guyana	Strengthening System of Property Rights	ATN/MT-6671-GY
1999 Paraguay	Program to Strengthen Alternatives for Dispute Resolution in Commercial Conflicts	ATN/MT-6539-PR (MIF/AT-257)
1999 Venezuela	Institutional Strengthening of a Commercial Arbitration and Mediation Center	ATN/MT-6585-VE (MIF/AT-262)
1999 Dominican Republic	Support for the Establishment and Strengthening of a Center for the Study, Prevention and Resolution of Social Conflicts	ATN/SF-6825-DR (AT-1208)
2000 Bolivia	Commercial Arbitration and Conciliation	ATN/MT-7180-BO (MIF/AT-364)
2000 Mexico	Alternative Dispute resolution	ATN/MT-7066-ME (MIF/AT-341)
2000 Trinidad and Tobago	Strengthening of the Alternative Dispute resolution System	ATN/MT-6914-TT (MIF/AT-317)
2000 Argentina	Program to Establish a National Network of Commercial and Arbitration Centers	ATN/MT-6953-AR (MIF/AT-322)
<b>Resolution of Property Conflicts</b>		
1995 Nicaragua	Program in Support for the Resolution of Property Conflicts	ATN/SF-4904-NI
1997 Dominican Republic	Program to Support the Modernization of Real Property Adjudication and Registration System.	ATN/II-5581-DR
1999 Guyana	Strengthening System of Property Rights	ATN/MT-6671-GY
1999 Nicaragua	Program to Support Alternative Mechanisms for Settling Property Disputes	ATN/MT-6669-NI
<b>Technical Assistance for Development of Justice Reform Projects</b>		
1995 Dominican Republic	Support for Community Initiatives to Enhance the Administration of Justice	ATN/SF-5032-DR
1995 El Salvador	Program to Strengthen the Judicial System	ATN/SF-4890-ES
1996 Dominican Republic	Program to Support the Modernization of the Justice System	ATN/SF-5415-DR
1996 Honduras	Institutional Strengthening of the Judicial System	ATN/SF-5170-HO
1996 Nicaragua	Program to Support the National Assembly and the Justice System	ATN/SF-5307-NI
1997	Judiciary Support to National Congress	ATN/SF-5794-GU

Guatemala		
1997 Ecuador	Modernizing the Judicial System	ATN/SF-5687-EC
1998 Guatemala	Judicial Support Program to Congress	ATN/SF-5794-GU
1998 Dominican Republic	Support for the Reform Program of the Justice System for Minors	ATN/SF-6325-DR
1998 Bolivia	Support for the preparation of the Program for Civil Society and Access to Justice	ATN/SF-6149-BO
<b>Other Technical Cooperations</b>		
1997 Dominican Republic	Support to the Attorney General's Office	ATN/SF-5426-DR
1998 Guatemala	Training Legislation and Justice	ATN/SF-6324-GU
2000 Belize	Legal Information Network	ATN-SC-6886-BL
<b>Regional Technical Cooperation</b>		
1993 Regional	I Seminar "Justice in Latin America and the Caribbean in the 1990s. Challenges and Opportunities"	ATN/SF-4132-RG
1995 Regional	Conference on Judicial Reform in the Western Hemisphere	ATN/SF-5018-RG
1995 Regional	II Seminar "Justice in Latin America and the Caribbean in the 1990s. Challenges and Opportunities"	ATN/SF-4882-RG
1996 Regional	Global Legal Information Network (GLIN)	ATN/SF-5291-RG
1996 Regional	Analysis of Best Practices in Judicial Reform	ATN/SF-5222-RG
1996 Regional	Seminar on State Reform in Latin America and the Caribbean	ATN/SF-5186-RG
1996 Regional	Judicial Education: Towards a Jurisprudence of Equality	ATN/SF-5448-RG
1997 Regional	Globalization and Urban Justice	ATN/SF-5744-RG
1997 Regional	Fundamental Rights Education and Training Workshop	ATN/SF-5675-RG
1997 Regional	Study on Improvement of Justice System in the Caribbean	ATN/CP-5656-RG
1998 Regional	Strengthening Access to Judiciary Systems	ATN/SF-6029-RG
1999 Regional	Funding for a Workshop on Strengthening the Inter-American System for the Protection of Human Rights	ATN/SF-6756-RG
2001 Regional	Establishment of Caribbean Court of Justice	ATN/SF-7360-RG
<b>CITIZEN SAFETY</b>		
<b>I. Loan Operations</b>		
1998 Colombia	Support of Peaceful Coexistence and Citizen Security	1085/OC-CO
1998 Uruguay	Program for Citizen Safety: Crime and Violence Prevention	1096/OC-UR
<b>II. Non-Reimbursable Technical Cooperation</b>		
1999 Costa Rica	Justice Center and Citizen Safety	ATN/SG-6394-CR

1999 Costa Rica	Violence and Crime Prevention	ATN/SG-6395-CR
2000 Nicaragua	Family Violence Treatment and Prevention	ATN/SF-7068-NI
2000 Peru	Program for Reduction of Family Violence	ATN/JF-7029-PE
2000 El Salvador	School Violence Reduction	ATN/SC-6954-ES
<b>Regional Technical Cooperation</b>		
1996 Regional	Domestic Violence Against Women	ATN/SF-5317-RG
1996 Regional	Violence Against Women Program	ATN/SF-5421-RG to ATN/SF-5427-RG
1998 Regional	Domestic Violence: Technical Umbrella	ATN/SV-6199-RG
1998 Regional	Forum on Learning to Live in Peace – Coexistence and Citizens’ Safety in Central America and the Caribbean	ATN/CF-5956-RG
1999 Regional	Support for the Prevention of Violence: National Prevention Plans and Mayor’s Network	ATN/SF-6542-RG
1999 Regional	Program for Decentralization and Effective Citizen Participation	ATN/JC-6738-RG
2000 Regional	Violence Prevention and Civil Society Participation	ATN/SF-7031-RG

## JUSTICE REFORM

### Loan Operations

Country	Description
<p>1994 URUGUAY</p>	<p><b>Program To Strengthen the Social Areas</b></p> <p><u>Borrower:</u> Eastern Republic of Uruguay  <u>Executing agency:</u> The Planning and Budget Office, Office of the Presidency of the Republic as general coordinator; The Supreme Court of Justice as one of the co-executing agencies.</p> <p><u>Total Amount:</u> US\$ 42.5 m  <u>IDB contribution:</u> US\$ 30.0 m  <u>Co-financing:</u> Local counterpart funding US\$ 12.5 m  <u>Financial terms:</u> Loan with a 25 years amortization period, and a 4 years grace period, disbursed over 4 years.</p> <p><u>Objectives:</u> The program intends a comprehensive approach towards facilitating actions in the areas of health care, education, labor and justice, accompanied by nutrition programs. The objective in the field of justice is to lay the groundwork for a comprehensive reform of the sector. In order to do so, the project contemplates a small component with the following objectives (i) to identify existing problems and propose alternative solutions; (ii) to establish a data bank that will allow for efficient planing and follow-up on the administration of the justice systems; and (iii) to prepare detailed plans for the implementation of measures to improve the quality of justice and increase access to and coverage of the system.</p> <p><u>Components:</u> The judicial component includes: (i) Law Reform, which includes a) an analysis of current socioeconomic legislation and its application, a streamlining of procedures to increase participation by marginal social groups and b) steps to make legislation compatible for better regional integration; (ii) introduction and improvement of alternative dispute resolution mechanism; (iii) detect measures that will improve access to justice; and (iv) Institutional strengthening of the Judiciary, which includes: training to improve administration and management of the resources and personnel of the courts, establishment of parameters to measure the system's internal efficiency, training of judges and legal assistants, the design of a program for civic education and education on the functions of the country's judicial branch, through the strengthening of the Supreme Court office of public relations in order to enhance communications with the community and keep it informed about the institution.</p>
<p>1995 COLOMBIA</p>	<p><b>Program to Modernize the Administration of Justice</b></p> <p><u>Borrower:</u> Republic of Colombia  <u>Executing Agency:</u> Fiscalía General de la Nación (Office of the Attorney General)</p> <p><u>Total amount:</u> US\$ 15.7 m  <u>IDB contribution:</u> US\$ 9.4 m  <u>Co-financing:</u> local counterpart funding US\$ 6.3 m  <u>Financing conditions:</u> reimbursable Technical Cooperation with a 20 years amortization period, and a 4 years grace period, disbursed over 4 years.</p> <p><u>Objectives:</u> To modernize the Attorney General's Office through: (a) upgrading the technical and strategic planning capacity of its personnel and introducing computerization and statistical systems for efficient assessment and management, (b) formulating the Office's input into national criminal justice policy, and (c) establishing selection and resource allocation criteria for infrastructure investment.</p> <p><u>Components:</u> To achieve these objectives, the program comprises four components. First, to strengthen the court system, it will focus on human resource management, information systems, mechanisms for handling case investigations, and a system to assess administrative management. The second component will provide training to public attorneys, investigators and administrative personnel in planning and administrative techniques. The two additional components relate to developing a criminal justice policy and preparing an investment plan for physical infrastructure.</p>

<p>1995 COSTA RICA</p>	<p><b>Program to Modernize the Administration of Justice</b></p> <p><u>Borrower</u>: Republic of Costa Rica <u>Executing agency</u>: Supreme Court of Justice.</p> <p><u>Total amount</u>: US\$ 16.0 m <u>IDB contribution</u>: US\$ 11.2 m <u>Co-financing</u>: local counterpart funding US\$ 4.8 m <u>Financial terms</u>: loan with 25 years amortization period, and a 5 years grace period, disbursed over 5 years.</p> <p><u>Objectives</u>: To help Costa Rica create a more equitable, accessible and dependable judiciary, enabling authorities to reduce the backlog of cases and relieve congestion in the court system.</p> <p><u>Components</u>: The project involves strengthening the administration of justice through an analysis and redesign of administrative procedures and administration training courses for the Supreme Judiciary Council. It also includes introduction of a new organizational structure, computer networks and word processors, a case flow management system, and training in new functions and systems. Assistance to law faculties in enhancing the effectiveness of legal training is another important feature of the project, as is the development of a strategy to set up a computerized center for legal documents.</p>
<p>1996 EL SALVADOR</p>	<p><b>Program to Support the Reform of the Judicial System</b></p> <p><u>Borrower</u>: The Republic of El Salvador. <u>Executing Agency</u>: Coordinating and co-executing agency: Technical Executing Unit/Coordinating Commission for the Justice Sector (UTE/CCSJ) Co-executing agencies: the Judicial Branch, the Ministry of Justice, the Attorney General's office, the Solicitor General's Office, The National Council of the Judiciary, and the Salvadoran Institute for the Protection of Minors.</p> <p><u>Total amount</u>: US\$ 27.3 m <u>IDB contribution</u>: US\$ 22.2 m <u>Co-financing</u>: local counterpart funding: US\$ 5.1 m <u>Financial terms</u>: loan, with 25 years amortization period, and a 4 years grace period, disbursed over 4 years.</p> <p><u>Objectives</u>: To facilitate modernization and strengthening of the justice system by enhancing legal and public security and making the system's institutions more efficient.</p> <p><u>Components</u>: Three components have been designed to meet these objectives. The first will help to carry forward the criminal law reform work already underway, launch a study of administrative laws, and introduce legislation on alternative dispute settlement. The second component seeks to reform the juvenile justice system through the building of infrastructure such as youth detention centers, a special fund to promote juvenile justice initiatives by civil society organizations, and an administrative training program. The final component is aimed at strengthening enforcement agencies by upgrading their planning units, developing a comprehensive criminal justice policy, creating an integrated justice center, and improving and unifying the information systems.</p>

<p>1996 HONDURAS</p>	<p><b>Program to Modernize the Administration of Justice .</b></p> <p><u>Borrower:</u> Republic of Honduras <u>Executing Agency:</u> Supreme Court of Justice</p> <p><u>Total amount:</u> US\$ 8.0 m <u>IDB contribution:</u> US\$ 7.2 m <u>Co-financing:</u> local counterpart funding US\$ 0.8 m <u>Financial terms:</u> loan, with a 40 years amortization period, and a 10 years grace period, disbursed over 4 years.</p> <p><u>Objectives:</u> The overall objective is to support the government in its efforts to modernize the administration of justice and create an efficient and reliable system that will enhance access to justice and bolster the investment climate.</p> <p><u>Components:</u> The project aims at institutional strengthening through measures to enhance the efficiency of administration and planning, also to train and improve capacity building for agencies involved. The program also promotes access to justice by upgrading public defenders; encouraging resort to alternative dispute settlement methods; implementing public oral court hearings and strengthening justices of the peace. A non-reimbursable technical cooperation was given to the Honduran government to draft and enact new legislation on organization and attributions of courts, constitutional jurisdiction, Civil Procedures, domestic violence, rights of children, and investment promotion.</p>
<p>1996 PARAGUAY</p>	<p><b><u>State Modernization Program</u></b></p> <p><u>Borrower:</u> Republic of Paraguay <u>Executing agency:</u> Supreme Court of Justice, Office of the Attorney General, and the Ministry of Justice and Labor.</p> <p><u>Total amount:</u> US\$ 33.9 m <u>IDB contribution:</u> US\$ 12 m <u>Co-financing:</u> Spain US\$ 7.0 m; local counterpart funding US\$ 4.9 m <u>Financial terms:</u> loan, with a 25 years amortization period, and a 5 years grace period, disbursed over 5 years.</p> <p><u>Objectives:</u> To strengthen the judicial system and the climate of legal certainty and predictability to allow economic and social development and reinforce the rule of law.</p> <p><u>Components:</u> The project will have two subprograms: (1) strengthening of the judiciary through a management organization system, an information system and a pilot project for court office infrastructure to provide the capacity for the judiciary to properly evaluate performance and to plan and formulate policies; and (2) modernizing the civil registry, development of a records management system and a financial and administrative management system, modernization of the legal framework, provision of infrastructure, and efforts to increase registration rates.</p>

<p>1997 ARGENTINA</p>	<p><b>Judicial System Reform</b></p> <p><u>Borrower</u>: The Republic of Argentina  <u>Executing Agency</u>: The Ministry of Justice and Justice system agencies, the National Treasury Prosecutor's Office, the Public Prosecutor's Office, the Public Defender's Office and The Federal Board of Provincial Courts.</p> <p><u>Total amount</u>: US\$ 21.0 m.  <u>IDB contribution</u>: US\$ 10.5 m  <u>Co-financing</u>: local counterpart financing US\$ 10.5 m  <u>Financing terms</u>: loan with a 20 years amortization period, and a 4 years grace period, disbursed over 4 years.</p> <p><u>Objectives</u>: To support judicial reform by financing replicable pilot projects for changing and modernizing the judicial sector.</p> <p><u>Components</u>: The project includes a legal protection subprogram to strengthen the National Treasury Prosecutor's Office by modernizing case management and training administrative and legal staff. It will also strengthen the Public Prosecutor's Office by supporting administrative, financial and human resource management, developing internal regulations, introducing information systems and training prosecutors. The project also supports the design and implementation of crime prevention programs and access to justice, promoting mediation as an alternative dispute settlement method, technical upgrading and training for staff of the Public Defender's Office to promote access to justice for underprivileged sectors of society; development of information systems and technical reinforcement of the National Department of Criminal Policy for use in formulating crime prevention policies; and computerizing the penitentiary system to facilitate access to justice and to monitor the rights of prisoners and the status of their sentences. The program will also support establishment of a new Institute for the Enhancement of Provincial Justice and development of a compendium of existing national legislation.</p>
<p>1997 BRAZIL</p>	<p><b>Program to Modernize the Executive Branch of the Federal Government</b></p> <p><u>Borrower</u>: Federative Republic of Brazil  <u>Executing Agency</u>: Ministério de Administracao Federal e Reforma do Estado (MARE)</p> <p><u>Total Amount</u>: First phase: US\$ 114.0 m Second phase: US\$ 66.0 m  <u>IDB Contribution</u>: First phase: US\$ 57.0 m Second phase: US\$ 33.0 m  <u>Co-financing</u>: Local counterpart funding, First phase: US\$ 57.0 m; Second phase: US\$ 33.0 m  <u>Financial Terms</u>: Loan with a 20 years amortization period, and a 3 years grace period, disbursed over 3 years.</p> <p><u>Objectives</u>: To improve performance within Brazil's federal civil service, seeking increased efficiency and cost effectiveness in the execution of their tasks by public servants.</p> <p><u>Components</u>: To strengthen the technical capacity of human resources the program is divided in four subprograms: institutional reform, management and human resource development, management and information technology and citizen support services. Of those subprograms two incorporate measures to improve the justice system. The first one, the subprogram for management and human resources development, contemplates, among other measures, the design and implementation of a new basic curriculum for law enforcement officials at the state and federal level, as well as the pertinent teaching materials and training programs for instructors. The new curriculum will emphasize courses on human rights and community policing, among other topics. The second one, the management and information technology component, finances the computerization of the federal public administration through 10 projects. One of those projects will create a single national computer information system for criminal and penitentiary records. The program will provide resources to hire consultants and purchase equipment for the computerization of state databanks; creation of a national index to consult by name and serial number weapons registered or seized by the police; design and installation of a network of information systems and compilation of a listing of authorized users to maintain the confidentiality and security of the system.</p>

<p>1997 DOMINICAN REPUBLIC</p>	<p><b><u>Program to Modernize Real Property Adjudication and Registration System</u></b></p> <p><u>Borrower</u>: The Dominican Republic <u>Executing Agency</u>: The Supreme Court of Justice</p> <p><u>Total Amount</u>: US\$ 40.0 m <u>IDB contribution</u>: US\$ 32.0 m <u>Co-financing</u>: local counterpart funding US\$ 8.0 m <u>Financial terms</u>: loan with a 25 years amortization period, and a 4 years grace period, disbursed over 4 years.</p> <p><u>Objectives</u>: To achieve a Real Property Adjudication and Registration System within the Judicial Branch that performs its adjudication and arbitration functions efficiently and transparently.</p> <p><u>Components</u>: The project includes components relating to legal and institutional issues, reform of the Land Registry Law and related legislation, the organizational decentralization of jurisdiction and measures to regularize deeding and ownership procedures; infrastructure upgrading and headquarters renovation for the Superior Land Tribunal and creation of new tribunals and regional offices; technical updating and new information systems; and training program for staff of the Superior Land Tribunal.</p>
<p>1997 PERU</p>	<p><b><u>Improving Access to Justice System.</u></b></p> <p><u>Borrower</u>: Republic of Peru <u>Executing Agency</u>: Peru Judicial Branch, through the Executive Committee of the Judiciary, which in turn will act through its Project Management Office.</p> <p><u>Total amount</u>: US\$ 28.6 m <u>IDB contribution</u>: US\$ 20.0 m <u>Co-financing</u>: local counterpart financing US\$ 8.6 m <u>Financial terms</u>: loan, with a 25 years amortization period, and a grace period of 3 years, disbursed over 3 years.</p> <p><u>Objectives</u>: To support the Peruvian justice system's efforts to broaden access to justice and enhance its quality. In particular, the project seeks to strengthen the grassroots levels of justice administration in low-income areas where the problem of court backlogs is greatest.</p> <p><u>Components</u>: Three components have been designed to achieve these goals. The first will create approximately 83 basic justice modules (MBJ), and involves the building of 83 centers to house the MBJs; purchase and installation of furnishings and equipment for their operation; design of an informatics system; design of a training program for BJM staff; and technical assistance in the preparation of documents, plans, etc. The second component seeks to enhance the protection of women's and children's rights, and involves training for judges in gender and youth issues; enlisting the help of NGOs that are equipped to mediate between these groups and the justice system; and recommendations for nation-wide access programs. The final component consists of developing and disseminating information, using the mass media to reach the communities concerned; an education program on basic rights and fundamental liberties; and the holding of 332 seminars to generate political and social support among communities affected by the program.</p>

<p>1998 GUATEMALA</p>	<p><b><u>Program in Support of Judicial Reform</u></b></p> <p><u>Borrower:</u> Republic of Guatemala  <u>Executing Agency:</u> Secretaría Ejecutiva de la Instancia Coordinadora de la Modernización del Sector Justicia [Executive Secretariat of the Coordinating Authority for Modernization of the Justice Sector] (ICMSJ). Co-executing agencies: The Judicial Branch, The Public Prosecutor’s Office, the Public Defender’s Office, and The Ministry of the Interior.</p> <p><u>Total amount:</u> US\$ 31.0 m  <u>IDB contribution:</u> US\$ 25 m  <u>Co-financing:</u> local counterpart funding US\$ 6.0 m  <u>Financial terms:</u> loan, with a 30 years amortization period, and a 4 years grace period, disbursed over 4 years.</p> <p><u>Objectives:</u> To strengthen the democratic and multicultural rule of law by providing support to the institutions of the justice system, at the individual institutional level as well as in terms of coordination between institutions, in order to improve access to justice and the quality of judicial services.</p> <p><u>Components:</u> The program is divided in two subprograms: (a) Access to justice: improving coverage of the judicial system in deprived communities, facilitating physical, linguistic, and cultural access to justice through the construction and placement of 8 Justice Administration Centers (Centros de Administración de Justicia) (CAJs), 47 juzgados de paz (justice of the peace offices), and 10 district prosecutor’s offices, as well as the implementation of special activities designed for the indigenous communities. (b) Institutional Strengthening: in an initial phase, provide support to institutions in the sector seeking to strengthen their managerial, technical, and administrative capacities, and in a second phase, establish the mechanisms for inter-institutional coordination, allowing for greater recourse to deliberation and joint action in addressing common problems within the sector.</p>
<p>1998 PANAMA</p>	<p><b><u>Improvements in the Administration of Justice stage one.</u></b></p> <p><u>Borrower:</u> Republic of Panama  <u>Executing Agency:</u> Judicial Branch, Procuraduría General de la Nación (PGN) [Office of the National Public Prosecutor] and Procuraduría de la Administración (PA) [Office of the Government Solicitor].</p> <p><u>Total amount:</u> US\$ 27.0 m  <u>IDB contribution:</u> US\$ 18.9 m  <u>Co-financing:</u> local counterpart funding US\$ 8.1 m  <u>Financial terms:</u> loan with a 25 years amortization period, and a 3.5 years grace period, disbursed over 3.5 years.</p> <p><u>Objectives:</u> To improve the quality of the country’s legal and judicial services to strengthen the rule of law.</p> <p><u>Components:</u> The operation is stage one and involves some activities that can be implemented at the national level in the short-term. The activities will be executed through two models for judicial management and reorganization, one in an urban judicial district and one in a rural judicial district, leaving their replication in the rest of the country for a second stage. It is divided in two subprograms: (a) clearing of court backlog, strategic management and planning, training and judicial career path, reorganization and management of judicial services, strengthening of the investigative capacity of the PGN, procedural reform and access to justice and citizen participation; and (b) institutional restructuring of the PA, plan to expand the coverage of services, staff training, automation of management process, reform of administrative regulations and legal training for public servants.</p>

<p>1999 BOLIVIA</p>	<p><b><u>Program for Civil Society and Access to Justice</u></b></p> <p><u>Borrower</u>: Republic of Bolivia  <u>Executing Agency</u>: Ministry of Justice and Human Rights</p> <p><u>Total Amount</u>: US\$ 3.0 m  <u>IDB Contribution</u>: US\$ 2.7 m  <u>Co-financing</u>: local counterpart financing US\$ 0.3 m  <u>Financial terms</u>: reimbursable Technical Cooperation with a 40 years amortization period, and a 10 years grace period, disbursed over 4 years.</p> <p><u>Objectives</u>: To help the most vulnerable segments of the population gain access to justice and awareness of their rights by strengthening the mechanisms for participation of civil society in the sector.</p> <p><u>Components</u>: The program has two components: (a) channeling project resources to civil society organizations whose objectives are to strengthen and expand the services they provide in the area of access to justice, and train and educate the most vulnerable sectors of the population in their rights; and (b) technical assistance to conduct training and dissemination activities designed to strengthen project design and management skills; conduct periodic evaluations to assess the accomplishment of the program objectives and its impact and design an information, statistics and control systems for the management of the program and its projects.</p>
-------------------------	---

2000  
ARGENTINA

**Support of modernizing the Cordoba Provincial Government**

Borrower: The Province of Córdoba

Executing agency: The Government of the Province of Cordoba through the Organismo de Coordinación, Programación de la Inversión y Financiamiento (OCPIF) [Investment, Programming and Financing Coordination Unit]

Total Amount: US\$ 430.0 M

IDB contribution: US\$ 215 M

Co-financing: Local counterpart funding US\$ 215 M

Financial terms: Loan with a 20 years amortization period, and a 4 years grace period, to be disbursed over a 4 years period.

Objectives: The General Objective is to improve the Province of Cordoba's financial and administrative management capacity in order to lay the groundwork for a sustainable fiscal balance in the medium and long terms and respond satisfactorily to the demands of society. The main strategic objectives are to: (i) boost the province's capacity to invest using own resources (modernization of the provincial tax administration); (ii) achieve higher quality in public spending (budget based on results and stricter financial and procurement controls); (iii) introduce greater transparency in fiscal and administrative management (publication of results and citizen participation in strategic decision making); (iv) support the restructuring of government institutions (introduction of sector agencies); (v) support the management and implementation of public policies in the social sectors, particularly school coverage, assistance for vulnerable groups and access to justice; (vi) strengthen the agencies responsible for environmental management, production and infrastructure; (vii) improve the efficiency of legislative management and activities; and (viii) introduce mechanisms to promote better integration and coordination of the different bodies of the executive branch and the different branches of government (executive, legislative and auditing) and municipalities.

Components: A global reform program has been designed for the Province of Cordoba to achieve the above-mentioned objectives. This program consist of five components: **(1)** fiscal administration, **(2)** general government administration, **(3)** control over public management, **(4)** social and citizen promotion, divided into four projects aimed at: (i) Education management and coverage; (ii) health care management; (iii) Assistance for vulnerable groups; and (iv) access to justice and legal certainty (US\$ 4.7 M) divided into (a) Access to justice program. Financing will be provided to develop mechanisms. Means and instruments to provide better access to justice, such as the establishment of strategic planning offices and alternative dispute settlement mechanisms, and (b) Legal Certainty program. Financing will be provided to develop mechanisms, means and instruments to strengthen legal certainty such as improvements in the system for company registration, the design of a code of economic crimes and the establishment of an office to combat corruption; and **(5)** environmental and economic development.

2000  
URUGUAY

**Judicial Strengthening Program**

Borrower: Eastern Republic of Uruguay  
Executing agency: Supreme Court of Justice (SCJ)

Total Amount: US\$ 8.750 m  
IDB contribution: US\$ 6.125 m  
Co-financing: Local counterpart funding US\$ 2.625 m

Financial terms: Loan with a 25 years amortization period, and a 5 years grace period, to be disbursed over a 5 years period.

Objectives: The overall objective of the program is to improve judicial services in Uruguay in response to the perception that users have of those services. The specific objectives are: (i) to improve the quality and productivity of administrative services within the judicial branch (Administrative Services Department (DGSA), Planning and Budget Division (DPP), Legal Secretariat (SL)); (ii) to strengthen management of the SCJ and streamline non-core administrative tasks; and (iii) to reduce the time it takes to process judicial cases in pilot offices, ensuring that such processing is completed by the deadlines established in procedural rules.

Components: To achieve these specific objectives, a program consisting of three projects has been designed as follows: I.- Reorganization and strengthening of administrative procedures, which includes: (i) introducing the use of strategic planning, building on recent experience gained in preparing the budget for 2000-2004; (ii) redesigning and strengthening the organizational structure of administrative services at the judicial branch; and (iii) improving the skills and capabilities of personnel for management by objectives, including the design and implementation of a management training program for officials at the DGSA, and a reform of the performance appraisal system for personnel in the judicial branch. II.- Strengthening of management of the SCJ: (i) streamlining SCJ's administrative tasks, (ii) strengthening the SCJ's Legal Secretariat as well as coordination with DGSA ; (iii) improving the information systems within the SCJ, and (iv) creating the Internal Audit Division, made up of two units: Economic and Financial Audits and Administrative Audits. III.- Improvements in court services includes a detailed design and implementation of a pilot plan to modernize judicial courts. This pilot plan includes: (i) design, development and implementation of a master identification system to track judicial proceedings throughout the legal process; (ii) simplification of procedures and formalities based on standardized document and decisions; (iii) development of a computerized case management and tracking system, by subject and court; (iv) implementation of the case management and tracking system in 50 offices, and preparation of a proposal to extend the system to all other judicial offices, and (v) development of an acclimation plan to help judicial personnel adjust to the changes, with training for judges, court clerks, and judicial staff throughout the legal system.

<p>2001 NICARAGUA</p>	<p><b>Program to Strengthen the Judiciary and Improve Access to Justice</b></p> <p><u>Borrower</u>: Republic of Nicaragua <u>Executing agency</u>: Supreme Court of Justice</p> <p><u>Total Amount</u>: US\$ 15.0 m <u>IDB contribution</u>: US\$ 12.0 m <u>Co-financing</u>: Local counterpart funding US\$ 3.0 m <u>Financial terms</u>: Loan with a 40 years amortization period, and a 10 years grace period, to be disbursed over 41/2 years.</p> <p><u>Objectives</u>: To increase access to and improve the quality and availability of justice services, and to support the process of judicial reform, modernization and strengthening now underway. The specific objectives are: (i) to expand judicial access in order to meet the needs of vulnerable groups in Managua and the country's interior; (ii) to improve the organization and operation of judicial offices, strengthening and streamlining the administrative functions of the judiciary; and to increase confidence in and improve the quality of service by creating and consolidating courses of study in the judiciary and the civil service, and creating communications mechanisms with users.</p> <p><u>Components</u>: A comprehensive system will be developed to provide solutions for the three basic dimensions of the judicial branch: (i) problems of judicial access relating to inattention to the needs of vulnerable groups and the lack of necessary infrastructure; (ii) the need to adopt new procedures and technologies for controlling and managing offices and to strengthen and streamline the planning and management functions of the judiciary; and (iii) actions aimed at strengthening the development of the institution's personnel, as well as internal and external means of communication. The program will support a gradual change in judicial culture, involving the various players who take part in the system: magistrates, judges, judicial civil servants, public prosecutors, defense lawyers and litigation attorneys. What defines the concept of comprehensive development is that all program activities are part of processes in which the access, management and human resources dimensions are simultaneously and continuously present and interrelated. In order to achieve these objectives the program comprises three complementary projects: (i) Judicial Access and User Services; (ii) Strengthening Judicial Management; and (iii) Human Resources and Communications. No changes in the applicable laws are required for the implementation of the proposed activities.</p>
---------------------------	--

## II. Non- Reimbursable Technical Cooperation

### Alternative Dispute Resolution for the Commercial Sector

<b>Country</b>	<b>Description</b>
1994 PERU	<p><b>Development of Alternative Dispute Settlement Systems.</b></p> <p><u>Total amount:</u> US\$ 1.47 m      <u>IDB contribution:</u> US\$ 1.47 m                      Non-reimbursable technical cooperation  <u>Applicant:</u> Ministry of Justice  <u>Executor:</u> Asociación Peruana de Negociación, Arbitraje y Conciliación in coordination with the Ministry of Justice</p> <p><u>Objectives:</u> To develop and disseminate alternative mechanisms for settling disputes, training for public and private sector personnel in the use of such mechanisms, and supporting arbitration and conciliation centers in Lima and in the provinces.</p> <p><u>Components:</u> The program contains five components to meet these goals. The first involves setting up an executing agency to promote arbitration, negotiation and conciliation. The second component consists of familiarization conferences and workshops on the use of alternative dispute settlement mechanisms, for the public sector (the judicial branch), the private sector (producers and trade associations), law societies, schools and the general public. The third component seeks to strengthen the Arbitration and Conciliation Center of the Lima Chamber of Commerce, and to set up similar centers in the provinces. The fourth component will set up pilot projects to track the outcome of arbitration and conciliation under different scenarios. The final component will develop proposed legislative changes to make alternative dispute settlement mechanisms operationally more effective.</p>
1995 COLOMBIA	<p><b>Promotion of Alternative Methods of Commercial Dispute Settlement</b></p> <p><u>Total amount:</u> US\$ 1.808 m      <u>IDB contribution:</u> US\$ 1.22 m                      Non-reimbursable technical Cooperation  <u>Applicant:</u> Arbitration and Conciliation Centers  <u>Executor:</u> Cámara de Comercio de Bogotá</p> <p><u>Objectives:</u> (a) to build institutional capacities for arbitration and conciliation centers; (b) training for arbitrators, conciliators, and administrative personnel at the centers; (c) strengthening capacities of the Justice Ministry to support arbitration and conciliation centers; (d) disseminating information on the advantages of arbitration and conciliation as commercial dispute settlement methods.</p> <p><u>Components:</u> Three components have been designed to meet these objectives. First, strengthening the arbitration and conciliation centers involves taking steps to improve their administration, such as providing procedural manuals and administrative software. The second component, personnel training, involves introducing mediation techniques, special training for arbitrators, mediators and administrators, and institutional capacity building for regional chambers of commerce. The final component will set up workshops and discussion forums for promoting alternative dispute settlement methods among business people and entrepreneurs.</p>

<p>1995 COSTA RICA</p>	<p><b>Establishing Alternative Systems for Settling Commercial Disputes.</b></p> <p><u>Total amount:</u> US\$ 1.36 m      <u>IDB contribution:</u> US\$ 1.13 m  Non-reimbursable technical cooperation  <u>Applicant:</u> Fundación para el Mejoramiento de la Administración de Justicia  <u>Executor:</u> Fundación para el Mejoramiento de la Administración de Justicia</p> <p><u>Objectives:</u> To support the establishment of alternative mechanisms of dispute settlement that will reduce the cost of such proceedings.</p> <p><u>Components:</u> To achieve this goal, the program has three main components. The first seeks to encourage private sector resort to alternative dispute settlement methods. It includes designing information packages and disseminating them by radio, TV and the press, and holding seminars and workshops. The second component is aimed at establishing a legal framework and an Alternative Dispute Settlement Program. This component involves training judicial personnel in coordinating arbitration and regular court functions, and creating a legal framework conducive to alternative dispute settlement methods. The third component will develop a training plan to upgrade technical and administrative skills needed for making use of mediation and arbitration services. The training will be targeted at lawyers, mediators, secretaries and other administrative personnel. The final component is establishment of an arbitration and mediation center, to be located within the Costa Rica Chamber of Commerce.</p>
<p>1995 URUGUAY</p>	<p><b>Support Program for the Conciliation and Arbitration Center.</b></p> <p><u>Total amount:</u> US\$ 1.68 m      <u>IDB contribution:</u> US\$ 0.835 m  Non-reimbursable technical cooperation.  <u>Applicant:</u> Center for Conciliation and Arbitration of Bolsa de Comercio de Montevideo S.A.  <u>Executor:</u> Center for Conciliation and Arbitration of Bolsa de Comercio de Montevideo S.A.</p> <p><u>Objectives:</u> To enhance the investment climate through the use of alternative dispute settlement methods among the business community. This program is focussed in particular on finalizing and putting into operation the Conciliation and Arbitration Center of the Montevideo Board of Trade.</p> <p><u>Components:</u> The program contains four components to achieve this objective. The conceptual development component will analyze the legal framework as it affects the use of alternative dispute settlement methods. The organization and operations component will strengthen the Center's capacities. The training component offers training in arbitration and conciliation techniques, directly and through the instruction and qualification of training personnel. The fourth component, promotion and dissemination, sponsor conferences and workshops to familiarize the private sector in how to make use of the center.</p>
<p>1996 EL SALVADOR</p>	<p><b>Modernizing Commercial Legislation and Developing Alternative Methods of Commercial Dispute Settlement.</b></p> <p><u>Total amount:</u> US\$ 1.024 m      <u>IDB contribution:</u> US\$ 0.662 m  Non-reimbursable technical cooperation  <u>Applicant:</u> Unidad Técnica Ejecutiva Sector Justicia para la modernización de la Legislación Comercial [Technical Executing Unit of the Justice Sector] and Chamber of Commerce and Industry of EL Salvador  <u>Executor:</u> Unidad Técnica Ejecutiva Sector Justicia and Chamber of Commerce and Industry of EL Salvador</p> <p><u>Objectives:</u> To reform commercial legislation, including development of inexpensive and swift alternative methods for settling disputes.</p> <p><u>Components:</u> The program involves the updating of commercial laws, including the study, analysis and revision of existing legislation and training in the enforcement of new regulations. It will also develop alternative mechanisms for settling commercial disputes, including the revision of legislation governing conciliation and mediation, and establishment of an arbitration and conciliation center for the Chamber of Commerce of San Salvador.</p>

<p>1996 HONDURAS</p>	<p><b><u>Promoting Alternative Methods of Commercial Dispute Settlement</u></b></p> <p><u>Total amount:</u> US\$ 0.774 m      <u>IDB contribution:</u> US\$ 0.497 m  Non-reimbursable technical cooperation  <u>Applicant:</u> Cámara de Comercio e Industrias de Cortés y Cámara de Comercio e Industrias de Tegucigalpa.  <u>Executor:</u> Cámara de Comercio e Industrias de Cortés y Cámara de Comercio e Industrias de Tegucigalpa.</p> <p><u>Objectives:</u> To facilitate the settlement of commercial disputes by developing out-of-court resolution methods and providing the private sector with an effective, swift and inexpensive instrument for settling commercial disputes.</p> <p><u>Components:</u> The program components include updating the legal framework and designing an arbitration law; strengthening the Conciliation and Arbitration Center of the Cortés Chamber of Commerce and establishing and supporting a conciliation and arbitration center for the Tegucigalpa Chamber of Commerce, and disseminating information to encourage the out-of-court settlement of commercial disputes.</p>
<p>1996 PANAMA</p>	<p><b><u>Promoting Alternative Methods of Settling Commercial Disputes.</u></b></p> <p><u>Total amount:</u> US\$ 0.470 m      <u>IDB contribution:</u> US\$ 0.270 m  Non-reimbursable technical cooperation  <u>Applicant:</u> Cámara de Comercio, Industrias y Agricultura de Panama.  <u>Executor:</u> Cámara de Comercio, Industrias y Agricultura de Panama.</p> <p><u>Objectives:</u> To speed up the settlement of commercial disputes in Panama through out-of-court procedures that offer efficient and specialized services to the private sector.</p> <p><u>Components:</u> There are five components to the program. The first seeks to review the legal and regulatory framework governing conciliation and arbitration to identify needed reforms. The second component will provide institutional and technical capacity building for the Panama Center of Conciliation and Arbitration. The third component sets out a plan for mediators, arbitrators and administrative personnel. The fourth component will promote the use of conciliation and arbitration services through business workshops and the design of information materials. The final component is aimed at helping the various chambers of commerce already using alternative dispute settlement methods to share experiences and lessons learned.</p>
<p>1997 ECUADOR</p>	<p><b><u>Program to Establish Centers for Training and Dissemination of Commercial Dispute Resolution Alternatives</u></b></p> <p><u>Total amount:</u> US\$ 1,047,618 m      <u>IDB contribution:</u> US\$ 0.720 m  Non-reimbursable technical cooperation  <u>Applicant:</u> The Chambers of Commerce of Quito and Guayaquil  <u>Executor:</u> The Chambers of Commerce of Quito and Guayaquil</p> <p><u>Objectives:</u> To establish a coordinated and properly structured commercial dispute resolution system in Ecuador, that will gradually introduce swift and cost-effective commercial dispute resolution alternatives.</p> <p><u>Components:</u> The program has three components: (a) establishment of the training and dissemination centers at the Quito and Guayaquil chambers of commerce, where each will train some 200 participants. A plan for disseminating commercial dispute resolution alternatives will be devised and put into practice, part of which will be a marketing strategy using workshops, seminars, audiovisuals, and the preparation of material. (b) Support for the regulatory framework, to assist the two chambers of commerce in their efforts to modernize current legislation on commercial arbitration and mediation; and (c) strategic development, which includes a midterm evaluation (at month 16) to use the findings in the design of a medium-range development plan for the rest of the program term. It will include a program to strengthen the administrative and technical capacity of the CACs, and a plan to continue the activities for at least other three years after the program is completed.</p>

<p>1998 GUATEMALA</p>	<p><b><u>Program to Strengthen Alternative Methods for Commercial Dispute Resolution</u></b></p> <p><u>Total amount:</u> US\$ 0.650 m      <u>IDB contribution:</u> US\$ 0.450 m  Non-reimbursable technical cooperation  <u>Applicant:</u> Chamber of Commerce of Guatemala (CCG)  <u>Executor:</u> Chamber of Commerce of Guatemala</p> <p><u>Objectives:</u> To strengthen and consolidate Guatemala's alternative methods for commercial dispute resolution.</p> <p><u>Components:</u> The program has three components: (a) consolidation of the institutional and administrative framework to provide adequate and reliable alternative dispute resolution services; (b) preparation of a development and dissemination strategy for ADR services that will lead to the consolidation of a market for those services; and (c) improving the technical capacity of the ADR system, through the operators, support staff, users and their representatives, and member of the judicial system.</p>
<p>1999 BRAZIL</p>	<p><b><u>Program to Strengthen Labor Dispute Negotiation and Mediation Processes</u></b></p> <p><u>Total amount:</u> US\$ 1.561 m      <u>IDB contribution:</u> US\$ 0.841 m  Non-reimbursable technical cooperation  <u>Applicant:</u> Brazilian Government  <u>Executor:</u> Federative Republic of Brazil through the Ministry of Labor (MTE) through the Department of Labor Relations</p> <p><u>Objectives:</u> To help with the transformation of culture of labor relations by introducing new ways to resolve disputes based on free collective bargaining, independent mediation, and self-determination of employers and workers.</p> <p><u>Components:</u> A highly participatory process involving stakeholders associated with the country's labor relations will be followed during all the phases of design and implementation. It will finance technical assistance for the development of methodologies, work seminars, technical visits to countries with relevant experience in collective bargaining and/or mediation; design of a public domain information system; publications; training courses to upgrade the professional profile of negotiators; and awareness and communication. Three components will be executed: (a) methodology and design development, (b) awareness and dissemination, and (c) training courses.</p>
<p>1999 BRAZIL</p>	<p><b><u>Strengthening Alternative Dispute Resolution Methods</u></b></p> <p><u>Total Amount:</u> US\$ 3,340,360 m      <u>IDB contribution:</u> US\$ 1,599,400 m  Non-reimbursable technical Cooperation  <u>Applicant:</u> Brazilian Federation of Trade Associations (CACB)  <u>Executor:</u> Brazilian Federation of Trade Associations (CACB)</p> <p><u>Objectives:</u> To strengthen and consolidate Brazil's alternative methods for commercial dispute resolution at both the national and regional levels, thereby improving the efficiency of Brazil's dispute resolution mechanisms and reducing the backlog in the court system.</p> <p><u>Components:</u> (a) to strengthen participating Arbitration and Mediation Centers (CAMs) by consolidating their technical and institutional organization so that they are able to provide their services with greater efficiency and effectiveness. (b) to train arbitrators, mediators and operation personnel of participating CAMs, providing them with the technical and administrative skills required by their institutions. (c) to publicize the importance and benefits of ADR methods in order to ensure the gradual adoption of these mechanisms by the private sector.</p>

<p>1999 CHILE</p>	<p><b><u>Expansion and Improvement of Commercial Arbitration and Mediation Services</u></b></p> <p><u>Total amount:</u> US\$ 1.313 m      <u>IDB contribution:</u> US\$ 0.650 m  Non-reimbursable technical cooperation  <u>Applicant:</u> Cámara de Comercio de Santiago A.G.  <u>Executor:</u> Cámara de Comercio de Santiago A.G.</p> <p><u>Objectives:</u> to contribute to the development of a culture of commercial dispute resolution by extra-judicial methods, thus helping to alleviate the burden of cases in the regular justice system and establish a favorable environment for private investment.</p> <p><u>Components:</u> The program involves (a) strengthening of the Santiago Centers for Arbitration and Mediation (CAM) and establishing a CAM in Valparaíso; and (b) instructing arbitrators, mediators and clerks involved in arbitration for the two CAMs on the techniques and practices of general and technical arbitration and mediation and promote the use of ADR methods in the business, judicial and legal communities of Santiago and Valparaíso.</p>
<p>1999 PARAGUAY</p>	<p>Program to Strengthen Alternatives for Dispute Resolution in Commercial Conflicts</p> <p><b><u>Total amount:</u> US\$ 0.830      <u>IDB contribution:</u> US\$ 0.503</b>  <b>Non-reimbursable technical cooperation</b>  <u>Applicant:</u> Asunción Chamber of Commerce and Commodity Exchange  <u>Executor:</u> Asunción Chamber of Commerce and Commodity Exchange (CBCA)</p> <p><b><u>Objectives:</u> To provide technical assistance to the Paraguayan Center for Arbitration and Conciliation.</b></p> <p><b><u>Components:</u> The program will (a) strengthen the legal, institutional, and administrative framework for alternative for dispute resolution mechanisms (ADR) in order to adapt it into an ADR system for use in Paraguay and disputes with other countries, particularly in the context of MERCOSUR; (b) enhance the technical capacity of the operators, support staff, users and their representatives, and members of the judicial system in order to obtain a quality supply of ADR services and adequate and reliable demand for such services; and (c) prepare and implement a strategy for development and dissemination of ADR services, in an effort to consolidate their use and make them financially self-sustaining.</b></p>
<p>1999 VENEZUELA</p>	<p><b><u>Institutional Strengthening of a Commercial Mediation and Arbitration Center</u></b></p> <p><u>Total Amount:</u> US\$ 1.5 m      <u>IDB contribution:</u> US\$ 0.729,170 m  Non-reimbursable technical cooperation  <u>Applicant:</u> Caracas Chamber of Commerce (CCC)  <u>Executor:</u> Caracas Chamber of Commerce</p> <p><u>Objectives:</u> To provide institutional strengthening for the Arbitration Center of the CCC and increase the demands for its services.</p> <p><u>Components:</u> The project is divided into four components: (a) review of laws and regulations, including an examination of the applicable legal framework governing alternative dispute resolution mechanisms and submission to Congress on proposals for expanding its use; (b) institutional strengthening of the CCC, seeking to consolidate its operating capacity and provide logistical support, enabling the center to provide high-quality ADR services; (c) training programs for the preparation of arbitrators, mediators, clerks of arbitration boards and multipliers; and (d) promotional campaign and public awareness activities to create an effective level of demand over the short and medium terms within the business community and among academic, government and judicial authorities involved, as well as the community at large.</p>

<p>1999 DOMINICAN REPUBLIC</p>	<p><b>Support for the Establishment and Strengthening of a Center for the Study, Prevention and Resolution of Social Conflicts</b></p> <p><u>Total Amount:</u> US\$ 0.500 m     <u>IDB contribution:</u> US\$ 0.340 m  Non-reimbursable technical cooperation  <u>Applicant:</u> Pontificia Universidad Católica Madre y Maestra [Madre y Maestra Pontifical University] Dominican Republic.  <u>Executor:</u> Center for the Study, Prevention and Resolution of Social Conflicts.</p> <p><u>Objectives:</u> To help institutionalize forums for dialogue and the spread of democratic participation and consensus-building processes as a mechanisms for social, economic and political inclusion.</p> <p><u>Components:</u> The project is intended to support the University in establishing and strengthening a center for the study, prevention and resolution of social conflicts as an institutional basis for training, research, use and dissemination of mechanisms to prevent and settle social disputes. The program will finance (i) technical advisory services to design and introduce programs on conflict resolution; (ii) institutional development; (iii) a seminar on consensus-building and conflict management; and (iv) training workshops.</p>
<p>2000 TRINIDAD AND TOBAGO</p>	<p><b>Strengthening of the Alternative Dispute Resolution System</b></p> <p><u>Total Amount:</u> US\$ 0.590 m     <u>IDB contribution:</u> US\$ 0.383,5 m  Non-reimbursable technical cooperation  <u>Applicant:</u> The Trinidad and Tobago Chamber of Industry and Commerce (TTCIC)  <u>Executor:</u> The Trinidad and Tobago Chamber of Industry and Commerce</p> <p><u>Objectives:</u> Improve the environment for business transactions and private investment by strengthening the ability of the Dispute Resolution Center (DRC) to promote and operate a reliable Alternate Dispute Resolution (ADR) system within the country and at a sub-regional level.</p> <p><u>Components:</u> To achieve the objectives the project will have the following subprograms: (a) technical assistance to carry out a review of the legal and regulatory framework for ADR in Trinidad and Tobago and in the Caribbean region; (b) Institutional strengthening of the Dispute Resolution Center (ADR) by financing physical infrastructure, operating systems, financial resources and technical capacity to provide high quality and cost effective ADR services; (c) design of a training plan and of a selection mechanisms and training opportunities for professionals interested in becoming ADR practitioners; and (d) design of a marketing study to provide a basis for the design and implementation of a campaign to promote the concept of ADR and its advantages, the recognition of DRC as leading provider of these services, and the wide use of ADR and of the DCR services in Trinidad and Tobago and throughout the Caribbean.</p>
<p>2000 ARGENTINA</p>	<p><b>Program to Establish a National Network of Commercial Mediation and Arbitration Centers</b></p> <p><u>Total Amount:</u> US\$ 2.508 m     <u>IDB contribution:</u> US\$ 1.0 m  Non-reimbursable technical cooperation  <u>Applicant:</u> Argentine Chamber of Commerce (CAC)  <u>Executor:</u> Argentine Chamber of Commerce</p> <p><u>Objectives:</u> To help the Argentina's business sector become more competitive and economically efficient and to enhance the climate for private investment in the country, by establishing a National Network of Commercial Mediation and Arbitration Centers and strengthening the institutional capacity of network centers.</p> <p><u>Description:</u> The program would have four components: (i) establishment of a National Network of Commercial Mediation and Arbitration Centers; (ii) institutional strengthening of Network Centers; (iii) training of neutral third parties (arbitrators and mediators) to work in the Network; and (iv) strategic publicity on the merits of institutionalized mediation and arbitration, and market penetration initiatives.</p>

<p>2000 MEXICO</p>	<p><b>Alternative Dispute Resolution</b></p> <p><u>Total Amount</u>: US\$ 2.231 m     <u>IDB contribution</u>: US\$ 1.352 m  Non-reimbursable technical cooperation  <u>Applicant</u>: Mexico  <u>Executor</u>: Instituto Tecnológico Autónomo de México (ITAM)</p> <p><u>Objectives</u>: To win recognition for and consolidate use of alternative dispute resolution methods to settle commercial disputes in Mexico.</p> <p><u>Description</u>: The program will have the following components: (i) institutional strengthening of the participating mediation centers (CAMS); (ii) training of arbitrators and mediators; (iii) raising of public awareness and creation of an alternative dispute resolution (ADR) culture in Mexico. To that end the program will fund the design and establishment of a permanent information center and electronic library as part of the project executing unit (PEU), to be located at the Instituto Tecnológico Autónomo de México (ITAM). The PEU will work to create an ADR culture through sponsorship of three national workshops to be attended by judges, attorneys, the business community, and the general public; and (iv) drafting of a model federal law on mediation.</p>
<p>2000 BOLIVIA</p>	<p><b>Program of Commercial Conciliation and Arbitration</b></p> <p><u>Total Amount</u>: US\$ 0.501 m     <u>IDB contribution</u>: US\$ 0.300 m  Non-reimbursable technical cooperation  <u>Applicant</u>: Cámara de Comercio de Santa Cruz [Santa Cruz Chamber of Commerce and Industry] (CAINCO)  <u>Executor</u>: Cámara de Comercio de Santa Cruz [Santa Cruz Chamber of Commerce and Industry] (CAINCO)</p> <p><u>Objectives</u>: To improve conditions for the development of private economic activity by creating a climate of confidence, transparency and security in the resolution of commercial disputes through the consolidation of the country's alternative dispute resolution (ADR) system.</p> <p><u>Description</u>: This will be accomplished through: (i) institutional strengthening of the Conciliation and Arbitration Centers [Centros de Conciliación y Arbitraje] (CCAs) already established in the chambers of commerce of Santa Cruz and Cochabamba, and the La Paz Bar Association [Ilustre Colegio de Abogados de La Paz]; (ii) a strategic information and awareness campaign on the use of ADR methods targeting judges, attorneys and entrepreneurs; (iii) the establishment of strategic alliances between the CCAs and the ordinary Courts; and a review of the legal framework regulating ADR methods in Bolivia.</p>

## Resolution of Property Conflicts

Country	Description
1995 NICARAGUA	<p><b>Program of Support for the Resolution of Property Conflicts</b></p> <p><u>Total Amount:</u> US\$ 3.3 m      <u>IDB contribution:</u> US\$ 2.8 m            Non-refundable technical cooperation  <u>Applicant:</u> Ministry of Finance (MIFIN) of Nicaragua  <u>Executor:</u> Ministry of Finance, through the office of the Deputy Minister for Property</p> <p><u>Objectives:</u> To collaborate with the Nicaraguan government in speeding up the administrative resolution of property-related conflicts and initiating a process of titling urban property.</p> <p><u>Components:</u> The program has three components: (a) administrative and technical strengthening of the Office of the deputy Minister for Property, the Office of the Attorney General for Property (PGP) and the National Commission for the Review of Confiscations (CNRC); (b) installation of a pilot urban titling program; and (c) training and a publicity program for relevant agency personnel.</p>
1997 DOMINICAN REPUBLIC	<p><b>Program to Support the Modernization of Real Property Adjudication System.</b></p> <p><u>Total amount:</u> US\$ 0.150 m      <u>IDB contribution:</u> US\$ 0.150 m            Non-refundable technical cooperation  <u>Applicant:</u> Government of Dominican Republic</p> <p><u>Objectives:</u> To assist the Government of the Dominican Republic in analyzing the legal , institutional, and infrastructure framework of the Comisión Nacional de Modernización de la Jurisdicción de Tierras, and in formulating guidelines and recommendations for the optimal functioning of the Program to Modernize the Real Property Adjudication and Registration System (PMJT).</p> <p><u>Components:</u> The program will finance the hiring of a specialized firm to analyze the institutional and legal framework of the PMJT, to update its technological resources, and reorganize and strengthen its technical and human resources.</p>
1999 GUYANA	<p><b>Strengthening System of Property Rights</b></p> <p><u>Total amount:</u> US\$ .940 m      IDB contribution: US\$ .940 m            Non-reimbursable contribution  <u>Applicant:</u>  <u>Executor:</u> GY-MLA</p>
1999 NICARAGUA	<p><b>Program to Support Alternative Mechanisms for Settling Property Disputes</b></p> <p><u>Total amount:</u> US\$ 1.669,662 m      <u>IDB contribution:</u> US\$ 0.982,456 m            Non-refundable technical cooperation  <u>Applicant:</u> Nicaragua  <u>Executor:</u> Supreme Court of Justice of Nicaragua</p> <p><u>Objectives:</u> To support Nicaragua in settling property disputes, particularly through the introduction of the new alternative mechanisms established in the law, to be coordinated with the existing property system.</p> <p><u>Components:</u> The program includes four components: (a) Establishment and start up of the Dirección de Resolución Alternativa de Conflictos de la Propiedad (DIRAC) [Alternative Property Dispute Settlement Directorate] in the Supreme Court; (b) training program to obtain suitable staff, mediators and arbitrators who will provide efficient and effective service for rapid settlement of disputes about property; (c) publicity program to broadcast the benefits and advantages of mediation and arbitration for persons involved in property disputes and for the community in general; and (d) support for the Property Bureau. As a continuation of technical assistance project of 1995, the Supreme Court agreed that this operation would offer support for the Property Bureau to increase efficiency processing property claims and to improve coordination between them and the DIRAC.</p>

**Technical Assistance for Development of Justice Reform Projects**

<b>Country</b>	<b>Description</b>
<p>1 9 9 5 D O M I N I C A N R E P U B L I C</p>	<p><b>Support for Community Initiatives to Enhance the Administration of Justice .</b></p> <p><u>Total amount:</u> US\$ 0.125 m                      <u>IDB contribution:</u> US\$ 0.100 m  Non-reimbursable technical cooperation  <u>Applicant:</u> Fundación Institucionalidad y Justicia (FINJUS)  <u>Executor:</u> FINJUS</p> <p><u>Objectives:</u> To support the Foundation for Justice and Institutionalidad (FINJUS) in its program to promote modernization of the administration of justice.</p> <p><u>Components:</u> The project is supporting the preparation of basic analytic studies and the design of an action strategy in the judicial sector; training for judges and civil servants; and improving the administration of legal departments. It also involves consensus building through the national forum for Improving the Administration of Justice in the Dominican Republic and capacity building for FINJUS through programs of evaluation, training and equipment.</p>
<p>1995 EL SALVADOR</p>	<p><b><u>Program to Support the Reform of the Justice System</u></b></p> <p><u>Total amount:</u> US\$ 0.144 m                      <u>IDB contribution:</u> US\$ 0.137 m  Non-reimbursable Technical Cooperation  <u>Applicant:</u> Ministerio de Planificación y Coordinación del Desarrollo Económico y Social (MIPLAN)  <u>Executor:</u> Comisión Coordinadora para el Sector Justicia/Unidad Técnica Ejecutora</p> <p><u>Objectives:</u> To help the Government of El Salvador with preparation and implementation of the program to strengthen the Judicial System.</p> <p><u>Components:</u> The technical cooperation finances the following components: (a) institutional strengthening; (b) establishment of alternative dispute resolution mechanisms; (c) penitentiary system reform; (d) protection and reeducation of delinquent, and at high-risk youngsters; (e) support of technical aspects in the development of new facilities; and (f) training programs for personnel of those institutions.</p>

<p>1996 DOMINICAN REPUBLIC</p>	<p><b><u>Support to Modernization of the Justice System Program</u></b></p> <p><u>Total amount:</u> US\$ 0.180 m                      <u>IDB contribution:</u> US\$ 0.148 m  Non-reimbursable technical cooperation  <u>Applicant:</u> The Dominican Republic.  <u>Executor:</u> Comisión Nacional de Apoyo a la Reform Judicial (CONAR)</p> <p><u>Objectives:</u> To increase feasibility and efficiency of future reform efforts and investments in the judicial area.</p> <p><u>Components:</u> The program is divided in two components: (a) support of the Permanent Forum for discussion of the modernization of the justice system, and. (b) finance consultants in a broad range of areas to support the drafting of the justice modernization program.</p>
<p>1996 HONDURAS</p>	<p><b><u>Institutional Strengthening of the Judicial System</u></b></p> <p><u>Total amount:</u> US\$ 1.5 m                      <u>IDB contribution:</u> US\$ 1.5 m  Non-reimbursable technical cooperation.  <u>Applicant:</u> The Government of Honduras  <u>Executor:</u> The Supreme Court of Justice of Honduras</p> <p><u>Objectives:</u> To support the implementation of some of the components of the Program to modernize the Administration of Justice in Honduras (PR-2116)</p> <p><u>Components:</u> Institutional strengthening of the Judicial Branch and training for all institutions participating in the administration of justice process in order to improve access to justice.</p>
<p>1996 NICARAGUA</p>	<p><b><u>Program to support the National Assembly and the Justice System</u></b></p> <p><u>Total amount:</u> US\$ 1.945 m                      <u>IDB contribution:</u> US\$ 1.7 m  Non-reimbursable technical cooperation  <u>Applicant:</u> The Government of Nicaragua.  <u>Executor:</u> The National Assembly of Nicaragua (NA) and the Supreme Court of Justice (SCJ)</p> <p><u>Objectives:</u> To support the process of consolidating the rule of law in Nicaragua by improving the country's labor legislation and setting the stage for reform of the justice system.</p> <p><u>Components:</u> The program will (a) ensure the quality and consistency of existing legislation by conducting a selective review of the country's laws; (b) strengthen the rules and regulations governing the National Assembly and improve its technical capacity to carry out its legislative agenda; (c) support the process of judicial reform and consolidation through consensus-building and by paving the way to reform of the justice system and increase spending on the sector; (d) draft improved ethical standards and enhance the professional ethics of court officials, judges and trial lawyers; and (e) lay the groundwork for programs in the areas of office management and alternative dispute settlement mechanisms.</p>
<p>1997 GUATEMALA</p>	<p><b><u>Judiciary Support to National Congress</u></b></p> <p>Total Amount: US\$ 150,000                      IDB contribution: 150,000  Non-reimbursable technical cooperation  Executor: Congreso de Guatemala</p>

<p>1997 ECUADOR</p>	<p><b>Modernizing the Judicial System (Support program for judicial reform)</b></p> <p><u>Total Amount:</u> US\$ 2.4 m                      <u>IDB contribution:</u> US\$ 2.4 m  Non-reimbursable technical cooperation  <u>Applicant:</u> Supreme Court of Justice  <u>Executor:</u> PROJUSTICIA</p> <p><u>Objectives:</u> To support the reform process for the judicial system, strengthening judicial independence, upgrading human resources and judicial administration, and facilitating access to justice.</p> <p><u>Components:</u> The project includes legislative development, i.e. supporting constitutional, regulatory and legal changes that will facilitate the reform now underway; it also contains a capacity building component that will set up a disciplinary system to strengthen the independence of the judiciary and a permanent, decentralized training system. The project will also strengthen the administration of justice, promote access to justice, and reinforce civil society through support for initiatives by citizen organizations.</p>
<p>1998 GUATEMALA</p>	<p><b>Judiciary Support Program to Congress</b></p> <p><u>Total Amount:</u> US\$ .150 m                      <u>IDB contribution:</u> .150 m  Non-reimbursable technical cooperation  Applicant: Guatemala  Executor: Congreso de Guatemala</p>
<p>1998 DOMINICAN REPUBLIC</p>	<p><b>Support for the Reform Program of the Justice System for Minors</b></p> <p><u>Total amount:</u> US\$ 0.120 m                      <u>IDB contribution:</u> US\$ 0.100 m  Non-reimbursable technical cooperation  <u>Applicant:</u> The Dominican Republic  <u>Executor:</u> Comisionado de Apoyo a la Reforma y Modernización de la Justicia (CAMJ)</p> <p><u>Objectives:</u> To assist the government in the assessment of the legislation, institutions, infrastructure, equipment and personnel involved in the treatment of minors and to propose a program for the Administration of justice and protection of minors.</p> <p><u>Components:</u> Finance consultants in the areas of general diagnosis of the law of minors; design of institutional administrative mechanisms and training programs; development of court management and planning strategies; and drafting of the financing proposal for program for the Administration of Justice and protection of minors.</p>
<p>1998 BOLIVIA</p>	<p><b>Support for the preparation of the Program for Civil Society and Access to Justice</b></p> <p><u>Total amount:</u> US\$ 0.150 m                      <u>IDB contribution:</u> US\$ 0.150 m  Non-reimbursable technical cooperation  <u>Applicant:</u> Ministry of Justice and Human Rights</p> <p><u>Objectives:</u> To assist the government in the assessment and design of the Program for Civil Society and Access to Justice.</p> <p><u>Components:</u> Finance consultants in the areas of project design, judicial reform and alternative dispute resolutions, evaluation and design of the fund to be established to finance civil society participation, and institutional strengthening of the Ombudsman's office (Defensoría del Pueblo).</p>

## Regional Technical Cooperation

<p>1993 REGIONAL Costa Rica</p>	<p><b>I Seminar “Justice in Latin America and the Caribbean in the 1990s. Challenges and Opportunities”</b></p> <p><u>Total amount:</u> US\$ 320,000                      <u>IDB Contribution:</u> US\$ 300,000 Non-reimbursable technical cooperation <u>Applicant:</u> IDB <u>Executor:</u> IDB and the Government of Costa Rica.</p> <p><u>Objectives:</u> To promote dialogue on and analyze the situation of justice in the region and related reforms, and to examine the challenges in this area given the phenomena of globalization in the economy and law as a basic element of development.</p> <p><u>Components:</u> A seminar was held on five core topics in the areas of the administration of justice, legal training and the legal profession, justice and new approaches to development, the globalization of law, and international cooperation. In addition, specialized studies and the results of the seminar were published and disseminated.</p>
<p>1995 REGIONAL Washington</p>	<p><b><u>Conference on Judicial Reform in the Western Hemisphere</u></b></p> <p><u>Total Amount:</u> US\$ 0.130 m                      <u>IDB contribution:</u> US\$ 0.65 m Non-refundable technical Cooperation <u>Applicant:</u> IDB <u>Executor:</u> The Institute for the Study of the Americas (ISOA)</p> <p><u>Objectives:</u> To give a select group of high level judicial officials and specialist from Latin America, the Caribbean and the United States the opportunity to share experiences and exchange views on judicial reform.</p> <p><u>Components:</u> The Bank hired the ISOA as a professional services firm to render technical and logistical support for the two- day conference in Washington DC. Through presentations and workshop discussions, the conference allowed evaluation of several of the reforms already implemented in the administration of justice in the Western Hemisphere, enabling participants to formulate future reform projects based on these evaluations.</p>
<p>1995 REGIONAL Uruguay</p>	<p><b><u>II Seminar “Justice in Latin America and the Caribbean in the 1990s. Challenges and Opportunities”</u></b></p> <p><u>Total amount:</u> US\$ 0.420 m                      <u>IDB contribution:</u> US\$ 0.390 m Non-reimbursable technical cooperation. <u>Applicant:</u> IDB <u>Executor:</u> IDB</p> <p><u>Objectives:</u> To promote cooperation among Judicial and economic authorities, the business community and potential donors in the process of reform of the justice systems with the aim of obtaining greater efficiency and efficacy in the economy.</p> <p><u>Components:</u> The IDB borrowing countries participated in a seminar via representatives from Finance Ministries, Justice Ministries, Supreme Court and other representatives of the public sector, private sector and international or specialized agencies. Leading specialists participated as panelists, with conference papers distributed prior to the seminar.</p>

<p>1996 REGIONAL</p>	<p><b>Global Legal Information Network (GLIN)</b></p> <p><u>Total amount:</u> US\$ 0.380 m                      <u>IDB contribution:</u> US\$ 0.230 m Non-reimbursable technical cooperation. <u>Applicant:</u> Joint Parliamentary Commission of MERCOSUR <u>Executor:</u> IDB</p> <p><u>Objectives:</u> To train and provide technical assistance for the efficient use of new technologies; to provide INTERNET links between parliaments and other data banks; to improve integration with international legislative networks; to implement technologies to support legislative activities and the administration of information.</p> <p><u>Components:</u> The operation finances the following components: 1) a training program for country staff who will act as GLIN partners and counterpart for this operation; this includes a four-week training session at the U.S. Library of Congress for an attorney and information system specialist; 2) a preliminary assessment of the countries' administrative and legal process to determine the nomenclature and hierarchy of basic legal instruments and the manner in which the original text is generated; details on the information technology infrastructure; feasibility study for the internet connection and/or maintenance; 3) upgrading of the parliament's telecommunications infrastructure to establish the corresponding high speed connection to the Internet and the provision of basic equipment for the deployment of such technologies; 4) follow-up training activities, as recommended by the U.S. Law Library of Congress, which would be undertaken in Brazil; and 5) participation of project coordinators from the four countries of the MERCOSUR in the annual GLIN meeting in Washington D.C. to report on the accomplishments of their respective sites, their compliance with GLIN project standards and horizontal transfer of experiences.</p>
<p>1996 REGIONAL</p>	<p><b><u>Analysis of Best Practices In Judicial Reform</u></b></p> <p><u>Total amount:</u> US\$ 0.350 m                      <u>IDB contribution:</u> US\$ 0.1 m Non-reimbursable technical cooperation <u>Applicant:</u> IDB <u>Executor:</u> National Center for State Courts and IDB</p> <p><u>Objectives:</u> To help consolidate the development, expansion and replication of best practices in reforming Latin America's judicial systems, based on a thorough analysis of experience to date.</p> <p><u>Components:</u> The Bank collaborated with USAID and the National Center for State Courts to finance studies, analysis and the preparation of reports, and to support the holding of a Second Roundtable on Judicial Reform to examine the results of reform programs carried out to date.</p>
<p>1996 REGIONAL Brazil</p>	<p><b><u>Seminar on State Reform in Latin America and the Caribbean</u></b></p> <p><u>Total amount:</u> US\$ 0.400 m                      <u>IDB contribution:</u> US\$ 0.340 m Non-reimbursable technical cooperation <u>Applicant:</u> The Ministry of Public Administration and State Reform of Brazil (MARE) and the National School of Public Administration (ENAP) of Brazil. <u>Executor:</u> National School of Public Administration (ENAP)</p> <p><u>Objectives:</u> To provide an ample opportunity for discussion and reflection on state and government apparatus reform programs.</p> <p><u>Components:</u> The seminar was organized as a series of panel discussions, followed by a discussion session moderated by the host country minister. The experiences in judicial reform of Great Britain and New Zealand were presented as well as a comparative study on State reform trends in the region, a paper on changes in the model of state throughout the world and a report by the IBDR and the IDB on their experience in support of the implementation of State reform projects.</p>

<p>1996 REGIONAL</p>	<p><b><u>Judicial Education: Towards a Jurisprudence of Equality</u></b></p> <p><u>Total amount:</u> US\$ 0.750 m      <u>IDB contribution:</u> US\$ 0.650 m  Non-reimbursable technical cooperation  <u>Applicant:</u> Brazilian and Argentinean local chapters of the International Women Judges Foundation (IWJF).  <u>Executor:</u> BID and Local Chapters of the IWJF in Brazil and Argentina.</p> <p><u>Objectives:</u> To provide those involved in the administration of justice and/or judicial education with the knowledge and skills needed to apply international standards of human rights for women within their respective institutions.</p> <p><u>Components:</u> A program of workshops and seminars entitled Towards a Jurisprudence of Equality, aimed at judges, academics and other persons and institutions involved in the process of administering justice.</p>
<p>1997 REGIONAL</p>	<p><b><u>Globalization and Urban Justice</u></b></p> <p><u>Total amount:</u> US\$ 0.152 m      <u>IDB contribution:</u> US\$ 0.087 m  Non-reimbursable technical cooperation.  <u>Applicant:</u> Tribunal de Justicia del Estado de Río de Janeiro  <u>Executor:</u> Tribunal de Justicia del Estado de Río de Janeiro</p> <p><u>Objectives:</u> To examine methodologies, tools and systems used by urban courts throughout the hemisphere in developing best-practice models and action plans for confronting the challenges facing justice in urban areas.</p> <p><u>Components:</u> There are three main components to this program: (i) preparation of case studies by experts involved in innovations currently underway in urban courts; (ii) presentation of reports at a three-day workshop; (iii) preparation and publication of the workshop conclusions. The workshop topics relate to: access to justice, use of alternative dispute settlement methods, and administering information technology systems.</p>
<p>1997 REGIONAL</p>	<p><b><u>Fundamental Rights Education and Training Workshop</u></b></p> <p><u>Total Amount:</u> US\$ 0.250 m      <u>IDB contribution:</u> US\$ 0.150 m  Non-reimbursable technical cooperation  <u>Applicant:</u> IDB, OEA, Argentina  <u>Executor:</u> IDB and American University.</p> <p><u>Objectives:</u> To train judiciary officials from Latin America in the international instruments and legal obligations of the Inter-American system of fundamental rights in the countries of the Region.</p> <p><u>Components:</u> Prior to the training program, consultants prepare bilingual legal materials that include fundamentals of international protection mechanisms including their structure, function, and their standards for state responsibility in key areas of fundamental rights, domestic implementation of international fundamental rights obligations. Judges are trained in an intensive weeklong seminar and practicum format, conducted by practitioners and scholars in the field. Participants attend lectures at American University and the Inter-American Commission on Human Rights.</p>

<p>1997 REGIONAL CARIBBEAN</p>	<p><b><u>Study on Improvements of Justice System in the Caribbean</u></b></p> <p><u>Total Amount:</u> US\$ 0.055 m                      <u>IDB contribution:</u> US\$ m Non-reimbursable technical cooperation <u>Applicant:</u> IDB <u>Executor:</u> IDB</p> <p><u>Objectives:</u> To assess the current status of justice administration and judicial education in the Caribbean with a view to determining the technical assistance and other needs required to support the development of a modern judiciary which promotes principles of independence, impartiality, competence, efficiency and effectiveness. To assist in the establishment of the necessary institutional systems to improve the administration of justice.</p> <p><u>Components:</u> The Bank will hire consultants to undertake a comprehensive diagnostic of the justice administration and judicial education in the region and based on their findings develop an action plan. The diagnostic study will (a) inventory recent and ongoing technical assistance programs and their output, and identify key players in the sector (including NGOs public, private, local and grassroots organizations with the expertise and willingness to be part of a revitalized judicial system); (b) summarize the current judicial systems, including enumeration of resources; identify key obstacles hindering the efficient operation of the court system; assess current judicial education systems and programs; assess feasibility of establishing sustainable institutions and systems; and (c) consider interaction between national and regional bodies within the sector, resulting from policies, institutions and the regulatory framework. The action plan developed from the findings will provide a sense of priorities for proposed activities to be included in a technical assistance to be funded by the Bank with three subprograms: (a) improvement of court administration, (b) strengthening of judicial education, and (c) alternative dispute resolutions mechanisms.</p>
<p>1998 REGIONAL</p>	<p><b><u>Strengthening Access to Judiciary Systems</u></b></p> <p><u>Total amount:</u> US\$ 0.220 m                      <u>IDB contribution:</u> US\$ 0.200 m Non-reimbursable technical Cooperation <u>Applicant:</u> Bolivia, Ecuador, El Salvador, Guatemala, Haiti, Nicaragua and Dominican Republic <u>Executor:</u> Instituto Interamericano de Derechos Humanos</p> <p><u>Objectives:</u> Analysis of working experiences of public and private services of access to justice for the traditionally excluded sectors of the society, to orient the establishment of programs for the improvement of the access to justice.</p> <p><u>Components:</u> Analysis of obstacles impeding access to justice, identification of best practices among public and private services in the area of access to justice, preparation of lines of action according to those experiences, and organization of a regional forum about access to justice.</p>
<p>1999 REGIONAL</p>	<p><b><u>Funding for a Workshop on Strengthening the Inter-American System for the Protection of Human Rights</u></b></p> <p><u>Total amount:</u> US\$ 0.324 m                      <u>IDB contribution:</u> US\$ 0.100 m Non-reimbursable technical cooperation <u>Applicant:</u> Costa Rica <u>Executor:</u> Inter-American Court of Human Rights</p> <p><u>Objectives:</u> To built a consensus on reforming the regional system for the protection of human rights and to support efforts to review and strengthen it.</p> <p><u>Components:</u> A workshop will be held to design viable measures for reforming the regional system for the protection of human rights. The workshop will address the following topics: (i) the adjudicatory role of the Inter-American Court of Human Rights; (ii) issues related to the protection of individuals; (iii) advisory role of the Inter-American Court of Human Rights; (iv) access to the international judicial system; (v) implementation of the American Convention on Human Rights in the Caribbean; and (vi) strengthening the role of NGOs in the Inter-American system for the protection of human rights. Prior to the workshop, counterpart funds from the Spanish Agency for International Cooperation will be used to analyze the Inter-American System and to draw up recommendations to improve it. USAID will also contribute counterpart funds to the workshop.</p>

<p>2001 REGIONAL Guyana</p>	<p><b>Establishment of Caribbean Court of Justice</b></p> <p><u>Total amount:</u> US\$ 0.230 m                      <u>IDB contribution:</u> US\$ 0.230 m Non-reimbursable technical cooperation</p> <p>Executor: Guyana office, Caribbean Community (CARICOM)</p> <p><u>Objective:</u> To support CARICOM countries in making the Caribbean Court of Justice (CCJ) operational.</p> <p><u>Components:</u> To support the Preparatory Committee and CARICOM Secretariat in setting up the CCJ, through support in the selection process for judges and establishment of library and information systems; to implement a region-wide public education program to enhance public understanding of and support for the CCJ; to assist with drafting legislative instruments; and to carry out a judicial education program for judges and other court officials involved in the regional administration of justice.</p>
-------------------------------------	--

## CITIZEN SAFETY

### I. Loan Operations

<p>1998 COLOMBIA</p>	<p><b>Support of Peaceful Coexistence and Citizen Security</b></p> <p><u>Borrower</u>: The Republic of Colombia, the Capital District of Santafé de Bogotá and the Municipalities of Santiago de Cali and Medellín.</p> <p><u>Executing Agency</u>: National Planning Department (DNP); The Fondo Nacional de Desarrollo (National Development project Fund) (FONADE); The Capital District of Santafé de Bogotá; and the Municipalities of Medellín and Santiago de Cali.</p> <p><u>Total amount</u>: US\$ 95.6 m  <u>IDB contribution</u>: US\$ 57.0 m  <u>Co-financing</u>: Local Counterpart total: US\$ 95.6 m (Republic of Colombia: US\$ 14.0 m; Bogotá: US\$ 6.6 m; Medellín: US\$ 10.0m; Cali: US\$ 8.0 m)  <u>Financial terms</u>: Loan, with a 20 years amortization period, and a 48 months grace period, disbursed over 54 months.</p> <p><u>Objectives</u>: To reduce levels of violence and insecurity in several Colombian cities by strengthening efforts to prevent, counteract and control factors associated with criminal acts and violence.</p> <p><u>Components</u>: The program finances principally consulting services and some equipment for national and municipal institutions in two subprograms. A national subprogram will finance a series of initiatives to evaluate, develop, and consolidate a set of activities to be handled by national institutions: (a) development of a system to gather reliable and up-to-date data concerning the most representative incidents of crime in Colombia; (b) support for Ministry of Justice Programs to bring the judicial system closer to the people and develop alternative pre-judicial methods for the administration of justice; (c) research on such topics as the impact of legal action and of certain legislative acts, justice and gender, and the peaceable reintegration of young people into society; (d) development of a national communication strategy to prevent violence; and (e) support for curriculum development and police education programs to improve relations between the police and the communities they serve. Three additional components promote the exchange of experience among cities, evaluate results, support cities which cannot receive direct loans from the Bank and promote, administer and monitor the project. The municipal subprograms will support actions which may be new initiatives or successful experiences already undertaken in the following generic categories: (a) establishment of local crime reporting stations; (b) programs to improve access to justice; (c) programs targeting youths; (d) educational programs for the general public such as peaceful dispute resolution, arms control, etc. ; (e) police education programs to improve relations with community, foster respect for human rights; (f) citizens watch programs; and (g) institutional strengthening of government departments.</p>
--------------------------	---

<p>1998 URUGUAY</p>	<p><b>Program for Citizen Safety: Crime and Violence Prevention</b></p> <p><u>Borrower:</u> Eastern Republic of Uruguay <u>Executing Agency:</u> Ministry of the Interior.</p> <p><u>Total amount:</u> US\$ 25.0 m <u>IDB contribution:</u> US\$ 17.5 m <u>Co-financing</u> local counterpart funding US\$ 7.5 m <u>Financial terms:</u> loan with a 20 years amortization period, and a 5 years grace period, disbursed over 4.5 years.</p> <p><u>Objectives:</u> To prevent and deal with interpersonal violence and to reduce the perception of insecurity in Uruguay.</p> <p><u>Components:</u> The project is divided into three subprograms: 1) Building Institutional Capacity. Establish an institutional base from which to expand capacity to design and implement policies and programs concerned with crime and violence, as part of a multisector strategy that will bring civil society organizations into the process. It will finance technical assistance for the institutional development of (a) Dirección Nacional de Prevención del Delito [National Department of Crime Prevention] (DNPD) and other key agencies; (b) Prevention policing and (c) domestic violence prevention and assistance. 2) Young People as Prevention Agents. To lay the groundwork for developing a sound culture of violence prevention, recognizing that early intervention through preventive activities is more cost effective and produces a greater impact. It will finance two subcomponents: a) Training and instruction program for Young people in high-risks areas; and b) National Juvenile rehabilitation Center. Implementation of a Half-way house and the design of a model for services for the inmate population to make it easier for offenders to reintegrate effectively into society. 3) Community Crime Prevention initiatives. It will setup two Pilot Prevention centers (PPC) and a fund for Local Crime Prevention Activities, to encourage civil society to become actively involved in crime prevention.</p>
-------------------------	--

## II. Non- Reimbursable Technical Cooperation

<p>1998 GUATEMALA</p>	<p><b>Study on Costs and Magnitude of Violence</b></p> <p>Total amount: US\$ .120 m                      IDB contribution: .120 m Non-reimbursable technical cooperation Applicant: Guatemala Executor: CIEN</p>
<p>1999 COSTA RICA</p>	<p><b>Justice Centers and Citizen Safety</b></p> <p><u>Total amount:</u> US\$ 0.240 m                      <u>IDB contribution:</u> US\$ 0.075 m Non-reimbursable technical cooperation <u>Applicant:</u> Costa Rica <u>Executor:</u> Ministry of Justice</p> <p><u>Objectives:</u> To support the Government of Costa Rica's strategy to a) promote the utilization of non-violent measures as a way to resolve community and individual conflicts; b) provide alternative mechanisms to the formal justice sector for conflict resolution; and c) develop the institutional capacity within the community for duplicating mediation and arbitration centers.</p> <p><u>Components:</u> The program will establish Justice Center, a pilot program in a representative municipality that will promote and provide low cost and accessible citizen conflict resolution. The program has the following sub-components: (a) institutional design of the center, studies that will include organizational and staffing assessment, as well as the informational and statistical requirements for the center; (b) design and execution of mediation and arbitration courses, as well as the preparation of training material and videos as well as publicity brochures; (c) Financing the hiring of the director and staff of the center; and (d) financing the evaluation, lessons learned and the replicability of the center.</p>

<p>1999 COSTA RICA</p>	<p><b>Violence and Crime Prevention</b></p> <p><u>Total amount:</u> US\$ 0.066 m                      <u>IDB contribution:</u> US\$ 0.054 m  Non-reimbursable technical cooperation  <u>Applicant:</u> Costa Rica  <u>Executor:</u> Ministry of Justice</p> <p><u>Objectives:</u> To provide the informational and analytical bases for supporting the policy framework, strategy and action plan of the governmental authorities and civil society in the area of crime reduction.</p> <p><u>Components:</u> The project will fund consulting services that will: (a) identify institutional data sources and gather statistics with respect to crime and violence, identifying the legal and policy framework as well as ongoing governmental and civil society initiatives that impact on this issue; (b) develop a preliminary proposal to be presented to the Ministries of Justice and National Security as well as the Commission for Crime and Violence Prevention – the study will include an assessment, strategies that identify timetables, costs and priorities for governmental actions; (c) discussions and workshops with the authorities and civil society, to develop the final proposal; and (d) discussion of the final outcome of the report with the bank and other possible donors.</p>
<p>2000 Nicaragua</p>	<p><b>Family Violence Treatment and Prevention</b></p> <p><u>Total amount:</u> US\$ 0.150 m                      <u>IDB contribution:</u> US\$ 0.150 m  Non-reimbursable technical cooperation</p>
<p>2000 Peru</p>	<p><b>Program for Reduction of Family Violence</b></p> <p><u>Total amount:</u> US\$ 0.400 m                      <u>IDB contribution:</u> US\$ 0.400 m  Non-reimbursable technical cooperation</p>
<p>2000 EL SALVADOR</p>	<p><b>School Violence Reduction</b></p> <p><u>Total amount:</u> US\$ 0.0125 m                      <u>IDB contribution:</u> US\$ 0.0125 m  Non-reimbursable technical cooperation</p>

**Regional**

<p>1996 REGIONAL</p>	<p><b>Domestic Violence Against Women</b></p> <p><u>Total amount:</u> US\$ 0.150 m                      <u>IDB contribution:</u> US\$ 0.150 m  Non-reimbursable technical cooperation</p>
<p>1996 REGIONAL</p>	<p><b>Violence Against Women Program</b></p> <p><u>Total amount:</u> US\$ 2.875 m                      <u>IDB contribution:</u> US\$ 2.875 m  Non-reimbursable technical cooperation</p>



<p>199 9 RE GIO NA L</p>	<p><b>Support for Prevention of Violence: National Prevention Plans and Mayor's Network</b></p> <p><u>Total amount:</u> US\$ 0.350 m                      <u>IDB contribution:</u> US\$ 0.300 m  Non-reimbursable technical cooperation  <u>Applicant:</u> LAC countries with violence-related problems  <u>Executor:</u> IDB</p> <p><u>Objectives:</u> To support efforts to prevent urban violence in the countries of the region.</p> <p><u>Components:</u> The following activities will be financed: (1) support for the development of working plans for violence prevention in three countries (Chile and two C/D countries to be selected) through a) preparation of a diagnostic study on the magnitude and cost of violence in each country; b) survey and description of existing programs in each country for combating social and domestic violence; and c) establishment of a consulting group to review these documents and refine national violence-prevention strategies, and prepare draft working plans for reduction of violence in the respective country; and (2) support for networks of mayors in Latin America and the Caribbean for the identification, systematization and information of successful practices to reduce violence at the municipal level. The component will also provide support for setting up a web page and the creation of a database on the levels and features of violence in the region.</p>
<p>1999 REGIONAL</p>	<p><b>Program for Decentralization and Effective Citizen Participation.</b></p> <p><u>Total amount:</u> US\$ 0.665 m                      <u>IDB contribution:</u> US\$ 0.605 m  Non-reimbursable technical cooperation  <u>Applicant:</u> IDB  <u>Executor:</u> IDB</p> <p><u>Objectives:</u> To identify the links between decentralization and increased citizen participation, bringing government closer to constituents so it will be more responsive to their needs.</p> <p><u>Components:</u> The program works with borrowing member countries to produce six case studies which illustrate the conditions under which civil society has been able to successfully organize and improve community effectiveness and equity in a decentralized setting. The studies will include: (a) health/education studies in Guatemala and Jamaica; (b) social development policy in Peru and Bolivia; and (c) civil rights in Costa Rica (ability of local authorities to partner with communities to enhance personal safety) and Nicaragua (ability of women to organize at the national and local levels to promote legislation that address domestic violence).</p>
<p>2000 REGIONAL</p>	<p><b>Violence Prevention and Civil Society Participation</b></p> <p>Total amount: US\$ .145 m                      IDB contribution: US\$ .145 m  Non-reimbursable technical cooperation  Applicant:  Executor: FCARGAJAL</p>

## **ANNEX B**

### **OUTLINE OF POTENTIAL ISSUES FOR CONSIDERATION IN COUNTRY DIAGNOSTICS**

#### **I. Public safety and security of persons**

- A. Incidence of crime and violence
- B. Institutions providing for public safety operating effectively?
  - 1. Public safety policy formulation
  - 2. Prosecutors
  - 3. Police
  - 4. Courts
  - 5. Public defenders
  - 6. Penitentiary system and rehabilitation programs
  - 7. Citizen participation in public safety programs
- C. Institutions responsible for public safety respect human rights?

#### **II. Reliability of contracts and security of property rights**

- A. Contracts/ property rights enforced through court decisions?
- B. Incidence of corruption in contract/property rights enforcement process?
- C. Fair and efficient decision-making processes for actions such as foreclosure?

#### **III. Laws and regulations**

- A. Content of laws and regulations: clear and technically sound?
- B. Accessibility and distribution of laws and regulations
- C. Drafting processes
  - 1. Drafters' technical expertise and access to information
  - 2. Coordination among public regulatory entities in drafting laws and regulations.
  - 3. Drafting process that permits comments/input from other state agencies, from affected individuals and entities, and from the general public.

#### **IV. Effective judiciary:**

**A. Independence and public accountability of the judiciary**

1. Administrative independence

Does the system for selecting judges ensure that judges are appointed according to merit rather than party affiliation or political loyalty? Judicial selection, evaluation, promotion and discipline system merit-based? Judges able to deliberate about and decide cases without fear of undue pressure from outside sources, and with the knowledge that they will be evaluated and promoted according to the merit of their decision-making process, rather than with the popularity of their decisions among any particular political or economic constituencies?

Judiciary professionally managed, and thus relatively impervious to interference in managerial affairs? Judiciary able to negotiate and collaborate with other justice system institutions from executive or legislative power?

2. Financial independence

Does the judiciary have financial resources sufficient to cover operative costs of the judicial power? Is the judiciary able to generate, defend and oversee a budget for its activities? Is the judiciary able to represent itself and its needs to the decision-makers, and win adequate resources for the judicial process?

3. Transparency and accountability of judiciary to the public

Does the judiciary inform the community about its programs and procedures? Is there accountability for the use of resources, good auditing practices? What is the level of public trust and confidence in the judiciary? Is there a system that permits parties to lodge complaints for unethical practices against judges and court staff? What is the disciplinary system for judges, lawyers and court staff?.

**B. Impartiality, equality, fairness of judicial process**

Are like cases decided alike? Are cases decided on the basis of merits of case itself, without regard to external factors?

**C. Broad access to justice**

1. Are courts convenient to citizens?: number and location of courthouses, hours of operation, accessibility of court records.
2. Are court processes within reach of most citizens?: cost of filing and pursuing a court case, length of process, language (availability of translation), transparency of proceedings. Are there streamlined procedures for small or simple cases? Are alternative dispute resolution processes available (mediation, arbitration, conciliation by justices of the peace)?

3. Is adequate legal aid available in civil cases, and public defenders in criminal cases?
4. Are citizens educated about their legal rights and responsibilities? (Civic education programs.)
5. Quality and abilities of private bar.

**D. Timeliness in rendering judicial service**

1. Average length of civil and criminal proceedings.
2. Case backlogs
3. Case management system.

**V. Citizen confidence in the justice system.**

- A. Content of law thought to be reasonably good?
- B. Citizens feel they can seek resolution of disputes or redress injuries?
- C. Judges respected?
- D. Sense that litigants treated fairly?
- E. Police seen as effective in combating crime and respectful of human rights?
- F. Population has respect for laws, generally law-abiding?

**VI. Sectoral coordination**

- A. Is there a cross-agency justice sector strategy?
- B. Are there coordination mechanisms in place among justice sector institutions?
- C. Are information systems compatible and accessible across institutions of the sector?

**VII. Capacity for change.**

- A. Does a consensus for change exist? Changes desired and constituencies (actual and potential) supporting them.
- B. Institutional capacity for and willingness to change.
- C. What modernization projects are underway? What projects have been carried out in the past? What has been the role of international donors in the sector?