

**PROGRAM TO SUPPORT THE NATIONAL ASSEMBLY
AND THE JUSTICE SYSTEM**

(TC-94-01-06-9)

EXECUTIVE SUMMARY

BORROWER: The Government of Nicaragua.

EXECUTING AGENCY: The National Assembly of Nicaragua (NA) and the Supreme Court of Justice (SCJ).

BENEFICIARY: The República de Nicaragua.

AMOUNT AND SOURCE:

IDB:	US\$1,700,000 (FSO/NR)
Local counterpart funding:	US\$ 245,000
Total:	US\$1,945,000

**FINANCIAL
TERMS AND
CONDITIONS:**

Execution period:	24 months
Disbursement period:	28 months

**ENVIRONMENTAL
CLASSIFICATION:** The Environment Committee, at its meeting of May 22, 1996, classified this as a Category II operation.

OBJECTIVES:

The overall objective of the program is to support the process of consolidating the rule of law in Nicaragua by improving the country's labor legislation and setting the stage for reform of the justice system.

The program's specific objectives are: (i) to ensure the quality and consistency of existing legislation by conducting a selective review of the country's laws; (ii) to tighten the rules and regulations governing the NA; (iii) to improve the NA's technical capacity to carry out its legislative agenda; (iv) to support the process of judicial reform and consolidation through consensus-building and by paving the way to reform of the justice system and increased spending on the sector; (v) to draft improved ethical standards and enhance the professional ethics of court officials, judges and trial lawyers; and (vi) to lay the groundwork for programs in the areas of office management and alternative dispute settlement mechanisms.

DESCRIPTION: To achieve the proposed objectives, the program has been organized into two main subprograms:

Subprogram A: Strengthening of the National Assembly

- (a) Review and reorganization of legislation: (i) complete the task of compiling and reorganizing the nation's legislation, carefully identifying those laws currently in effect; (ii) identify those that require amendment or codification, and determine which should have priority; (iii) design, develop and install an information system on laws presently in force; and (iv) establish a system for the regular distribution and publication of national legislation, and propose a plan of action including short-, medium- and long-term measures for its implementation.
- (b) Rules and regulations of the National Assembly: The program will assist the NA with the review, discussion and amendment of its internal rules and regulations, and will include: (i) supporting the introduction of changes in its General Statutes and Internal Rules of Procedure; (ii) drafting a Code of Parliamentary Ethics for Representatives; and (iii) conducting a training program to educate Representatives about the new legal framework, and the rules and regulations of the National Assembly.
- (c) Technical assistance: (i) design a system to provide technical assistance for the NA, including the establishment of a statutory fund for administration and control of resources for specialized technical assistance; (ii) provide special technical assistance for development of a prioritized legislative agenda over the period 1996-1998, to be financed with resources from the above-mentioned fund; (iii) provide training and other activities to familiarize Representatives elected in the October 1996 elections with the program, in order to ensure a smooth transition between legislatures and guarantee continuity of the program; and (iv) review and propose improvements in the current organizational and administrative structure of the National Assembly.

Subprogram B: Support for reforming the justice system

- (a) Preparation of judicial reforms: (i) a seminar-workshop to be attended by a broad cross-section of officials from the judicial branch to discuss the draft version of a new Law Establishing the Court System (LOT) as it relates to the

establishment of a career path in the judicial branch; (ii) a second seminar-workshop for officials of the judicial branch, the joint committee with the NA, universities, law societies and foreign experts in this field; (iii) the First National Congress of the Judicial Branch under the new Law, with broad-based participation, including the media and the private sector; the purpose of the Congress will be to prepare the ground for reforms and seek political commitment on the importance and details of same, with emphasis on the role that both the judicial branch and civil society must play in a democratic system; (iv) activities involving the dissemination and publication of information and orientation on the need for the new law; (v) technical workshops at the regional and national level on specific topics arising in the course of the program; (vi) preparation of preliminary drafts of amending legislation accorded priority in the review of national legislation carried out under subprogram A; and (vii) background studies for the technical workshops and seminars described above, and in preparation for a possible second phase of the program.

- (b) Training, professional development and ethics: (i) review and reform of curriculum at schools of law of universities participating in the program, including the role of storefront legal aid services offered; (ii) formulation of a plan to improve and strengthen the legal profession under a program of professional ethics, and the role of professional associations in this area, including support for the drafting of a new Notarial Act and a law governing the professional conduct of lawyers; (iii) review of professional practices with respect to judicial procedures, by selecting a representative sample of cases and following the way in which they are processed; (iv) sponsoring of technical workshops with the participation of law associations, law professors and students, justices, judges and jurists; and (v) defining the requirements and options for training and development of judges and court officials wishing to advance their careers in law, including the role played by schools of judicial practice.
- (c) Pilot programs: The carrying out of (i) a pilot program for management and tracking of cases within the judicial branch, including design and

implementation of a program for compiling basic statistics on the judicial system; and (ii) a pilot program in community mediation under the storefront law services offered by the UCA in Managua and the UNAN in León.

BENEFITS:

The measures to support the National Assembly, the establishment of a coordinated system for technical assistance from internal and external sources, the improvements in its rules and regulations, and the review and reorganization of national legislation to facilitate access and awareness of the laws currently in force will result in substantial improvement in the work of the legislature, and the quality and consistency of the nation's laws. By raising the operating efficiency of the National Assembly, these measures will help ensure the proper conditions for governance in a democratic system and serve as a catalyst for the changes now in progress.

The program will help to achieve the social consensus required for defining and implementing the broad program of judicial reforms deemed necessary to advance the social and political transformation of Nicaragua and the recently-adopted changes to the country's Constitution.

RISKS:

The principal risk is that the program will begin while the new administration and legislature that will begin serving in 1997 is being formed, and this could adversely effect efforts to achieve a consensus for its execution.

This risk will be lessened by: (i) providing information activities and training on the program for representatives elected in October 1996, in order to ensure a smooth transition between legislatures and guarantee the continuity of the program; (ii) designing a program of consensus-building activities that will emphasize helping all of the participants to identify the guiding principles behind judicial reform, thus ensuring their support during the next administration; (iii) creation of a nonpartisan modernization committee within the National Assembly; and (iv) the fact that the majority (eight out of twelve) of the country's SCJ justices have been elected for periods ending several years after the new government takes office.

Final approval of the rules and regulations developed for the National Assembly will not depend upon any activity carried out by the consultants, since this is a decision which lies within the exclusive domain

of that body. Nevertheless, to provide coordination and ensure the political viability of the proposed rules and regulations, the program will include working in close contact with the ad hoc Modernization Committee of the NA which will set guidelines governing the work. This committee will generate the conditions for building a political consensus for obtaining the approval of the normative texts proposed.

**THE BANK'S
COUNTRY STRATEGY:**

Under the Eighth Replenishment, the Bank deems it important to support efforts aimed at strengthening the rule of law and creating conditions of stability and legal and political certainty as an essential condition for the establishment of a climate conducive to social and economic development.

At the same time, the Bank's strategy is to promote sustainable economic development in a State which encourages private enterprise through clear, fair and transparent investment rules. As a basic requirement for the success of this strategy is macroeconomic and political stability, the Bank has supported structural adjustment programs - with particular emphasis on fiscal savings, reducing the rate of inflation and external indebtedness, and strengthening the financial system - along with operations to promote the settlement of property disputes and minimize the social costs of economic adjustment. In addition, the Bank has provided support for rehabilitation of physical infrastructure as a stimulus to economic recovery in the private sector.

These aims are consistent with the government's plans and the efforts being made by Nicaragua in its drive for consolidating the democratic process, transforming the production sector, and modernizing the State. Improving the operation of the country's legislative and judicial branches will provide conditions conducive to achieving good governance and ensuring the sustainability of the economic and social changes that are taking place.

**SPECIAL
CONTRACTUAL
CONDITIONS:**

Conditions precedent to the first disbursement: It was agreed with the National Assembly that prior to the first disbursement under Subprogram A, the following events must take place: (i) creation of the ad hoc Modernization Committee of the NA, which in principle is to consist of five legislators selected to maximize political diversity of its membership (see paragraph 4.5); (ii) creation of an executing unit which will report to the Office of the

Speaker of the Legislature; it will be adequately staffed with a national coordinator (see paragraph 4.2); and (iii) evidence that the new operating regulations of the special assistance and/or foreign consultants fund are operative, as agreed with the Bank (see paragraph 3.10).

It was agreed with the CSJ that disbursement of the financing for subprogram B will be subject to the following special conditions: (i) creation of a Modernization Committee for the Judicial Branch, to consist of at least three justices from the SCJ (see paragraph 4.6); (ii) establishment of an executing unit that will report to the General Administrative Secretariat of the SCJ and have the personnel to carry out its operations, including a national coordinator (see paragraph 4.2); and (iii) submission of proof that the corresponding agreements have been signed with the UNAN in León and the UCA, for the coordination and execution of activities relating to the curriculum review and pilot project in community mediation (see paragraph 4.6).

The financing for each subprogram will also be subject to the following special disbursement conditions: (i) creation of the Inter-agency Committee (CI), to be made up of three members from the National Assembly's Modernization Committee, three representatives from the Commission for Modernization of the Judiciary, and the deans of the Law Faculties at the UCA (Managua) and the UNAN (León) (see paragraph 4.9); and (ii) submission of proof that the CI has selected the international coordinator for the program, according to the terms and conditions agreed on with the Bank (see paragraph 4.10).

Other special contractual conditions: It was agreed with the authorities of the National Assembly that the agreement with the Bank should include a clause to ensure the sustainability of the program by stipulating that the NA undertakes to: (i) hire external consultants to provide specialized support for the review of legislation, by means of mechanisms established under regulations governing operation of the special consulting fund to be established with program resources (see paragraph 3.13); and (ii) carry out the recommendations made by these consultants as a basis for administrative reorganization, rationalization of its utilization of resources and modernization of the National Assembly (see paragraph 3.13).

I. BACKGROUND

A. Setting

- 1.1 In recent years, the State and Nicaraguan society as a whole have made great strides towards putting the armed conflicts and political considerations of the past behind them, as well as towards consolidating the democratic system and rebuilding the country's productive sector. The present administration took office in April 1990 at a time of intense political polarization, gaping disparities in the capacity of public authorities and institutional weakness in both the legislative and judicial branches. The situation in the country at that time was marked for the most part by the limited rule of law, in an institutional and legal setting that was ill-equipped to undertake the country's economic, social and political development.
- 1.2 The efforts carried out since then have produced major changes in the institutional and legal framework, resulting in the restoration of stability and a resumption of growth. In 1995, a constitutional reform was promulgated for the purpose of consolidating the fundamental guarantees implicit in the rule of law, and assuring a smooth transfer of constitutional power to the new administration following the elections of October 1996. To ensure the viability of the reforms it was necessary to first achieve a political consensus in the form of Framework Legislation governing Implementation of Constitutional Reforms. Notwithstanding the efforts made to buttress the autonomy and operational independence of each branch of government, weaknesses continue to exist within the institutions themselves, in the mechanisms for coordination and dialog between them, and in their relations with the community they serve.
- 1.3 At the same time, Nicaragua is undertaking a series of reforms designed to rebuild the country's economic infrastructure and create a more modern and efficient public sector. However, sustaining the growth that is now under way will require a climate more receptive to savings and investment, and this will depend in large part on maintaining conditions of legal and political stability.
- 1.4 The consolidation of these changes will also require suitable reinforcement of the legislative powers, including a congress with the technical capacity to carry out reforms; the institutional embodiment of the new constitutional mandates; a program of reforms for the justice system aimed at fortifying the role of the judicial branch in the democratic system; and a careful review of the national legislation to eliminate the confusion, inconsistencies and legal uncertainties caused by the extreme social and political upheavals that have occurred in the country over the last 20 years.

- 1.5 Since it endangers political stability, legal certainty, relations between branches of government and public confidence in democratic institutions, this situation has led the government, with the backing of the Nicaragua's National Assembly (NA) and Supreme Court of Justice (SCJ), to request that the Bank finance a project to improve the operations of the NA and lay the foundations for judicial reform. In support of this request, the NA and SCJ conducted a diagnostic study with technical assistance from the Bank.

B. The National Assembly of Nicaragua (NA)

- 1.6 The National Assembly was established in 1987 under the Political Constitution enacted that year. In addition to the Constitution, the NA is governed by its General Statutes and Internal Rules of Procedure. It has two principal functions: a legislative mandate which it exercises by drafting, passing and interpreting the laws of the nation, and a mandate to provide parliamentary oversight, primarily through supervision of the other bodies of government and control of the national budget. Given its pluralistic makeup based on the direct popular election of its representatives, the NA also has a representative function which makes it the central forum for national political debate.
- 1.7 It is responsible for choosing the justices for the SCJ, the members of the Supreme Electoral Council and the executive officers of the Controller General's Office and the Office of Banking Supervision. The NA is also empowered to levy, raise or lower and abolish taxes, and to determine the political and administrative divisions of the State.
- 1.8 The National Assembly consists of a single house made up of 92 representatives with a permanent staff of 225 officials providing administrative support. Its law-making functions are carried out under 17 legislative committees.
- 1.9 Since its inception, the NA has had to contend with institutional and technical limitations that hamper its ability to keep pace with the important political changes occurring since 1987, particularly the constitutional reforms approved in 1995 which revised and strengthened its powers and responsibilities under the country's democratic system.
- 1.10 In recent years, the NA has been conducting institutional strengthening activities, for which it has received support from the United States Agency for International Development (USAID). The assistance provided has been primarily in the form of computer equipment, training programs for its personnel, and the introduction of a legislative assistance service. The USAID is currently preparing phase two of this program which will complement the present operation. Annex I contains a USAID-IDB Coordination Matrix describing the different activities that each organization

will carry out under Subprogram A for the Strengthening of the National Assembly.

- 1.11 In addition to the above, the diagnostic study financed by the Bank found that one of the most important challenges facing the country is that of removing legal uncertainties caused by the excessive proliferation and dispersal of its legislation, and in some cases by the fact that obsolete laws remain on the books. This confusion is due in part to the social and political convulsions of the past two decades, and in part to the absence of a system for compiling, consolidating and vetting the nation's laws.
- 1.12 Thus, various bodies of laws have been amended partially and piecemeal over the years. For example, one important portion of the country's duly codified commercial and civil legislation was amended by a series of executive decrees without altering the codes themselves. This situation, combined with the legislative practice of implied derogation, ^{1/} creates legal uncertainty since massive confusion exists over what laws are in force.
- 1.13 At the same time, the internal rules and regulations of the NA need updating to eliminate duplications and ambiguities, and to plug gaps in the existing provisions. The duties and powers of the Office of the Speaker, Governing Council, General Secretariat, Plenary and committees need to be redefined and more clearly delimited, particularly in regard to the constitutional reforms that have been carried out. In addition, there is at present no code of ethics governing the conduct of legislators and setting out disciplinary measures to which representatives should be subject while holding elected office. Such a code will help to ensure maximum transparency in their public and private actions.
- 1.14 Nor is there at present an adequate system to provide technical assistance for lawmakers, including a permanent service to cover the legislature's internal technical needs and provision for external consultants to meet specialized requirements arising under specific legislative agendas.
- 1.15 The diagnostic study showed that the main shortcomings of the existing technical assistance system have to do with its organization and linkage with an ineffective administration, lack of suitable procedures for the hiring and supervision of external consultants, difficulties in accessing specialized knowledge required to support the legislative process, and a low level of training for personnel. While the NA has the financial resources to cover the cost of external technical assistance, much work remains to be done to rationalize and regulate the use of these resources in order to control expenditures in this area.

^{1/} By virtue of which once a new law is passed, all contrary provisions are automatically derogated.

- 1.16 Finally, the National Assembly requires technical support in its efforts to carry out an extensive and complex agenda ^{2/} which includes implementing national constitutional reforms, developing the necessary legal framework for the consolidation of democracy, and reforming the judiciary.

C. The justice system

- 1.17 The Political Constitution of Nicaragua establishes and determines the nature, organization and operations of the judicial branch. This branch of the government is made up of the Supreme Court of Justice (SCJ), whose 12 members are appointed by the NA, appellate courts and district and local courts, the members of which are appointed directly by the SCJ. As well, the judicial branch is responsible for maintaining property registries. In addition to its constitutional mandate, the judicial branch is governed by the Law Establishing the Court System (LOT) which dates back to 1894, determines the structure of the judicial branch and sets out the rules and areas of responsibility for the administration of justice.
- 1.18 The nation's system of justice also includes provisions for institutions such as the Office of the Attorney General, Office of the State Counsel for Human Rights, the National Police and the correctional services system. The universities, law students, legal professionals and law societies are equally vital to the operation of the justice system.
- 1.19 In recent years, serious limitations have surfaced with respect to the separation of the judiciary from the other branches of government, as well as institutional, technical and financial shortcomings which hamper fulfillment of its duties and responsibilities for maintaining the rule of law, particularly those assigned to it under the recently-approved constitutional reforms.
- 1.20 The recent constitutional reforms have substantially altered the structure of the judicial branch. The most significant changes relate to the elimination of special courts, the expansion of the

^{2/} It was agreed with the NA that its preliminary legislative agenda would focus on: (i) strengthening the rule of law by reviewing the Law on Administrative Procedures, Law on Administrative Disputes, Law Establishing the Court System, the Police Act and the Code of Criminal Procedure; (ii) modernizing the framework for government actions in the social sector through consensus-building with respect to labor legislation, the Social Security Act, General Law on Cooperatives, Education Act and the Law on Municipalities, as part of the democratization of the new electoral system which will come into effect; and (iii) reviewing economic legislation relating to reforms under the General Law on Banks and other Financial Institutions, and the law governing the Privatization of Insurance.

SCJ from 9 to 12 justices, and the creation of a chamber within the Supreme Court of Justice to hear appeals against administrative decisions. In addition, changes were made in the method of appointing supreme court justices, the judicial officer career path was formally established and is currently being developed, and its branch's budget was reinforced with the appropriation of not less than 4% of the national budget to the judiciary in future.

- 1.21 For its part, the SCJ has made great strides in improving the quality of judges by appointing individuals with law degrees to positions formerly held by persons with no legal training. In 1992, 80% of local judges had not completed secondary school, and had received only the occasional training course. By 1995, over 60% of the individuals occupying the same positions held law degrees and were receiving comprehensive training at the School of Judicial Practice, with the support of the USAID and the Swedish International Development Authority (ASDI).
- 1.22 Much progress has been made as well in the area of infrastructure. More than 80 local courts (juzgados de mínima cuantía) have been built with assistance from the United Nations Development Programme (UNDP) and the ASDI. The government has recently set aside land and buildings for the SCJ, as well as space for a judicial complex in Managua which will house the senior appellate court and most of the district courts (lower courts). In addition, with the Bank's support (ATN/SF-4904-NI) advances are being made under a project aimed at settling property disputes arising in this connection.
- 1.23 Notwithstanding the above, the authorities are aware that these are ad hoc and partial measures in response to urgent needs. These initiatives in the areas of human resource training, judicial career path, use of resources and infrastructure improvements, among others, must be supplemented by other programs and made part of an overall plan for sector reform and for coping with the severe problems confronting the system. This view coincides with the findings of the diagnostic studies carried out by the SCJ with the Bank's support.
- 1.24 The above-mentioned studies indicate that the main problems which face the sector, and which must be dealt with on a consensual basis, are those that relate to the independence of the judicial branch and judges, their accountability, the need to harmonize and consolidate substantive and procedural law, barriers to access and equity under the judicial system, the absence of alternative dispute settlement methods, areas of weakness in professional training for the law, the organization and administration of the judicial branch, and limitations in its physical infrastructure.
- 1.25 According to a recent survey, over 60% of respondents reported having no confidence in the work of judges. This lack of credibility is due to the slowness of the system or its failure to resolve criminal cases or settle disputes warranting intervention

by the judiciary, or the inconsistencies and poor quality of the decisions handed down. In the area of criminal law, for example, only 11% of the appeals heard by the Appellate Court of Managua over the most recent five-year period (1990-1995) were eventually decided by that court. Moreover, in only 35% of these decisions was the lower court's ruling upheld. 3/

- 1.26 These problems are made worse by the inadequate training received by members of the legal profession or of the judicial branch. The distribution of law faculties among private universities where the State has no control, and the increased enrollment in law studies at the Universidad Nacional Autónoma de Nicaragua (UNAN) and the Universidad Centroamericana (UCA) — over 2,700 in 1994 — has meant that in the past two years the number of lawyers called to the bar has risen by 50%. This surplus, along with the lack of agreement on qualifications and ethical and disciplinary standards governing the practice of law, has done much to undermine confidence in the justice system. From these same universities come the judges who administer law in Nicaragua without benefit of long-term training or professional development programs.
- 1.27 Agreement was reached with the authorities to launch an integrated program of judicial reform in two stages. A first stage based on legal expertise will seek the necessary agreement and political will concerning the direction, priorities and sequence of reforms, through development of demonstration projects. To this end the SCJ, in conjunction with the NA and both national and international jurists, has begun work on a new Law Establishing the Court System. 4/ The second stage will be designed to undertake the reforms and investment programs in the sector, drawing upon studies and preparatory activities, together with an evaluation of findings and the impact of the pilot projects carried out in the first stage.

D. The Bank's strategy and experience

1. The Bank's strategy

- 1.28 Under the Eighth Replenishment, the Bank deems it important to support efforts aimed at strengthening the rule of law and creating conditions of stability and legal and political certainty as an essential condition for the establishment of a climate conducive to social and economic development.

3/ The second hearing principle guarantees litigants the right to appeal the sentences or decisions rendered by a lower court to a higher court.

4/ The Bank will provide support for this initiative as part of the program.

- 1.29 At the same time, the Bank's strategy is to promote sustainable economic development in a State which encourages private enterprise through clear, fair and transparent investment rules. A basic requirement for the success of this strategy is macroeconomic and political stability, for which reason the Bank has supported structural adjustment programs - with particular emphasis on fiscal savings, reducing the rate of inflation and external indebtedness, and strengthening the financial system - along with operations to promote the settlement of property disputes and to minimize the social costs of economic adjustment. In addition, the Bank has provided support for rehabilitation of physical infrastructure as a stimulus to economic recovery in the private sector.
- 1.30 These aims are consistent with the government's plans and with the efforts being made by Nicaragua in its drive to consolidate the democratic process, transform the productive sector and modernize the State. Within this context, the proposed program aims to improve the operation of the country's legislative and judicial branches in order to put in place the necessary conditions for achieving democratic consensus and ensuring the sustainability of the economic and social changes that are taking place.

2. The Bank's experience

- 1.31 For the past two years, the Bank has been working on the preparation and design of operations aimed at strengthening the legislative and judicial branches of government in countries in the region. However, it has not yet accumulated sufficient experience to begin evaluating the lessons learned during the execution of these projects.
- 1.32 In general terms, as part of the process of incorporating this topic into the Bank's activities, one strategic recommendation might be to bring all of the agents who should be involved in the reform process, into the design and execution of these projects by developing consensus-building activities and the commitment that is needed to ensure the long-term sustainability of the reforms. This experience has already been employed to good advantage in projects for Costa Rica and Honduras.
- 1.33 Finally, it is vital that senior legislative officials participate in the program in order to guarantee the success of the judicial reform process from the outset. The proposed technical cooperation will represent an important and innovative experience for the Bank inasmuch as it constitutes a single operation in which both branches of government, the legislature and the judiciary, will participate.

II. OBJECTIVES OF THE PROGRAM

A. General objective

- 2.1 The overall objective of the program is to support the consolidation of the rule of law in Nicaragua through reform of the legislative process and setting the stage for reform of the justice system.

B. Specific objectives

- 2.2 The program will have the following specific objectives:
- (a) ensure the quality and consistency of existing legislation by conducting a selective review of the country's laws;
 - (b) tighten the rules and regulations governing the NA;
 - (c) improve the NA's technical capacity to carry out its legislative agenda;
 - (d) support the process of judicial reform and consolidation through consensus-building and by paving the way to reform of the justice system and increased spending on the sector;
 - (e) raise the caliber of the legal profession and the ethical standards of the court officials, judges and trial lawyers; and
 - (f) lay the groundwork for programs in the areas of office management and alternative dispute settlement mechanisms.

III. DESCRIPTION OF THE PROGRAM

- 3.1 The program has been organized into two subprograms with three components each. Annex II contains the logical framework of the program.

A. Description

1. Subprogram A: Support for the National Assembly

- 3.2 This Subprogram will include activities under the following components: (i) review and reorganization of legislation; (ii) legal and regulatory framework; and (iii) technical assistance.

(a) Review and reorganization of legislation

- 3.3 This component will include: (i) completing the task of compiling and reorganizing the nation's legislation, carefully identifying those laws currently in effect; (ii) identifying those that require amendment or codification, and determine which should have priority; (iii) designing, developing and installing an information system of laws presently in force; and (iv) establishing a system for the regular distribution and publication of national legislation, and propose a plan of action including short-, medium- and long-term measures for its implementation.
- 3.4 This task will be carried out in four stages: (i) gathering and consolidating the information, taking as a starting point previous work aimed at updating the country's legislation. This will include systematic organization and codification of the information, identifying all national legislation in effect between the founding of the republic and the date on which the project is carried out, carefully cross-referenced to indicate derogating and interpretive provisions; (ii) determining the most pressing needs for amendment or recodification of laws based on the inconsistencies and gaps uncovered by the review process; (iii) developing the conceptual and logical design of a national data system containing information on current legislation, with cross-references and including linkages with the public agencies that will benefit from access to the system, and to various law faculties; and (iv) designing a system for regular distribution and publication of national legislation, including the establishment of a plan of action to be implemented in the short, medium and long term. The latter design will include a study resulting in specific recommendations concerning the feasibility of commissioning private printers for regular publication of national legislation.
- 3.5 The principal result of this component will be to facilitate access to and awareness of the laws currently in force and to establish system for the dissemination of information on the nation's legislation.

(b) Legal and regulatory framework

- 3.6 This component will help the NA with the review, discussion and reform of its internal rules and regulations, and will include: (i) supporting the introduction of changes in its General Statutes and Internal Rules of Procedure; (ii) drafting a code of ethics for Representatives; and (iii) conducting a training program to educate Representatives on the new legal framework, and rules and regulations of the National Assembly.
- 3.7 The principal topics to be developed in the context of this review are: (i) the duties and powers of the Office of the Speaker, Governing Council, Plenary and committees; (ii) relations with other branches of government and with civil society; (iii) the

organization, structure and functions of the NA, including technical support and its administrative staff; (iv) the rules and procedures to be followed in drafting the law on its modernization; and (v) the code of ethics and regulatory framework required for the work of the legislature, including the rights and duties of legislators, the strengthening of disciplinary measures and penalties, and the establishment of competent oversight bodies.

- 3.8 As these normative changes affect the institutional prerogatives of the National Assembly, any decision concerning their implementation and timing will rest entirely on the sovereign will of the legislators. For this reason, the program will culminate with a bill to be presented to the competent legislative bodies for dissemination and discussion in workshops and seminars that will enrich the debate on the reforms.
- 3.9 The ultimate aim of this component is to prepare, distribute and eventually implement proposed reforms to the general statutes and internal rules of procedure of the NA, and a code of ethics for Representatives.

(c) Technical assistance

- 3.10 This component will include: (i) designing a system to provide technical assistance for the NA, including the establishment of a statutory fund for administration and control of resources for specialized technical assistance the operating regulations for the fund will be a precondition for disbursement (see Annex IV, Operating Regulations); (ii) providing special technical assistance for development of a prioritized legislative agenda over the period 1996-1998, to be financed with resources from the above-mentioned fund; (iii) carrying out training and other activities to familiarize Representatives elected in the October 1996 elections with the program, in order to ensure a smooth transition between legislatures and guarantee the continuity of the program; and (iv) reviewing and proposing improvements in the current organizational and administrative structure of the National Assembly.
- 3.11 This component will include an examination of the current structure for provision of technical assistance to the NA, identification of existing obstacles to implementing a modern technical assistance system (internal and external), and preparation of a plan for strengthening the current system.
- 3.12 The review of its administrative structure will include detailed listing of the duties of current personnel; identification of administrative and financial obstacles existing at present; analysis of the current systems of human resources and financial planning and planning for investment in physical infrastructure; and determination and proposing of the activities required for strengthening administrative and financial management, including a detailed timetable for their implementation.

3.13 In order to guarantee the sustainability of the program, the NA has undertaken to: (i) hire external consultants to assist with the review of legislation, using the mechanisms established under regulations governing operation of the special consulting fund to be established with program resources; and (ii) carry out the recommendations made by these consultants to serve as a basis for administrative reorganization, rationalize its use of resources and modernize the National Assembly. This commitment will be one of the conditions of the agreement signed with the Bank.

3.14 The results of activities under this component are expected to include improving the quality of the NA's legislative agenda, establishing a coordinated legislative assistance, creating a statutory fund for specialized assistance, and organizing a system for controlling the use of NA resources for hiring specialized consultants.

2. Subprogram B: Support for the justice system

3.15 This Subprogram will include activities under the following components: (i) preparation of judicial reforms; (ii) training, professional development and ethics; and (iii) pilot programs.

(a) Preparation of judicial reforms

3.16 This component will include: (i) a seminar-workshop to be attended by a broad cross-section of officials from the judicial branch to discuss the draft version of a new Law Establishing the Court System (LOT) as part of a career path in the judicial branch; (ii) a second seminar-workshop for officials of the judicial branch, the joint committee with the NA, universities, law societies and foreign experts in this field; (iii) the First National Congress of the Judicial Branch under the new legislation, with broad-based participation including members of the media and the private sector, the purpose of which will be to lay the groundwork for reforms and seek political commitment on the importance and details of same, with emphasis on the role that both the judicial branch and civil society must play in the process; (iv) activities involving the dissemination and publication of information on the new law and orientation as to why it is needed; (v) technical workshops at the regional and national level on specific topics arising in the course of the program; (vi) preparation of preliminary drafts of amending legislation identified as being of priority, based on the review of the country's laws carried out under subprogram A; and (vii) background studies for the technical workshops and seminars described above, and for preparation of a possible second phase of the program.

3.17 These studies will include at least the following: a strategic plan for judicial organization and management, emphasizing the independence and accountability of judges; a review of practices of the legal profession with respect to judicial procedures, as part

of the review of the Notarial Act with an eye to establishing a law governing the professional conduct of the legal profession; proposals for the establishment of a national system of arbitration and mediation aimed at low-income groups and including out-of-court conflict resolution and decriminalization of certain offences, preparation of the corresponding regulatory framework, and identification of organizations capable of implementing this system; an integrated plan for a computerized information system; and a program for planning and maximizing the use of judicial infrastructure.

- 3.18 The activities of this component will result in a series of seminars and technical workshops aimed at consensus-building, shaping of the reforms to the justice system, ensuring broad support for these reforms, and preparing the baseline studies for their implementation.

(b) Training, professional development and ethics

- 3.19 This component will include: (i) curriculum review and reform among the faculties of law of the universities participating in the program, including the role of storefront legal aid services offered by same; (ii) formulation of a plan to improve and strengthen the legal profession under a program of professional ethics, and the role of professional associations in this area, including support for a new Notarial Act and a law governing the professional conduct of the legal profession; (iii) a review of professional practices with respect to judicial procedures, based on a representative sample of cases and following the way in which they are processed; (iv) sponsoring of technical workshops with participation by bar associations, law professors and students, justices, judges and jurists; and (v) definition of the requirements and options for training and developing judges and court officials wishing to advance their careers in law, including the role played by schools of judicial practice.
- 3.20 The results of this component will include curriculum reform in the law faculties of participating universities, improvement of training programs for judges and court officials, and drafting of regulations governing the conduct of the legal profession.

(c) Pilot programs

- 3.21 This component will include (i) a pilot program for management and tracking of cases within the judicial branch, including designing and implementing a program to compile basic statistics on the judicial system; and (ii) a pilot program in community mediation under the storefront law services offered by the UCA in Managua and the UNAN in León.

(i) Pilot program for management and tracking of cases

- 3.22 The pilot program for management and tracking of cases will be carried out in three phases: (i) identification of the causes of backlogs in the court system; (ii) the pilot project; and (iii) proposal for expanding the program.
- 3.23 During the first phase, the main causes of delays in the judicial system will be identified and plans for the pilot project will be drawn up including selection of sample cases and a system for tracking statistics. In the second phase, based on the results of the study carried out under phase one and the alternative chosen, the recommendations for improving case management will be implemented in the four chambers of the SCJ, the Appellate Court, and two district courts in Managua. This operation will include installing the necessary equipment and systems and making it function. In the third phase beginning 18 months after the start of the pilot program and based on the results, a detailed plan will be submitted for expanding the program to Nicaragua's other courts. This plan will be implemented as part of the program of reforms and investments in the sector.

(ii) Pilot program in community mediation

- 3.24 A pilot community mediation program will be carried out as part of the storefront legal services offered by the UNAN in León (drawing on its experience in this area) and by the UCA in Managua.
- 3.25 The program will include: (i) technical assistance with the design and organization of a system for mediation under storefront legal services offered by participating universities, including coordination of their efforts; (ii) training and development of law and psychology professors and students and social workers in the techniques of mediation and negotiation; (iii) training and development for local judges to strengthen preliminary arbitration hearings before the courts; (iv) preparation of the relevant legal and regulatory framework; (v) technical and information workshops attended by representatives from universities, students and professors of law, bar associations, judges, the officials of the judicial branch, labor arbitrators and family counsellors and representatives of civil society; (vi) designing a national arbitration and mediation system for the judiciary, with specific recommendations for its implementation in a possible second phase; and (vii) provision of equipment and materials for each of the storefront law offices, including the design of a system for tracking cases.
- 3.26 These activities will be carried out in close coordination with the deans of faculties of law in participating universities, and the directors of their storefront legal services. In the case of the UNAN-León, coordination and support will be provided for its mediation center which has now been established.

- 3.27 This component will result in the execution of two pilot programs: one on community mediation using the storefront legal services operated by participating universities, and another on management and tracking of cases before the SCJ, the Appellate Court and two district courts of Managua.

B. Participation by women

- 3.28 During the program, special efforts will be made to ensure that the activities proposed under each component take account of participation by women and benefits accruing to women. All of the studies, consensus-building activities, information systems, pilot projects, vocational training and development programs and technical strengthening exercises carried out under this program will be required to take explicit steps to incorporate gender awareness. Similarly, one of the goals of the selective review of laws and, in particular, the work of detecting and eliminating errors in same, will be to give full legal effect to the principle of equal opportunity. It is important in this connection to note that the majority of personnel currently serving in Nicaragua's judiciary - including both judges and officials - are women.

- 3.29 The following measures will ensure that gender awareness is an integral part of all activities under the program: (i) the terms of reference for the international coordinator will include responsibility for noting progress under this heading in the semi-annual evaluation reports submitted to the Bank; (ii) the terms of reference for each national coordinator will include responsibility for monitoring, supporting and evaluating the introduction of gender awareness in the activities of each subprogram, to which end that official will be authorized to hire a specialist in women's issues for up to one month per year, as part of the Bank's financing for consulting services; and (iii) as part of the follow-up and evaluation missions conducted by the Bank, the need for a specialist in gender issues on staff to study this topic will be discussed.

C. Costs and financing

- 3.30 The total cost of the program is estimated at the equivalent of US\$1,945,000. The Bank's contribution will be for up to the equivalent of US\$1,700,000 in nonreimbursable financing, chargeable to the Fund for Special Operations. The local counterpart funding will be equivalent to approximately \$245,000, as shown in the following table of program costs (see Annex X, Itemized Budget):

Table I
BUDGET SUMMARY

PROGRAM TO SUPPORT THE NATIONAL ASSEMBLY AND THE JUSTICE SYSTEM			
SUBPROGRAM A: SUPPORT FOR THE NATIONAL ASSEMBLY			
	BANK	LOCAL	TOTAL
1. Review and reorganization of legislation	425,000	0	425,000
2. Legal and regulatory framework for the NA	62,300	0	62,300
3. Technical assistance	165,000	100,000	265,000
Subtotal	652,300	100,000	752,300
SUBPROGRAM B: SUPPORT FOR THE JUSTICE SYSTEM			
1. Preparation of judicial reforms	238,700	38,000	274,700
2. Training, development and ethics	63,800	18,000	81,600
3. Pilot programs	498,300	19,000	517,300
Subtotal	800,800	73,000	873,800
Coordination	206,400	72,000	278,400
Contingencies	40,700	0	40,700
TOTAL	1,700,000	245,000	1,945,000

IV. EXECUTION OF THE PROGRAM

A. Execution, coordination and supervision

- 4.1 The executing agencies for the proposed technical assistance program will be: for subprogram A, the National Assembly of Nicaragua (NA), and for subprogram B, the Supreme Court of Justice (SCJ). The proposed method of execution takes into account that the program has two executing agencies, each from different branches of government. The program has been designed to avoid requiring submission of the decisions of either executing agency to a central unit, while at the same time maintaining coordination between them via the international coordinator and the Inter-agency Committee (CI). (See Annex VI, Organization chart for program execution.)

1. Executing units

- 4.2 Executing units will be created in the NA and the SCJ for the subprograms, and will operate under the supervision of a national

coordinator, each with a staff of qualified professionals and support personnel drawn from their respective institutions. These units will administer the resources of their subprograms, submitting requests for disbursements in accordance with the Bank's procedures, and will also be responsible for carrying out administrative duties, keeping accounting records on their subprograms and managing contract personnel and logistical support. These units will report to the Office of the Speaker of the NA and the CMPJ, respectively (see Annex IX, terms of reference for national coordinators). Creation of these units will constitute a condition precedent to the first disbursement under the respective subprogram, such that noncompliance by either executing agency will not prevent the other from starting its activities. The appointment of national coordinators will be a condition precedent to the disbursement of resources under each subprogram.

- 4.3 The financial resources of the Bank will be used to hire both national coordinators. The technical assistance provided by the Bank to each of the executing units will include training for their personnel in procedures to ensure the necessary transparency and efficiency in managing goods and services, in the use of the Bank's procedures for procurement of goods and contracting of consulting services, and in the monitoring and supervision of compliance with contractual conditions. These training programs will be the responsibility of the national coordinators, under the supervision of the international coordinator. Finally, the Bank will supply the executing units with equipment. The cost of support personnel for each subprogram will be borne by the NA and the SCJ.

2. Administration of each subprogram

- 4.4 The administration of each subprogram will be the responsibility of internal working committees.
- 4.5 An ad hoc Modernization Committee (CEM) will be created within the NA, headed by the Speaker of that body and made up of five legislators selected to maximize political diversity among its membership. The CEM will be responsible for overall administration of subprogram A, monitoring and supervision of the activities of consultants hired with the resources of this subprogram, enforcement of the contract signed with the Bank, and seeking the agreements required for implementing the actions recommended by the program. The CEM must be created as a precondition for disbursement of the financing.
- 4.6 A CMPJ will also be set up to coordinate and supervise the execution of subprogram B. This committee will be responsible for monitoring and following up on the work of the consultants hired out of the funding for this subprogram. The Committee will be responsible for enforcing the terms of the contract signed with the Bank and will enter into whatever agreements are necessary to implement the recommendations made under the program. The creation

and appointment of staff to the CMPJ will also be a condition precedent to the first disbursement. For aspects of subprogram B in which the law faculties of the UCA and the UNAN participate, inter-institutional coordination and execution agreements will be signed. The signing of these agreements will be a condition precedent to disbursements for the pilot program on community mediation (see Annex VI, Organization chart for program execution).

3. Overall coordination: The Inter-agency Committee

- 4.7 Although each subprogram will be carried out independently, there is a need for a body to provide policy coordination and to see to consensus-building since there are numerous activities common to both subprograms. In the first place, the task of revising the regulatory provisions governing the judicial system and the nation's civil and criminal laws will require the active participation of the leaders of the National Assembly, since the eventual implementation of new rules and regulations will require passage by the legislature. In this connection, the NA is already participating by means of a committee to review the Law Establishing the Court System. In the second place, the selective review of legislation to be carried out by the NA is of vital importance for building confidence in the nation's laws and judicial system. Ensuring the participation and contribution of the SCJ in its overall supervision will guarantee the subsequent utilization of the system in trial and appeals courts in Nicaragua. And finally, the process of preparing the program for reform of the justice system and modernization of the NA will be carried out in an atmosphere of open dialog and communication between the two branches of government. The program will seek to expand these opportunities for dialog and consensus-building, which are so vital to its ultimate success, through the creation of an Inter-agency Committee.
- 4.8 Overall supervision and coordination of the program will be the task of an Inter-agency Committee (CI). The CI will be made up of three members from the NA's ad hoc Modernization Committee (CEM), three representatives of the SCJ, and the deans of the Law Faculties of the UCA (Managua) and the UNAN (León). The CI will meet twice a month to assess the operation of the program, in accordance with its duty to provide overall supervision.
- 4.9 The CI will establish the general guidelines and ensure coordination among the various entities participating in the program, while seeking a consensus on the legislative reforms required in Nicaragua. The committee will not be directly responsible for the execution of either subprogram. Formal constituting of the CI, including the appointment of its members and assignment of the duties and powers for general coordination of the program, will be a condition precedent to the first disbursement under the operation.

- 4.10 The CI will be responsible for selecting an international coordinator who will be hired with resources provided by the Bank, and who will become a member of the CI. This will be a precondition for disbursement of the financing. The primary function of this individual will be to coordinate and provide technical guidance for the activities of the program, ensuring adequate liaison and execution and assisting with the selection, supervision and monitoring of the national coordinators for both subprograms. The coordinator will also be responsible for directing consultants and overseeing the performance of their activities, including timely submission of progress reports to the CI. The NA and the SCJ will be responsible for selecting consultants to act as national coordinators for the subprograms subject to approval by the Bank (see Annex VIII, terms of reference for the international coordinator).

4. Consulting services

- 4.11 As indicated in paragraph 4.13, the consultants for the program will be hired by each executing unit for its respective subprogram, as shown in Table II below:

Table II
CONSULTING SERVICES FOR EACH COMPONENT

Components	p-m	Type of Consultancy
Subprogram A:		
a. Review and reorganization of legislation	12	Consulting firm or specialized agency
b. Rules and regulations	11.5	Local or international consultants
Review of the General Statutes	4	Local or international consultants
c. Technical assistance	2	Local consultants
Institutional strengthening for the NA	23	Consulting firm
Subprogram B:		
a. Preparation of judicial reforms	12	Local or international consultants
b. Training, professional development and professional ethics	10	Local or international consultants
c. Pilot programs	24	Consulting firm
Management and tracking of cases	28	Local or international consultants
Mediation		

- 4.12 As shown in Table II above, program resources will be used to hire local and international consultants for a total of 67.5 person-months, and three consulting firms for a total period of 59 person-months (see Annexes III-1 through III-4, terms of reference of the consultancy for subprogram A, and Annexes V-1 through V-7, terms of reference of the consultancy for subprogram B).

5. Operating procedures

- 4.13 The contracting of consulting services and the procurement of goods under the program must be as set out in the terms of reference or technical specifications to be prepared by the executing units. Subject to the Bank issuing a statement of nonobjection, each unit will process the announcement or invitation to tender and submit its report and recommendation to the Modernization Committee of the NA or the SCJ, as the case may be. This body will then make the award and authorize the respective unit to sign the contract, upon receiving a statement of nonobjection from the Bank - afterwards overseeing performance of the contract conditions and recording the relevant payments.
- 4.14 At the start of the program, a manual of operating procedures will be prepared with the necessary documentation requirements and the corresponding forms, standard procurement documents including instructions to bidders, bidding conditions or invitation to bid, general terms and conditions of the different types of contract, model contracts and methods of qualifying - all in accordance with the Bank's procedures and local procurement law. These tasks will be the responsibility of the international consultant, who will be assisted by the consultants serving as national coordinators.

6. Recognition of expenses

- 4.15 It is expected that the NA and the SCJ will have to commence certain activities under the program prior to its approval by the Bank, involving a cost of up to the equivalent of US\$70,000. Accordingly, both agencies have requested that the Bank recognize these prior expenditures and assist them in obtaining reimbursement. These costs will be recorded in accordance with the Bank's procedures.
- 4.16 In the case of subprogram A, these costs will cover the contracting of a local consultant for a period of three months to assist the NA: (i) in the installation and start-up of the executing unit for subprogram A; and (ii) the placement in operation and initial activities of the Special Consulting Fund.
- 4.17 In the case of subprogram B, these costs will cover the following:
- (i) the contracting of a local consultant for a period of three months to assist the SCJ: (a) in the installation and start-up of the executing unit for subprogram B; and (b) the preparation and logistical organization for an internal seminar-workshop for officials from the judicial branch to discuss the draft version of a new Law Establishing the Court System (LOT);
 - (ii) the contracting of an international consultant for a period of two months: (a) to assist the joint national committee to review the draft version of the new Law Establishing the Court System

(LOT) by making technical recommendations based on comparative experience; (b) to assist the CSJ with the preparation, and conceptual design of an internal seminar-workshop offered to officials from the judicial branch to discuss the above-mentioned draft version of a new LOT; (c) to act as moderator and rapporteur for the seminar-workshop; and (d) to edit and prepare material summarizing the results of the seminar-workshop, so that it is ready for distribution;

(iii) the contracting of an international consultant for one month to assist in determining the impact and economic feasibility of the various initiatives or innovations proposed in the draft version of the new Law Establishing the Court System; and

(iv) the seminar-workshop referred to in section (ii) of this paragraph.

7. Procurements

- 4.18 The selection and contracting of services and the procurement of equipment and materials required for this program must be conducted in accordance with the Bank's procedures.

8. Execution period

- 4.19 The execution period for the program will be 24 months reckoned from the date on which the technical-cooperation agreement comes into force, and the disbursement period will be 28 months.

V. BENEFITS AND RISKS

A. Benefits

- 5.1 The measures to support the National Assembly, the establishment of a coordinated system for technical assistance from internal and external sources, the improvements in its rules and regulations, together with the review and reorganization of national legislation to facilitate access and awareness of the laws currently in force, will result in a substantial improvement in the work of the legislature, and the quality and consistency of the nation's laws. By raising the operating efficiency of the National Assembly, these measures will help ensure the proper conditions for democratic governance and serve as a catalyst for the changes now in progress.
- 5.2 The program will help to achieve the social consensus required for defining and implementing a broad program of judicial reform deemed necessary to advance the social and political transformation of Nicaragua and the recently-adopted changes to the country's Constitution.

B. Risks

- 5.3 The principal risk is that the program will begin during the process of forming the new government and legislature that will begin serving in 1997, which could adversely effect efforts to achieve the consensus necessary for its execution.
- 5.4 This risk will be minimized by: (i) providing information activities and training on the program aimed at representatives elected to office in October 1996, in order to ensure a smooth transition between legislatures and guarantee the continuity of the program; (ii) designing a program of consensus-building activities amongst all participants that will help to identify the guiding principles behind judicial reform, thus ensuring their support for the reform during the incoming administration; (iii) creation of a nonpartisan modernization committee within the National Assembly; and (iv) the fact that the majority (eight out of twelve) of the country's SCJ justices have been elected for periods ending several years after the new government takes office.
- 5.5 Final approval of the rules and regulations developed for the National Assembly will not depend upon any activity carried out by the consultants, since this is a decision which lies within the exclusive domain of that body. Nevertheless, to provide coordination and ensure the political viability of the proposed rules and regulations, the program will include working in close contact with the ad hoc Modernization Committee of the NA which will set guidelines governing the work. This committee will generate the conditions for achieving the political consensus necessary for obtaining the approval of the proposed normative texts.

VI. FOLLOW-UP AND EVALUATION

A. Supervision and reports

- 6.1 **Follow-up meetings.** Two evaluation meetings will be held (one 6 months and the other 18 months after the first disbursement) to review the progress made in carrying out the program, based on the progress reports presented by the international coordinator. In addition to the international coordinator, the evaluation meetings will be attended by the local coordinators, the CI, and officials from the Bank, and such other authorities as are deemed necessary for adjusting the program.
- 6.2 **Interim reports.** At the beginning of each six-month period during the execution of the program, the international coordinator must submit for approval by the Bank and the CI, a semi-annual progress report described: (i) the advances made in scheduled activities;

(ii) the progress of disbursements in comparison to the disbursement schedule, and of outlays chargeable to the counterpart contribution; (iii) a summary of the recommendations made by external consultants and a final copy of the document prepared by same; (iv) copy of official documents indicating the measures or decisions taken concerning application of the recommendations and reports submitted by consultants; and (v) a detailed proposal for the plan of activities to be carried out over the next six-month period, based on the reports presented by the local coordinators.

- 6.3 **Final report.** Within three months following completion of the program, the international coordinator will submit a final report containing a summary of the activities carried out, indicating the purpose of expenditures incurred with the Bank's resources and local counterpart funding, results achieved, decisions taken as a consequence of the program and the results obtained based on its implementation.

B. **Auditing and control**

- 6.4 **Financial reports.** Based on a uniform chart of accounts prepared by the international coordinator, each executing unit will maintain accounting records for its subprogram.
- 6.5 Within the first three months of each year during the program execution period, the international consultant will submit a financial report to the CI indicating the use made of financing provided under the Bank's contribution and the local counterpart funding, based on the reports received from the respective units and the auditing firm. The financial reports of the executing units must be audited by a firm of independent auditors hired by each unit and approved by the Bank. The firm of auditors will present the accounting information in consolidated form, based on the reports submitted by the executing units.

NICARAGUA
PROGRAM TO SUPPORT THE NATIONAL ASSEMBLY
AND THE JUSTICE SYSTEM
(TC-94-01-06-9)
USAID-INTER-AMERICAN DEVELOPMENT BANK COORDINATION MATRIX

Area	USAID	IDB
Rules and regulations	- Training grants	- Preparation of the General Statutes, Internal Rules of Procedures, and Code of Ethics - training and consensus-building activities (workshops, seminars)
Technical assistance and advice	Technical assistance for committees, particularly the Budget Committee and Budget Analysis Unit - Implementation of technical assistance systems - Technical training aimed at support personnel - Start-up of microfilming in the library	- Design of the integrated system for technical assistance on legislative work - Establishment of the Statutory Consulting Fund with resources from the IDB and the NA
Systems and information systems	- Support for the installation of networks in the NA - Design and implementation (hardware and software, including a system for monitoring legislation) of the strategic systems plan	- Design and implementation of the system of current legislation, as a result of the work carried out in the review and reorganization of legislation
Review of laws		- Review and reorganization of legislation
Administrative area		- Administrative reorganization of the NA
Execution	- Mutual support for the establishment of the ad hoc Modernization Committee of the NA - Common executing unit with IDB coordinator and USAID coordinator, attached to the Office of the Speaker of the NA - Common administrative support	

PROGRAM TO SUPPORT THE NATIONAL ASSEMBLY AND THE JUSTICE SYSTEM

Subprogram A: Support for the National Assembly
LOGICAL FRAMEWORK FOR SUBPROGRAM A

COMPONENTS/OBJECTIVES/ACTIVITIES	INDICATORS	RESULTS	ASSUMPTIONS
<p><u>Review and reorganization of legislation</u>: the objective of this component is to ensure the quality and consistency of currently applicable legislation</p> <p>compiling and reorganizing the nation's legislation</p> <p>identification of required amendments and codifications</p> <p>design, develop and placement online of an information system on laws presently in force</p> <p>establishment of a system for dissemination and publication of legislation</p>	<ul style="list-style-type: none"> - specialized organization or firm selected and hired - legislation compiled and revised - data bases designed and equipment purchased - system for publishing laws designed, including private sector participation 	<p>Access to and knowledge of current legislation; establishment of a data system and publication of same</p> <ul style="list-style-type: none"> - legislation compiled - legislation no longer in effect eliminated - amendments to laws identified - data systems on current laws implemented - systems for dissemination and publication of current laws designed and established 	<ul style="list-style-type: none"> - suitable consultant - political will to implement the recommendations resulting from reforms in laws
<p><u>Rules and regulations of the NA</u>: the objective of this component is to improve the regulatory framework of the NA</p> <p>revision and implementation of reforms to the General Statutes</p> <p>revision and implementation of the NA's Internal Rules of Procedure</p> <p>drafting and implementation of a Code of Ethics for representatives</p> <p>carrying out an awareness program and training on the new rules and regulations</p>	<ul style="list-style-type: none"> - consulting service hired - Statutes and Internal Rules of Procedure revised - amendments to Internal Rules of Procedure approved - information seminars convened and carried out 	<p>Preparation, dissemination and eventual implementation of proposed reforms to General Statutes and Internal Rules of Procedure, and preparation of a Code of Ethics for Representatives</p> <ul style="list-style-type: none"> - General Statutes and Internal Rules of Procedure proposed - Proposed new Code of Ethics presented and approved - Legal and regulatory framework implemented - Representatives informed of new rules and regulations 	<ul style="list-style-type: none"> - political will to implement the proposed reforms - appropriate design for the public awareness program
<p><u>Technical assistance</u>: the objective of this component is to improve the NA's capacity for developing its legislative agenda</p> <p>design of a system of professional technical assistance for the NA</p> <p>establishment of a statutory fund for hiring specialized consultants</p> <p>provision of specific assistance for developing the legislative agenda</p> <p>carrying out consensus-building activities and training for representatives</p> <p>revision and proposals for improving the organization and administrative structure</p>	<ul style="list-style-type: none"> - consulting service hired - equipment purchased and installed - specialized consultant hired - consensus-building seminars convened 	<p>Establishment of a coordinated system of legislative assistance, a statutory fund for specialized consultants, and help with control of resources for obtaining this assistance</p> <ul style="list-style-type: none"> - technical assistance system designed - statutory fund established - internal budget for the fund in operation - consensus-building seminars and training courses carried out - administrative and financial management training strengthened - Consensus-building activities for representatives elected in October 1996 carried out 	<ul style="list-style-type: none"> - political will to adopt the new design for assistance and administrative organization

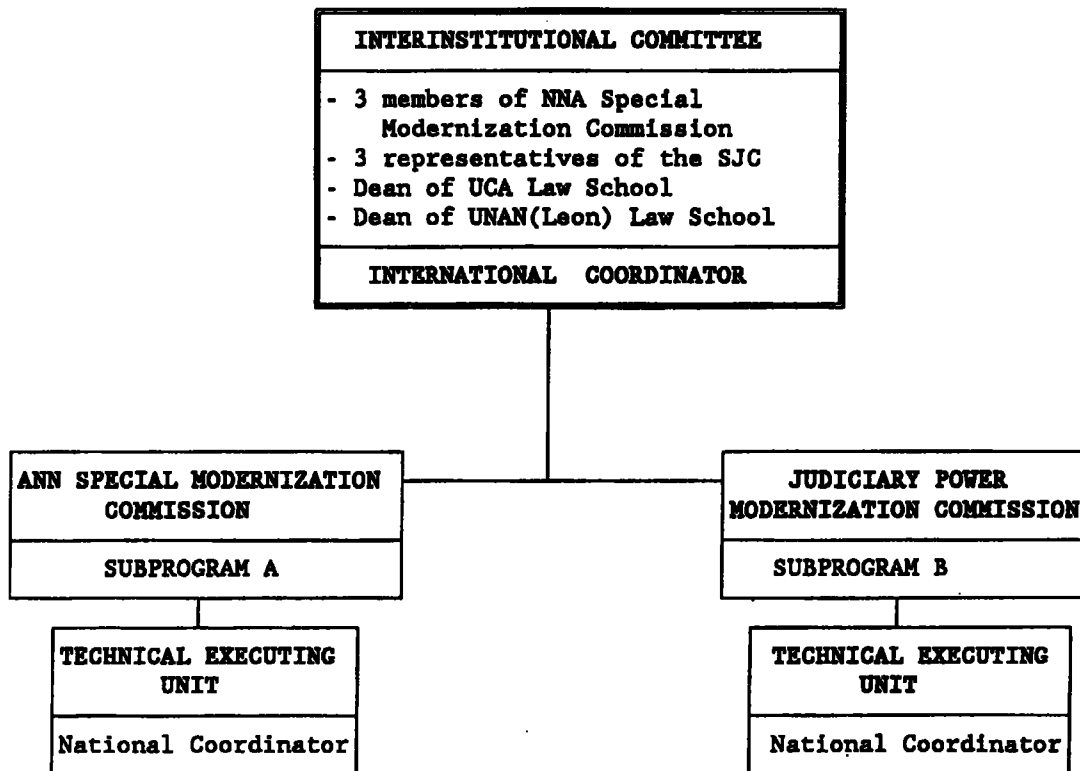
PROGRAM TO SUPPORT THE NATIONAL ASSEMBLY AND THE JUSTICE SYSTEM

Subprogram B: Support for the justice system
LOGICAL FRAMEWORK FOR SUBPROGRAM B

COMPONENTS/OBJECTIVES/ACTIVITIES	INDICATORS	RESULTS	ASSUMPTIONS
<p><u>Preparation of judicial reform:</u> the objective is to support preparation the reform process and consolidation of the justice system, seeking build consensus around same and conducting studies to prepare a program of reform and investment in the sector</p> <p>conducting of two seminars to discuss the Law Establishing the Court System</p> <p>conducting of regional & national workshops</p> <p>Holding of the First National Congress of the Judicial Branch</p> <p>support for the preparation of draft legislation</p> <p>carrying out background studies for the above-mentioned seminars</p> <p>workshops and for preparation of an eventual investment program</p> <p>strategic organization-management plan for the judicial system</p> <p>national alternative dispute settlement system for low-income groups,</p> <p>including identification of organization and preparing the regulatory framework</p> <p>integrated plan for information systems</p> <p>plan to optimize judicial infrastructure</p>	<ul style="list-style-type: none"> - seminar reports, guidelines for reforms produced - first and second seminars convened - First National Congress of Judicial Branch convened - reports on seminars and the Congress prepared - reports on studies 	<p>Holding of seminars, workshops and consensus-building activities for reform of the justice system, with broad participation and support, and preparing background studies to carry out this reform</p> <ul style="list-style-type: none"> - first seminar held to discuss the Law Establishing the Court System - second seminar held - workshops held - second workshop held - First National Congress of the Judicial Branch held - draft laws prepared - technical workshops held - studies carried out 	<ul style="list-style-type: none"> - technical quality of results of first seminar - design of survey to provide guidelines for future programs - willingness to hold regional workshops - political will to present and approve legislative changes - technical quality of results of first seminar - suitable consulting service and direction studies
<p><u>Training, development and professional ethics:</u> the objective of this component is to improve training and professional ethics of court officials, judges and trial lawyers</p> <p>review and upgrading of law faculty curricula</p> <p>design and carrying out of a training program in professional ethics</p> <p>defining requirements for the training of judges and court officials</p>	<ul style="list-style-type: none"> - reports on new programs and curricula - books purchased - text of code of ethics - number of judges and court officials trained in new system - competitive system for filling positions for judges and court officials designed 	<p>Reform of university curricula in participating law faculties; upgrade training system for judges and court officials, regulate legal profession</p> <ul style="list-style-type: none"> - law programs and curricula revised - faculty libraries strengthened - training program designed - system of disciplinary measures and sanctions in place - training prog. for judges designed - Guidelines established for review of the legal career path 	<ul style="list-style-type: none"> - willingness to make changes - adequate technical assistance
<p><u>Pilot programs:</u> the objective of this component is to lay the foundation for management programs for legal offices and alternative dispute settlement methods</p> <p>implementation of a pilot program for management and tracking of cases in the judicial branch</p> <p>design and carrying out of a pilot program for community mediation</p> <p>Managua & León</p>	<ul style="list-style-type: none"> - design of pilot programs - reports on management 	<p>Execution of two pilot programs: community mediation in storefront law offices, and management and tracking of cases in the judiciary and system of basic statistics</p> <ul style="list-style-type: none"> - pilot program on management designed and implemented - pilot program on mediation designed and implemented - basic statistics system in place 	<ul style="list-style-type: none"> - technical suitability of consultancy - willingness of SCJ to implement recommendations

PROGRAM TO SUPPORT THE NATIONAL ASSEMBLY AND THE JUSTICE SYSTEM

EXECUTION CHART FOR THE PROGRAM



DETAILED BUDGET
(In US\$ equivalent)

CATEGORY	No. month	pers	Unit value	Bank	Local Counterpart	PROGRAM TOTAL
<u>Subprogram A. NNA Strengthening</u>				652.300	100.000	752.300
1. Normative upgrading and regulatino				425.000		425.000
- <u>Technical Assistance</u>				360.000		360.000
Consulting Firm	12	1	30.000	360.000		360.000
- <u>Equipment</u>				60.000		60.000
Hardware local network legislature				40.000		40.000
Software local network legislature				20.000		20.000
- <u>Dissemination and training</u>				5.000		5.000
Training courses NNA staff				5.000		5.000
2. NAA Legal/regulatory framework				62.300		62.300
- <u>Technical Assistance</u>				49.800		49.800
Int. Cons. legal framework	1	2	10.000	20.000		20.000
Nat. Cons. legal framework	3	3	2.200	19.800		19.800
Int. Cons. Compared Exper.	0.5	2	10.000	10.000		10.000
						0
- <u>Dissemination and training</u>				12.500		12.500
National workshopl	1	1	7.500	7.500		7.500
Workshops	1	2	2.500	5.000		5.000
3. Technical Advisory Services				165.000	100.000	265.000
- <u>Technical Assistance</u>				160.000	100.000	260.000
Regulated Fundado				80.000	100.000	180.000
Int. Cons. Technical Advice design	1	2	10.000	20.000		20.000
Administrative strengthening	6	1	10.000	60.000		60.000
						0
- <u>Dissemination and training</u>				5.000		5.000
Staff training courses				5.000		5.000
<u>Subprogram B. Support reform justice syst.</u>				800.600	73.000	873.600
1. Preparation of Judicial Reform				238.700	36.000	274.700
- <u>Technical Assistance</u>				114.700		114.700
Int. Experts to be determined	3	1	10.000	30.000		30.000
Nat. Experts to be determined	6	1	2.200	13.200		13.200
Cons. Firm. infraest. and management			0	41.500		41.500
Econ. eval. LOT	1	1	10.000	10.000		10.000
International Expert org. trib. LOT	2	1	10.000	20.000		20.000
- <u>General Support</u>				0	36.000	36.000
Local administrative support	24	1	1.500	0	36.000	36.000
- <u>Dissemination and training</u>				0		124.000
National workshops	1	2	30.000	60.000		60.000
Regional/sectoral workshops	4		8.000	32.000		32.000
Technical workshops	4		8.000	32.000		32.000
Subprogram studies						

CATEGORY	No. month	pers	Unit value	Bank	Local Counterpart	PROGRAM TOTAL
2. Training, formation/professionalization				63.600	18.000	81.600
- <u>Technical Assistance</u>				<u>47.600</u>		<u>47.600</u>
Intern. Consultants.Legal profession	1	1	10.000	10.000		10.000
Nat.Consultant. Legal profession	2	2	2.200	8.800		8.800
Intern.Consult. curriculum	1	1	10.000	10.000		10.000
Nat.Consultants curriculum	2	2	2.200	8.800		8.800
Consultant judicial training	1	1	10.000	10.000		10.000
- <u>General support</u>				0	<u>18.000</u>	<u>18.000</u>
Administrative support local and UE	12	12	1.500		18.000	18.000
- <u>Dissemination and training</u>				<u>16.000</u>		<u>16.000</u>
Technical workshops	2		8.000	16.000		16.000
3. Pilots Programs				498.300	19.000	517.300
- <u>Technical Assistance</u>				<u>416.800</u>		<u>416.800</u>
Int.Cons. legal offices	4	1	10.000	40.000		40.000
Nat.Cons.legal offices	24	1	1.800	43.200		43.200
Technical Director each center	24	2	1.800	86.400		86.400
Firm for pilot program				247.200		247.200
- <u>Equipment</u>		2		<u>60.500</u>	<u>19.000</u>	<u>79.500</u>
Equipment legal offices	1	2	10.000	20.000		20.000
Equipment pilot courts	1		10.000	20.000		20.000
Network court system pilot program				20.500		20.500
Installation legal offices	24		400		19.000	19.000
- <u>Dissemination and training</u>				<u>21.000</u>		<u>21.000</u>
Dissemination materials pilot program				5.000		5.000
Dissemination workshops/discussion	2		8.000	16.000		16.000
SUBPROGRAM (A + B) SUBTOTAL				1.452.900	173.000	1.625.900
Execution costs						
- <u>Technical Assistance</u>				<u>206.400</u>		<u>206.400</u>
Program Coordinator	24	1	8.000	120.000		120.000
NNA National Coordinator	24	1	1.800	43.200		43.200
CSJ National Coordinator	24	1	1.800	43.200		43.200
- <u>Local Support Executing Units</u>				0	<u>72.000</u>	<u>72.000</u>
SUBTOTAL EXECUTION COSTS				206.400	72.000	278.400
98. MISCELLANEOUS				40.700		60.300
TOTAL				1.700.000	245.000	1.945.000

PROPOSED RESOLUTION

NICARAGUA. NONREIMBURSABLE TECHNICAL COOPERATION FOR A PROGRAM TO SUPPORT
THE NATIONAL ASSEMBLY AND THE JUSTICE SYSTEM

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 República de Nicaragua and to adopt such 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 Program to Support the National Assembly and the Justice System.

2. That up to the sum of US\$1,700,000, or its equivalent in other convertible currencies, 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.