

PROGRAM TO MODERNIZE THE ADMINISTRATION OF JUSTICE

(CO-0036)

EXECUTIVE SUMMARY

BORROWER: Republic of Colombia

EXECUTING AGENCY: Fiscalía General de la Nación [Office of the Attorney General] (FGN)

MODALITY: Reimbursable technical-cooperation funding

AMOUNT AND SOURCE:

IDB:	US\$ 9.4 million (OC)
Local contribution:	US\$ 6.3 million
Total:	US\$15.7 million

FINANCIAL TERMS AND CONDITIONS:

Amortization period:	20 years
Disbursement period:	4 years
Interest rate:	variable
Inspection and supervision:	1%
Credit fee:	0.75%

OBJECTIVES: The object of the program is to provide the FGN with an adequate institutional basis that will enable: (a) improvement of its administrative, investigative, and technical efficiency through strengthening of its staff's demand-driven technical and strategic management capacity and application of statistics and computerized tools that will facilitate implementation of efficient management evaluation systems; (b) formulation of medium and long-term policies to ensure FGN participation in the shaping of a State criminal policy; and (c) establishment of criteria for selection and allocation of resources in physical infrastructure.

DESCRIPTION: To accomplish these objectives, the program envisages: (a) an institutional strengthening component focused on improvement of administrative, investigative, and judicial procedures, and including a system of continuous operation evaluation that will set the foundations for ensuring an adequate functional structure over time; (b) a training component aimed at devising a comprehensive plan that will serve as technical and strategic support for the management actions carried out and to facilitate performance of the FGN's mission; and (c) a component for development of a State criminal justice policy and of an infrastructure investment plan that will provide guidance for the medium and long-term actions that

the FGN will work closely with the federal government in these areas.

**ENVIRONMENTAL
CLASSIFICATION:**

At its meeting of April 19, 1994, the Environmental Management Committee classified this as a Category II operation.

BENEFITS:

The main benefit of the program will be to help reduce the number of violations of the law that go unpunished, a major problem in Colombia, that is affecting both the country's economic growth and the credibility of the democratic process. In particular, the proposed program would provide the FGN with a functional structure that would enable it to perform its role efficiently in accordance with the Constitution and the citizen's expectations. The proposed program is an initial phase of a series of actions aimed at reforming the judicial system and gradually reduce the present congestion in the courts.

RISKS:

The main risks of this operation are connected with: (a) the sustainability of the actions carried out by the FGN in this program under a future administration; (b) the FGN's ability to assimilate and implement in a timely fashion the actions proposed in the program; and (c) whether the FGN's technical and management staff identify with the program and their commitment to it.

To lessen these risks, the Bank has assisted the FGN in the holding of various internal workshops designed to identify and prioritize the needs that its technical and management staff consider most pressing and critical for improving its operation. Similarly, FGN technical teams and specialized consultants have participated actively in the design and preparation of the proposed operation. The ongoing participation of the FGN technical teams and of the consultants to be retained for the program will ensure that its Executing Unit has sufficient technical support to be able to perform the functions assigned to it. In addition, the design of the program and its timetable are set up in such a way as to ensure right from the start of implementation that the necessary foundations are set for its sustainability over time and for handling the pressing tasks assigned to the FGN.

**THE BANK'S
COUNTRY AND
SECTOR STRATEGY:**

The Bank's strategy in Colombia, as defined in the country paper approved in August 1995, emphasizes the need for and importance of Bank support in modernization of the State. The country paper notes the importance of this operation for continued support to

upgrade the efficiency of the public institutions, in this case the judicial branch.

The proposed program, which has the government's full support, has been specially designed to help resolve the most critical problems identified and prioritized by the FGN itself. The Bank's assistance and financing is considered fundamental and catalytic for the design and execution of the program.

**TARGETING OF
LOW-INCOME
GROUPS:**

In accordance with the provisions of the Eighth Replenishment document (AB-1704), it has been determined that the requirements concerning targeting of low-income groups are not applicable to the proposed program.

**PROCUREMENT
AND CONSULTING
SERVICES:**

The program will not involve any construction works. International competitive bidding will be mandatory for all contracts valued at US\$350,000 or more in the case of goods and US\$200,000 or more in the case of consulting services. International competitive bidding will also be used in awarding all contracts for courses, workshops, and training support services. To this end, packages of courses, workshops, and training support services will be prepared as needed in order to encourage local and international firms to take part in the bidding.

**SPECIAL
CONTRACTUAL
CONDITIONS:**

Before the first disbursement of the financing, the following documents are to be submitted:

- a. the subsidiary agreement, under which the borrower will transfer the proceeds of the financing to the Office of the Attorney General (paragraph 3.1);
- b. evidence that the program Executing Unit has been formed, in accordance with the terms agreed with the Bank (paragraphs 3.10 and 3.14);
- c. the plan of operations for the first year of implementation of the program, together with the timetable for the program, in accordance with the terms agreed with the Bank (paragraph 3.21);
- d. evidence that the management committee has been set up to coordinate the general thrust of the program, as agreed with the Bank (paragraph 3.8); and
- e. evidence that a special account has been opened with Banco de la República for management of the program funds (paragraph 3.15).

Other contractual conditions:

- a. Six months after the effective date of the contract, and throughout the program, the six-monthly monitoring reports shall be submitted in accordance with the terms agreed with the Bank (paragraph 3.27);
- b. twelve months from the effective date of the contract, the initial baseline data needed for compiling program data and the applicable methodology will be prepared. These data will be compiled annually (paragraph 3.29(a) and (b));
- c. fifteen months from the effective date of the contract, the definitive version of the basic procedures for courses, workshops, and support services for training will be prepared as envisaged in the program training plans (paragraph 2.35);
- d. within 14 months of the effective date of the contract, and throughout the program, the subsequent program annual operating plans will be prepared, in accordance with the terms agreed with the Bank (paragraph 3.22). Thirty days after submission of the annual operating plans, the FGN and the Bank will hold annual program monitoring meetings (paragraph 3.26);
- e. the borrower's third annual operating plan submitted to the Bank will include, as agreed with the Bank, the baseline data that is needed for the mid-term evaluation of the program (paragraph 3.23);
- f. within 27 months of the effective date of the contract, and prior to disbursement of 50% of the financing proceeds, an interim evaluation of the program will be prepared (paragraph 3.29); and
- g. eighteen months after the last disbursement, a report will be submitted outlining the results of the management evaluation plan and the analysis of the variables taken from data compiled during the program (paragraph 3.29(c)).

I. FRAME OF REFERENCE

- 1.1 Starting at the end of the 1980s, Colombia embarked on an ambitious economic liberalization and modernization program, adopting a new development model based on internationalization of its economy, restructuring and modernization of the government apparatus and assignment of a leading role to the private sector for enhancing the competitiveness of the country's producing sectors.
- 1.2 The initial macroeconomic results of the economic liberalization process are, in general, quite favorable. The economic growth has increased significantly, from 1% in 1991 to 5.7% in 1994. Investment gathered momentum rapidly as of 1992 and exceeded 20% of GDP (gross domestic product) in 1994, one of the highest levels achieved in the past 25 years. The unemployment rate declined from 10.5% in 1990 to 8.9% in 1994, with a parallel reduction in levels of informal activity in the major cities. The public accounts have posted a substantial improvement, moving from a deficit of 0.3% of GDP in 1990 to a surplus of 2.6% in 1994, while inflation was brought down from 32.4% to 22.6% over the same period.
- 1.3 As part of the process of modernization of the State, in 1991 the amendment of the Political Constitution was successfully completed, establishing a new legislative and institutional framework. The Colombian judicial branch is made up of the High Council of the Judiciary, the Supreme Court of Justice, the Council of State, the Constitutional Court, the Office of the Attorney General [Fiscalía General de la Nación] (FGN), the Office of the Public Prosecutor, and the Office of the Public Defender. The Ministry of Justice is responsible for coordinating government action with the judicial branch. Under the 1991 Political Constitution the FGN and a number of other judicial institutions were established. The FGN, which enjoys full operational and financial autonomy, was set up to perform special investigative, accusatorial, judicial, and administrative functions.
- 1.4 The reform of the justice system, and the criminal justice system in particular was one of the critical issues on which there was a broad public consensus, and this was the reason that the Constituent Assembly was convened in 1991. In Colombia, criminal justice is in a state of serious, and mounting crisis, as borne out by the alarming statistics as to its ineffectiveness and inefficiency. Major studies have shown that this situation is the outcome of growing congestion in the courts and, especially, of the tremendous backlog of cases at the criminal investigation stage, that should eventually go to trial.
- 1.5 For many members of the assembly, and certainly many of those who have studied the congestion in the criminal justice system, a radical solution to this problem was needed, and this is in fact the approach taken in the new Constitution. The inquisitorial

system has been formally abandoned and replaced by another system that is unique and not purely accusatorial. This entailed dismantling a system in which criminal investigation was directed by a criminal court judge who had to seek the collaboration of the judicial branch police authorities but who, in essence, was responsible for the results of the investigation, with few logistical, technical, and human resources available for the purpose. The new system is based on the creation of the FGN, which conducts the criminal investigation and decides, upon conclusion of the investigation, whether there are grounds for bringing the accused to trial. The FGN has its own judicial branch police - the Cuerpo Técnico de Investigación [Criminal Investigation Department (CTI)]. This force has its own technical, logistical, and financial resources and coordinates its activities with the other law enforcement agencies.

- 1.6 The intention in assigning responsibility for investigation to a specialized entity is to attack the root cause of the congestion and backlog of criminal cases, through far more efficient investigative procedures. This greater efficiency should also shorten considerably average investigation times in each type of case. In addition, other stages of the process (especially criminal proceedings) are also expected to benefit from the new system, with a significant reduction in the duration of proceedings compared with the old system. This reduction in total average case times should appreciably improve compliance with the constitutional requirement that justice be swift and enforced, and should also help to ease the congestion and backlog. While reduction of congestion in the courts is not solely dependent on the FGN, since the High Council of the Judiciary is responsible for the administration of the courts and tribunals that handle criminal, civil, and commercial cases, the FGN does play a leading role in the investigation and judicial examination of criminal cases closely connected with the high number of offenses that now go unpunished in Colombia.
- 1.7 The FGN, which started functioning on June 1, 1992, was established pursuant to Decree 2699 of 1991, which defines its structure and basic administrative mechanisms in accordance with the principles laid down in the 1991 Constitution. The FGN was established to form part of the judicial branch. In view of its complex nature, the Attorney General is empowered to set its general policies by means of regulations, circulars, directives, orders and manuals of organization and procedures. Notwithstanding the new approach sought for the Colombian criminal justice system, this strategy has encouraged the natural tendency of all the new prosecutors, their assistants and other FGN staff to continue acting largely as they had in the past, without fully committing themselves to and adopting the major reforms to the system and, therefore, without achieving the benefits of efficiency and swifter case handling that were expected from the reform.

- 1.8 When the FGN started its work, it inherited the personnel and mindset of the national and departmental criminal investigation directorates, the customs court and the law enforcement agencies of the time. Accordingly it commenced operations in a substantially different legal set-up without having had an opportunity to work on bringing about a change in the mental approach of its staff. With a current staff of close to 23,000 employees the FGN is suffering serious procedural problems, a situation which reduces or nullifies its ability to adapt to the new system and carry out its responsibilities efficiently and systematically. This has led to conflicts and difficulties between what ought to be the institution's mission and approach according to the new legal framework in which it operates and the working methods of its staff, many of whom are wedded to the day-to-day routines of the previous system.
- 1.9 The FGN gradually established itself during its first two years of operation. During that time, certain structural shortcomings became apparent, calling for an in-depth review of its organizational structure and its modus operandi.
- 1.10 In July 1995 the FGN had 22,311 employees, 62% of whom were the staff of attorneys' offices, 29% were CTI personnel, 7% were administrative personnel and the remaining 2% were central office staff (offices of the Attorney General, the Assistant Attorney General, and Secretary General). The FGN currently lacks an adequate personnel management policy, so the program envisions actions to put in place an integrated human resource management system that will ensure the selection, suitability, and effective evaluation of the institution's personnel and development of an administrative and judicial career plan that will make it possible to maintain and raise the quality of the FGN's human resources.
- 1.11 In August 1994, the FGN decided to conduct an internal diagnostic study and embarked on a strengthening process to consolidate and reinforce the institution permitting it to perform efficiently the demanding mission assigned to it by the Constitution.
 - A. Steps taken by the FGN
- 1.12 Mention must be made here of initiatives in four areas, which have complemented the diagnosis of the situation and prompted institutional actions aimed at remedying specific shortcomings.
- 1.13 The first of these initiatives identified training as critical for good performance and the uncertain results to date of the FGN's school of criminal investigation because it does not have a coherent and coordinated training program tailored to the agency's needs.

- 1.14 The FGN has been carrying out a project directed by the Office of Development and Professional Training of the United States Department of Justice to identify new ways of organizing work in the FGN's different units in conjunction with other branches of the system (judicial branch police and judges) and redirect the traditional training efforts to bring about a genuine change of mindset in the staff and officials involved. These activities, which commenced in April 1995, are expected to continue for three years and will utilize methods involving intensive participation by staff and officials (training multipliers) which have been highly successful so far. The training will entail reviewing and evaluating this experience in detail and incorporating it in the training plan proposed here in order to ensure a coherent approach suited to the FGN's professional service while also meeting the agency's human resource requirements.
- 1.15 The second initiative relating to strategic planning work is headed by the FGN's Planning Office and is being conducted with broad-based participation. This has enabled management to obtain a detailed understanding of how the staff perceive their work and to clearly identify logistical and operating problems that have to be resolved in order to improve the agency's performance.
- 1.16 This process has given a large number of staff an opportunity to express their concerns and frustrations and suggest alternatives for taking care of them. Another important contribution is that it provides the agency's management with valuable information for determining the magnitude of the problems and learning how these problems are perceived by the operating staff.
- 1.17 The third initiative is connected with the development of operations-related information systems for the FGN that will enable it to administer efficiently the information gleaned from its investigative work and to increase substantially the benefit that the organization can derive from the systems in order to support the prosecutors and investigators in performing their work effectively. To this end, and with the technical and financial collaboration of the FES-AID Program for the Modernization of the Administration of Justice, a joint project has been developed for designing an integrated information system to support the work of the prosecutors and the CTI.
- 1.18 This system will be delivered in March 1996 and put into operation in the Bogota and Medellin regional and local offices. A sizable proportion of investigations currently under way are expected to be completed (about 45%). At the same time, between 1993 and 1995, with assistance from the British government and the United Nations Development Programme, the arrest warrant information system was modernized and a national data system was set up and will be available nationwide for consultation by the FGN and the other police enforcement agencies. A final version of the system will be

operational by January 1996 and its contribution to the agency's efficiency should be significant.

- 1.19 Since 1993, efforts have been under way to improve the administrative systems. With assistance from the British government, information support systems were developed to complete the survey of the agency's administrative processes with their associated documentation, a prerequisite for strengthening or redesigning this area, and also for designing a set of computerized support applications serving as a basis for modernization of the administration function. While the technical design of the operations-related information systems is adequate, additional work will have to be done to ensure to coordinate them and gradually establish them throughout the country.
- 1.20 The fourth initiative was the Workshop for Streamlining the Office of the Attorney General [Taller de Agilización de la Fiscalía] (TAF), held in March and April 1995. It was attended by the agency's entire management staff and coordinated by a consulting firm hired by the Bank. In this workshop management identified a set of administrative situations that were seriously impacting the FGN's efficiency and devised measures to resolve them with direct coordination by the FGN's central office. This initiative was one of the needs identified at the International Seminar on Justice and Development: Agenda for the Twenty-first Century, held in Colombia in May 1994, with Bank financial and technical support.
- 1.21 The workshop provided a forum for discussion in the organization which made it possible to devise and implement procedures to bring about improvement and change, as a result of which the basic components of the proposed program were identified.
- 1.22 As a follow up on the TAF, in September 1995 the critical areas and procedures for improvement in the FGN's management were identified. These included formulating of the terms on which the procedures had to be redesigned in order to ensure effective functioning of the agency.
- 1.23 This second stage made it possible to clearly and individually identify processes that need to be restructured or adjusted in the short term and institutional courses of action for correcting the effects caused by the less-than-optimal utilization of these processes. Constructive changing of the processes in question is one of the most important steps that the FGN must take, since it will enable the agency to streamline its operation so as to effectively perform the function assigned to it.

B. The request

- 1.24 In this context, the FGN has requested the Bank's assistance with a view to strengthening its institutional capacity and carrying out the modernization needed to transform it as an institution. The

request also seeks assistance in developing a policy on criminal procedure and preinvestment studies in respect of infrastructure to ensure coherent action by the agency in the medium and long term.

C. Catalytic role of the Bank

- 1.25 The FGN has an annual budget equivalent to more than US\$350 million. The agency also processes over 700,000 investigations and criminal cases. The FGN's request flows from a basic and pressing need for technical assistance to ensure that high-level technical consultancy services are provided consistently and systematically to permit the agency to follow its own guidelines, meet its needs, improve its operation and, as a result, reduce the number of offenses that now go unpunished in Colombia. Action along these lines, designed and implemented on a participatory and comprehensive basis, would equip the agency with the tools to deter crime. Moreover, not only would the FGN itself be made more efficient but a judicial branch system would be created that meets the genuine aspirations of a democratic society.
- 1.26 On the basis of the foregoing, the Bank's participation in supporting the design, preparation, and execution of the program is aimed at fostering the arrangements proposed in the 1991 Constitution for the judicial branch and to help judicial institutions accomplish their objectives. The Bank's assistance focuses on providing the FGN with the basic tools to perform the functions assigned to it in the medium and long term. This would serve to spur the process of judicial reform so that access to a just, efficient and effective judicial system, one of the most fundamental rights in any democracy, can be guaranteed.
- 1.27 The program, which is consistent with the priorities established by the judicial branch and the Government of Colombia, is the initial phase of a complex and continuous process in which the FGN is a vital component with the task of ensuring that the desired effect is continued within the judicial branch and Colombian society. The benefits redounding from the program will lead to the adoption of more efficient judicial procedures by other institutions by other institutions in the judicial branch.
- 1.28 Since the FGN is the product of a sudden change of approach in the handling of criminal cases, the institution is being restructured and its management capacity strengthened so that it can perform the tasks assigned to it. Clearly, then, it should be a priority for Colombian justice and for the proper functioning of the country's society and economy that steps be taken to strengthen the FGN as an institution.

D. The Bank's strategy in Colombia

- 1.29 The Bank's strategy in Colombia is consistent with the government's priorities, and centers on alleviating poverty and creating opportunities so that the disadvantaged segments of society can benefit from economic growth. One of the strategy's objectives is to strengthen the management of public institutions in order to increase the efficiency of public spending. Development of civil society and institutions is considered of vital importance for strengthening democracy in Colombia. In order to ease the congestion in the courts, in May, 1995, the Bank approved a technical-cooperation operation of US\$1.2 million from the Multilateral Investment Fund (MIF) to seek alternate methods of resolving commercial disputes. In addition, the Bank's lending program includes support for the Congress of the Republic (CO-0165) that will help to modernize the country's labor legislation. In this respect, the proposed operation for the modernization of the administration of justice is fully consistent with the Bank's strategy in Colombia.

II. THE PROGRAM

A. Design

1. Design of the program

- 2.1 The program has been specially designed to help reduce the number of criminal offenses that now go unpunished, a major problem for Colombian society that is affecting the country's economic growth and eroding the credibility of the democratic system. According to statistics compiled by the Ministry of Justice, violence claims an average of 28,000 human lives in Colombia every year and causes the country to lose over 10% of its GDP, or more than three times the education sector's budget. Crimes against property are estimated to amount to approximately US\$1.4 billion, i.e. roughly 2.1% of GDP.

2. The need for immediate action

- 2.2 Since 1992, the FGN has been receiving more and more of the cases previously handled by judges in other courts of criminal procedure. During 1994 it reported a total number of 195,617 prior investigations, which became part of its work load. In 1995 241,145 prior investigations were received from the municipal courts plus 234,983 cases under examination, which significantly increased this load.
- 2.3 In current year, the FGN has 499,158 cases on its hands, and to a further 255,274 prior investigations now in progress. This volume is well above what the FGN is presently capable of processing within the limitations set by law. In short, the judicial system is clogged to such an extent that without a substantial increase in effort the administration of justice will inevitably fall below acceptable levels.
- 2.4 The pressing need to deal with the present backlog of cases, and prior investigations and cases stemming from the proceedings arising as a high levels of violence and crime already noted, has created a sense of urgency, and led to consensus, commitment, and willingness on the part of the Colombian authorities and the FGN to improve the agency's response capability and service in an effort to as a means to reduce the likelihood that criminal offenses will go unpunished and as a deferent to crime and violence.

B. The program

- 2.5 The program has been designed to focus on specific areas and critical procedures that have been identified, defined and accorded priority by the FGN and which, if substantially improved, would effectively enhance the agency's operational efficiency and the technical and management capability of its staff.

- 2.6 The purpose of the program is to provide the FGN with an adequate institutional base: (a) to improve its administrative, investigative, and technical efficiency; (b) to strengthen the technical and strategic capability of its staff; (c) to use statistical and computerized tools that will facilitate implementation of efficient management evaluation systems; (d) to formulate medium and long-term policies that will ensure that the FGN plays a role in shaping State policy on criminal justice procedures; and (e) to establish criteria for selection and allocation of resources for physical infrastructure.
- 2.7 To accomplish these objectives, the program envisions: (a) an institutional strengthening component that focuses on improvement of the administrative management, investigation, and judicial procedures including an ongoing management evaluation system which sets the foundations for ensuring an adequate operational structure over time; (b) a training program aimed at developing an integrated plan for provision of technical and strategic support for the management actions undertaken and at facilitating the performance of the FGN's mission; and (c) a component for developing a national criminal justice policy and a plan for investment in infrastructure that will provide guidance for the medium and long-term actions that the FGN undertakes in these areas.
- 2.8 Implementation of these actions will provide the FGN with a flexible and coherent institutional base by means of which short-, medium-, and long-term actions can be rendered compatible and the agency's staff, other agents in the judicial branch and other national institutions can all be actively involved with a view to ensuring a specific and dynamic process that will be sustainable over time.

C. Description

- 2.9 In order to achieve the above-described objectives, the following activities will be carried out as part of the different components:
1. Institutional strengthening
- a. Purpose
- 2.10 The program's institutional strengthening component is the cornerstone of the actions that the FGN will undertake to create an institutional base that will enable: (a) better management of the agency's human resources; (b) reorganization and consolidation of the information systems so as to ensure the establishment of an integrated system and of a mechanism for evaluation of the management of the FGN and the program; and (c) more efficient management of criminal justice procedure, which includes: (i) an improvement in the management of criminal justice procedures and case records; (ii) redesign of the investigation procedures so as to operate in accordance with the criteria of the different judicial police

agencies; and (iii) streamlining of the process of allocating criminal cases, in accordance with preestablished technical criteria.

b. Description

- 2.11 To ensure effective execution of the institutional strengthening component, specific activities will be carried out in the following areas:

(i) Human resources

- 2.12 The activities for upgrading human resources are intended to provide the agency with an integrated human resource management system to ensure that suitable staff are selected and that performance evaluations are effective and systematic. It is also designed to put in place an administrative and judicial career plan that will make it possible to maintain and raise the quality of the agency's human resources. Up to US\$140,000 equivalent will be used to create or redesign the following processes, among others: (a) personnel selection, appointment, and tenure; (b) performance evaluation; (c) career administration; and (d) implementation of professional welfare policies. It is estimated that these activities will require 12 consultant-months from the start of the program.

(ii) Organization and consolidation of the information systems

- 2.13 The reorganization and consolidation of the information systems for the integrated information system and the mechanism for evaluation of the FGN and program management, will include: (a) integrated systems based on the reengineering applied in process management; (b) advisory services for FGN's management on formulation of a computer and communications technology policy for the agency; (c) adoption of transition arrangements for the investigation information support system (SI) that will enable the FGN to adapt the technology to the information systems in the Bogota regional and local offices, which handle approximately 30% of the cases processed by the FGN; (d) expansion of SI coverage to include the Cali and Barranquilla regional offices and the Cali and Bucaramanga local offices, which will result in coverage of approximately 70% of the cases being processed by the FGN. Up to US\$4 million equivalent will be allocated for procurement and installation of computer equipment to expand SI coverage. In addition, up to US\$1.47 million equivalent will be used for recruitment of consultants for the work of organizing the information service. This work will be performed from the third month after the start of the program and will require an estimated 683 consultant-months. With about 600 consultant-months, it should be possible to provide ongoing training to FGN staff at regional and branch offices that adopt the SI information system.

(iii) Management of the criminal process

- 2.14 The criminal process handled by the FGN involves the investigation and judicial examination of cases at different levels of authority, culminating in either the conviction or acquittal of the accused. More efficient management of this process can be achieved by: (a) streamlining criminal procedures and case proceedings; (b) redesigning the investigation process to bring it into line with the requirements of the different police agencies; and (c) improving the criminal case allocation procedure, in accordance with preestablished technical criteria.
- 2.15 The reform of the criminal process and case proceedings will entail an incremental improvement in the administrative and judicial handling of the proceedings and a swifter response capability by the FGN in processing the case. Up to the equivalent of US\$300,000 will be allocated to these activities and to contract consultants for an estimated 28 consultant-months starting from month one of the program.

(iv) Management evaluation system

- 2.16 This consists in implementing a system to evaluate and monitor the FGN's management performance at regional, local, and national offices. The management evaluation system is critical for proper management by the FGN and for the sustainability of the program. The system will enable the FGN: (a) to ascertain the efficiency of the new management arrangements that it adopts; (b) to set the stage for evaluation and monitoring of the program, so that any necessary adjustments to the annual operating plans can be proposed; and (c) to improve its technical capacity to identify its needs and program its work goals for the medium and long term.
- 2.17 In order to maximize its potential benefits, the proposed management evaluation system will be used to make a detailed analysis of the variables considered in the data compiled during execution of the program, as specified in paragraph 3.29(c).
- 2.18 Up to US\$250,000 equivalent will be allocated for the design and implementation of the system and for monitoring and evaluation. These funds will be used to hire a consulting firm that will commence work from month 12 of the program for an estimated 36 consultant-months.

2. Training

a. Purpose

- 2.19 The purpose of the training component is to establish a coordinated training policy for the agency by means of an integrated training plan, that will set the new guidelines to be followed by FGN prosecutors and staff for the mixed accusatorial criminal system

proposed under the 1991 Constitution. The policies will combine technical content with material promoting a change of mindset. Prosecutors and investigators will be encouraged to work together and coordinate their activities.

b. Description

- 2.20 The training activities will make it possible to establish short, medium and long-term approaches that give prosecutors, administrative staff, and investigators the necessary skills to perform effectively. A further aim is that management and supervisory staff should develop a comprehensive and strategic view of the management aspects involved so that the FGN operations can be properly integrated.
- 2.21 Establishment of these approaches calls for an integrated training plan which will rank these activities on the basis of an evaluation of the training activities currently being conducted in the FGN. A training program modeled on the administrative career path including the incentives established for staff promotion will also have to be designed and implemented. The plan would make it possible: (a) to establish a sustainable training policy; (b) to establish the institutional support needed in accordance with the operational structure of the FGN; and (c) to support a substantial improvement in the levels of efficiency and effectiveness of the agency's personnel, according to priorities set as part of the program's institutional strengthening component.
- 2.22 This integrated training plan will establish of a set of intensive activities designed to provide periodic training and develop a continuous feedback process based on the periodic evaluations, and to consolidate and institutionalize the training activities to be carried out by the FGN.
- 2.23 The integrated training plan will devise a strategy that will make it possible to effectively coordinate all the agency's training activities and to identify specific training services needs of the FGN's technical, administrative, and investigative personnel, that can be furnished either by internal initiatives or by national and international training centers or organizations. To this end, a demand-driven mechanism will be to select training services (see paragraphs 3.19 and 3.20) that will permit a steady increase in courses, workshops, and support services for in-service training offered through the FGN's training system based on demand and the needs of the new career structure that the FGN will put in place under the program. These courses, workshops, and support services will be set up through international competitive bidding in which firms from the Bank's member countries will be able to participate.
- 2.24 The integrated training plan will consider: (a) specific training needs, ranking them by priority; (b) the training available to meet these needs, taking into account the regional distribution of

demand; (c) recommendations on appropriate modalities for providing and monitoring such training; (d) criteria and definitions used to determine the demand for training and the training available to ensure that they are consistent with the parameters of the FGN's administrative career path; and (e) a system of permanent evaluation of the content, efficiency, relevance, and achievements of the different courses, workshops, and training support for in-service training.

- 2.25 The plan will cover the following aspects of technical and strategic management training:

(i) Technical training

- 2.26 The program will provide course and support-service packages for in-service training identified on the basis of the needs and the preferences of the staff at each level of the FGN.
- 2.27 The course and support-service packages for in-service training will be structured to accommodate groups identified as needing training, based on existing job description, and areas in which training is needed, based on the FGN's long-term objectives. They will also be determined by the number of staff requiring training, by level and area of specialization, and the willingness of the staff to take training.
- 2.28 Depending on the demand, the course and support-services packages will be put out to competitive international bidding. The participating consulting firms will have to design the content and support materials required, and determine the teaching methodology, duration, and evaluation criteria for the courses.
- 2.29 Using the program resources, technical training will be provided to up to 12,000 FGN staff, according to the needs identified at different levels of the institution, the number of eligible participants, and the courses to be given and their frequency. Based on similar training programs, the average cost per trainee is estimated at US\$300. Moreover, up to US\$800,000 from the local counterpart funding will be used to cover the cost of per diems and travel expenses incurred in connection with strategic and technical training activities for the program.

(ii) Strategic management training

- 2.30 As part of the program, an ongoing strategic management training plan will be prepared for FGN management and supervisory staff in the administration, investigation, and prosecution areas. Its purpose is to impart a comprehensive understanding of the present and future mission of the FGN, and give supervisory staff and their subordinates tools with which they can enhance their performance, in accordance with the needs of their particular fields.

- 2.31 This strategic training will be carried out by means of successive, ongoing preestablished modules and workshops that will be gradually introduced nationwide. The strategic training will be provided according to the requirements of FGN units in different parts of the country. These activities will therefore most likely be started in Bogota and Medellin, which now account for about 40% of the cases processed by the FGN, and will then be progressively extended to other regions or cities as the need arises.
- 2.32 In order to standardize the FGN's supervisory and operating criteria at the national level, the strategic management training will be implemented by regional training groups in Bogota, Medellin, Cali, Barranquilla and Bucaramanga and coordinated by the program Technical Executing Unit. In this way, upon completion of the program there will be adequate national coverage and up to 3,000 FGN management and supervisory staff will have been trained.
- 2.33 The modules and workshops will be designed and put up for international bidding on an annual basis, taking into consideration the progress of the institutional strengthening and management component.
- 2.34 Up to US\$900,000 equivalent of program resources will be allocated for the strategic management training modules and workshops. This estimate is based on the number of professionals in supervisory positions in the administration, investigation and prosecution areas, at different management levels within the FGN.
- 2.35 As part of the training component, (a) a consulting firm will be hired to design and implement the integrated training plan, for 36 consultant-months, from month six of the program, at a cost of up to US\$250,000; (b) consulting firms will be hired to prepare the course and support-services packages for in-service training on the basis of existing demand, for a period of 26 months commencing from month 16 of the program, at a cost of up to US\$3.6 million; and (c) consulting firms will be hired each year to design and implement the modules and workshops, from month 16 of the program, for a period of 26 months, at a cost of up to US\$900,000. Once the integrated training program has been designed, the executing agency will submit 15 months after the effective date of the loan contract the final versions of the procedures for technical and strategic training (contractual condition).

3. Development of a criminal justice policy

- 2.36 The purpose of developing a policy on criminal justice is to ensure the participation of the FGN in the High Council for Coordination of the Judicial Branch established by the Administration of Justice Act to take effect in December 1995. The members of this Council are the President of the Republic, the President of the High Council of the Judiciary, the President of the Supreme Court of Justice, the President of the Constitutional Court, the President

- of the Council of State, the Attorney General, the Public Defender, the Minister of Justice, the Minister of Defense and National Security and the Director of the Administrative Department of Security (DAS). The Council encourages coordination between the different agencies of the judicial branch, with respect to the policies of the State in this sphere and to ensure performance of the Sector Plan for Justice that forms part of the National Development Plan. As part of its functions, the Council will make recommendations to the different authorities in the sector. In addition, the FGN needs to set internal medium- and long-term operating guidelines for dealing with the failure to get convictions, a problem identified by the agency itself and with the reorganization of its operations, as envisaged in the program's institutional strengthening component. The FGN would then be in a position to develop and formulate recommendations aimed at: (a) consolidating its function of reducing the number of offenses that go unpunished and punishing those found guilty of criminal offenses by due process; (b) adapting its legal structure to the functional needs identified as a result of the institutional strengthening activities proposed; and (c) helping to deter criminal activity in general.
- 2.37 For development of the policy on criminal procedure, three basic areas have been identified focusing on: (a) developing a capacity to formulate criteria serving as a basis for this policy by compiling, organizing, and analyzing information on crime and the failure to get convictions in Colombian society; (b) developing a statistical methodology to quantify accurately the crime rate and offenses that go unpunished in Colombia; (c) adapting the FGN's functional structure to the institutional strengthening measures aimed at improving criminal investigation and the processing of the respective cases; and (d) identifying the institutional support needed to consolidate the FGN's functional structure as regards policy concerning criminal justice.
- 2.38 In planning these activities the consultants should consider methods of validating the policy-related actions proposed, which will include workshop planning and studies to support policy formulation.
- 2.39 The methodology that will be used for the FGN's policy on criminal justice should generate specific tools that ensure that once the proposed actions have been implemented and shown to produce results, those in charge will be able to update their scope on an ongoing basis so as the results can be continued. The methodology used must also ensure that the agency's efforts to improve its organization take into account the best practices available in the market and the needs of the FGN's operational structure.
- 2.40 The activities for FGN and State criminal justice policy will be carried out in cooperation with the federal government by

consultancy services hired at a cost of US\$130,000 for 12 consultant-months from month 18 of the program.

4. Plan for investment in infrastructure

a. Background

- 2.41 One of the critical shortcomings that limit the operational effectiveness of the FGN is a lack of criteria for identifying and properly taking care of its infrastructure needs at the national level. This has undermined the efficiency, security and cost-effectiveness of the agency's present infrastructure. The FGN's present infrastructure nationwide lacks an integrated planning approach that takes into account demand for services and makes it possible to maximize the service provided while holding down operating, administration and leasing costs.

b. Purpose

- 2.42 Because there is no coordinated policy for meeting the FGN's infrastructure needs, an infrastructure investment plan will be prepared to rationalize the use of available facilities in accordance with the agency's infrastructure needs.
- 2.43 This investment plan will improve the agency's functioning and contribute to more efficient and more effective management of criminal process, which is the basic mission of the FGN. The plan will accordingly have to consider the possibilities of remodeling, expanding and constructing the facilities for the agency's effective functioning, taking into account a cost analysis of leasing and purchase options.
- 2.44 The plan will entail: (a) an inventory of available facilities, noting the cost and type of procurement or use; (b) developing standard models that set minimum requirements for the operation of FGN administrative, judicial, or technical headquarters in terms of space, security measures, communications systems, and other features considered pertinent; and (c) evaluating such investment alternatives as the FGN may require, on the basis of demand and need for rationalization.
- 2.45 Once the infrastructure investment plan has been prepared, it will be submitted to the Bank. The FGN will also take the necessary steps to ensure its gradual implementation in accordance with availability of resources and the agency's priorities. At the second annual program monitoring meeting, the FGN will report to the Bank on the extent to which the activities carried out match the goals proposed in the investment plan.
- 2.46 Under the program, a specialized firm of consultants with proven experience will be hired to design and manage infrastructure investment plans for the judicial branch. Up to US\$200,000 program

funds will be used to hire these consultants for a period of 12 consultant-months from year two of the program.

D. Dimensioning

- 2.47 The dimensioning of the program will be based on the estimates made by the project team and the group of consultants hired to make the diagnostic study of the functioning of the FGN and to help prepare the program.

E. Cost

- 2.48 The total cost of the program is estimated at US\$15.7 million equivalent, the breakdown of which by source of financing per component and per investment category is presented in the following tables:

COSTS
(in US\$)

COMPONENT	IDB	LOCAL COUNTERPART	TOTAL	%
I. INSTITUTIONAL STRENGTHENING	3,936,200	2,223,800	6,160,000	39
Human resources	98,000	42,000	140,000	
Organization of information system	3,425,000	2,045,000	5,470,000	
Management of criminal process	210,000	90,000	300,000	
Management evaluation	203,200	46,800	250,000	
II. TRAINING	3,758,500	1,891,000	5,650,000	36
Integrated training plan	245,000	105,000	350,000	
Technical training	2,765,000	1,435,000	4,200,000	
Strategic training	748,500	351,500	1,100,000	
III. DEVELOPMENT OF CRIMINAL JUSTICE POLICY AND INVESTMENT PLAN FOR PHYSICAL INFRASTRUCTURE	297,300	32,700	330,000	2
Development of criminal justice policy	130,000	-	130,000	
Preparation of infrastructure investment plan	167,300	32,700	200,000	
IV. PROGRAM ADMINISTRATION	-	600,000	600,000	4
V. FINANCE CHARGES	94,000	1,052,000	1,146,000	7
Interest	-	930,000	930,000	
Credit fee	-	122,000	122,000	
Inspection and supervision	94,000	-	94,000	
VI. CONTINGENCIES	1,314,000	500,000	1,814,000	12
TOTAL	9,400,000	6,300,000	15,700,000	100
PERCENTAGE	60	40	100	100

COST OF THE PROGRAM AND ITS FINANCING
(equivalent in US\$)

INVESTMENT CATEGORY	IDB	LOCAL COUNTERPART	TOTAL	%
1. Administration	-	600,000	600,000	4
1.1 Administration	-	600,000	600,000	
2. Direct costs	7,992,000	4,148,000	12,140,000	77
2.1 Equipment and software	2,473,300	1,632,700	4,106,000	
2.1.1 Institutional strengthening	2,456,000	1,600,000	4,056,000	
2.1.2 Criminal justice policy and infrastructure plan	17,300	32,700	50,000	
2.2 Consulting services	5,518,700	1,615,300	7,134,000	
2.2.1 Institutional strengthening	1,480,200	623,800	2,104,000	
2.2.2 Training	3,758,500	991,500	4,750,000	
2.2.3 Criminal justice policy and infrastructure plan	280,000	-	280,000	
2.3 Supplies and transport	-	900,000	900,000	
2.3.1 Transport training		800,000	800,000	
2.3.2 Equipment training	-	100,000	100,000	
SUBTOTAL	7,992,000	4,748,000	12,740,000	81
3. Unallocated	1,314,000	500,000	1,814,000	12
3.1 Contingencies	1,314,000	500,000	1,814,000	
4. Finance charges	94,000	1,052,000	1,146,000	7
4.1 Interest	-	930,000	930,000	
4.2 Credit fee	-	122,000	122,000	
4.3 Inspection and supervision	94,000	-	94,000	
TOTAL	9,400,000	6,300,000	15,700,000	100
PERCENTAGE	60	40	100	100

F. Financing of the program

1. Bank financing

- 2.49 The Bank financing will be US\$9.4 million equivalent, representing 60% of the cost of the program, chargeable to the ordinary capital.
- 2.50 The Bank will disburse the proceeds of the financing to the Ministry of Finance, which will sign a subsidiary agreement with the FGN for the transfer of the funds. Evidence that this agreement has been signed must be submitted to the Bank as a condition precedent for the first disbursement (contractual condition).

2.51 The terms and conditions of the loan would be the following:

Source of funds:	Ordinary capital (OC)
Amount:	US\$9.4 million
Disbursement period:	48 months
Amortization period:	20 years
Grace period:	48 months
Interest rate:	variable
Credit fee:	0.75% p.a. on the undisbursed balance
Inspection and supervision:	1% of loan amount

2. Local contribution

2.52 The borrower will contribute the equivalent of US\$6.3 million, i.e. 40% of the total cost of the program. The local contribution will come from the FGN's budget.

III. INSTITUTIONAL FRAMEWORK AND EXECUTION OF THE PROGRAM

A. Institutional framework

1. Borrower and executing agency

- 3.1 The borrower will be the Republic of Colombia and the executing agency the Fiscalía General de la Nación [Office of the Attorney General] (FGN). Prior to the first disbursement, the borrower will be required to submit evidence satisfactory to the Bank that it has entered into a subsidiary agreement with the FGN for the transfer of the Bank financing (contractual condition).
- 3.2 The FGN will carry out all the program activities through a Technical Executing Unit (TEU), the staff of which will be drawn from the FGN's different administrative units and assisted by specialized consultants hired to develop and implement the activities of the program.
- 3.3 The organizational structure of the FGN comprises: (a) the Office of the Attorney General; (b) the Office of the Deputy Attorney General; (c) the local prosecutors; (d) the Law Enforcement Agencies; and (e) the management. To cover the entire national territory, the FGN has five regional directorates, each of which has a regional administration directorate, and an investigation directorate.
- 3.4 The programming, preparation, adjustment, and performance of the budget are FGN's responsibility and the FGN has the budgetary authority to carry out this work, pursuant to the Budget Law. As part of its development plan, the FGN must identify the activities for submission to the National Planning Department for appraisal and inclusion in the project bank.
- 3.5 The allocations from the national budget and any grants and allocations made to the State for the FGN by any public or private agency or organization, individual, international agency or foreign government, form part of the State resources administered by the FGN.
- 3.6 The FGN's budget for 1995 is US\$360.4 million equivalent and that for 1996 is put at US\$365 million equivalent, which includes the local contribution for the first year of the program.
- 3.7 Audit and fiscal control of the FGN will be the responsibility of the Office of the Comptroller General of Colombia, in accordance with the pertinent legislative and regulatory requirements.

2. Coordination of the program

- 3.8 The general thrust of the program and its policies will be coordinated with a management committee made up of the national directors of prosecutors' offices, administrative and financial directors, investigative police departments, the chief of the Planning Office, the Office of International Affairs and the coordinator of the TEU, and chaired by the Attorney General or a person appointed by him. The organizational structure of the program is set out in Annex III-1 (contractual condition).

3. Organization of the TEU

- 3.9 To ensure efficient and timely implementation of the program, the TEU referred to in paragraph 3.2 will be formed and will be charged with coordinating the effective implementation of the program.
- 3.10 The TEU, which comes under the Attorney General of Colombia, would be directed by a coordinator who would be fully responsible for execution and control of the program. The TEU coordinator will be supported by an administrative and financial adviser and a technical adviser. In performing this work, especially in connection with the bidding competitions and the procurement and contracting of consultancy services, and also for the monitoring of the program, the TEU will receive support from the relevant technical and administrative units in the FGN's functional structure (contractual condition).
- 3.11 The TEU will have internal and external coordination mechanisms. With regard to external coordination, the aim will be to match the program activities with timely provision of counterpart funds and the sector plans and policies. Regarding internal coordination, it will be responsible for program operating decisions and will monitor the activities to be carried out.
- 3.12 The TEU will administer the proceeds of the loan and the local counterpart funding. It will also administer the accounting records for the program, together with logistic support. As well as keeping the program accounts, the TEU will prepare the financial statements, which will be audited by Comptroller General of Colombia.
- 3.13 The TEU coordinator will be assisted by advisers and specialized consultants in monitoring the program on an ongoing basis and the progress of each component, so as to identify problems and intervene as needed and to keep the Attorney General informed.
- 3.14 As a condition precedent to the first disbursement, the FGN shall submit evidence satisfactory to the Bank that the TEU has been formed and its members appointed, and that the program has been provided with the necessary personnel and infrastructure facilities (contractual condition).

- 3.15 The program funds will be channeled through a special account with Banco de la República. This account must be opened by the FGN as a condition precedent to the first disbursement (contractual condition).

B. Schedule of program execution and results

- 3.16 The following table sets out the timetable for the subprograms and activities of the program:

ACTIVITIES	MONTHS																	
	1	3	6	9	12	15	18	21	24	27	30	33	36	39	42	45	48	
Preparation of infrastructure investment plan																		
Development of criminal justice policy																		
Technical and strategic training																		
Integrated training plan																		
Management evaluation system																		
Management of criminal process																		
Reorganization and consolidation of information systems																		
Human resources																		

- 3.17 Indicators on the progress of the program are presented in Annex II-1.

C. Procurement of goods and services

- 3.18 Computer equipment will be procured and consulting firms engaged during the program. The TEU will recruit consulting firms and/or individual consultants and arrange for the bidding on and procurement of equipment, in accordance with the Bank procedures, which will form part of the loan contract.
- 3.19 However, training of the type planned for the technical and strategic training described means that the consulting firm preparing the integrated training plan will have to identify, depending on the FGN's career development needs and existing demand, the courses, workshops, and support services for in-service training. The choice will also be determined by the general eligibility requirements for training organizations and the cost and content of the courses, workshops and support services offered. Contracting on this basis differs from the Bank's usual consultant hiring procedures, which assume the existence of detailed terms of reference agreed with the Bank prior to selection but prevent consideration of the price quoted as a factor in the selection. It is accordingly proposed that courses, workshops, and support services for the program and the organizations hired be selected according to

procedures similar to those approved by the Bank for other vocational training projects, as described in Annex D to the loan contract.

- 3.20 No construction is envisaged for the program. International competitive bidding will be mandatory for procurement of goods in excess of US\$350,000 in the case of goods and US\$200,000 in the case of consultancy services. The international competitive bidding procedures will also apply to the contracts for all courses, workshops, and support services for in-service training under the program. To this end, packages of courses, workshops, and support services will be prepared for in-service training according to demand, in order to foster participation by both national and international organizations.

D. Annual operating plans

- 3.21 In order to ensure that it is properly executed, the program will be implemented by means of annual operating plans. These plans will be prepared by the executing agency and will include arrangements for ensuring proper execution of program activities, together with the final terms of reference for the consultancy services. The executing agency will be required, as a condition precedent to the first disbursement from the financing, to submit to the Bank the first annual operating plan agreed with the Bank. The executing agency will also be required to submit a timetable for the program, to permit appropriate monitoring of implementation (contractual condition).
- 3.22 From year one of the loan contract and each year thereafter for the duration of the program, the executing agency will submit to the Bank within 60 days of the end of each calendar year, an annual operating plan for the following calendar year together with the report on execution of the previous year's plan. This report must contain, as a minimum, a description of the activities planned, a budget, a disbursement schedule, and the execution modality. It must also show the resources allocated to each component of the program and provide information on maintenance of equipment financed under the program (contractual condition).
- 3.23 The operating plan for year three of the program and the documents specified in paragraph 3.22 must include the baseline data that will serve as a benchmark for the mid-term evaluation of the program (contractual condition).

E. Advance of funds

- 3.24 Depending on the type of activity and the planned rate of advance, it is recommended that an advance of funds be set up of up for the equivalent of 10% of the loan amount.

F. Environmental impact

- 3.25 At its meeting of April 19, 1994, the Bank's Environmental Management Committee classified the program as a Category II operation, because no environmental impacts are expected. In accordance with the Committee's recommendations, the training component will cover environmental topics with a view to improving the FGN staff's knowledge of the country's environmental legislation and regulations.

G. Program supervision and reports

- 3.26 Bank inspection and the supervision will be the responsibility of the Country Office in Colombia, with the support of the project team. It is also proposed that a joint FGN/Bank review be conducted by means of annual meetings to be held within 30 days of the date the annual operating plans are submitted to the Bank. These annual meetings will establish the quantitative parameters of the program's technical and financial goals and the measures to achieve the program's annual targets (contractual condition).
- 3.27 Starting six months after effective date of the loan, and each year thereafter for the duration of the program, the executing agency will submit to the Bank a semiannual program monitoring report within 60 days of the end of each calendar half-year. This report shall include, as a minimum, a description of the activities of each component, their rate of advance, and the reasons for any constraints and problems (contractual condition).

H. External audit

- 3.28 Throughout the program, the executing agency shall submit to the Bank each year: (a) records of the program expenditures in accordance with the chart of accounts approved by the Bank; (b) the program financial statements; and (c) the financial statements of the executing agency during the disbursement period. These financial statements must include the opinion of the Comptroller General of the Republic and must be submitted within 120 days of the close of each fiscal year throughout the program.

I. Mid-term evaluations and monitoring of the management evaluation system

- 3.29 The program data are to be recorded and compiled and a mid-term evaluation of its execution is to be prepared. The purpose of compiling the data is to make use of the information obtained from the management evaluation system to be set up as part of the institutional strengthening component in order to verify the degree to which the objectives, goals, and expected results have been achieved and to ascertain the program's impact. The aim of the mid-term evaluation, which will be carried out within 27 months of the effective date of the loan contract and before the equivalent of 50% of the proceeds of the loan funds have been disbursed, is to

measure the program's progress, identify any problems that may have arisen, and introduce such corrective measures as may be called for. For the purpose of data compilation and the mid-term evaluation, it is recommended that the contract contain the following conditions:

- a. Within 12 months of the effective date of the loan, the executing agency, through the TEU, shall submit to the Bank's satisfaction: (i) the initial baseline data concerning performance of the activities of the institutional strengthening and training components, and (ii) a detailed description of the methodology that will be used for compiling, processing, and analyzing data, which are to be compared with the baseline data for the final evaluation of the program using the management evaluation system (contractual condition).
- b. Within 24 months of the effective date of the loan, and each year thereafter until one year after the final disbursement, annual data shall be compiled by the same methods used for gathering the initial baseline data referred to in subparagraph (a) (contractual condition).
- c. Eighteen months after the last disbursement of the financing, the executing agency shall submit a report setting out the results obtained from the program management evaluation system and a detailed analysis of the variables considered in the data compiled during program execution (contractual condition).

3.30 The data compilation, the mid-term evaluation, and the monitoring of the program management evaluation system shall include the following information:

- a. as to caseload management, the levels of efficiency achieved in terms of the number of cases processed, the number of cases investigated, the number of cases decided and persons implicated, the incidence of crime and the number of criminal offenses not punished, the number of technical staff in the FGN, broken down by investigation, prosecution, and administration, average time spent on cases and investigations, and cost allocated to different stages of the proceedings;
- b. as regards training, the number of personnel trained by grade, profile, area and training method used, and the scope of the training and its impact on professional performance;
- c. as regards the management evaluation system, the type of indicators used must be evaluated, speed and timeliness of information processed, the relevance and security of the information processed at the different levels of operations and management and impact on the operating and management decision-making;

- d. as regards the infrastructure investment plan, the number of cases per physical installation, option of renting versus purchasing the facility, accessibility and security of physical facilities, adaptability of facility in terms of service provided, level of demand, and requirements for physical facilities, impact of infrastructure costs on FGN operating expenses;
- e. as regards the criminal justice policy, impact on the functional structure of the FGN, statistical variables processed and their importance, specific proposals on criminal justice policy submitted to the High Council for Coordination of the Judicial Branch established by the Statute on the Administration of Justice; and
- f. regarding the integrated information system, the quality, comprehensiveness, security, and coverage of the system and its contribution to the quality of FGN management.

J. Maintenance of equipment

- 3.31 The equipment for the program will be properly maintained in accordance with generally accepted standards. When the annual operating plans are submitted, the FGN will report on the status of the equipment, together with the annual maintenance plan for that year, to include: (a) the technical background of the staff responsible for equipment maintenance; (b) the number of pieces of equipment requiring maintenance, and their type and condition; (c) problems identified with the operation and equipment maintenance; and (d) plans to correct these problems.

IV. FEASIBILITY OF THE PROGRAM

- 4.1 The proposed program, which has the Colombian government's full support, has been specifically designed to help resolve the most critical problems identified and accorded priority by the FGN. The Bank's support and financing is considered vital for the design and execution of the program.

A. Institutional feasibility

- 4.2 Careful attention was paid to the institutional capacity to execute the program during the analysis of the operation. The FGN will implement all the program activities through the TEU, which will draw on the capabilities of its different administrative units and specialized consultancy services to carry out and implement the program activities. In addition, the extensive involvement of technical, administrative and management staff in preparing and implementing the program will ensure its success.

B. Financial feasibility

- 4.3 The high priority that the government has assigned to this program, coupled with the low levels of counterpart funding (US\$6.3 million equivalent) required in relation to the FGN's total annual budget (the 1996 budget is US\$365 million equivalent, which includes the counterpart funding for year one), is an important factor that supports the conclusion that the necessary funds will be available for the program as needed.

C. Technical justification

- 4.4 The present backlog in Colombian courts is such that if vigorous steps are not taken to strengthen the FGN substantially it will not be possible to ensure that justice is administered according to acceptable standards or to reduce the number of criminal offenses for which there is no conviction.
- 4.5 The proposed program is specifically designed to remedy the system's shortcomings by improving the FGN's response capacity as a means for reducing the number of offenses that go unpunished and deterring crime and violence.
- 4.6 In the institutional strengthening sphere, upgrading actions are envisioned in order to achieve integrated human resources, management that will ensure the selection, suitability, and methodical and effective evaluation of the agency's personnel, together with an administrative and judicial career development plan that will make it possible to raise the level of its present staff.

- 4.7 To ensure more efficient management of criminal process, cases files will be processed more expeditiously and the investigation process will be redesigned in order to meet the requirements of the different law enforcement agencies.
- 4.8 The training component is based on a training policy that will give prosecutors, administrative staff, and police investigators the technical skills needed to perform their duties effectively. The policies will include elements designed to change the mindset and to encourage prosecutors and investigators to work together. Both technical and strategic management training will be provided.
- 4.9 The new criminal justice policy will make it possible for the FGN to participate in the High Council for Coordination of the Judicial Branch established by the Statute on Administration of Justice, since the FGN will be in a position to make recommendations on controlling criminal activity that is identified and dealt with by the courts, adapt its legal structure to the functional needs identified, and help to deter crime.
- 4.10 Since there is not presently any coordinated policy for meeting the FGN's infrastructure needs, an infrastructure investment plan will be prepared to match FGN infrastructure availability and requirements. This plan will lead to more efficient and effective management of the criminal justice and will take into consideration an analysis of lease/purchase alternatives based on economic efficiency criteria.

D. Socioeconomic justification

- 4.11 There is a close relationship between the legislative framework and the behavior of economic agents. An environment of insecurity, risk, and instability is not conducive to the creation and accumulation of wealth in a society.
- 4.12 Recent studies on the relationship between crime and growth in Colombia have revealed that the periods marked by greatest violence (1954-1958, 1983-1988 and 1988-1993) were characterized by low economic growth. However, the periods with relatively low homicide rates (1950-1954, 1958-1962, 1962-1970 and 1970-1982) saw significant GDP growth, well above the rates in the high-crime periods. Major GDP growth - over 5% - occurred solely in periods when the homicide rate was less than 30 per 100,000 inhabitants.
- 4.13 According to information from the Ministry of Justice, there are on average 28,000 violent deaths in Colombia each year and over 10% of its GDP, on more than three times the country's education budget, is lost. Crimes against property amount to some US\$1.4 billion a year, i.e. approximately 2.1% of GDP. The program is designed to reduce the levels of crime and increase the number of convictions amongst the most serious problems facing Colombian society since both economic growth and the credibility of the democratic system

are jeopardized. Hence the operation should benefit the entire economy over time and will bring about an improvement in the quality of life for the people of Colombia.

E. Benefits

- 4.14 The chief benefit of the program will be to increase the number of criminal convictions, a severe problem affecting both economic growth and the credibility of the democratic system. In particular, the program would provide the FGN with the functional structure to perform its mission effectively in accordance with the Constitution and the expectations of society. If successful, then, the program will lead to other judicial branch institutions adopting more efficient management plans to ease congestion in the courts of the different areas of the legal system.

F. Risks

- 4.15 The main risks of the operation have to do with: (a) the sustainability of the measures carried out by the FGN under a future administration; (b) the capacity of the FGN to assimilate and implement the program in a timely fashion; and (c) the extent to which the FGN's technical and management staff identify with the program and their commitment to it.
- 4.16 In order to reduce these risks, the Bank has helped the FGN to organize and hold various in-house workshops to identify and prioritize the needs that the agency's technical and management staff consider most pressing and critical for improving its performance. In addition, FGN technical teams in the areas covered under the program and consultants specialized in these issues were actively involved in designing and preparing the operation. Ongoing participation by the FGN technical teams and consultants will ensure that its executing unit will have sufficient technical support to perform effectively. Moreover, the program design and timetable have been set up in such a way as to ensure right from the start that the operating foundations are in place for ensuring its sustainability over time and for meeting the pressing challenges facing the FGN.

G. Participation by women

- 4.17 The analysis determined that women are participating on an increasing scale in the FGN, especially at its central headquarters where they make up approximately 45% of the total personnel. However, participation by women at a national level is only 32% of total staff. One of the FGN's challenges is progressively increasing participation by women, especially in the professional positions. Accordingly, the activities involved in formulating the FGN's structure policy will consider different actions to foster and strengthen their participation.

PROGRAM TO MODERNIZE THE ADMINISTRATION OF JUSTICE

OBJECTIVE	ACTIVITIES	RESULTS
FUNCTIONAL STRENGTHENING		
Integrated human resources system for the selection of staff and methodical and effective of the agency's personnel; administrative and judicial development plan.	Create and redesign the personnel selection and appointment and tenure processes; career administration; and implementation of professional staff policies.	Availability and implementation of an administrative and judicial career development plan that makes it possible to maintain and raise the level of the agency's staff.
Integrated information system for management evaluation	Integrated development of systems based on reengineering of process management; advisory services at FGN management level to determine a policy on computerization and communications; adoption of a transition plan for the investigation services support information system (SI); expansion of SI coverage to the Cali and Barranquilla regional offices and the Cali and Bucaramanga local offices (includes training, equipment, and systems development).	Organization of information modules currently in operation; adaptation and efficient use of the information systems designed for the Bogota regional and local offices, giving coverage of about 40% of the cases being handled by the FGN; expansion of SI coverage to the Cali and Barranquilla regional offices and the Cali and Bucaramanga local offices which will raise coverage to about 70% of the cases being handled by the FGN.
Administrative and judicial management of paperwork and give FGN response capacity in case handling.	Design and implementation of the functional reengineering plan for management of critical cases.	Improve management of criminal process and procedures; redesign investigation process match the requirements of the different law enforcement agencies; allocation of criminal cases in accordance with preestablished technical criteria.
Raise the levels of efficiency and the development of the new plan adopted by the FGN as groundwork for evaluation of the FGN's functions in the short term and of the program.	Management evaluation: design of a system for compiling statistical and computerized data on FGN management performance; implementation of management evaluation systems; monitoring of the system and adjustments to the system, based on FGN's needs.	Implementation and validation of a system for evaluation and monitoring FGN management in both the regional and local directorates and national wide.

OBJECTIVE	ACTIVITIES	RESULTS
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PERFORMANCE INDICATORS. INSTITUTIONAL STRENGTHENING

Implementation of criminal justice management plan; administrative career plan; and restructuring and consolidation of information systems.

Implementation of management evaluation system; expansion of information system (70% of coverage).

TRAINING

Establish a sustainable training policy; ensure institutional support needed for the FGN's functional support and substantially increase efficiency and effectiveness of personnel, in accordance with government priorities set as part of institutional strengthening	Integrated training plan (includes evaluation and adaptation of current arrangements, design, implementation, and monitoring of the plan and identification of criteria for offering packages of courses, workshops, support services and modules); preparation and of technical and strategic training plans.	Establishment of criteria for training up to 12,000 staff, according to the needs identified in the different echelons of the FGN. Strategic management training of up to 3,000 FGN management and supervisory level staff.
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PERFORMANCE INDICATORS. TRAINING

Preparation of integrated training plan.

Implementation of integrated training plan; courses designed in (i) technical aspects (2,000 trainees), and (ii) strategic aspects (500 trainees).

Courses, workshops, and support services in (i) technical aspects (5,000 trainees), and (ii) strategic aspects (1,250 trainees).

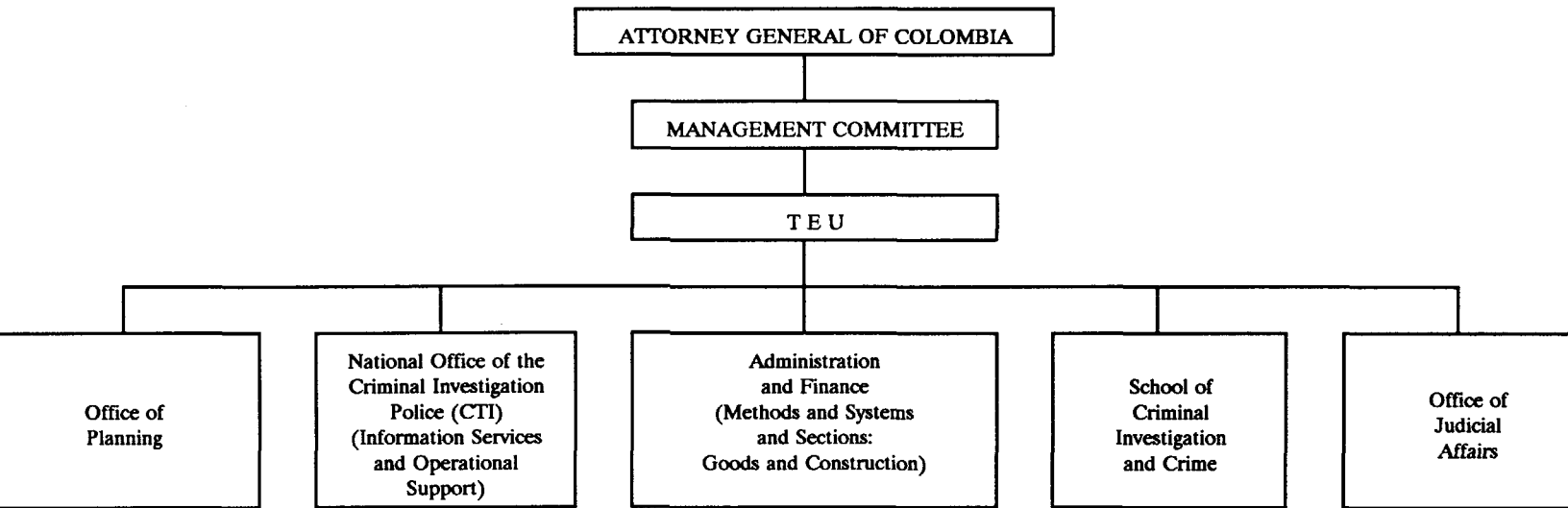
Courses, workshops, and support services in (i) technical aspects (5,000 trainees), and (ii) strategic aspects (1,250 aspects).

OBJECTIVE	ACTIVITIES	RESULTS
DEVELOPMENT OF CRIMINAL JUSTICE POLICY AND INFRASTRUCTURE INVESTMENT PLAN		
FGN's participation in the published by the Statute on the on of Justice fully opera-ay down medium and long-l operating guidelines that oblems caused by crime.	<p>Compile, organize, and analyze information on crime and the inability to get convictions in Colombian society; develop a reliable statistical methodology to quantify levels of crime and criminal offenses that go unpunished in Colombia; adjust the FGN's functional structure in accordance with actions to improve criminal investigation and judicial examination; and identify the institutional support needed for consolidating the FGN's functional structure in terms of criminal justice policy.</p> <p>Consideration will be given to means for validating the proposed criminal justice actions adopted, including design workshops and research in support of policy formulation.</p>	<p>Internal medium and long-term operating guide appropriate to the problems of crime and the reorientation of the agency under the program institutional strengthening component.</p> <p>Training for the FNG to develop and formulate at: (a) consolidating its function of reducing cr processing cases; (b) adapting its legal structure functional needs identified; and (c) helping to d crime.</p>
Criteria for selecting and taking care of infrastructure national level.	<p>Make an inventory of available facilities, noting cost and method of acquisition or use; develop standard models that set minimum requirements for the operation of FNG administrative, judicial, or technical offices in terms of space, traffic areas, security, communications systems, and other factors considered relevant, and evaluate the investment alternatives that the FNG may require, against the backdrop of demand and the need to rationalize facilities.</p> <p>Progressive implementation of the plan based on resource availability and agency priorities.</p>	<p>Infrastructure investment plan that seeks to mat FNG's available facilities and infrastructure requirements.</p> <p>An integrated planning system that takes into a demand for services and makes it possible to ma the service provided while holding down the cos operations, administration, and facilities.</p>

MENT INDICATORS. INFRASTRUCTURE INVESTMENT PLAN. CRIMINAL JUSTICE POLICY

paration of infrastructure investment plan.
 paration of methodology to determine incidence of criminal offenses without a conviction; proposal for judicial policy by the State.
 structuring of FGN infrastructure investment plan.
 paration of proposals to bring FGN structure into line with new operating plans.

ORGANIZATIONAL CHART OF THE PROGRAM



COLOMBIA
PROGRAM TO MODERNIZE THE ADMINISTRATION OF JUSTICE (CO-0036)

TENTATIVE PROCUREMENT SCHEDULE 1/

PRINCIPAL PROCUREMENT FOR THE PROGRAM	AMOUNT IN US\$000s	FINANCING IN US\$000s		METHOD	PREQUALIFICATION	DATE QTR/YEAR
		IDB	LOCAL			
CONSULTING SERVICES						
I. INSTITUTIONAL STRENGTHENING						
Human resources	140	98	42	LC	NO	I/96
Organization of computer information system						
a. Technology policy	100	70	30	LC	NO	I/96
b. SI adjustment tool	100	70	30	LC	NO	I/96
c. Transition	150	105	45	LC	NO	I/96
Increased coverage						
a. Training	1000	700	300	ICB	NO	I/96
b. Systems development	120	80	40	LC	NO	I/96
Criminal process management						
a. Criminal process	120	84	36	LC	NO	I/96
b. Prior investigation	120	84	36	LC	NO	I/96
c. Allocation of cases	60	42	18	LC	NO	I/96
Management evaluation						
a. Design of management evaluation plan	100	53,2	46,8	LC	NO	II/96
b. Information systems support	94	94	0	LC	NO	II/96
II. TRAINING						
Integrated training plan	350	245	105	ICB	NO	I/96
Technical training projects	3600	2765	835	ICB	YES	I/97 2/
Strategic training project	900	748,5	151,5	ICB	YES	I/97 2/
III. CRIMINAL JUSTICE POLICY AND INFRASTRUCTURE INVESTMENT PLAN						
Organizational plan of criminal justice policy	80	80	0	LC	NO	I/97
Preparation of infrastructure investment plan	200	167,3	32,7	ICB	NO	II/96
EQUIPMENT SET UP AND SOFTWARE						
I. INSTITUTIONAL STRENGTHENING						
Computers	4000	2400	1600	ICB	NO	I/97
Software	56	56	0	LC	NO	I/97
II. CRIMINAL JUSTICE POLICY AND INFRASTRUCTURE INVESTMENT PLAN						
Software	25	25	0	LC	NO	I/97
Hardware	25	25	0	LC	NO	I/97

1/ To be reviewed when each of the program operating plans is prepared.

2/ Subsequent special procurement notices will be published according to demand.

NOTE: ICB: International competitive bidding
LC: Local competition not restricted to international bidders

PROPOSED RESOLUTION

COLOMBIA. TECHNICAL COOPERATION LOAN FOR A PROGRAM OF MODERNIZATION OF
JUSTICE MANAGEMENT

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 Republic of Colombia and to adopt such other measures as may be pertinent for the execution of the program of technical cooperation described in Document _____, the objective of which is the modernization of justice management.

2. That up to the sum of US\$9,400,000, or its equivalent, is authorized for the purposes of this resolution, chargeable to the Ordinary Capital Resources of the Bank.

3. That the above-mentioned sum shall be provided on a reimbursable basis, in accordance with the respective conditions which shall be set forth in the agreement to be signed for this operation.