

## GLOBALIZATION AND URBAN JUSTICE

(TC-97-08-09-03-RG)

### EXECUTIVE SUMMARY

**REQUESTER:** Court of Justice of the State of Rio de Janeiro

**EXECUTING AGENCY:** Court of Justice of the State of Rio de Janeiro, through its Secretariat of Planning, Coordination and Finance

**BENEFICIARIES:** Court systems of major urban centers in Latin America and the Caribbean

**FINANCING:**

IDB (FSO local currency of Brazil):	US\$ 87,000
Local counterpart funding:	US\$ 65,000
Total:	US\$152,000

**TERMS:**

Execution period:	7 months
Disbursement period:	12 months

**CESI:** The plan of operations was submitted for consideration by the Committee on Environmental and Social Impact on October 1, 1997.

**OBJECTIVES:** The principal objective of this technical cooperation is to review methodologies, tools and systems employed by urban court systems of the hemisphere in order to develop models and action plans that incorporate best practices for dealing with the challenges confronting urban court systems. A secondary objective is to forge a partnership and network among judiciaries in major urban centers for exchange of information on issues of justice administration.

**DESCRIPTION:** For each of three major thematic modules to be subject of discussion during a workshop, the following activities will be carried out:

- preparation of case studies by invited experts on state-of-the-art solutions being used by urban courts in the relevant thematic area;
- presentation and discussion of the reports during a workshop to be held over the course of three days in Rio de Janeiro in November of 1997; and

- preparation and publication of the conclusions reached by workshop participants with respect to the experts' reports for each of the topics addressed. These conclusions will include models for program development based on best practices for dealing with the new challenges in each area.

The thematic areas are: (i) assuring access to justice for a growing and disparate urban population (including juvenile justice, simplification of court procedures, the notion of viewing the citizen as a consumer of justice, etc.); (ii) use of alternative dispute resolution programs (including mediation and the establishment of small claims courts) to increase the efficiency and equity of justice; and (iii) management of technological and information support systems that facilitate increased effectiveness of and access to justice.

**BENEFITS:**

This operation will permit judiciaries to work together to delineate strategies and define models to help court systems to respond to the emerging challenges facing justice systems in urban areas of Latin America and the Caribbean. The Bank, too, will be able to use the models and action plans developed by this operation in its work on the design of justice reform projects in urban areas. Bank-financed seminars and research in related areas -- such as urban violence, domestic violence, corruption -- show that justice systems in different geographic areas sometimes face similar problems, to which common solutions may be appropriate. Highly populated urban areas in Latin America and the Caribbean present an example of problems shared across national boundaries. This proposal provides the Bank with an opportunity to help justice systems of its member countries to develop models for reform that can be adapted to work in more than one location, and that can thus begin to shape some priority areas for future justice reform in Latin America and the Caribbean.

**RISKS:**

The major execution risks faced by this operation are presented by a tight timetable for execution, and by the need to secure participation of those court officials who actually work on the issues to be addressed by the operation, and in addition are willing to dedicate time to work on models for justice reform in these areas. The Bank and the executing agency will work together to formulate a list of experts and participants willing and able to carry out these responsibilities.

**THE BANK'S  
COUNTRY STRATEGY:**

Based on the Eighth General Increase in Resources, the Bank has assumed a role in strengthening and consolidating democratic governance in the countries of Latin America and the Caribbean. Within this framework, the Bank is designing programs to strengthen justice systems and increase access to justice in its borrowing member countries. The Bank can play an important role in encouraging and assisting Latin American and Caribbean justice systems to identify problems which are shared across national borders, to determine the most successful approaches to address those problems, and to develop some models and best practices for dealing with shared challenges.

**SPECIAL  
CONTRACTUAL  
CONDITIONS:**

Due to the nature of the project, 34% (US\$51,100) would be advanced to cover the costs of the following items: i) tickets and per diem for the consultants to present case studies and to author project models and plans of action (\$35,100); ii) editing, translating, and distribution of case study documents to be presented at the workshop (\$6,000); and iii) simultaneous translation during the workshop (\$10,000).

The executing agency will present to the Bank, within two months of the final disbursement, a brief financial report detailing the payments made with the Bank's contribution, in accordance with the detailed project budget.

**RESPONSIBILITIES:**

Technical: DPP/SCS; basic: INT/RTC. The Bank's Country Office in Brazil will be responsible for the project's administration and supervision.

## I. BACKGROUND

- 1.1 The IDB initiated its work in support of the modernization of justice systems in Latin America and the Caribbean with a region-wide Conference on Justice and Development held in Costa Rica in 1993. 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, and helped to coalesce interest on this topic in borrowing countries.
- 1.2 Since the conference, nine loans and technical cooperation operations for justice reform have been approved, 1/ Multi-lateral Investment Fund grants for alternative commercial dispute resolution projects have been approved in seven countries, 2/ a second Conference on Justice and Development was held in Montevideo, and the Bank is supervising best practice research to identify experiences from outside the region that may be useful in guiding the content of reform in particular areas of court administration and the judicial process in Latin America and the Caribbean. 3/
- 1.3 The content of IDB-financed justice projects has changed and evolved since the first project was approved in 1994, as the Bank seeks to help develop responses that are appropriate to the specific local realities of each borrowing country. Though justice projects must be responsive to local environments, Bank-financed seminars and research in related areas -- such as urban violence, domestic violence, corruption -- show that justice systems in different geographic areas sometimes face very similar types of problems, to which common solutions may be appropriate. Thus, justice systems in Latin America and the Caribbean would benefit by the identification of methodologies and tools for reform that could be adapted to apply to more than one setting. The Bank can play an important role in encouraging and assisting Latin American and Caribbean justice systems to identify problems which are shared across national borders, to determine the most successful approaches to address those problems, and to develop some models and best practices for dealing with shared challenges.
- 1.4 Highly populated urban areas in Latin America and the Caribbean present an example of problems shared across national boundaries. These areas are facing new challenges brought about by changing domestic conditions, and the effects of the external forces of a global economy. In turn, these challenges have a tremendous impact on the administration of justice in urban areas. For instance: greater numbers of people are moving to cities, creating not only more demand for urban court services, but also creating new types

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1/Operations approved in Colombia, Costa Rica, the Dominican Republic, El Salvador, Honduras, Nicaragua and Paraguay, in addition to two regional cooperation technical operations.

2/Colombia, Costa Rica, El Salvador, Honduras, Panama, Peru and Uruguay.

3/Judicial Reform Best Practice Review Program, ATN/SF-5222-RG.

of conflicts caused by the close proximity of people of strikingly varying ethnic, economic and social backgrounds; cities are faced with increasing juvenile delinquency, resulting in part from growing numbers of poor and young residents in cities, and in part from high unemployment among youth due to changing educational requirements for workers in a global economy; the internationalization of crime has increased criminal court caseloads (in areas such as drug trafficking and money laundering) in centralized "hub" cities throughout the continent; and increased democratization has encouraged more individuals to exercise their rights as citizens and utilize court services.

- 1.5 While these social phenomena present challenges to urban justice systems, globalization also means that new methods and enhanced technologies for storing, managing and exchanging information, domestically and transnationally, can assist court systems to better serve their clients and to learn from one another regarding how to more equitably and expeditiously deliver justice to their citizens.
- 1.6 The court system of the State of Rio de Janeiro has been grappling in innovative ways with some of the challenges facing urban justice systems by using new technological and managerial tools to deal with old and new problems. The court system has used technological innovation to transform the juvenile court; has established small claims courts with simplified procedures, flexible hours, and a physical presence in inner-city neighborhoods and remote rural areas that the formal justice system has not traditionally reached; has outsourced computerization of court archives (records are now available within 72 hours of every request, down from an average time of 45 days); and has initiated a training program for court administrative personnel and judges in strategic planning, management of information systems, court administration, and management of mediation and pro se litigation.
- 1.7 The Rio de Janeiro court system demonstrates that high technology can go a long way toward meeting the need to meticulously maintain and expeditiously make available court records, place abandoned children and juvenile offenders in appropriate settings for their care, increase the ability of the court system to interact intelligently with non-profit organizations and state agencies involved in social and justice issues, and bring the face of justice to places traditionally too far away and to people traditionally too poor to have had access to it.
- 1.8 The Court of Justice of the State of Rio de Janeiro seeks to initiate a dialogue with representatives of justice systems from other major urban centers of the Americas and the Caribbean (Kingston, Mexico City, Los Angeles, Buenos Aires, Caracas, Sao Paulo, etc.), as well as centers from outside of the region, all experts on urban justice themes, to review techniques used by their courts to deal with the challenges facing urban justice systems, and to generate models for successful approaches to these

challenges. This proposal provides the Bank with an opportunity to help justice systems of its member countries to develop models for reform that can be adapted to work in more than one location, and that can thus begin to shape some priority areas for future justice reform in Latin America and the Caribbean.

## II. OBJECTIVES

- 2.1 The principal objective of this technical cooperation is to review methodologies, tools and systems employed by urban court systems of the hemisphere in order to develop models and action plans that incorporate best practices for dealing with the challenges confronting urban court systems. A secondary objective is to forge a partnership and network among judiciaries in major urban centers for exchange of information on issues of justice administration.

## III. DESCRIPTION

### A. Activities

- 3.1 For each of three major thematic modules, the following activities will be carried out:
  1. preparation of reports by invited experts on state-of-the-art solutions being used by urban courts in the relevant thematic area (an executive summary of these reports will be circulated prior to the workshop; the full reports will be among the documents published after conclusion of the workshop);
  2. presentation and discussion of the reports during a workshop to be held from November 11 through 14, 1997, in Rio de Janeiro; and
  3. preparation and publication of the conclusions reached by workshop participants with respect to the experts' reports for each of the topics addressed. These conclusions will include models for program development based on best practices for dealing with the new challenges in each area.

In addition, workshop participants will discuss what form a network for exchange of information among judiciaries in major urban centers should take, and devise a plan for its implementation.

### B. Thematic modules

- 3.2 Research, workshop discussions and post-workshop publications will focus on three major themes, all of which address the need for urban justice systems to react to urban challenges in a way that promotes the fundamental rights of citizens, improves the legal order and guarantees equitable treatment of citizens: (i) assuring access to justice for a growing and disparate urban

population (including juvenile justice, simplification of court procedures, the notion of viewing the citizen as a consumer of justice, etc.); (ii) use of alternative dispute resolution programs (including mediation and the establishment of small claims courts) to increase the efficiency and equity of justice; and (iii) management of technological and information support systems that facilitate increased effectiveness of and access to justice.

- 3.3 These thematic areas, and the case studies to be presented with respect to each of them, are set forth in the Preliminary Agenda presented in Annex I hereto.
- 3.4 The experts' reports and participants' discussions will bring to bear expertise and innovative solutions being used by the court systems represented at the workshop. For instance, participants from Mexico will have first-hand experience of the decentralized justice centers recently opened in large urban centers across Mexico. Participants from the United States will have experience in designing and implementing alternative dispute resolution centers that have been quite successful in several U.S. urban courts. Brazilian participants will be able to discuss their use of technology such as the Internet to increase the efficiency of and access to justice. In addition, research the Bank has financed in identifying model practices in judicial reform from outside Latin America and the Caribbean will be circulated prior to the workshop and used to inform workshop discussions.

C. Responsibilities of Participants

- 3.5 The proposed three-day interactive workshop, to take place in November of 1997, would be attended by approximately 40 judges and court administrators who are directly involved with judicial modernization activities relevant to the themes to be discussed (for instance, judges and justice sector officials working on decreasing the incidence of youth gangs, improving access to justice for marginalized urban populations, etc.).
- 3.6 Twelve of the participants have been selected as experts to write up and present case studies at the workshop on specific topics relating to access to justice or alternative dispute resolution. These case study presenters will be required to submit an executive summary of their reports prior to the workshop, and to submit a full report within 45 days of the close of the workshop. Six of the participants will be responsible for preparing written conclusions resulting from working group discussions of the case studies. These conclusions will include proposed program models and action plans for the topic assigned. All participants will be assigned to working groups which will be established for each of the three thematic modules.

D. Organization and Execution

- 3.7 The Secretariat of Planning, Coordination and Finance of the Court of Justice of the State of Rio de Janeiro will be the executing agency of the project. This Secretariat has assembled a team to work exclusively on organizing the workshop. The team includes an expert on international affairs with experience in organizing conferences. This team will serve as the Bank's counterpart in the planning and execution of the workshop, and in the oversight of the preparation and publication of models and action plans.
- 3.8 The selection of participants and experts is being made by the executing agency in consultation with the Bank (DPP/SCS), and executive summaries of the experts' reports, to be presented at the workshop, are in preparation. The executing agency will oversee the post-workshop preparation of the case studies and workshop results, and present these for Bank approval prior to their publication.
- 3.9 The executing agency has reduced costs of the operation by asking court officials who are working directly on projects that appear to represent best practices in countries from around the region, to write up and present case studies of those projects. As a result, honoraria will not be paid to these experts. The authors of proposed model projects and program action plans, too, will be public sector officials working directly on the issues involved in their countries. Because these reports will be written by volunteers, funding is included in the project for "document compilation and editing," so that the executing agency can hire short-term assistance, if necessary, to edit the reports submitted and put them into standard format.
- 3.10 Due to the nature of the project, 34% (US\$51,100) would be advanced to cover the costs of the following items: i) tickets and per diem for the experts to present case studies and to author project models and plans of action (\$35,100); ii) editing, translating, and distribution of case study documents to be presented at the workshop (\$6,000); and iii) simultaneous translation during the workshop (\$10,000).
- 3.11 The workshop itself will have a duration of three and one-half days, after which it will take approximately four months to compile, edit and translate experts' case studies and workshop conclusions, and approximately three additional months for printing and distribution. The term for execution would thus be seven months, and the disbursement term one year, both from the date of signature of the agreement between the Bank and the executing agency.



E. Reports and Follow-up

- 3.12 The Bank through DPP/SCS will be responsible for reviewing the papers produced for the workshop prior to their inclusion in the final conference publication.
- 3.13 At the same time as it presents the final conference publication for Bank review, the executing agency will present a final report on the workshop results to the Bank for its approval. The executing agency will also present to the Bank, within two months of the final disbursement, a brief financial report detailing the payments made with the Bank's contribution, in accordance with the detailed project budget.

F. Costs and Financing

- 3.14 The total estimated cost of the technical cooperation is \$152,000, of which \$87,000 will be financed by the Bank from local currency resources of the FSO, and \$65,000 by local counterpart resources. The budget summary by project component follows:

Budget Summary by Component 4/

COMPONENT	IDB	LOCAL
I. Preparation of pre-workshop texts and post-workshop papers and action plans. Editing, translation, printing and distribution costs, as well as travel expense of 12 case study presenters and 6 authors of post-workshop papers.	\$ 27,000 \$ 35,100	
II. Conference participants. Travel and per diem of participants for borrower member countries		\$ 49,468
III. Administration and coordination of workshop. Interpretation services, administrative supervision, security, etc.	\$ 14,900	\$ 15,532
IV. Contingencies.	\$ 10,000	
TOTAL	\$ 87,000	\$ 65,000

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4/A detailed budget is available from DPP/SCS upon request.

#### IV. BENEFITS AND RISKS

- 4.1 This operation will permit judiciaries of the region to work together to delineate strategies and define models which will permit court systems to respond to the emerging challenges facing the justice system in urban areas of Latin America and the Caribbean.
- 4.2 The operation proposed will have an impact on justice reform in Latin America and the Caribbean only insofar as court systems in the region implement the models and action plans formulated under the aegis of this operation. To the extent that the themes of this operation address difficult problems which are currently very real to urban justice systems, it seems unlikely that models for implementable solutions to such problems would go unused. It seems certain that models developed by the project would have impact on justice in Brazil: the Court of Justice of the State of Rio de Janeiro is willing to invest counterpart resources in the proposed operation because it intends to use the workshop as a method of receiving feedback on its planned modernization and as a source of new ideas for improving the effectiveness, equity and accessibility of the Rio court system. The Bank, too, will be able to use the models and action plans developed by this operation in its work on the design of justice reform projects in urban areas.
- 4.3 The major execution risks faced by this operation are presented by a tight timetable for execution, and by the need to secure participation of those court officials who actually work on the issues to be addressed by the operation, and in addition are willing to dedicate time to work on models for justice reform in these areas. The Bank and the Court of Justice of the State of Rio de Janeiro are working together to formulate a list of experts and participants willing and able to carry out these responsibilities.

#### V. EVALUATION

- 5.1 The Bank will evaluate the recommendations and analyze the results of the workshop in order to incorporate them in the design of Bank programs to help borrowing member countries in urban justice projects. The Bank and its member countries will test the workshop's intellectual and practical input in the design of future justice projects.

**PRELIMINARY AGENDA**

Workshop:  
Globalization and Urban Justice

**Day 1: ALTERNATIVE FORMS OF DISPUTE RESOLUTION**

9:00 hs. Introduction to the topic and presentation of case study authors

9:10 First Presentation: Small Claims Conciliation Courts

9:50 Discussion

10:30 Break

10:45 Second Presentation: Mediation at the Trial Court Level

11:20 Discussion

12:00 Lunch

14:30 Third Presentation: Conciliation and Peer Group Decisions in Juvenile Courts

15:10 Discussion

16:00 Break

16:15 Opening of the Working Group

17:00 Coffee Break

18:00 Closing of the Working Group: presentation of working group conclusions

**Day 2: EFFECTIVE ACCESS TO JUSTICE, Part I: Attention and Assistance to Parties before the Court**

9:00 hs. Introduction to the topic and presentation of the case study authors

9:10 First Presentation: "Special Justice" Courts

9:50 Discussion

10:30 Break

10:45 Presentation: Decentralized Justice Centers in Urban Areas

11:20 Discussion

12:00 Lunch

ANNEX I

2 of 2

14:30      Presentation: Collaboration among Judges, Public Defenders and Legal Assistance Providers

15:10      Discussion

16:00      Break

16:15      Opening of the Working Group

17:00      Coffee Break

18:00      Closing of the Working Group: presentation of working group conclusions

**Day 3:      EFFECTIVE ACCESS TO JUSTICE, Part 2: Management of human and material resources**

9:00 hs.    Introduction to the topic and presentation of case study authors

9:10      First Presentation: Informatics as Innovation

9:50      Discussion

10:30      Break

10:45      Second Presentation: Court Collaboration with Civil Society Organizations

11:20      Discussion

12:00      Lunch

14:30      Presentation: Judicial Independence - in decisions rendered, budget and administration

15:10      Discussion

16:00      Break

16:15      Opening of the Working Group

17:00      Coffee Break

18:00      Closing of the Working Group: presentation of working group conclusions

**Day 4: CONCLUSIONS**

11:30 Closing Remarks

President of the Court of Justice of the State of Rio de Janeiro

PROPOSED RESOLUTION

REGIONAL. NONREIMBURSABLE TECHNICAL COOPERATION  
FOR A GLOBALIZATION AND URBAN JUSTICE PROGRAM

The Board of Executive Directors

RESOLVES:

1. That the President of the Bank, or such representative as he shall designate, is authorized, in the name and on behalf of the Bank, to enter into such agreements as may be necessary with the Secretariat of Planning, Coordination and Finance of the Court of Justice of the State of Rio de Janeiro, and to adopt such other measures as may be pertinent for the execution of the plan of operations referred to in Document AT-\_\_\_\_\_, with respect to a nonreimbursable technical cooperation for a Globalization and Urban Justice Program.
2. That up to the equivalent of US\$87,000 in reais, is authorized for the purposes of this resolution, chargeable to the net income of the Fund for Special Operations.
3. That the above-mentioned sum is to be provided on a nonreimbursable basis.