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IMPLEMENTATION COMPLETION AND RESULTS REPORT  
(IBRD-44010)

ON A

LOAN

IN THE AMOUNT OF US\$33.00 MILLION EQUIVALENT

TO THE

REPUBLIC OF GUATEMALA

FOR A

JUDICIAL REFORM PROJECT

March 10, 2008

Poverty Reduction and Economic Management Unit  
Central America Country Management Unit  
Latin American and the Caribbean Region

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## CURRENCY EQUIVALENTS

(Exchange Rate Effective July 26, 2007)

Currency Unit = Guatemalan Quetzal (Q\$)

US\$1 = Q\$7.7981

Q\$1 = US\$0.12824

FISCAL YEAR

January 1 to December 31

FISCAL YEAR

## ABBREVIATIONS AND ACRONYMS

ADR	Alternative dispute resolution
AECI	<i>Agencia Española de Cooperación Internacional</i> , Spanish assistance agency
<i>Antecedentes Penales</i>	Office registering criminal records of citizens and providing certificates as proof that no such records exist
ASIES	Guatemalan research institute, <i>Asociación de Investigaciones y Estudios Sociales</i>
<i>Auxiliar judicial</i>	Courtroom support staff
BB	(World) Bank budget
<i>Cabecera de distrito</i>	Central city of judicial district
CAS	Country assistance strategy
CENADOJ	<i>Centro Nacional de Análisis y Documentación Judicial</i> , document center for Guatemalan Judiciary
CIT	<i>Centro de Informática y Telecomunicaciones</i> , informatics and telecommunications center for Guatemalan judiciary
<i>Consejo de la Carrera Judicial</i>	Judicial Career Council, responsible for overseeing appointment, supervision, evaluation, and complaints against judges
CMU	Country management unit
<i>Departamento de Protocolos</i>	Office of Judiciary responsible for registering lawyers and notaries and documents pertaining to their work
<i>Departamento de Supervisión de Tribunales</i>	Part of <i>Consejo de la Carrera Judicial</i> , responsible for <i>in situ</i> inspections of judicial offices and investigating complaints
<i>Dirección de Servicios Tribunalicios</i>	Judicial office responsible for receiving and distributing incoming cases, recording actions in criminal cases, holding files for active criminal cases, and running the notification service
EU	European Union
<i>Falta grave</i>	Serious administrative infraction causing written reprimand,

	leave without pay, or recommended dismissal
FUNCEDE	<i>Fundación Centroamericano de Desarrollo</i> , Guatemalan research institute
<i>Gestión Penal</i>	Office within <i>Dirección de Servicios Tribunalicios</i> responsible for handling criminal cases
IADB	Inter American Development Bank
ICR	Implementation completion report
IEG	Independent Evaluation Group
IFMS	Integrated financial management system
IRIS	Integrated Records and Information Service
ISR	Implementation status report
<i>Juicio ejecutivo</i>	Summary debt collection proceedings
<i>Junta de Disciplina</i>	Part of <i>Consejo de la Carrera Judicial</i> , responsible for holding hearings to make decisions and recommendations on claims of judicial malfeasance
<i>Juzgado de turno</i>	24-hour court established to make early determinations as to whether suspects detained by police should remain in jail, or be released on bail or on their own recognizance. In some variations may also review police and prosecutors' requests for searches, seizures and similar actions
LCSPS	Latin American and Caribbean Public Sector Group
M&E	Monitoring and evaluation
MINUGUA	(Observer) Mission of United Nations in Guatemala
NGO	Nongovernmental organization
OJ	<i>Organismo Judicial</i>
<i>Organismo Judicial</i>	Guatemalan term for Judicial Branch of government
PAD	Project appraisal document
PCU	Project Coordinating Unit
PDO	Project development objective
PHRD	Policy and Human Resources Development (Fund)
PROFED	<i>Programa de Fortalecimiento del Estado de Derecho</i> , UNDP program to provide support to Guatemalan justice sector
<i>Protocolos</i>	Used as a short form of <i>Departamento de Protocolos</i>
<i>Secretaria de Planificacion y Desarrollo Institucional</i>	Planning office for judiciary
<i>Servicios Tribunalicios</i>	<i>Departamento de Servicios Tribunalicios</i>

SGT	<i>Sistema de Gestión de Tribunales</i> , automated case management system
SIAF	<i>Sistema Integral de Administración Financiera</i> , Guatemala's IFMS
SPDI	<i>Secretaria de Planificación y Desarrollo Institucional</i>
STC	Short-term consultant
<i>Supervisión</i>	<i>Departamento de Supervisión de Tribunales</i>
TF	Trust Fund
<i>Título ejecutivo</i>	Document establishing existence of a liquid debt required to use summary debt collection proceedings ( <i>juicio ejecutivo</i> ) rather than longer, ordinary proceedings
TOR	Terms of reference
TTL	Task team leader
UMOJ	<i>Unidad de Modernización del Organismo Judicial</i> , PCU for WB Project
UNAP	<i>Unidad de Antecedentes Penales</i> (see <i>Antecedentes Penales</i> )
UNDP	United Nations Development Program
UNOPS	United Nations Office of Project Services
URNG	<i>Unidad Revolucionario Nacional Guatemalteco</i> , rebel forces during Guatemalan civil war
USAID	United States Agency for International Development
WB	World Bank

Vice President: Pamela Cox  
 Country Director: Laura Frigenti  
 Sector Manager: Nick P. Manning  
 Project Team Leader: Linn A. Hammergren  
 ICR Team Leader: Linn A. Hammergren

**Guatemala  
Judicial Reform Project**

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<b>A. Basic Information</b>			
Country:	Guatemala	Project Name:	GT JUDICIAL REFORM
Project ID:	P047039	L/C/TF Number(s):	IBRD-44010
ICR Date:	10/23/2007	ICR Type:	Core ICR
Lending Instrument:	SIL	Borrower:	REPUBLIC OF GUATEMALA
Original Total Commitment:	USD 33.0M	Disbursed Amount:	USD 33.0M
<b>Environmental Category: C</b>			
<b>Implementing Agencies:</b> Judiciary Branch			
<b>Cofinanciers and Other External Partners:</b>			

<b>B. Key Dates</b>				
Process	Date	Process	Original Date	Revised / Actual Date(s)
Concept Review:	12/19/1997	Effectiveness:	04/22/1999	04/22/1999
Appraisal:	06/30/1998	Restructuring(s):		
Approval:	10/22/1998	Mid-term Review:		10/06/2003
		Closing:	06/30/2004	06/30/2007

<b>C. Ratings Summary</b>	
<b>C.1 Performance Rating by ICR</b>	
Outcomes:	Moderately Unsatisfactory
Risk to Development Outcome:	Moderate
Bank Performance:	Moderately Unsatisfactory
Borrower Performance:	Moderately Satisfactory

<b>C.2 Detailed Ratings of Bank and Borrower Performance (by ICR)</b>			
Bank	Ratings	Borrower	Ratings
Quality at Entry:	Moderately Unsatisfactory	Government:	Moderately Satisfactory
Quality of Supervision:	Moderately Unsatisfactory	Implementing Agency/Agencies:	Moderately Satisfactory
<b>Overall Bank Performance:</b>	Moderately Unsatisfactory	<b>Overall Borrower Performance:</b>	Moderately Satisfactory

<b>C.3 Quality at Entry and Implementation Performance Indicators</b>			
<b>Implementation Performance</b>	<b>Indicators</b>	<b>QAG Assessments (if any)</b>	<b>Rating</b>
Potential Problem Project at any time (Yes/No):	No	Quality at Entry (QEA):	None
Problem Project at any time (Yes/No):	No	Quality of Supervision (QSA):	None
DO rating before Closing/Inactive status:	Satisfactory		

<b>D. Sector and Theme Codes</b>		
	<b>Original</b>	<b>Actual</b>
<b>Sector Code (as % of total Bank financing)</b>		
Law and justice	100	100
<b>Theme Code (Primary/Secondary)</b>		
Law reform	Primary	Primary
Legal services	Primary	Primary
Other accountability/anti-corruption	Secondary	Secondary

<b>E. Bank Staff</b>		
<b>Positions</b>	<b>At ICR</b>	<b>At Approval</b>
Vice President:	Pamela Cox	Shahid Javed Burki
Country Director:	Laura Frigenti	D-M Dowsett-Coirolo
Sector Manager:	Nicholas Paul Manning	Guillermo Perry
Project Team Leader:	Linn A. Hammergren	Waleed Haider Malik
ICR Team Leader:	Linn A. Hammergren	
ICR Primary Author:	Linn A. Hammergren	

## **F. Results Framework Analysis**

### **Project Development Objectives (from Project Appraisal Document)**

The development objective of the project is to create a more effective, accessible and credible judicial system that would foster public trust and confidence and improve consistency and equity in the application of law.

**Revised Project Development Objectives (as approved by original approving authority)**  
**(a) PDO Indicator(s)**

Indicator	Baseline Value	Original Target Values (from approval documents)	Formally Revised Target Values	Actual Value Achieved at Completion or Target Years
<b>Indicator 1 :</b>	Significant increase in user confidence			
Value quantitative or Qualitative)	Approx. 88% of users perceive administration of justice as inadequate.	Increase in user confidence as measured by the stakeholder surveys and workshops.		2003 survey shows 89% perceive inadequate. Final partial survey suggests confidence same or lower
Date achieved	10/20/1998	04/22/2004		07/27/2007
Comments (incl. % achievement)	Comparable survey not done at end of project; information taken from two partial surveys, one project funded, one funded by UMOJ. Last survey does suggest some expectations of future improvements, but the grade for this indicator, based on real change, is 20 %			
<b>Indicator 2 :</b>	Significant increase in Judiciary Branch coverage and access outside Guatemala City			
Value quantitative or Qualitative)	Operations are centralized in Guatemala City.	Justices of Peace courts constructed/rehab. and operational in the majority of 331 municipalities, 2 regional- and 2 departmental centers constructed.		All municipalities have justice of the peace, 2 regional and 1 departmental center constructed
Date achieved	10/20/1998	04/22/2004		06/29/2007
Comments (incl. % achievement)	95% A joint effort by all donors and <i>Organismo Judicial</i> ; WB does not construct second departmental center.			
<b>Indicator 3 :</b>	Number of corruption related complaints received and resolved through the Anti-Corruption Commission			
Value quantitative or Qualitative)	0 -- no complaints system	No numerical target		561 complaints against judges, 149 admitted, and 28 find faults. Prior year 602, 121, and 80.
Date achieved	10/20/1998	04/22/2004		11/30/2006
Comments (incl. % achievement)	AC Commission does not hear complaints, thus judicial disciplinary bodies substituted. Lack of target impedes evaluation. 50% because of high percentage of complaints that are not admitted or not heard.			
``	Policy on traditional justice systems developed and tested			
Value		Policy		No policy

quantitative or Qualitative)	No policy			
Date achieved	10/20/1998	04/22/2004		06/29/2007
Comments (incl. % achievement)	Not accomplished. Really outside scope of project., but will give 50 % because all modernization plans have listed a series of activities which, if carried out, might produce a policy			
<b>Indicator 5 :</b>	Number of subprojects executed through the participation program			
Value quantitative or Qualitative)	0	No target -- just says "number of"		Unclear because of uncertainty as to what events should be counted
Date achieved	10/20/1998	04/22/2004		06/29/2007
Comments (incl. % achievement)	Lack of target impedes evaluation – possibly 50 %, but this requires a reinterpretation of what is counted. The activities mentioned in the PAD were not carried out and the main “participatory” subproject was a series of workshops on lynching, financed and directed by the PCU.			

**(b) Intermediate Outcome Indicator(s)**

Indicator	Baseline Value	Original Target Values (from approval documents)	Formally Revised Target Values	Actual Value Achieved at Completion or Target Years
<b>Indicator 1 :</b>	New management and organizational model designed, discussed, approved, and tested			
Value (quantitative or Qualitative)	No model	Model designed, discussed, approved, and tested		Model (administrative reengineering) designed and carried out by end of 2001
Date achieved	04/22/1999	04/22/2004		06/30/2007
Comments (incl. % achievement)	Never tested. 80% completion			
<b>Indicator 2 :</b>	Judiciary Branch administratively restructured			
Value (quantitative or Qualitative)	No restructuring	Restructuring completed		Restructuring done by end of 2001 -- few changes since
Date achieved	04/22/1999	04/22/2004		06/30/2007
Comments (incl. % achievement)	100%			
<b>Indicator 3 :</b>	Standards for case flow established			
Value (quantitative or Qualitative)	No standards	Standards set		No standards set
Date achieved	04/22/1999	04/22/2004		06/30/2007

Comments (incl. % achievement)	30% on basis of pilot experiments and other activities that might help develop standards			
<b>Indicator 4 :</b>	Human resource development program (including training) established and tested			
Value (quantitative or Qualitative)	No program	Program exists		HR Office created, career system and training for judges
Date achieved	04/22/1999	04/22/2004		06/30/2007
Comments (incl. % achievement)	60 % completed – 100 % for first instance judges, but auxiliary and administrative staff lack career, evaluation, and systematic training program.			
<b>Indicator 5 :</b>	Inventory of cases prepared and judicial statistics developed			
Value (quantitative or Qualitative)	No inventory or statistics	Inventory and statistics		Only partial inventory; no change to statistics system from what was already being used.
Date achieved	04/22/1999	04/22/1999		06/30/2007
Comments (incl. % achievement)	Inventory only for cases filed post-2002 in 5 <i>cabeceras de distrito</i> ; statistics still inaccurate and incomplete. No new system developed 30%			
<b>Indicator 6 :</b>	Court delay reduction program in Guatemala City and experimentally tested			
Value (quantitative or Qualitative)	No program	Program created and tested		Partial program designed for appellate and few family and labor courts, but neither tested nor adopted
Date achieved	04/22/1999	04/22/2004		06/30/2007
Comments (incl. % achievement)	Experimental programs for appellate and other courts only focus on courtroom paper flow. Broader delay reduction program (involving actions outside courtrooms) only contracted in 2005 and never produced results acceptable to UMOJ. 60%			
<b>Indicator 7 :</b>	Judicial information system designed, established and experimentally tested in Guatemala City and two pilot jurisdictions			
Value (quantitative or Qualitative)	No system	System designed and tested		Still using old manual system at national level, SGT established in Guatemala City with statistical capacity, but no statistics yet
Date achieved	04/22/1999	04/22/2004		06/30/2007
Comments (incl. % achievement)	Listed as 15 % complete in the 2004 ISR, this activity only advanced in the project's final year. On basis of experimental development of SGT (which does not yet use its MIS capacity) in Guatemala City and Quetzaltenango, 75%			
<b>Indicator 8 :</b>	Judicial career law approved and applied			

Value (quantitative or Qualitative)	No career law	Career law approved and applied		Law approved 10/99 and goes into effect 12/99 -- is in application
Date achieved	04/22/1999	04/22/2004		06/30/2007
Comments (incl. % achievement)	100% although career only covers first instance judges. Appellate and Supreme Court justices excluded.			
<b>Indicator 9 :</b>	Anti-corruption commission established and tested			
Value (quantitative or Qualitative)	No commission	Commission created and tested		Commission created
Date achieved	04/22/1999	04/22/2004		06/30/2007
Comments (incl. % achievement)	Commission created, but no “testing” and general impression that it does little. 100% for creation			
<b>Indicator 10 :</b>	Ethics code prepared and approved			
Value (quantitative or Qualitative)	No code	Code prepared and approved		Code prepared and approved in 2000
Date achieved	04/22/1999	04/22/2004		06/30/2007
Comments (incl. % achievement)	100%			
<b>Indicator 11 :</b>	Department of Supervision of Courts reorganized			
Value (quantitative or Qualitative)	Unreorganized	Reorganized		Reorganized and provided with equipment, TA, remodeled office
Date achieved	04/22/1999	04/22/2004		06/30/2007
Comments (incl. % achievement)	100 %. However, needs more equipment, more TA, better methodologies and probably decentralization if to do an adequate job			
<b>Indicator 12 :</b>	System to register lawyers assistants developed and tested			
Value (quantitative or Qualitative)	No system	system developed and tested		Departamento de Protocolos automated, and processing times greatly reduced
Date achieved	04/22/1999	04/22/2004		06/30/2007
Comments (incl. % achievement)	Great success in terms of speed of registration. Impact on problem of unregistered litigants or quality of legal services unknown. 100%			
<b>Indicator 13 :</b>	Review of incentive systems for judges			
Value (quantitative or Qualitative)	Incentives undiagnosed	Incentives reviewed		No review ever done – salaries were raised to “improve

				incentives” but were politically negotiated.
Date achieved	04/22/1999	04/22/2004		06/30/2007
Comments (incl. % achievement)	0 for lack of any review or study			
<b>Indicator 14 :</b>	Expansion of oral procedures in other areas of law			
Value (quantitative or Qualitative)	Only criminal proceedings are oral	Expansion to other areas		Draft of civil procedures code prepared with oral hearings provided; some experiments in family courts
Date achieved	04/22/1999	04/22/2004		06/30/2007
Comments (incl. % achievement)	Informally justice of peace courts may use more oral hearings, but no formal policy or legal change. 30%			
<b>Indicator 15 :</b>	Policy on traditional conflict resolution mechanisms prepared, discussed, and approved			
Value (quantitative or Qualitative)	No policy	Policy		No policy
Date achieved	04/22/1999	04/22/2004		06/30/2007
Comments (incl. % achievement)	Beyond the power of the project to accomplish, but judicial modernization plans list several actions, which if taken, may produce a policy. Still lack studies on traditional systems essential to policy development. 50 %			
<b>Indicator 16 :</b>	Formal and alternative dispute resolution expanded			
Value (quantitative or Qualitative)	Not all municipalities have courts; no ADR	Both expanded -- no numerical target		All municipalities have JPs and there are 70 ADR centers
Date achieved	04/22/1999	04/22/2004		06/30/2007
Comments (incl. % achievement)	Successful and popular, although new units are underutilized. 100%			
<b>Indicator 17 :</b>	Program of new role for justices of the peace operational			
Value (quantitative or Qualitative)	No new role	New role		JPs do more conciliation and refer clients to ADR
Date achieved	04/22/1999	04/22/2004		06/30/2007
Comments (incl. % achievement)	Never clear what new role was, but on assumption it includes conciliation, 50%			
<b>Indicator 18 :</b>	Number of judges increased in rural areas			
Value (quantitative or Qualitative)	229 justice of the peace	No numerical value		365 JPs, at least one in every municipality and

				119 in rural areas
Date achieved	04/22/1999	04/22/2004		06/30/2007
Comments (incl. % achievement)	100% through joint effort of all donors and OJ; WB contributes by building JP courthouses, equipping them and training judges			
<b>Indicator 19 :</b>	Two regional centers, two departmental centers, and JP courts constructed or remodeled			
Value (quantitative or Qualitative)	---	4 centers and undetermined number of JP courts		2 regional centers, one departmental center, 6 JP courts built and 11 remodeled
Date achieved	04/22/1999	04/22/2004		06/30/2007
Comments (incl. % achievement)	Successful 95%			
<b>Indicator 20 :</b>	Number of participation subprojects provided and implemented			
Value (quantitative or Qualitative)	none	Unspecified		Numerous training sessions at local level, 2 programs with school children, anti-lynching workshops
Date achieved	04/22/1999	04/22/2004		06/30/2007
Comments (incl. % achievement)	50% for new activities, but those enumerated in PAD were not done and emphasis on community and NGO development of programs disappeared. Instead major project was the workshops on lynching, with participation, but run by UMOJ			
<b>Indicator 21 :</b>	Long-term social communication and information sharing strategy developed and operational			
Value (quantitative or Qualitative)	No strategy	Strategy		No strategy, but many communication activities
Date achieved	04/22/1999	04/22/2004		06/30/2007
Comments (incl. % achievement)	60 % achieved taken into account list of activities included in current modernization plan			
<b>Indicator 22 :</b>	Channels of internal and external communication and coordination developed and made operational			
Value (quantitative or Qualitative)	Few channels	More channels -- number?		Many types of communication developed
Date achieved	04/22/1999	04/22/2004		06/30/2007
Comments (incl. % achievement)	100%			
<b>Indicator 23 :</b>	Office of Public Affairs with multilingual capabilities established to prepare			

	media releases on implementation progress			
Value (quantitative or Qualitative)	No office	Office created and functioning		Office created and multilingual press releases done, however much still implemented by PCU
Date achieved	04/22/1999	04/22/2004		06/30/2007
Comments (incl. % achievement)	60% because of limited institutionalization within the office, as opposed to the PCU			
<b>Indicator 24 :</b>	Modernization Commission trained in change management and coordination			
Value (quantitative or Qualitative)	No commission	Commission exists and is trained		Commission exists and meets, but little training
Date achieved	04/22/1999	04/22/2004		06/30/2007
Comments (incl. % achievement)	60% Technically members did participate in some courses on change management although quality and impact are unclear.			
<b>Indicator 25 :</b>	PCU functions and responsibilities clearly established			
Value (quantitative or Qualitative)	PCU small and functions not developed	Functions and responsibilities clearly established		PCU takes over many functions that belong to OJ offices; either rules were not clear or they were not followed
Date achieved	04/22/1999	04/22/2004		06/30/2007
Comments (incl. % achievement)	70%. Excessive mission creep by PCU. It needs to return to coordination and support for implementation but let the OJ do more			
<b>Indicator 26 :</b>	Adequate quality assurance, monitoring and evaluation capacity developed			
Value (quantitative or Qualitative)	No base line specified by functions probably did not exist	Both capacities developed		M&E and quality assurance developed for project deliverables
Date achieved	04/22/1999	04/22/2004		06/30/2007
Comments (incl. % achievement)	30% --to the extent capacity exists, only in PCU, but it does not monitor and evaluate impacts, only deliverables			
<b>Indicator 27 :</b>	PCU FM and reporting system automated			
Value (quantitative or Qualitative)	No system	FM and reporting system automated		FM automated; reporting system appears to be only partially automated
Date achieved	04/22/1999	04/22/2004		06/30/2007
Comments (incl. % achievement)	80%. Judging by number of reports requested by ICR team (e.g on training) that had to be developed manually, automation system seems incomplete			

achievement)				
<b>Indicator 28 :</b>	Annual modernization report published			
Value (quantitative or Qualitative)	No report	Annual reports		Annual reports published
Date achieved	04/22/1999	04/22/2004		06/30/2007
Comments (incl. % achievement)	100%			

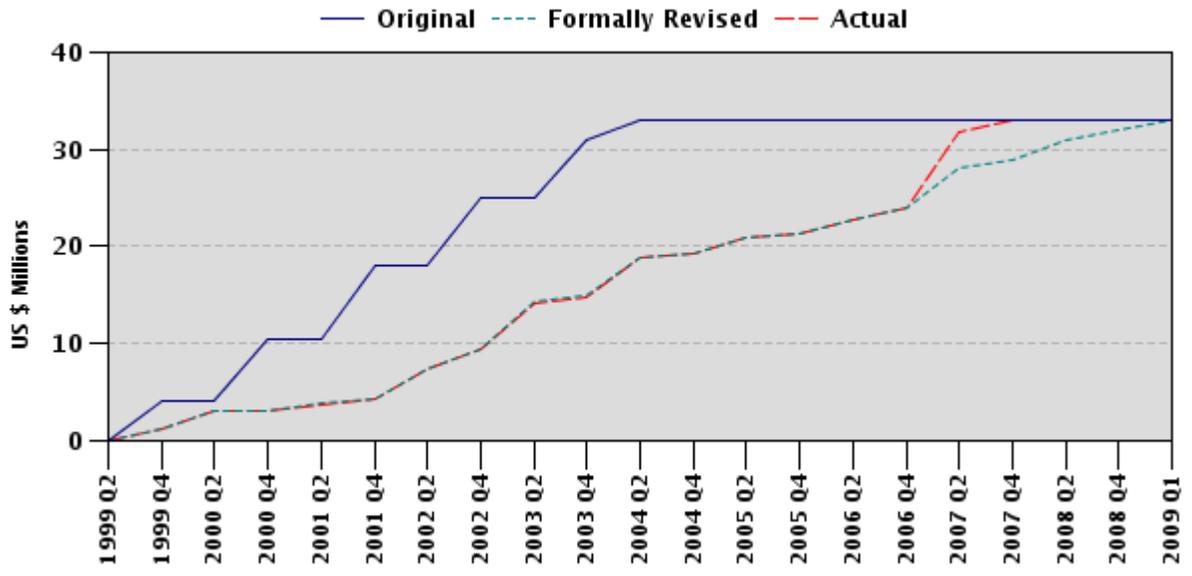
### G. Ratings of Project Performance in ISRs

No.	Date ISR Archived	DO	IP	Actual Disbursements (USD millions)
1	01/04/1999	Satisfactory	Satisfactory	0.00
2	06/15/1999	Satisfactory	Satisfactory	1.32
3	12/08/1999	Satisfactory	Satisfactory	1.32
4	06/22/2000	Satisfactory	Satisfactory	3.14
5	12/19/2000	Satisfactory	Satisfactory	3.20
6	06/28/2001	Satisfactory	Satisfactory	4.37
7	12/21/2001	Satisfactory	Satisfactory	7.41
8	06/27/2002	Satisfactory	Satisfactory	9.38
9	11/21/2002	Satisfactory	Satisfactory	12.37
10	12/19/2002	Satisfactory	Satisfactory	13.52
11	06/19/2003	Satisfactory	Satisfactory	14.87
12	12/05/2003	Satisfactory	Satisfactory	17.69
13	06/10/2004	Satisfactory	Satisfactory	19.23
14	12/21/2004	Satisfactory	Satisfactory	19.86
15	05/24/2005	Satisfactory	Satisfactory	21.34
16	01/04/2006	Satisfactory	Satisfactory	22.84
17	10/18/2006	Satisfactory	Satisfactory	26.26
18	01/05/2007	Satisfactory	Satisfactory	32.34

### H. Restructuring (if any)

Not Applicable

# I. Disbursement Profile



# 1. Project Context, Development Objectives and Design

## 1.1 Context at Appraisal

Guatemala's population (at the time of project approval 11.2 million) comprises a mosaic of cultures, ethnicities, languages, socioeconomic realities and geographies. About forty percent are members of one of 24 linguistically differentiated indigenous groups, each further retaining, to a greater or lesser extent, its own communal organization, values, and authority structures.<sup>1</sup> As of the late 1990s, sixty percent of the population and the vast majority of indigenous citizens resided in rural areas. Extreme poverty was (and still is) concentrated there as well, especially among women. Per capita income was \$1,500 in 1997, but Guatemala had the third highest degree of income inequality (exceeded only by Brazil and Pakistan) among 44 low-to-middle income countries worldwide.<sup>2</sup>

As the project was being developed, Guatemala was in transition from 36 years of violent internal conflict, often described as a civil war. The war began in 1960 and formally ended with the December 1996 signing of the last set of Peace Accords between the Government and the rebel forces (known as the Guatemalan National Revolutionary Unit, or URNG by their initials in Spanish). The Accords were part of a larger process to negotiate an end to conflicts in several Central American countries, all of which arose from disputes among competing political forces, but were fed by severe levels of inequality within the affected nations. Guatemala's conflict began earlier than the others and had especially serious consequences for economic growth, social capital and physical infrastructure. GNP per capital fell by an annual average of 2 percent between 1976 and 1986 and rose by only 0.9 percent annually between 1987 and 1997.

While the war took its toll on all citizens, indigenous groups were particularly affected by the concentration of fighting and the most brutal human rights abuses in rural areas, voluntary or involuntary displacement from their communities, and the recruitment of young men (and some women) by the army or the guerrillas (Hendrix, 2000; Goldman, 2007). The war's termination did not end the social disorder or the animosities it had fed; in the late 1990s, sixty-nine percent of the population still perceived violence as a major threat. Violence remains a problem to this day, a product both of the war's disruptions and a subsequent increase in ordinary and organized crime. At the national level there are currently 47 homicides per 100,000 inhabitants, second only to Colombia in the region. The figure rises to 110 per 100,000 in the capital city. (*The Economist*, September 8,

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<sup>1</sup> The forty percent figure is taken from the PAD, Annex 2a. However, recent IADB figures (cited in Van Cott, 2007; 128) show the indigenous population as 60 percent. As both numbers originate in government statistics, the difference may be due to changes in census methodologies and also a greater tendency of citizens to identify as indigenous.

<sup>2</sup> Statistics in this and the next paragraph are taken from the PAD.

2007, p. 40) Violence and citizen security are seen as the most important issues for Guatemala as evidenced in the presidential campaign of 2007.

Beyond setting a formal end to the conflict, the Peace Accords established a long-term development plan for the country to restore the rule of law, strengthen the respect for human rights, and create a more inclusive economic and social system. Sections in the Accords recognized judicial reform as an important component, reflecting a consensus among civil society, governmental and political authorities, and members of the justice sector itself that the sector's reconstruction was essential to promote post-conflict reconstruction, social stability, and economic growth. The Accords (which, it should be noted, were not legally binding) also incorporated recognition of traditional forms of dispute resolution. Moreover, Guatemala is a signatory to the International Labor Organization Agreement Number 169 mandating *inter alia* a respect for indigenous culture and requiring that indigenous peoples be consulted on any change of legislation affecting their interests.

Although a 1999 referendum on the constitutionalization of certain aspects of the Accords (including the recognition of traditional dispute resolution) did not pass, the 1986 constitution, a series of amendments enacted in 2000 and 2001, and infra-constitutional law did introduce important changes to the justice sector's legal framework. These included the creation of a Constitutional Court, a Judicial Council and career, a budgetary earmark for the Judiciary, and the strengthening of human rights guarantees. A law regulating the council and career was enacted in 1999 (13 years after both were incorporated in the Constitution), along with a second law establishing a civil service career for the judiciary's administrative employees. The 1992 passage of a new criminal procedures code (entering effect in 1994) also promised improvements in the handling of criminal cases, giving an augmented role to the Public Ministry (prosecution) and a public defense agency.

Equally importantly, local and donor interest in the theme provided considerable information on justice system workings, which fed into the Peace Accords commitments and the present project. As these studies indicated, the most common criticisms of the courts and the sector as a whole were: lack of public confidence, limited access to formal state mechanisms and lack of recognition of traditional ones, lack of sensitivity to customs and traditions of indigenous groups, corruption and politicization, lengthy delays and large backlogs in the state system, and lack of transparency and predictability in its outcomes. In a 1997 poll financed during Project preparation (reported in Aragón y Asociados, 2003) 88 percent of respondents rated court performance as inadequate, 26 percent believed the courts were corrupt, and 79 percent noted the high costs of litigation. Lack of confidence in the system has produced another highly undesirable side-effect, a tendency for communities to take the law into their own hands, lynching those suspected of crimes (Mendoza A, 2007).

During project preparation, a series of workshops with judges (including 32 percent of the existing bench), indigenous groups, the Commission formed under the Peace Accords to oversee sector strengthening, NGOs, and other stakeholders emphasized these and

other deficiencies. One result was a five-year plan for sector modernization, the judicial part of which (Comisión de Modernización del Organismo Judicial - UMOJ, 1997) became the framework within which donor cooperation was to fit. Bank project preparation financed the drafting of the judicial section and of an associated implementation plan. As had occurred earlier with El Salvador (whose Peace Accords were signed in 1992), foreign assistance flooded into the country to support reconstruction, causing some observers to fear that the justice sector in particular would not be able to use the possibly \$300 million promised by the donor community.<sup>3</sup>

## **1.2 Original Project Development Objectives (PDO) and Key Indicators (as approved)**

The development objective of the project was to create a more effective, accessible and credible judicial system that would foster public trust and confidence and improve consistency and equity in the application of law. Key indicators were:

- Percent increase in user confidence.
- Percent increase in Judiciary Branch coverage and access outside Guatemala City.
- Number of corruption related complaints received and resolved through the Anti-Corruption Commission.
- Policy on traditional justice systems developed and tested.
- Number of subprojects executed through the participation program.

## **1.3 Revised PDO (as approved by original approving authority) and Key Indicators, and reasons/justification**

The PDO was not revised. However, starting in mid-2005, the indicators were altered in the reporting form (ISR 15). Only two PDO indicators were tracked (credibility and expanded presence of the courts) in subsequent ISRs. There is no evidence that the indicators were formally changed, and thus, the ICR remains based on those in the PAD. The three indicators “eliminated” were clearly the weakest and thus no great loss, but as noted by two reviewers of an early ICR draft, there never was an indicator for efficacy (except insofar as that might be part of “user confidence”). Developing such an indicator would, however, have been difficult and costly as the usual candidates are things like backlog reduction, time to resolution of cases, clearance rates or average workloads, all of which require accurate and relatively advanced statistical systems or, alternatively, random sampling of courtroom caseloads. Very few such systems exist anywhere in the LAC region, and Guatemala’s is not among them.

## **1.4 Main Beneficiaries**

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<sup>3</sup> Only about a third of this was offered to the courts, not all of it arrived, and what did come sometimes took its time. A proposed \$30 million EU project for example, only materialized several years later and at roughly one third the initial amount.

The primary target groups as described in the PAD were “marginalized segments of society including women, children, small business and other groups in the interior of the country.” It was intended that these groups would benefit from a more effective, accessible and transparent judicial system and from downstream impacts on promoting social peace and economic development, strengthening the rule of law and democratic institutions, improving citizen security, heightening respect for cultural and human rights, and facilitating the implementation of the Peace Accords. However, all Guatemalan citizens would also benefit from these developments and especially from their anticipated impact on reducing violence and encouraging economic growth. Direct if secondary beneficiaries of the project were members of the judiciary, whose work and working conditions were to be enhanced by the provision of infrastructure, equipment, training, and rationalized procedures and processes.

**1.5 Original Components (as approved):** It bears noting that this project was developed without a rigorous logframe, possibly because Bank standards were more relaxed at the time. Thus the descriptions of the components are essentially a list of major activities (inputs), and these same activities also constitute the indicators of progress. There are a few output and virtually no outcome or impacts indicators for the components. As discussed further below, this posed some problems for evaluation of project success. Also, as the project was designed within the judiciary’s larger modernization plan, it was intended from the start that various donors and the judiciary itself would contribute to advancing the same goals. This had some impact on how activities were later interpreted (e.g. the IADB ended up doing most infrastructure construction in the most removed areas, meaning that the WB focused its three large construction projects in secondary cities). It also meant that the project was designed, and thus its accomplishments must be interpreted, in terms of the collective efforts mobilized to advance the plan. As is clear from the PAD and other early documentation (Aide Memoire, January-February 1998), it was never intended that the operation advance the PDO on its own, but rather that it would contribute to a common effort to achieve the larger goals. Among the donor operations undertaken during the life of the project, the following bear mentioning:

IADB	\$25.0 million	Support to sector reform including courts, Public Ministry, Ministry of Government, and Public Defense) – to construct justice of the peace courts in outlying areas and integrated judicial centers, combining police, prosecutors, judges, and defenders. Also provided training, public education, equipment, and support to the coordinating entity for sector modernization
USAID	\$18.5 million, in two large grants plus additional smaller programs	Support (largely technical assistance) to implementation of criminal justice procedural code, working with courts, defense, and prosecutors. Complements IADB judicial centers by training staff within them. Also included ADR and community dispute resolution mechanisms.
AECI (Spain)	Various grants,	To support public defense, judicial notifications and

	roughly \$2 million	intake system, indigenous defenders. Spanish government was also major actors in police reform
Sweden	Various grants roughly \$6 million	Largely support to UNDP PROFED program (strengthening of rule of law) in the areas of administrative reorganization and reengineering.
Norway	Various grants, \$3 million	Support to Judiciary, Public Ministry, and indigenous defense, including construction of justice of the peace courts
Netherlands	\$1 million	Justice of the peace courtroom construction
Finland	\$1 million	Human rights education
European Union	Initially 30 Euros, currently 12 million	Program to reinforce judicial education and judicial school.

The quantities are approximate and are taken from various sources. Data on the Nordic countries, Spain and the Netherlands only cover activities up to 2003. In the early years, the UNDP coordinated some donor activities through its PROFED program aimed at “strengthening the rule of law.” Part of this effort, financed by the Swedish assistance agency, involved the administrative reforms in the judiciary also supported by the WB project

From 1994 to 2004 the UN also had an observer mission in Guatemala, MINUGUA, which monitored compliance with the Peace Accords as well as human rights abuses, and in the justice area, provided, with its own staff, technical assistance to Public Defense, the Public Ministry, the police, and judicial training. The only operations approximating the size of that of the World Bank were the IADB multi-sector loan (including police and prosecution as well as the courts), the two USAID programs, and the promised EU operation which has only recently materialized after years of negotiations at somewhat less than its original dimensions. Although in theory all worked off the sector modernization plan, it is apparent that donors were guided by what they considered important, often using items figuring in the plan’s long list as a justification, not as a guide.

**1.5.A Institutional Capacity Improvement (\$10.7 million WB, \$17.9 million total):** Entailed administrative restructuring of the Judicial Branch; modernization of administrative systems at central and regional levels to improve management; setting standards for managing caseload; rationalizing the distribution of caseloads; expanding auxiliary service centers; designing, creating and testing a judicial management system; permanent training of judicial and non-judicial staff, and support for the establishment of a judicial career and a civil service framework (for auxiliary and administrative staff).

Key Indicators:

- New management and organizational model, designed, discussed, approved, and tested.
- Judiciary Branch administratively restructured.

- Standards for managing case flow established.
- Human resources development program (including training) established and tested.
- Judicial career law approved and applied.
- Inventory of cases prepared and judicial statistics developed.
- Court delay reduction program in Guatemala City established and experimentally tested.
- Judicial Information system designed, established and experimentally tested in Guatemala City courts and two pilot jurisdictions.

**1.5.B Transparency (\$2.3 million WB, \$2.5 million total):** Introduction of anti-corruption measures and extent of openness and user confidence, including establishment of anti-corruption commission in Guatemala City; preparation and testing of ethical code for judges and non-judicial staff, and expeditious resolution of complaints.

Key Indicators

- Anti-corruption commission established and tested.
- Ethics code prepared and approved.
- Department of Supervision of Courts reorganized.
- System to register lawyers assistants developed and tested.
- Review of incentive systems for judges.
- Expansion of oral procedures in other areas of law.

**1.5.C. Access to Justice: (\$12.5 million WB, 21.3 million total):** Expansion and diversification of judicial services, including collection of information on practices and needs of current marginalized and non-users; development of performance indicators for two departmental centers and creation of these centers and of two regional centers; construction and rehabilitation of justice of the peace courts, training of judges in local cultures and customs, creation of alternative dispute resolutions services, and introduction of subjects to promote studies, workshops, and citizen and donor participation.

Key Indicators:

- Policy on traditional conflict resolution mechanisms, prepared, discussed and approved
- Formal and alternative dispute resolution mechanisms expanded
- Number of judges training in local cultures and customs
- Program of the new role for justices of the peace operational
- Number of judges increased in rural areas.
- Two regional centers (*centros regionales*), two departmental centers (*complejos departamentales*) constructed and justice of the peace courts constructed or rehabilitated and operational
- Number of participation subprojects provided and implemented

**1.5.D Improvement of Communications and Strengthening of Modernization Commission and PCU (\$5.2 million WB, \$5.7 million total):** Included training in project implementation and coordination matters; clarification of functions and responsibilities; development of adequate monitoring and evaluation capacity; appointment of specialists for programming, quality assurance and carrying out specialized studies; creating channels for inter-institutional coordination at central level and in specified regions; creation of an Office of Public Affairs for the development and implementation of a social communication strategy with a multi-lingual focus and to prepare press releases, radio addresses and TV spots on progress in the modernization process and other activities related to the judicial branch.

#### Key Indicators

- Long term social communication and information sharing strategy developed and operational.
- Channels of internal and external communication and coordination developed and made operational.
- Office of Public Affairs (with multilingual capabilities) established to prepare press releases, radio addresses, and TV spots on progress in implementation
- Modernization Commission trained in change management and coordination matters.
- PCU functions and responsibilities clearly established.
- Adequate quality assurance, monitoring and evaluation capacity developed.
- PCU financial management and reporting system automated.
- Annual modernization report published.

#### **1.6 Revised Components**

There were no revisions to components. However, as with the PDO indicators, those for the components were altered in ISR 15 and after. From mid-2005 onwards, only two outcome indicators were tracked (“consultation, workshop results, user survey results,” and “formal and alternative dispute resolution mechanisms expanded”). They are virtually identical to the PDO indicators, and once more there is no explanation or further documentation of the change. Thus, the ICR’s Annex 2 and Data Sheet still work with the PAD indicators and component activities. Many of these activities were also indicators in the initial list and moreover figure in Schedule 2 to the loan agreement.

#### **1.7 Other significant changes**

Among the principal changes in the project were the three extensions of its closing date (to June 2005; December 2006, and June 2007). The major reasons for the extensions were delays in procurements, and especially in construction projects. Construction in turn was delayed because of difficulties in acquiring land from the municipalities where the new courts were to be built, and in the case of the Escuintla center, the discovery that the land was unsuitable for the planned construction. (Unfortunately, this only occurred once construction began, as the firm hired directly by the PCU to test the soil had

certified its suitability.) This required significant additional investments to prepare the site and added another year to the time required to complete the project.

A second significant change involved two reallocations of funding among the major cost categories, with funds moved from consulting services and training to goods and works, and a final reallocation of funding during the grace period, as shown below:

Expenditure category	Original amt, US \$millions (1998)	June 2003 reallocation, US \$millions	November 2006 reallocation, US \$millions	December 2007 reallocation US \$millions
Goods	2.4	6.0	8.85	8.26
Works	11.0	13.7	12.72	11.92
Consulting services	14.0	10.3	9.21	10.57
Training	2.7	1.8	1.4	1.4
Administrative expenses	0.6	0.6	0.5	0.5
Fee	0.33	0.32	0.32	0.32
Unallocated	1.97	0.3	0	0
Total	33.0	33.0	33.0	33.0

The first reallocation was done at the request of the Court and justified by the initial underestimates of the equipment and construction costs. As regards equipment, it also appears that the Court’s own requirements changed, now including the installation of equipment “in all the courtrooms of the country.” The second reallocation again responded to a request from the Court, and added more monies for equipment (in part because of the requirements of the new case tracking system, but also to ensure expenditure of the balance of unused funds) while cutting slightly the works budget from its previous high.<sup>4</sup> Although both requests from the Borrower claimed a lesser need for technical assistance funds, some activities requiring consultant services undertaken toward the end of the project were severely under budgeted, causing procurement delays, cancellation of at least one procurement, and disputes over deliverables. The final reallocation was in essence a bookkeeping exercise, to move unused funds into the category of consulting services.

The reallocations also affected the distribution of expenditures among and within project components. For example, by the end of 2006, the Transparency Component had only expended \$185,000 of the \$2.3 million of Bank funds allocated in the PAD, and the Social Communication subcomponent of Component D accounted for only about one-tenth of the \$3 million initially budgeted. It bears noting that in his March, 2003

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<sup>4</sup> It is worth noting that by the time of the second reallocation, it was evident that one of the departmental centers would not be built.

communication to the Bank, the UMOJ (PCU) coordinator indicated the need for adjusting downward the amounts programmed for these components – to \$1.2 million for Transparency and \$1.5 million for Social Communication. The Bank’s response made no reference to this suggestion.

A third change involved the disappearance of the donor “co-financers” from the counterpart budget. In 2005, the external auditors stopped mentioning “co-financers” counterpart (which they had never tracked, but only listed as estimated total contributions over the life of project), and the official counterpart budget was limited to the \$3.6 million to be provided by the government. Although the auditors refer to a formal change, insisting it was introduced to ensure adequate amounts were available for each of the four components (“*con el objetivo de disponer de suficientes fondos en las categorías correspondientes,*” Lara, Aranky, Ramos, and Associates, 2006), the ICR team could find no documentation to this effect (which, we stress, does not mean it does not exist). In any event, co-financing was always problematic, as except for WB-UNDP cooperation on a reengineering exercise in 1999-2001, other agencies, even those operating through or in coordination with UMOJ, programmed and negotiated their operations separately.

There were also slight changes in the implementation arrangements, significant only because of the problems that underlay them. UMOJ, the project coordinating unit, was ultimately responsible for project implementation (overseen by a Supreme Court Justice serving as the project Coordinator). However, responsibility for financial administration and for large procurement actions had been transferred to UNDP and UNOPs, respectively, a practice not uncommon in LAC. These arrangements did not change, but the division of labor among UNDP, UNOPS, and UMOJ experienced some slight alterations, if not in the formal agreements governing these relationships then in their interpretation by the parties. Initially UNOPS was to handle infrastructure and equipment purchases, and large service consultancies, doing all procurement and signing and managing the contracts. UNDP handled disbursements and payments and was to provide advice on smaller service contracts, except for those of UMOJ staff (which the UMOJ did on its own). UNDP did not sign or manage any contracts. However, it could not pay vendors without UMOJ’s prior agreement.

## **2. Key Factors Affecting Implementation and Outcomes**

### **2.1 Project Preparation, Design and Quality at Entry**

The strengths and weaknesses of preparation, design, and quality at entry are as follows:

*Correct choice of PDO, but overly ambitious statement of aims:* The three-part PDO accurately reflects the issues Guatemalan citizens identified as most important (and was also consistent with the commitments of the Peace Accords). However, in five or even eight years, substantial advances in all three areas were unlikely. Furthermore, the Peace Accords marked a symbolic beginning to the process of improved justice and access to justice, not the end, and any project initiated in the context of post-1996 Guatemala would require a gradual and cautious program of interventions. While the project could

have done more in pressing for outcome improvements, it might have stated its aims more modestly (and thus not set itself up for failure when judged against its goals). This was admittedly not part of the WB ethos in earlier years (when such overstatements of aims were not only allowed, but encouraged) and would have required a more sophisticated discussion of the necessary change sequence (and thus of the need to establish an organizational base for future performance improvements) as well as a greater emphasis on critical steps needed to accomplish it.

*Lengthy preparation:* While often considered problematic within the WB, this was in effect an asset and helped the project surmount the challenges of having to start implementation with a new set of counterparts (the new Supreme Court, see below). The opportunity to involve significant numbers of stakeholders in the development of a sector and judicial modernization plan and to develop work plans for activities like the administrative reengineering (in cooperation with the UNDP's PROFED) created an impetus and expectations to push initial activities ahead. It was also helpful to have done the preparation with a project implementation unit that would also take over the operations and thus was pretty much on board with their contents. Whether intentional or not, the several-year preparation provides an important lesson to those undertaking institution building activities in difficult environments; so long as the extra time is used, as it was here, to expand the operation's constituency by involving them in planning and diagnostic work, it can pay off with a smoother transition into execution.

*Participatory methodology for project preparation and design:* This is both a strength and weakness. During the preparation phase, the Bank (via a PHRD) funded a series of workshops and other events and the eventual production of the Judiciary's Modernization Plan (on which the project's content was based). Project documents estimate that roughly one third of the seated bench and their assistants as well as other local stakeholders and donors participated in these activities. The consequence was a modernization plan which reflected the judiciary's own analysis of its needs and problems and also incorporated perspectives of a wider community of real and potential users. Another grant funded the development of a detailed implementation scheme for the judicial plan, using the services of a firm with experience in designing and implementing USAID projects.

The positive side of these practices is that the project's content for the most part coincided with local perceptions of needs. The weakness is the likelihood that local perceptions were based on incomplete knowledge and excessive faith in practices which international experience had already put in question. The World Bank, and other donors, have still not reached any conclusions as to how to deal with this conundrum, and the project at most can be criticized for not recognizing the problem and for thus assuming that local buy-in would guarantee successful achievement of its objectives.

Internal and NGO criticisms of the first WB project in Venezuela<sup>5</sup> had already forced modifications to its initial reliance on infrastructure and equipment to induce institutional change (Lawyers Committee, 1996). Four years before the PAD was approved, USAID published a strategic framework (Blair and Hansen, 1994) relegating “institutional strengthening” composed of training, buildings, and equipment to a last step in its own programs, following constituency building, legal and structural change, and access expansion. Nonetheless, Guatemala was no exception to another general rule – that when judges (or for that matter members of any organization) are asked what is needed to improve their performance, they will generally mention higher salaries, better equipment, and better facilities (infrastructure). Significantly, one of the last studies financed under the project (FUNCEDES, 2006) also noted that while Guatemalan judges again cited infrastructure and equipment as their basic needs, system users complained about insufficient attention to reducing corruption, delays, and unpredictable judgments.

As this last comment suggests, there are two related problems arising in the participatory approach as practiced in Guatemala. First, in identifying problems it is better to rely more on users than on system operators. The latter equate problems with what they don’t have; the former are a more reliable source of information on real performance failings (what the latter don’t do). Second, however well local participants of either type identify performance failings, they may be less capable of designing solutions. Here more experienced technical assistance may be useful to ensure that users’ problems do not end up with providers’ solutions – the former complain about delay or corruption, but *faute de mieux*, end up endorsing the latter’s suggestion that higher salaries, better equipment, and modern buildings are the answer. In short, participation is important, but it has its limits as a guide to project design and is best supplemented with external expertise.<sup>6</sup>

*Incorporation of lessons learned:* As noted above, the project was prepared after the pre-approval redesign of the Venezuela operation (to shift infrastructure to the Venezuelan counterpart contribution), but did not appear to incorporate the lessons learned there or in earlier USAID projects (Blair and Hansen, 1994). Its preparation coincided with an NGO report on the Venezuela operation, sharply criticizing the failure to focus on, or take serious steps to deal with three major problems – arbitrariness, corruption and delays – and to address the extensive political interference that accounts for them (Lawyers Committee, 1996). Although the Guatemala PAD does mention delay and corruption, they, along with political interference, probably did not receive the attention they deserved in design and implementation. Obviously these are sensitive topics, and the PAD authors are to be congratulated for even mentioning them at a time when the Bank was still tip-toeing around the themes. However, at that time, and especially during

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<sup>5</sup> Venezuela Judicial Infrastructure Development Project (3414-VE), 1992-2003.

<sup>6</sup> As another example, the Hondurans are still fighting to introduce a Judicial Council that will handle administrative and governance functions for the courts, despite unsuccessful experience with this model elsewhere in the region. The Guatemalans are to be congratulated for not taking this route, but it is another example of why external expertise and experience are important.

implementation (by which point the Bank was on an anti-corruption course) there might have been ways of ensuring they were more adequately addressed.

The PAD's incorporation of other recommendations from the Venezuela critique (use of participation and development of a long-term plan) seems to miss the larger point – design by committee is only a first stage in a participatory approach, and as the Lawyers Committee aptly notes, “a comprehensive plan means more than identifying the range of problems plaguing a judicial system; its real importance lies in developing and sequencing reform initiatives in a logical progression” (p. 123). The project would also have benefited from other lessons already emerging in 1998<sup>7</sup> – the inefficacy of ethics codes in fighting corruption, the need to design training to address problems and not just a desire to be trained, the difference between access to courts and access to justice, and the need to push for institutional change on several *coordinated* fronts. The project did benefit, even after it went into effect, from the Bank team's familiarity with numerous innovative practices introduced in other Bank and donor projects, but perhaps overlooked a more basic lesson that institutional change is slow, that the incorporation of multiple goals and activities can overextend energies, and that where counterparts do not internalize the underlying performance goals, projects can simply produce much action and little improvement. While the preparation team did consult with donors already working in Guatemala, it is not evident that they used their lessons on the difficulties of operating in this environment. Longer discussions with USAID and MINUGUA/UNDP would have usefully identified the political obstacles and institutional weaknesses they had faced.

*Weak links between PDO and activities included in components:* The PAD and logframe did include activities important to advancing the overall objective of promoting more accessible, efficient, and credible justice. However, these appear as a list of actions to be taken without any noticeable prioritization, sequencing, or necessary connections among them. Most of them appear as unusual endeavors, and the PAD does not emphasize any need to support their continued development once completed. In fact, one major conclusion is that the absence of follow-up in implementation marred the potential for success in several areas; human resources is a prime example. Some activities only introduce a study or a restructuring with no further reference to necessary follow-up. Certain activities as mentioned in the PAD or interpreted by the counterpart, although receiving considerable emphasis, were clearly less important to the PDO. Examples include the automation of *Antecedentes Penales* (issuing the certification of no criminal record required by those seeking employment) and of the *Departamento de Protocolos* (essentially a registry of lawyers, notaries, and documents related to their work). While both activities were successful (and can be considered quick wins), their impact on the overall quality of sector performance is minimal. They clearly take second place to creating a full registry of human resources (more or less complete but only in its payroll

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<sup>7</sup> Worth mentioning here are one WB publication (Hammergren and Messick, 1998); Hammergren, 1998 a and b; and several works that appeared slightly later but reflected ideas already emerging in the late 1990s. See for example, Popkin, 2000; Prillaman, 2000; and articles in Méndez et al, 1999.

module) or a functional system for tracking judicial workloads and outputs (still nonexistent). The PAD resembled a recipe listing all necessary ingredients, but omitting information as to quantities or order and manner of their incorporation.

*Emphasis on input rather than outcome/impact indicators and resultant poor M and E framework:* The indicators are poorly designed and offer little if any means of tracking performance improvements. As discussed in some detail below, those for the PDO are difficult to interpret, and if rigorously applied to test project advances, would produce a very low grade. Nearly all indicators represent either inputs or implementation benchmarks. This not only posed a problem for the ICR but also seems to have diverted counterpart attention from the end goals. It tended to encourage an emphasis on implementing as many actions as possible, with little distinction as to relative importance or preferred sequencing. As the indicators did not include any measures of judicial performance (actual delay reduction, number of targeted users attracted to decentralized units) this also affected the monitoring and evaluation component and may largely explain the failure to develop one for performance improvement.

*Lack of baseline data and failure to prioritize their creation in early stages of project:* During preparation and at project initiation, the Guatemala judiciary lacked reliable statistics for tracking input, output, or timeliness of decisions.<sup>8</sup> Thus, while the PAD contains references to excessive delays and backlogs and to a general failure to keep up with rising demand, there was no empirical base for these observations. The problem might have been addressed by prioritizing, in the PAD and implementation plan, those activities related to performance tracking so as to provide baseline data for monitoring and evaluation and as a first step in strengthening institutional capacity. Unfortunately, few actions were taken in the early years and what is produced in the way of statistics is still regarded as incomplete and unreliable. One exception may be Guatemala City where *Gestión Penal*, the intake center for all criminal cases in the courts there, now tracks (as the result of a USAID project) all new criminal cases, the stages in their processing, and their closure. However, interviews in *Gestión Penal* and in the existing statistical office did not indicate that the latter used the former's database to supplement or test its own manual system or to do further analysis of case processing times. (There are also reported problems with *Gestión Penal*'s statistics, but nothing has been done to identify and correct them.)

*Inadequate attention to structural problems affecting counterpart leadership:* While the PAD makes mention of the risk that the new Supreme Court (entering in November, 1999) might have less commitment to the project goals than its predecessor, it neglects some important details: the fact that the Supreme Court and entire appellate bench are fully replaced (with a potential for reelection that is infrequently used) every five years, and that administrative directors and higher ranking officials lack tenure, serving at the pleasure of the Court President (changed every year with no chance for reelection). Thus,

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<sup>8</sup> The modernization plan does make reference to a "preliminary" inventory, but it was done only in the Guatemala courts, and seems never to have been used after that. It was not provided to the ICR team.

the risk and its repercussions were considerably downplayed, as subsequent events bore out. One further unanticipated consequence was the dominant role assumed by the PCU in setting policy and the failure to develop judicial bodies that might do so, even within each court's five-year tenure. In short, while all three Supreme Courts with which the project worked seemed content with the project, none of them developed real leadership or ownership nor did they try to encourage the strengthening of administrative offices or arrangements, apart from the PCU, that might have taken over some broader policy development functions. One such arrangement might have logically focused on the *Secretaría de Planificación y Desarrollo Institucional*; yet, following the reengineering of the early 2000s, it remained relatively isolated from the project and any further strengthening of its operations occurred through its own efforts, not as a result of project interventions.

## **2.2 Implementation**

*Frequent changes of key actors on counterpart side:* As explained above, this was an unavoidable but highly predictable consequence of the Guatemalan legal framework, and it made both judicial and administrative ownership and leadership of the project problematic. The Supreme Court entering in 1999, soon after the project became effective, is generally regarded as having had less interest in reform than either its predecessor or its successor, and as noted in a previous section, it may be largely the impetus created through the lengthy preparation period that kept it more or less on course. However, in 2003, and despite the recommendations of the mid-term evaluation, this same court determined it needed little more technical assistance and thus requested a reallocation of funds to equipment purchases. Beyond their impact on maintaining inter-temporal agreements and strategies, the frequent turnovers create a number of additional perverse incentives as regards leaders' willingness to press for difficult changes. For Supreme Court and appellate justices this would require a highly altruistic approach with little personal pay-off. Even the Court President, according to knowledgeable observers, has to use considerable political capital (lobbying the rest of the justices) to push for any change in standard operating procedures. For administrators it risks angering those who could push for their removal. Those responsible for oversight and discipline of judges also noted a "what-goes-around-comes-around" outlook; steps taken against any individual might cost them considerably when they returned to their ordinary positions (as judges) or even in their current posts.

*Uneven pattern of disbursements and substantive emphasis:* This is a likely consequence of changes in judicial leadership and fluctuations in their own interest in different project components. As regards new initiatives, the project was most active during preparation and its early years. This was when the reengineering and restructuring of administrative offices took place, as well as the provision of equipment and some technical assistance to many of them. It also saw a potentially useful, if truncated effort to work on speeding up courtroom processing of cases and the introduction of an Alternative Dispute Resolution (ADR) program. As most of this was consultant services, disbursements lagged. Disbursements accelerated in the last years (including a record \$10m in 2006), but this was largely due to the emphasis on completing construction and equipment purchases. Further attention to improving judicial (courtroom) performance was delayed until the

very end, and what was done there (i.e. the case inventory and related study on delay and its causes) has still not paid off in any concrete impacts.<sup>9</sup> Some of it may never be used owing to the disputes between the contractor and the UMOJ.

*Innovative introduction of practices from elsewhere in the region:* the Bank TT and the TTL in particular made good use of examples gleaned from around the region (or the world) to introduce new initiatives into the project. Although the ICR team, along with some outside observers (Svensson, 2007), have doubts about their long-term value added, they did maintain interest in and attention to the project. This should not be discounted, especially given the usually boring nature of the more classic reform ventures. The pursue of quick wins as well as publicity for innovations are important tactical additions to an operation whose normal activities may more often resemble watching grass grow. .

*Use of Guatemalan technical assistance:* This was a conscious decision by the PCU and for the most part was a plus for the project. Not all technical assistance came from Guatemala. However, of the two major exceptions, the firm developing the case management software and the organization conducting the inventory and delay reduction study, the first is considered a success and the second a failure. On the plus side, use of Guatemalan experts ensured that funds went further, expanded the number of active stakeholders in the process, and arguably formed a group of local experts able to apply external disciplines to court processes. One excellent example was the exercise in accelerating processing times in the appellate courts of Guatemala City. The locally hired expert did a casebook perfect job, was able to spend sufficient time to ensure counterpart internalization of the goals and processes, and was later used to teach the methodology to justices of the peace. Unfortunately, as soon as the process was completed, the appellate bench was replaced and the new members did not approve the plan. Project records and interviews with key personnel (including the consultant) do not indicate whether the recommendations were less formally adopted and if so, whether they produced the predicted reductions in delays. Those reported by the PCU for the appellate courts (Novoa, 2006) are based on estimates of time to be saved and some piloted efforts, not eventual results. The ICR team was unable to get information from the PCU as to any impact of the seminars with the justices of the peace on real courtroom practices, or in fact ascertain whether there was any follow-up to encourage adoption of the consultant's recommendations.

The down side of a reliance on local expertise is the lesser opportunity for adopting knowledge developed elsewhere. The PCU seemed to recognize this in its use of an international firm to build the case management software. The experience demonstrates both the advantages of outside consultants (delivery of a state-of-the-art product, benefiting from testing in other settings) and the disadvantages (insufficient consultation

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<sup>9</sup> This is largely because the inventory was incomplete and its results inconclusive. However, the contractor's lack of understanding of or loss of interest in the delay reduction portion meant that what was delivered has been rejected by UMOJ. It is the ICR team's conclusion that what the contractor was asked to do would not have provided the necessary information for a complete delay reduction program.

with local users and thus continuing complaints that the end product still lacks certain capabilities required by local law and organization; these are however being addressed). The mid-term technical supervision is still another example of the benefits of well chosen external expertise; comments made by consultants selected for the supervision make it evident that local empiricism had overlooked some opportunities and problems. Still on a whole, the policy had mostly positive effects, and the real complaint related to technical assistance, whatever its source, is the failure to continue to provide it to entities that had been reorganized and then left to develop on their own. A review of project documents in IRIS also suggests that while BB funds were used prior to 2003 to bring in international consultants to work on some of these areas (most notably ADR, see Cornish, 2002 and Wanis, 2003), the process stopped after that for reasons that remain unclear.

*Development of a strong PCU with considerable continuity in its staff.* This was a plus for the project and in large part an explanation of the advances it made. At its height the PCU had 43-48 staff members (upper number varies according to the source), of whom a large number were professionals. The quality of implementation was more than satisfactory at least as regards pushing ahead the majority of procurements outlined in the PAD. How the PCU continued to keep staff, despite the changes in the larger administrative system, remains unclear but it experienced relatively less turnover. Although of much reduced size now, many of the members with whom the ICR team interacted had been there for some time. Also a few PCU members (the subcoordinator and one of the informatics specialists, as well as the specialist in judicial education for civil society, who was, however, first moved to UMOJ from her position in the judicial communications office) have now moved to the judicial administration. Ideally, more of this should have occurred.

The downside is the PCU's role in policy planning, selection of activities for emphasis, and direct implementation of too many. It appears that none of the key staff was especially concerned with judicial as opposed to administrative performance, which may explain the lesser attention to factors affecting the former. There also are indications of the PCU's excessive involvement in activities – especially organization of workshops and short training events and publications – that should have been directed by judicial offices (the Judicial School, the Communications Department, Planning, Finance and so on). Ideally, the project should have funded these activities, provided technical assistance where needed to improve quality, but let the relevant offices develop and fit them into their own programs. Instead, the PCU was even accused of further weakening operating units by hiring key staff (Moore, 2007). This hypothesized over-involvement of the PCU deserves more attention; in the time allocated for fieldwork, the ICR team could not explore it sufficiently. It bears noting, nonetheless, that of the \$5.2 million of Bank financing initially allocated to component D (Communications, Support for Modernization Commission and PCU), by the end of 2006, \$3.9 million had gone to “strengthening the PCU,” and that the other two items had received \$350,700 and \$320,800 each.

*Failure of counterpart to act on, or WB to press for implementation of recommendations in the mid-term evaluation:* The mid-term supervision, conducted in October 2002

contains a long list of excellent recommendations as regards the initiation of neglected activities, follow-through on others, establishment of a monitoring and evaluation system, and certain adjustments to most project components. The ICR team was unable to go over the recommendations in detail with PCU staff, but its review of the project timeline and subsequent activities, suggests that many recommendations were not taken and others were acted on only toward the end of the project. Significantly, despite the need for additional technical assistance and training implicit in the recommendations, the first reallocation, shifting funds from these two categories to goods and works, followed shortly. Clearly this was the Court's preference; the question is how or whether the PCU or the WB could have convinced it otherwise.

*Coordination with other donors:* There was a good deal of coordination realized through the PCU, especially because of its management of IADB resources and agreements to coordinate infrastructure with other donors implementing their programs separately. While overall placement of new facilities was sometimes less than rationale, this at least avoided duplication of efforts. Other good examples of PCU-initiated coordination include the combined efforts of the WB and PROFED projects in the 2000 reengineering exercise. Still, coordination could have been much better, especially with donors that did not work through the PCU. Both the new EU operation and the on-going USAID projects are two examples, and relationships of the latter with the PCU seemed to be especially volatile. Whether coordinating formally or not, donors often promoted different and not entirely compatible models for the activities they financed (see Carothers, 1999, p 15, specifically on earlier experience in Guatemala). The *Dirección de Servicios Tribunalicios*, (intake center for new cases and also responsible for notification services) in Guatemala City had its civil side assisted by the Spanish aid agency, and its criminal side by USAID, resulting in two separate sets of practices and procedures. USAID also supported development of software for case registration, leading to some conflicts (apparently now resolved) with the WB financed case-management software. Moreover, USAID recently (October 2, 2007) presented a model for reorganizing first instance and peace criminal courts that appears not to match the assumptions underlying the WB software design and is also inconsistent with an early model developed, but not implemented, by the WB project.

*Coordination among judicial branch offices and between them and the PCU:* Coordination here was even less notable, and seemed to have slacked off once the initial restructuring and reengineering activities were completed (by the early 2000s). The ICR team found several examples of redundant practices within the administration (for example four offices collecting their own judicial statistics), failures to use or even be aware of the potential to combine forces or utilize each other's databases, and lack of knowledge of relevant studies done by the PCU (for example the case inventory which should have interested several offices). Various administrators interviewed referred to their lack of knowledge of what the PCU was doing (Moore, 2007). For a project that placed an early emphasis on administrative restructuring and rationalization, this is not a good sign.

*Failure to implement key studies early enough to utilize them in the project:* Because the project was only intended to last for five years, it may have made sense to limit some activities to conducting studies. Still even within the initial timeframe, had these studies (on traditional law, on delay, on human resources, the case inventory) been initiated early on, they could have had an impact on the design and implementation of related activities.

*Failure to follow-up on early activities so as to encourage further progress:* As suggested above, and partly as a consequence of the initial short timeframe for the project, the PAD rarely mentioned any follow-up on restructurings, studies, or activities (delay reduction exercises) intended to improve administrative and judicial performance. As a result, such follow-up rarely occurred, meaning that pilot efforts were not replicated, restructurings were never tested and readjusted, and continuing assistance to reengineered entities was rare (Moore, 2007). In some cases this was critical because the initial activities needed readjustment; in others it was equally necessary because more assistance would have helped them perform their new tasks. As one example, while the project supported the creation and equipping of the *Consejo de la Carrera Judicial* and its various units, the ICR team found no record of further attention to improving their operations. This attention is vital as they are experiencing many problems, ranging from still inadequate equipment (e.g. vehicles) to legal and methodological constraints. A second clear example was the failure to provide appropriate training for the Director of Human Resources. Another, already cited above, involved the exercise on reducing courtroom delays conducted by a local consultant with appellate and justice of the peace courts. Although the 3 volume report was provided to the PCU, the latter could not provide evidence of even informal adoption of his suggestions. Finally, PROFED (UNDP) during the 1999-2001 reengineering worked on improving the internal organization of family courts, using two pilot courts in Guatemala City. However, this activity also lacked follow-up.

*Excessive reliance on a new case management software to fix the problems not resolved earlier:* As regards many of the criticisms made above (lack of attention to delay reduction, failure to follow up on exercises to facilitate courtroom processing of cases), UMOJ now holds that replication of the new management software will provide the answer. Judging by comments made as early as 1996 (Lawyers Committee), the lessons of other projects, and Microsoft's own experts (Roberto Adelardi De Diego, in presentation to *V Seminario Internacional de Gestión Judicial*, Lima, October 10-11, 2007), this faith is misplaced. The software is an important tool and can save judges and their staff time, but it cannot overcome problems originating in legal obstacles, procedural inefficiency, leadership's failure to monitor and resolve performance weaknesses, or parties' efforts to increase delays and exert irregular influences on judges and staff. Ideally, most of these problems should be addressed before the software roll-out. The expectation that the software will make that unnecessary raises two additional risks: that the software will incorporate them in its own design and that it will further postpone any effort to resolve them.

*Use of UNOPS to manage infrastructure and equipment contracts:* As regards equipment purchases, there were no problems reported, but in the case of infrastructure, problems

and conflicts were frequent. Neither the PCU nor UNOPS regards the arrangement as satisfactory, and both have suggested that it be discontinued. Whatever the immediate source of the problems, their resolution has been impeded by the contract designs, which give UNOPS responsibility for the contract, but UMOJ the final determination as to whether the products are satisfactory and what payments will be made. (However, this detail is not reflected in the contracts signed by UNOPS with the construction firms). Negative results included delays in finishing projects, cost overruns (which in a few cases UNOPS had to pay), and dissatisfaction with the final results.

### **2.3 Monitoring and Evaluation (M&E) Design, Implementation and Utilization**

There really was no monitoring and evaluation system for this project; what existed focused almost exclusively on tracking the delivery of inputs, disbursements, and payments. At least through 2001 (UMOJ, 1999, 2000, 2001a),<sup>10</sup> the PCU provided annual reports tracking progress in the “outcome” indicators for the project. However, estimates of completion of activities seem somewhat questionable.<sup>11</sup> No system was established to measure the impact of individual activities in improving access, efficiency, and credibility. As support for this statement, readers are referred to the 2006 table on CAS inputs (N.A. 2006) prepared by a consultant and in which many of the boxes listing PDO and component indicators are left blank, or reported as “in progress.” For others, the author seems to have taken a fairly liberal interpretation of what they represented. The ICR team asked the PCU to update the chart, but is still awaiting the response. The several activities that were intended to set baseline data and measure progress were either done late or not at all. The last user survey was not done, and what was substituted does not allow comparison with the earlier two surveys. Failure to implement a reliable judicial statistics system means that efficacy could not be measured, and measures of access are limited to the number of new courts and judgeships created. The external consultant (Novoa, 2006) hired by UMOJ to collect information as an input to the ICR was unable to find good indicators of impacts and from what was available largely concluded, as does this ICR, that except for physical access, impact on system performance appears minimal.

### **2.4 Safeguard and Fiduciary Compliance**

The team reviewed a sample of the financial and procurement post reviews as well as all the external audits, none of which reported significant problems. Those that were reported have been or are being resolved. The PCU adopted an automated system to track its expenses; unfortunately this was not the one used by the judiciary’s budget office (SIAF) and thus information supplied to the latter on the project is entered into the judicial system only as aggregate expenditures (Moore, 2007).

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<sup>10</sup> These were the only reports provided by UMOJ.

<sup>11</sup> For example, there is the question of how the percentage of participatory activities completed could be calculated when no target number was ever set.

One issue not noted until after project closure involves the inadequacy of the contractual arrangements among the UMOJ, UNDP, UNOPS, and the contractors the latter managed. Aside from, but perhaps contributing to, the increasingly difficult relationships among the parties, the “nest of contracts” was poorly designed, leaving UNOPS wholly responsible for a contract but allowing UMOJ the final say as to whether the contractor complied with requirements (final say, because UMOJ authorizes UNDP to make the payments). It should also be noted that UMOJ has had problems with contracts it has managed on its own, and that its tendency to reject products with little indication of the necessary improvements, or to provide what the contractors described as insufficient support for their activities, should be addressed. The project is ending with two contract disputes totaling roughly \$150,00 each and the grace period is being extended for two additional months in the hopes that some definitive resolution can be reached. As none of the parties seems inclined to repeat the former arrangements in a new project, UMOJ will probably manage contracts on its own, but to do that satisfactorily it will need to improve its manner of handling disputes over deliverables. Based on reports from the affected contractors, it also appears that they (and UNOPS) erred in not documenting their purported agreements to certain changes. If this is true, UMOJ may benefit from their oversights, but in the future, it will be important for UMOJ to insist on the documentation of any such changes so as to avoid any repetition of these conflicts. These and other contractors also complained about the poor quality of the UMOJ terms of reference, and continuing disputes (generally won by UMOJ, but only because it had the final say) as to what they really meant. The complaints were frequent enough to suggest a real problem and the need to address it in any future project.

## **2.5 Post-completion Operation/Next Phase**

At the writing of the ICR, the project was still operating in its grace period. Operation and maintenance of constructions and equipment have been assumed by the judiciary. The ICR team did receive some complaints on equipment maintenance during its interviews – a few administrative and judicial staff members noted they had been without functioning equipment for some time. The WB intends a follow-on project scheduled for board approval in July, 2008. In the meantime the IADB has finished negotiating a new loan with the sector, of which a portion will again be managed by UMOJ. It is anticipated that the IADB loan will take over financing of the latter at least until the WB project comes on line. The two banks and the judiciary will then have to decide how its funding will be handled. The initial WB plan was for a repeater project, with board approval in December, 2007. It appears that the plan has changed, not only as involves the dates, but also as involves the content of the operation, which will be a follow-on, not a repeater. The CMU has expressed to the judiciary its lesser interest in financing infrastructure, and its interest in financing equipment only as it contributes to the furtherance of the institutional change and performance improvement agenda. It is thus envisioned that the next operation will focus on using the organizational base created by its predecessor to push forward the PDO by further strengthening judicial oversight, planning, and implementation capacity as regards administrative and judicial operations, advancing the adoption and use of the case management software, encouraging steps to break down the barriers to access apart from physical proximity of services, and improving the entire human resource management system. With regard to any future

project implementation unit, it is imperative that the Bank encourage greater integration with existing administrative and judicial units, and in particular with the *Secretaría de Planificación y Desarrollo Institucional*.

### **3. Assessment of Outcomes**

As a preface to this discussion, a short note on “attribution” seems necessary. We know this is stressed by IEG, and we understand its significance. However, we emphasize that in an institutional development project, and especially one where many donors, not to mention the national government, are operating simultaneously, attribution of outcomes is extremely difficult, if not impossible to determine. Projects are not controlled experiments and the key question – would things have occurred without the project? – can rarely be answered. There are exceptions – especially as regards inputs (where a project did something no one else was supporting) – but outcomes and impacts are another matter. What a project usually does is increase the chances of changes in the quality of organizational performance, and even there attribution is an inference, not a quantifiable fact. In any event, in the present project, the evaluation is working in one of the more difficult contexts – many donors and local agencies working on similar activities, poor records and memories as to who did what, and many shared endeavors, in a highly volatile and difficult national environment. Since the WB project was supporting a PCU that also managed IADB funds and coordinated with several other donors, there is the additional question of how much credit should go for actions financed by others through this process. (While one could give the WB credit for the IADB activities the PCU managed, it strikes us that absent the WB, the IADB would doubtless have paid for its own PCU – hence attribution of IADB results is a bit of a stretch.)

In dealing with the issue of attribution, the ICR team has followed a logic based more on common sense than anything more scientific. Thus, while the project’s presence may have marginally increased the chances of certain key legislation (e.g. the career law) being enacted, we are not giving it credit there. It does however get credit for what it did to strengthen the agencies that applied the law and to provide the equipment and infrastructure they required to do so – and is criticized for what it did not do, did too late, or initiated without sufficient follow-up.

#### **3.1 Relevance of Objectives, Design and Implementation**

The PDO – creating a more efficient, accessible, and credible judicial system – was and remains highly relevant to national, global, and Bank assistance strategies. Improving the justice system and increasing its accessibility to indigenous citizens were highlighted in the Peace Accords and the overall development plan they included for the post-conflict period. Improving access to justice and the quality of that delivered has only increased importance as a global priority over the past decade. The project and its PDO were fully consistent with the CAS emphasis on advancing the post-war social reconstruction process and modernizing the public sector. Moreover the CAS (18036-GU) in effect at the time of project preparation and appraisal specifically emphasizes judicial reform as part of its support to the Peace Accord commitments.

Project design was another matter. This point and those on implementation have been mentioned in other sections of this ICR, but they are summarized here and referred to where otherwise critical. Project design evinced four major flaws:

- The components lack adequate definitions, never rising above a collection of activities presumed to advance some common objective, and conflate lines of action (e.g. strengthening of administrative systems and of judicial performance) that might better be treated separately.
- Indicators are poorly chosen, inadequately defined, and in a majority of cases refer to inputs not outcomes or impacts. In several cases, their interpretation is ambiguous (e.g. what value to assign to the number of complaints about corruption registered, or to the percentage investigated and processed).
- The causal linkages between activities within each component and the development objectives are not sufficiently clear. This is “the recipe without the quantities or order and manner of incorporation.”
- While project preparation included preparation of a Gantt chart, detailing the intended order of implementation down to the week or day, the chart had little impact on the order in which activities were initiated and completed. In the end the Gantt chart was overly-complex; it would have been better to develop a less detailed plan emphasizing prioritization and sequencing of lines of action (along the lines recommended by the Lawyers Committee in 1996).

As a consequence, implementation appears to have followed a path determined by the PCU’s strengths and perspectives, altered only by last minute efforts to attend to areas ignored until that time and to spend remaining funds. Activities that should logically have been initiated early on (a nation-wide inventory of cases, development of a reliable statistical system for tracking court performance, development of a human resources program to rationalize assignment and retraining of personnel) came relatively late, and several key activities (development of programs for delay reduction, the judicial information system, and of standards for managing caseloads) are now deemed dependent on the installation of a sophisticated case management software. As software design was only completed in mid-2006, and the system has so far been implemented in only 32 trial courts, it probably will not provide these results for several more years. Moreover activities initiated and completed early on have usually not received any follow-up – and to the extent they have prospered seem to have done so on the basis of the talents of the officials in charge. Noteworthy here are the unit within the Judicial Council responsible for evaluating judges, the budget office, the planning office, the human resource office, and *Servicios Tribunalicios*, responsible for receiving, assigning, and tracking new cases, managing an archive of active criminal case files, and running the notification services for all Guatemala City courts. All of these departments received some initial assistance (especially during the reengineering exercise of 2000) and equipment, but by their own reports, had little further contact with the project or the PCU.

It is worth noting that the mid-term supervision (World Bank, 2002) called attention to the problem of follow-up and of the areas still not touched, but it does not appear that its recommendations had much impact. This is especially true as regards those relating to:

- Further changes in the management of administrative staff – development of profiles and their use to reassign, retrain, or encourage voluntary retirements of staff not fitting the profile.
- Integration of the PCU’s activities with those of the judiciary’s existing administrative structure to advance internalization of the program, its methods, and its goals.
- Evaluations of the Department of Human Resources, Judicial School, ADR program, and of the training sponsored by the project.
- Development of a judicial statistics system and implementation of the various activities intended to produce it.
- Realization of the study on “*particularidades*” of rural and urban communities (only completed in late 2006).
- Realization of the studies and activities associated in the PAD with the civil society participation program.
- Development of a system of monitoring and control of the Judicial Modernization Program.

While recognizing the many advances made under the program, we believe project design impeded further progress toward achievement of the PDO; allowing implementation of an arguably excessive number of activities and placing insufficient attention on the need for follow-up of actions initially completed. Indicators stressing outcomes and impacts rather than inputs might have encouraged better implementation practices and a longer term emphasis on producing real improvements in performance. As none of the evaluation team is extensively familiar with Bank projects developed in the late 1990s, they recognize that they may be setting the bar too high and have tried to take this into account in later rating sections. However, regardless of how this specific project is or should be graded, the point is that these are the standards against which contemporary judicial reform or any institutional development efforts should now be judged and in terms of which they should be designed.

### **3.2 Achievement of Project Development Objectives**

The achievement of the PDO – creation of more effective, accessible, and credible judicial system performance – is rated as *moderately unsatisfactory*. This rating is based less on visible improvements in the three areas than on the progress in putting in place elements that might, over the longer run, allow their achievement. However, of the five *initial* performance indicators, only one (which remained post-2005), “percent increase in Judiciary Branch coverage and access outside Guatemala City” – can be considered as adequately met and it is the result of the collective efforts of many donors and of the government (Organismo Judicial, 2005). Even so, much depends on how one interprets access. The project, and related donor activities, some of them implemented by the same PCU, indisputably augmented physical access to court and related services throughout Guatemala by constructing and equipping new justice of the peace courts, departmental and regional centers, and mediation offices throughout the country, and initiating a program of mobile courtrooms (so far only in Guatemala City and Quetzaltenango).

Moreover, the judiciary ensured that these facilities were staffed, and there was a serious, if not fully successful effort, to ensure judges and staff were fluent in local languages and/or were provided with interpreters. Still, as almost every knowledgeable observer of the project and the court's broader modernization program has noted, access to courts is not the same as access to justice, and the latter depends both on attacking other barriers (including costs, lack of confidence, and insufficient familiarity with services) and on raising the quality of the services provided.

Of the other PDO indicators, the most relevant to the question of quality is the "percent increase in user confidence." This indicator also remained after 2005. The project funded two nation-wide surveys in 1997 and 2003. Like other opinion polls conducted over this period (CEJA, 2003, and 2005), they indicate no significant change in the initial low levels of confidence, although they do show that all citizens, and rural citizens in particular, perceived justice as less costly by 2003 (Aragón y Asociados, 2003). Unfortunately, a final complementary survey scheduled to coincide with the project's end was not conducted.<sup>12</sup> Instead two consultants interviewed court staff, lawyers, and community authorities in the central districts of Guatemala City, Quetzaltenango, Huehuetenango, Escuintla, and El Petén. As they note, open ended interviews brought little mention of improvements, but when interviewees were asked specific questions, they did note some advances in such things as infrastructure, number of courtrooms, automation, training of judges and staff, and attention to violence against women. However, in areas like attention to the public, delays, transparency and accountability the great majority saw no improvement or even some worsening of the situation. Another survey done in 2006 (FUNCEDES) and tapping reactions of inhabitants of rural communities, found respondents complaining about a lack of progress on delays, corruption, and attention to users. As neither of the last surveys is directly comparable to those done earlier, the best that can be said is that the results on this indicator are inconclusive.

Unfortunately, the third indicator (dropped in the last ISRs) – number of corruption related complaints received and resolved through the Anti-corruption Commission – is poorly stated. The Commission (which was formed after the project began) does not receive or investigate complaints, but instead operates as a coordination and policy-recommendation body for the various organizations in the justice sector. It was supposed to monitor complaints received by other bodies, and their follow-up, but so far has not taken up this task. Given that the misstatement was probably unavoidable, a substitute indicator – complaints heard and resolved by the judiciary's civil service and judicial disciplinary boards can be used.

**Results of Disciplinary Processes, Staff and Judges (2000-2006)\***

Year	Complaints	Not	Verbal	Written	Suspension	Recommend	Transfer
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<sup>12</sup> PCU staff explained that this was not done because of the timing of national elections and the likelihood that the results would be prejudiced by the political environment. As the elections were held in September, 2007, the explanation is not entirely convincing – surveys could have been done a year earlier.

		admitted	reprimand	reprimand		firing	to other organiz.
2006 Staff	<b>854</b>	<b>431</b>	<b>6</b>	<b>49</b>	<b>159</b>	<b>22</b>	
Judges	561	412	1	2	24	1	
2005 Staff	<b>1127</b>	<b>650</b>	<b>38</b>	<b>48</b>	<b>153</b>	<b>27</b>	
Judges	602	481	3	17	50	10	
2004 Staff	<b>832</b>	<b>524</b>	<b>7</b>	<b>46</b>	<b>203</b>	<b>14</b>	
Judges	553	404	14	18	27	0	
2003 Staff	<b>914</b>	<b>307</b>	<b>165</b>	<b>78</b>	<b>252</b>	<b>45</b>	<b>373</b>
Judges	600	448	0	0	34	9	
2002 Staff	<b>694</b>	<b>182</b>	<b>19</b>	<b>71</b>	<b>170</b>	<b>44</b>	<b>346</b>
Judges	529	392	9	18	34	5	
2001 Staff	<b>912</b>	<b>307</b>	<b>81</b>	<b>161</b>	<b>134</b>	<b>37</b>	<b>373</b>
Judges	896	696	1	5	24	2	
2000 Staff	<b>787</b>	<b>204</b>	<b>27</b>	<b>102</b>	<b>101</b>	<b>22</b>	<b>491</b>
Judges	NA	NA	NA	NA	NA	NA	NA
<b>Total</b>	<b>6120</b>	<b>2605</b>	<b>343</b>	<b>555</b>	<b>1172</b>	<b>211</b>	<b>1583</b>

\*Own elaboration with data from Novoa (2006) based on statistics from Human Resource Department and Junta de Disciplina. Note that Juntas de Disciplina change mid-year. Thus the date given is for the end of the period in which each junta operates.

Interpretation of the figures is difficult and the PAD gives no indication of what was intended. The fact that there is a disciplinary system and that it is being used is important, but how well it is working and with what results on performance are impossible to evaluate. In interviews we listened to many complaints about the fairness and accuracy of the system, and it also is apparent (as demonstrated by the number of admitted complaints, especially against judges, with no further processing) that there are many logistical problems especially as regards complainants, defendants, and witnesses located outside of the capital city.

The fourth indicator (also dropped in mid-2005) – policy on traditional justice systems developed and tested – shows no concrete progress, and is also an area where the project’s activities were minimal. A key study, on the “particular needs of rural and urban populations” was only finished in 2006, and moreover did not assess traditional mechanisms in any but the most superficial fashion (FUNCEDES, 2006 which only lists “nonjudicial authorities,” without explaining how they operate, and briefly discusses the conflicts usually referred to each and any interactions with the formal system) for the 33 communities it surveys. It does not directly address the question of how to incorporate them. The PCU’s answer to questions about advances here was to emphasize the role of justices of the peace, of alternative dispute resolution, and of community courts. However, the development of a policy arguably was outside the areas the project could realistically tackle – depending on political authorities and political discussions at other

levels.<sup>13</sup> Thus, while the project made little or no progress here, the fault largely lies with an unrealistic setting of goals.

As regards the fifth indicator (dropped mid-2005) – number of subprojects executed through the participation program – neither the evaluators nor the PCU staff was able to determine what was intended. In the PAD, the civil society participation program is described as encompassing “subprojects (totaling up to \$50,000 for each one) through the promotion of partnerships with donors, non-governmental organizations and other participants, for developing broader public participation in access to justice programs such as free legal assistance for the poor, access to justice for young people and women, analysis of costs of litigation, and other related activities that will promote social reconstruction and trust in post war conflict areas.” This suggests the initial intent was the creation of a small grants program, like that introduced in the World Bank Ecuador judicial reform operation. However, the mid-term evaluation equated advances in this indicator with centrally organized workshops on cultural sensitization of judicial operators (of which 14 had been held by October, 2002) and to prevent lynchings (in which 600 community leaders participated) as well as with a second stage program on the latter theme intended to involve mayors and justices of the peace. An UMOJ (2003) publication on citizen participation stresses other, centrally financed and directed activities – two programs with school children, various publications, and the mobile courtrooms. In the evaluation team’s meetings with the PCU, none of the latter activities was mentioned. In any event, and whatever is officially included here, the indicator, like the previous one, does not measure impacts nor suggest how to interpret the results (See also Novoa, 2006 on this point). Absent further information, advances on this indicator must be considered as unmet.

On the basis of a review of the five indicators (or even the two retained in the post-2005 ISRs), a grade of moderately unsatisfactory might be considered as too high. However, we believe the problem is less with the project’s advances than with its design. The PDO indicators were poorly selected, poorly explained, and to some extent, never really understood by the counterpart – not to mention by the evaluation team. Giving them equal importance in grading the PDO achievement, while technically defensible, thus strikes us as an unacceptable formula for evaluating progress. Instead, we briefly review the three elements of the PDO, their relationship to elements of the four components, and indicators (taken from other sources) of measurable advances. A more detailed discussion of each component and progress on its indicators is included in Annex II.

#### Access Improved, Especially for Marginalized Groups:

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<sup>13</sup> This point is also made in ASIES (2007; 72) in reaction to a new Supreme Court proposal to promote work in this area. Moreover, and in seeming contradiction to constitutional provisions and the official (if unimplemented) government policy, the Court suggested it would go forward with a study on the desirability of recognizing indigenous law.

Less discussion is included here, as much of this is covered above. Over the project life, it is indisputable that physical access to courts greatly increased. There are now 365 justices of the peace as opposed to 229 in 1997, and at least one located in every municipality; 70 mediation centers; and two mobile courtrooms with 10 more ready to deploy. This cannot be attributed only to the World Bank, but it directly contributed with the construction of 6 justice of the peace courts in Petén, one of the departments with least services, the remodeling of 11 others, the mobile courtrooms, the construction of 16 mediation centers in the interior and the central office in Guatemala, and the construction of one departmental and two regional centers. While the three justice centers are located in (or near, Escuintla) secondary cities, they are intended to provide more and better access to people there and to encourage the decentralization of system administration to the department and regional level, thereby contributing, if indirectly, to improved judicial performance. The project also equipped what it constructed or remodeled, and provided equipment to other facilities, to ensure staff had the resources necessary to do their jobs.

Questions about the quality of justice (which also impact access defined more broadly) are addressed in the next sections. Here it should be stressed that the project sponsored other activities to improve access in this broader sense. These include numerous workshops to sensitize judges and staff to the needs of indigenous populations,<sup>14</sup> publication of material in indigenous languages, and the hiring/training of interpreters. We know these activities occurred, but absent any effort to evaluate impact, cannot attempt to assess what it was. Much the same can be said about the proliferation, sponsored by the Bank, other donors, and the judiciary itself, of courtrooms and judges. Statistics on ADR services exist, and except in more populated areas, they appear underutilized, suggesting the need for more work on user needs and how to meet them more adequately, the reasons for non-use and follow-up to determine whether agreements are respected by the parties.<sup>15</sup> Despite not entirely overwhelming workloads, those in urban centers are beginning to complain about congestion, indicating the need for attention to their own management systems and prioritization of cases.

The judiciary has made some effort to employ more staff and judges fluent in indigenous languages (although predominantly in the mediation centers, not always as part of a systematic plan, and sometimes still not trusted by local inhabitants). The extent of the WB contribution to this policy is unclear. As of April 2006 (ASIES, 2006; 69) there were 749 judicial personnel fluent in indigenous languages, but of these only 56 were judges, and 33 interpreters. (There were 10 additional interpreters but their other language was not an indigenous one). A further problem is that the locations where

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<sup>14</sup> We are tempted to say “countless” as the list provided by UMOJ defies quantification, but adequately demonstrates that considerable training was done.

<sup>15</sup> Statistics supplied by the central ADR office for several months in 2007 indicate that the 70 centers process an average of about 10 cases monthly, although some do as many as 30 mediations. The center keeps fairly good statistics and does some basic analysis – however, it seems to have not yet developed a policy to respond to the apparently insufficient demand (even in the busiest centers).

bilingual judges and support staff are most needed are also the least desirable for those hoping to advance in their careers. Thus, there is a reported frequent rotation of individuals initially assigned there, and in any event we received no information on where these bilingual personnel were located. Finally, while sensitization courses and multi-lingual publications exist, their utility in resolving the problem deserves questioning – the courses because training, absent incentives to apply it, is notoriously ineffectual, and the publications because of the high levels of illiteracy especially among indigenous groups. Nonetheless, project efforts served to keep the theme alive whatever their direct impacts on fixing the problem.

Access or the potential for access has clearly improved over the last 10 years, but there is still a long way to go. The World Bank project has played a part in the process, but without more research, it is impossible to say 1) how much and 2) whether it could have done more. We believe the answer to the second, and intrinsically more important question is probably “yes” and that the failure to work on items related to the indigenous issues is one indication. Still further progress on the access variable could have been facilitated by advances on the other two, both of which involve the quality of justice delivered and thus affect citizens’ inclination to use the services now more physically accessible.

#### Efficacy of Judicial Services Improved

The project, as interpreted by UMOJ and the Judicial Branch, addressed this issue through a focus on improving the structure, resources, and operating procedures of three main parts of the judicial organization:

- The system-wide administrative apparatus, whose more efficient workings would provide better support to the courts and rationalize resource use
- What the judiciary considers “auxiliary offices,” units responsible for oversight, discipline and training of judges and for helping them process their cases through the provision of services like intake, notification, and temporary archiving of case files
- The judicial offices themselves and the personnel working in them (both judges and support staff)

While indicators could be developed to assess improvements in each one, they were not introduced (and for the first two subsystems pose certain conceptual difficulties). The indicators most commonly used for overall institutional efficacy (and for judicial offices alone), delay and clearance and congestion rates, were not tracked either, although as discussed in the final part of this section, what evidence exists does not suggest great advances. However, such changes take time, and depend on a good strategy. Thus, before reviewing overall results, activities and progress in each of the three types of strengthening are examined.

Attention to administrative and auxiliary offices came first, beginning as a restructuring effort even before the project went into effect. Most changes were effected in 1999,

although there were further readjustments as documented in Novoa (2006). Some of these seem to be purely arbitrary and not all were improvements. A major problem not resolved by any of the restructurings, was the placement of the auxiliary offices (which in all versions continued to report independently to the President of the Court) and coordination of their activities (Louza, 2007).

A second stage began in 2000, combining the efforts of UNDP (through its PROFED and financing from a variety of donors) and the WB/UMOJ. This emphasized reengineering of internal processes, the development of manuals, and the equipping and some remodeling of the restructured agencies. At that point the process, except for the design of a series of software programs for several of the administrative agencies, stopped, and therein lies the major flaw. From then on, most offices either stayed as they were or developed on their own, with no more technical assistance, and little communication with the others. ICR consultants also observed (Moore, 2007) that manuals were not used, had not been updated, and appeared in several cases, not to exist. The results are a rationalized structure, but one in which the internal operations of the parts and their ability to coordinate with each other are still inadequate. Some offices (*Servicios Tribunales*) have advanced because of assistance from other donors (most notably USAID for the *Gestión Penal* section). Others advanced on their own, but slowly and without benefit of national or international technical assistance that might have accelerated the process. There are evident problems, which the members of the agencies noted to us, but seemingly have no power to overcome. For example:

- The statistics office has moved back and forth between Planning and CENADOJ (an automated document service). It arguably belongs with the former which should be a primary user of its output and which might be better able to insist on the provision of adequate statistics from individual courtrooms and to force improvements in a very rudimentary system with such unreliable results that CENADOJ has so far only published those for criminal justice corresponding to 2002 (Louza, 2007; Moore, 2007). Instead Planning tries to collect its own statistics on workflow (used to help decide where additional judges and auxiliary staff are needed), but lacking technical assistance, tends to organize them chaotically – much double or triple recording of the same action, and a failure to distinguish between those initiated by the parties and by the judge.
- The *Departamento de Supervisión de Tribunales*, which contrary to some project reports, was not created by the reorganization, although now linked to the Judicial Career Council, is physically located in another building. Given its responsibility for investigating complaints against judges, it would make more sense to place it with the latter. Moreover, it, like the office of judicial evaluation (also part of the Council) lacks sufficient vehicles to do its investigative and preventive (normal supervisions) work.
- *Supervisión* and the *Junta de Disciplina* (another part of the Council, responsible for reviewing complaints about judges and making recommendations on disciplinary actions) should both be decentralized. The former now has a branch office in Quetzaltenango, but it is already overburdened, and the Junta's efficacy

in adjudicating cases is greatly hindered by its inability (for practical reasons) to operate outside Guatemala City.

- The Judicial School, which is also part of the auxiliary offices, seems to do fairly well with the orientation course, but its in-service training are not systematic, and there are numerous complaints about its requiring judges, on very short notice, to attend courses they have already taken, repeatedly.<sup>16</sup> Obviously, a better record system kept by the Council with judicial profiles and a real plan for in-service training would help, but so far no one has promoted that.
- Human Resources now has a database on civil service employees (those in administrative and auxiliary offices, as well as courtroom staff) but it serves largely to track attendance and calculate pay. There is still no evaluation program, and no expanded database that would allow the tracking of any sort of career path. Moreover, neither it, nor the Council, has done anything to systematize the situation of courtroom support staff (*auxiliares judiciales*), a group seeming to fall between the two stools, officially civil service, but actually aspirants to judgeships.
- Although the judiciary installed an IFMS, it was the system developed with Bank funds for the executive branch (SIAF). The project took no part in its installation, nor in training in its use, and it is still not linked to the other administrative software (some of it developed on very rudimentary databases like Access) funded by the project. The Director of Financial Administration has requested assistance in improving the system, but so far has received no response from the PCU (Moore, 2007).

There is no doubt that the restructuring and reengineering represent improvements in what was a wholly chaotic prior situation (Louza, 2007). However, the few measures of impacts offered by UMOJ and its external consultant (Novoa 2006) are fairly peripheral – documented decreases in times to register lawyers and notaries or to receive certificates of no criminal record, and the increases in fees collected by both services. Even the claim (Novoa 2006) that administrative costs have been reduced seems doubtful, given that total administrative staff increased by 78 percent between 2002 and 2006 (ASIES, 2006; 64). The restructuring was positive; it just ended too soon. Lack of counterpart interest may be one explanation, but it also bears mention that the project design only demanded that it be planned, applied, and “tested.” The decentralized administrative centers, while potentially another source of improvements, are for the most part not yet functional (Moore, 2007), and the same questions could be raised as to their further, effective development. In summary, the real improvements in performance achieved by

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<sup>16</sup> As an anecdotal illustration, the course mentioned most frequently was “intellectual property.” Someone explained to us that the course was sponsored by the American Chamber of Commerce because of its interest in influencing judicial thinking on this theme. (We were also told that banks financed courses on debt collection to sway judges toward accepting credit card debt as “*títulos ejecutivos*” thus allowing it to be processed through the much faster *juicio ejecutivo*.) Because the “invitations” to the course are backed by a blanket decree signed by the Chief Justice, nonattendance constitutes a “*falta grave*” (refusal to follow an order from the Justice).

the administrative and auxiliary restructuring could get a moderately unsatisfactory to moderately satisfactory, but only on the basis of a comparison with the status quo ante and a qualitative assessment of their potential future impacts. It is also disturbing that the long-time PCU “subcoordinator” contends that the judiciary’s ordinary administrative offices are still incapable of managing this type of operation.

Attention to the third element, strengthening actual judicial performance came later and ended even more abruptly. Slightly later attention is not entirely illogical, assuming the work in the other two areas lays a crucial base, for example in establishing a system for monitoring judicial performance. Unfortunately, this did not happen. As noted, an early (2001) effort by PROFED to improve case processing in pilot family courts was not picked up by the project, despite formal cooperation between the two donors. In 2002 and 2003, there was an interesting and promising effort, largely conducted through one local consultant, to help courts reduce internal processing times – by rationalizing internal workflow and eliminating steps not required by law. Unfortunately, the process ended with the change of courts – for reasons which we again do not understand (new priorities, failure of the WB and the UMOJ to lobby with the newcomers?). Moreover, the failure to develop a basic set of valid statistics on court caseloads and some further attempt to measure processing times means that impact would have been difficult to determine. The project only addressed the latter at mid term (2004) and due to problems with procurement, the study was only completed at the end of 2006. Moreover, because of its design (the TOR provided by UMOJ) it did not provide adequate information either on delays or their causes.<sup>17</sup> The contractor never produced a satisfactory delay reduction program, but it is doubtful it could have done so using the information it was asked to collect or in the time allowed.

Some of the activities conducted with the auxiliary offices (centralization of notification for the Guatemala City courts, the work of the Judicial Council’s Supervision Department, Evaluation Unit, and Disciplinary Board) might have had some impact on reducing delays and raising productivity, but were hampered by the absence of good statistics and adequate methodologies. The project could have worked on both, but did not. Higher salaries (introduced independently of the project, but equated by UMOJ with an improved incentive system) and the stricter entry standards introduced by the judicial

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<sup>17</sup> The inventory covered only cases entered after 2002 in five *cabeceras de distrito* (courts in the principal city of each district). Thus, it did not include all active cases, even in those courts, and moreover was an inadequate basis for calculating delays inasmuch as the starting date was too recent. Not surprisingly (in fact logically) the results indicated that delays in reaching a firm judgment averaged under three years for all types of cases. Neither the PCU nor the contractor seemed to notice that most cases had not been resolved, thus suggesting either 1) that cases not resolved within three years would never be resolved or 2) that most cases took more time to reach a firm judgment. It bears mentioning that by 2005 LCSPS had conducted studies using casefile analysis to explore delays and related problems in five other countries of the region. The first of these, done in Mexico (World Bank, 2002), faced similar problems and resolved them with a second sample of adjudicated cases to determine times to resolution. Unfortunately, the research team, whose members could have provided advice, was not contacted as the Guatemala study was being designed, nor, so far as we could determine, was the Mexico report made available to the Borrower.

career law may also have produced improvements in efficacy and efficiency, but if that happened, little credit goes to the project, and in any event, it cannot be measured. In short, although several items under component A (institutional strengthening) and one under component B (Transparency as it involves incentives) might have impacted efficiency and efficacy, these received short shrift from the project. Both efforts and progress here are unsatisfactory.

Two additional activities promoted by the project, the automated case management system and ADR, might improve efficacy, but neither has advanced far enough to do so. In theory, and apart from its access benefits, widespread use of ADR should reduce court congestion and thus delay by diverting conflicts to this alternative forum. Unfortunately, even in the most utilized centers, the amount of demand attended is still too low to have this effect. Moreover, there is considerable debate among the experts as to whether ADR really reduces court congestion or simply attracts cases that would not have gone to court. Nonetheless, the innovation appears popular with users, and the FUNCEDE (2006) study indicated considerable demand for more mediation centers among inhabitants of small municipalities and rural areas.

As for the new case management system, the team specialist evaluated it as of good quality, with certain functions not available in similar systems developed elsewhere, but also with problems, still being addressed, as regards ease of use (Louza, 2007). Although UMOJ claims that efficacy and efficiency will be greatly improved with its nation-wide application, this will easily take five years and will require a considerable expansion in the Judiciary's Informatics and Telecommunications Center (CIT) staff now assigned to the task, as well as further technical assistance to help with modifications to the programs and to ensure the source codes are adequately protected against manipulation. Its impact will also depend on quality control of data entry; adequate statistical analysis, and the conversion of the results into new policies. For that to happen, internal analytic capacity will have to be created (preferably in SPDI, not CIT – analysis is best not left to software engineers), and judicial leadership will have to be convinced it is important. Several judiciaries in the region have already adopted similar software with limited impact on efficacy and efficiency because of the absence of these other elements. Use of statistics to enhance judicial management is clearly an emerging global trend, but in Latin America there are few countries (Chile, possibly parts of Argentina and Brazil, Costa Rica but with some limitations) that have moved to adopt it. As many more have case management software, its presence is clearly only a facilitating factor, not a solution.

In the end, neither the judiciary's own statistics, nor those offered by the UMOJ study (Novoa, 2006) or external observers (ASIES, 2006) suggest an increase in the productivity of the courts. Production has risen, but largely because of the addition of more judges. Demand has grown still more rapidly. ASIES (2006:65) estimates a case clearance or disposition rate (cases resolved over those entering in one year) of 10 percent for the entire period. This is extremely low, especially considering the apparently light average workload. Novoa (2006; 119) finds an increase in congestion (cases resolved over total active cases) from 2000 to 2004; in light of the bad statistics on backlog and the likelihood it is far underestimated, the real rate may be still higher.

However, part of the problem may arise in legal impediments to judges closing inactive cases *ex officio*; this means that absent the necessary request from the parties, much of the backlog may be composed of abandoned cases. The inventory and sample might have explored this, but did not. There is no good analysis on average delays. The case inventory (NCSC, 2006) found that most cases in most materials had not reached resolution within the three-year period covered. The FUNCEDE (2006) study, which only asked those interviewed for their perceptions on delays, found most considered them excessive, although predominately within the one to three year range, and reported no recent improvement in reducing them. The interviews did not ask about resolution rates (what percentage of cases were resolved).

### Credibility of Judiciary Improved

Most of the relevant activities are in component two (Transparency), but some of those in component one (as regards delay), component three (especially sensitization of judges and development of a plan for recognizing traditional dispute resolution), and component four (those involving communication polices) are also relevant. Here the focus is on components 2 and 4, in part because they are not treated above, and in part because they together seem to get at the two sides of the problem – the lack of credibility because of real corruption and because of the judiciary’s failure to “make its case” as regards efforts to improve the situation.

Going by the polls (including those conducted by other agencies, CEJA 2003 and 2005), the combined effect of the two strategies has yet to be felt. The 2003 and 2007 surveys did note some improvements as regards: respondents’ familiarity with the judicial modernization program, their estimation of cost as a barrier, and in the 2007 survey, in training of judges and staff. However, perceptions of corruption, poor attention to users, and delay remained fairly constant. The question then is whether the project selected the most appropriate path for making a difference – the connections between the PDO and the activities emphasized – and furthermore, whether implementation followed the plan.

Again, the absence of statistics for monitoring performance is critical, not as a measure of impact but as a means of achieving it. Knowing you are being watched may be the most fundamental incentive for doing a better job, more important than raises, ethics and self-esteem courses, or even skills training. Statistics would also have helped the Department of Supervision, the Evaluation Unit, the *Junta de Disciplina*, and Human Resources evaluate performance, identify problems, and propose and monitor improvements. The initial creation and/or restructuring of these offices, the early technical assistance and equipment provided to them, and programs to inform system users and operators of their functions were also important, but more work in all these areas was needed, and for the most part was not done. The evaluation program for judges continues to receive criticism as does the rather truncated career it oversees – composed of only two levels, justices of the peace and judges of first instance. However, administrative and courtroom support staff still lack evaluation programs, another flaw that needs to be addressed. In short, while the project did take steps in promoting the creation of a human resource management program, it stopped early and far short of what was needed. In this light, the

many complaints of those interviewed in the FUNCEDES study about court personnel not seeming motivated to do their work well are easy to explain. As for the core issue in credibility, corruption, the statistics from the two disciplinary units indicate several problems:

- The large number of complaints dismissed without a hearing suggest either that users do not understand what constitutes abuse or that the units simply are not working.
- The small number of disciplinary actions taken is indicative of other problems: inadequate investigation (for lack of skills, incentives, or resources); the logistical obstacles posed for both defendants and complainants who do not reside in the capital city; complainants' fears of retaliation; or certain procedural obstacles (flawed regulatory and legal framework).
- Finally, it bears noting that the most the disciplinary units can do is recommend dismissal of those they find to have committed major infractions. Their recommendations are not binding and it is up to the Supreme Court or the Chief Justice to take the final decision. They do not always follow the recommendation.
- The same is true of the evaluation unit's recommendations as to judicial appointments and terminations, and in the latter case, those with low evaluations have been relatively successful in filing an "*amparo*"<sup>18</sup> against the unit's findings.

Obviously, many of the obstacles here, because of their political and legal nature, are beyond what the project could have overcome. However, it is significant that it was the Transparency or Anti-corruption component where expenditures were farthest below (less than 10 percent) what was budgeted in the PAD.

### **3.3 Efficiency**

No economic analysis was done for the project and the financial analysis emphasized only the estimated total costs (\$165 million) of the judiciary's modernization plan, the availability of other donor funding to complement the WB contribution, and the steps taken to ensure adequate administration of project funds. As is usual in these projects, the economic section refers to the positive economic impacts of reliable judicial enforcement, reduced corruption, and improved crime control. However, given the impossibility of determining the project's impact on any of these variables, an ex-post economic analysis is not feasible. Annex 3 contests the PAD's contention that this type of analysis could not be done, and in fact argues for conducting one, even absent the necessary statistical inputs. As has been suggested in the text above, the ICR team has some doubts about the cost-effectiveness of the activities emphasized, but again this is a matter for further debate and largely in the abstract. Team members were not alone in expressing doubts. A former Chief Justice from Sweden, did a short evaluation of the project in June, 2007 and

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<sup>18</sup> An *amparo* is the standard constitutional protest of a violation of basic rights.

likewise questioned the longer-term value of certain activities with a large “public relations” component (Svensson, 2007).

### **3.4 Justification of Overall Outcome Rating**

Rating: *Moderately unsatisfactory*

We are rating the outcome moderately unsatisfactory not against what the project proposed to do (not achieved) but rather against what it really did. The project does not get a satisfactory or moderately satisfactory because we believe the Borrower and/or the Bank team could have overcome or circumvented some design flaws, by paying attention to the mid-term recommendations, placing more emphasis on real improvements in performance, instead of attempting to spend all the assigned funds with equipment purchases in the final year (and here there are also concerns as to whether these purchases coincide with the requirements of the case management system now to be installed). The project could have promoted other elements (like the abortive efforts to accelerate case processing, a better inventory and delay reduction program, or the enormous amount of work needed in human resource management). However, it did the constructions planned (or most of them – in the end one departmental center was omitted), provided essential equipment, promoted, on its own and with PROFED, some major rationalization of internal structures, and experimented with important (and so far as could be determined, unique) exercises in simplifying court procedures. All of this provides a base for further advances, and its importance should not be discounted simply because the project design was too ambitious in terms of promises.

### **3.5 Overarching Themes, Other Outcomes and Impacts**

#### **(a) Poverty Impacts, Gender Aspects, and Social Development**

Except for some workshops and publications on gender, the project had no special activities directed at these themes. However, it’s overall emphasis on extending access to marginalized groups and especially to indigenous populations was sufficient to cover them, and adding still more activities to an already over-ambitious design would not have been advisable. Whether enough was done to further the larger goal can be debated, but the underlying justification is sound – increasing access to court and alternative services for the poor, indigenous populations would provide them with the means to resolve their problems and defend their rights. Women were not selected out as a targeted subcategory for special treatment, but the project did keep track of gender and indigenous participation in all of its activities – courses, workshops, and ADR services. It does not appear that analysis of these data produced any readjustments to activities. This is a serious shortcoming given that Guatemala has been ranked extremely low in protection of women and very high in violence against women. (*Prensa Libre*, October 9, 2007) However, our own quick review of the data did not reveal anything that demanded immediate attention.

#### **(b) Institutional Change/Strengthening**

As this was an institutional development project, these themes have already been dealt with exhaustively. As repeatedly noted, WB and other donor efforts effected considerable advances in imposing a more rational organization for the administrative and auxiliary structures. However, more work is required to improve coordination of the parts and the functions carried out by each of them. The PCU erred in not transferring more programming and implementation to the judiciary itself. This should be an aim of any future operation – with a goal of phasing out or eliminating the PCU over the next five years. While other donors have focused more attention on improving the activities of individual units within the larger organization, the WB and UNDP took the lead in the 2000 macro-reengineering which might not have occurred without their combined efforts.

**(c) Other Unintended Outcomes and Impacts (positive or negative)**

The project, less by its design than how it evolved, seems to have encouraged the judges' interest in buildings and equipment, and strengthened their initial inclination to equate these with improved performance. This is unfortunate and may pose problems for the design and negotiation of the next project. If anything the project amply demonstrates that buildings and equipment are not magic bullets, and that while the public recognizes their presence, their existence is not necessarily directly correlated with overall improvements in performance.

**3.6 Summary of Findings of Beneficiary Survey and/or Stakeholder Workshops**

Time constraints and limited financing for this ICR did not allow a beneficiary survey or stakeholder workshops. However, as noted above, a survey sponsored by UMOJ and conducted after the project had closed (Novoa and Tacao, 2007) did indicate that some stakeholders, when presented with direct questions, did perceive a few improvements in certain aspects of court performance. The evaluation team reached the same conclusions in its interviews, but could not attribute the results to the project in particular. This is because there were many other donor projects and additional changes on-going at the same time. For example as reported in Novoa and Tacao, knowledgeable users did not note any improvement in delays and congestion, but did mention a better quality of judges because of the introduction of the career law, improved systems for selecting and evaluating lower level judges (justices of the peace, first instance and trial judges), better infrastructure and equipment, more first instance courts, and such innovations as the mobile courts, ADR, and automation of *Antecedentes Penales* and *Protocolos*. While the project cannot take credit for the career law, it did help set up the recruitment and evaluation systems. The earlier, 2003 survey also identified two positive changes: greater user knowledge of the judicial structure and its modernization plan, and a marked reduction (20 percentage points) in the belief that justice was costly. More information on the survey results is given in Annex 6.

**4. Assessment of Risk to Development Outcome**

Rating: Moderate

The project, along with activities undertaken by other donors and by the government, has set a base for future advances in the PDO. The judiciary is now better structured and

better equipped to produce the outcomes the project promised and has made some advances in achieving them. There are still problems in the administrative structure and its internal operations, in the legal framework regulating it and especially the aspects regarding human resources (both judges and administrative staff), and in the judiciary's overall ability to monitor its own performance and that of its individual members. These are all areas where further emphasis is critical to avoid backsliding or, more likely, preservation of the current glass-half-full status. Citizen interest in achievement of the goals stated in the PDO has not weakened. The fact that their dissatisfaction with judicial performance has not diminished, while perhaps underestimating the progress made, is thus a positive factor in mitigating risks to the development outcome. It will, however, be important that future Bank work and that of other donors now concentrate on using the base to push forward with the underlying objectives, finetuning where necessary, but focusing specifically on producing visible improvements to the quality of justice delivered to the citizenry. The project itself has introduced an additional risk by encouraging judicial personnel to define improvements in terms of infrastructure and equipment; while outsiders do recognize these "improvements," they clearly are looking for something more and this will have to be stressed in any new operation.

## **5. Assessment of Bank and Borrower Performance**

### **5.1 Bank Performance**

#### **(a) Bank Performance in Ensuring Quality at Entry**

Rating: *Moderately unsatisfactory*. Project preparation was exemplary and deserves to be replicated in other such efforts. Although the ICR team did not review in detail how the time was used, the three or so years devoted to preparing the ground appeared to have been well spent. The final design was still an impediment to successful implementation, but it seems terribly unfair to judge a project designed in the late 1990s against criteria in effect ten years later (which would have lowered the grade). However, even assessed against the standards of the time, there was room for improvements, building on, but not limiting itself to the results of the participatory events.<sup>19</sup> Presentation of components and activities is overly vague and somewhat confusing; for the most part the component definition is simply a list of activities to be supported. An emphasis on inputs rather than outcomes and impacts and a failure to specify definitive causal links between activities and overall objectives probably contributed to many problems (lack of follow-up on key activities, delays in implementation of some, failure to take any actions in others). The PAD might have emphasized the predictable change of topmost authorities every five years, and with them many administrative directors. In the section on risks, there is only a mention of the moderate chances of the new Supreme Court's lower commitment to reform, with the suggestion that this would be resolved through discussions during the mid-term review, on-going workshops with stakeholders, and monitoring and evaluation

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<sup>19</sup> One assumes, after all, that this is the Bank's role as a "knowledge bank," helping countries improve their proposals for resolving problems their stakeholders identify.

(an activity that remained underdeveloped). As the Court changed in 1999, a mid-term review in 2002 would be a little late to make corrections.

### **(b) Quality of Supervision**

Rating: *Moderately unsatisfactory*. The mid-term supervision was excellent, as were earlier BB and TF-financed evaluations of some components. Unfortunately few of the recommendations provided therein were put into practice for reasons the ICR team does not understand. It clearly would have been helpful to continue with and use this type of external assessment; a lesson to be adopted in future projects. Although the initial two funding reallocations responded to counterpart requests, the movement of so much money into the goods category, absent efforts to ensure all components were receiving adequate attention, seems questionable. This it should be noted is a problem not related to the TT alone, but also involved higher WB management. The first reallocation in particular should have provided an opportunity to push for advances in the neglected areas and especially those highlighted in the mid-term supervision. The lesson here is that any such action requires far more attention from management and not just from the task team.

The project did a good job on attracting positive public attention, in Guatemala and in the Bank – for example, the communications component and the inaugurations of the various construction projects, as well as activities like the initial two mobile courts, two programs with school children (“A Day with Justice,” and “Judge for a Day”), and a Market Place prize winning activity featuring workshops to raise awareness about new justice of the peace courts in 36 rural municipalities. Again, these are models other projects might follow as they clearly facilitate the way for the harder actions. However, as regards the latter, there are some concerns. Interviews with Bank staff in Guatemala indicated they had expressed concern to the team as to advances in PDO achievement (i.e. concrete results in the quality of services) but received no satisfactory answer. Public relations, in short are an often overlooked responsibility of task teams, but they cannot replace advances in more substantive areas. If most projects err in neglecting the former, this one may have counted too much on their power to move other areas.

Project reporting was deficient. ISRs were pretty much boilerplate (often repeating the same language in 2 or 3 periods) and rarely signaled emerging issues and problems. They never discussed major changes, like the reallocations, and introduced other modifications (reduction in indicators tracked, elimination of “co-financing” counterpart) with no explanation whatsoever. Ratings never deviated from S (Satisfactory), and although the mid-term supervision was mentioned, there was no discussion of its recommendations or a plan to comply with them. ISRs also sometimes gave credit to the project for things clearly done by other donors – public defense mentioned in ISR 10 where the project did some training, but most of the work was done by MINUGUA, UNDP, and USAID – or announced progress in areas (a case recording system) which simply overstates what was actually done.

Although the Bank project team was entirely located in Washington, it seemed reluctant to involve local staff in supervision, at one point insisting that all procurement documents

be sent first to the purview of the project team before being forwarded to the local procurement office (interviews Guatemala, September, 2007) For a project and country of this complexity, this policy seems highly unwise. It also bears noting that there were at least two specialists in LCSPS with substantial knowledge of Guatemala and of regional judicial reform problems, and that neither one was asked to provide any support to the project. Instead, for internal support, the project relied largely on very junior trust-fund and other short-term consultants. Finally, although there were no major problems to be addressed in financial management and procurements, Bank staff did not react soon enough to the undesirable expenditures patterns. The disproportionate amount of funds spent on the PCU, the lower amounts spent on the rest of component D and component B, and the lag in spending on consultant services might have been identified earlier, allowing more effective attention to the neglected components and eliminating the need for a second transfer of a large portion of funds to equipment purchases in the final year. Again, responsibility here cannot be placed solely on the TT; management should have recognized the problems and requested further discussions.

**(c) Justification of Rating for Overall Bank Performance**

Rating: Moderately *unsatisfactory*

For the reasons stated above.

**5.2 Borrower Performance**

**(a) Government Performance**

Rating: Moderately Satisfactory

The Government's most important contribution to project advances was the enactment of critical legislation and constitutional reforms – the Judicial Council and Career law, a law covering civil service judicial employees – and increases in the court budget and salaries. Without these changes, many activities contemplated in the PAD would have been difficult if not impossible to implement. Nonetheless, further commitment to the project goals, either from the Government as a whole or from the judiciary, was never visible. The tendency towards an over optimistic interpretation of many of the advances made (not so much in the WB project as in the overall judicial reform) is widely commented within Guatemala. Despite the above steps have yet to be taken either by the Government or the judiciary to make the necessary corrections. – for a start, in improving the administrative problems, creating a career for administrative employees, creating a performance monitoring (statistics) system, or improving the evaluation and complaints processing mechanisms. The WB could have pushed, but this would have been easier if the Borrower had expressed interest.

It also bear noting that certain aspects of the 1986 Constitution as regards selection and term lengths of the Court and appellate bench did pose impediments to creating strong judicial leadership. The periodic full renovation of both, the continued politicization of the appointment process, the annual election of the Court president, and the latter's ability to place and remove many administrative officers at will obstructed continuity in judicial policy making and implementation. Procedures for supervision and evaluation of judges, their support staff, and administrative personnel are underdeveloped (there are

none for the latter two categories) and remain highly controversial. Initial support to the responsible units should have been continued as these are areas where technical assistance would have been extremely useful. According to several observers (Moore, 2007), the present Court divided responsibility for the departments among the 13 justices, a practice justified as increasing attention to each, but also reputedly augmenting the incidence of patronage in appointments, promotions, and transfers of judicial and administrative staff.

**(b) Implementing Agency or Agencies Performance**

Rating: *Moderately Satisfactory*

On the plus side, the creation of a strong PCU and considerable continuity in its staffing (including the retention of the same “subcoordinator” until early 2007 – when she was appointed to the position of General Manager for the Judiciary) were important factors in maintaining and eventually accelerating project implementation. The decision to have the PCU implement judicial portions of the IADB sectoral project and to coordinate with other donors in the construction and placement of infrastructure was also critical. The PCU’s financial management and handling of procurement was validated by a series of Bank audits and supervisions. Nonetheless, the project is ending with two major contract disputes, to which both inadequate Bank supervision and PCU failure to push for a solution (as opposed to simply berating the contractor for poor performance), have contributed.

On the minus side, the PCU extended its role beyond implementation to virtual ownership of the project. The current coordinator, a Magistrate assigned to oversee implementation, described his role as more of an administrative role instead of one requiring a more direct involvement in policy decisions. One consultant working on a high priority activity reported he had never been able to meet with the Court presidents and that his meetings with the “coordinator” were perfunctory at best. (However, see Moore, 2007 for a more positive view.) The coordinator forms part of a judicial commission (composed of four magistrates, the judiciary’s general manager, and the subcoordinator) which meets monthly to review project progress, but again gives no indication of a more pro-active role. (The CMU did report occasional visits by committee members or other justices to lobby for the project, but that is different from pro-active management.) In its interviews with administrative and judicial staff, the ICR team also repeatedly heard references to the PCU’s “disclosure policy” and many who did not complain simply noted that their contact with the project had stopped after the early period (reorganization, restructuring, and the delivery of equipment and training.) Only a few units – CENADOJ, the Judicial School, and the CIT — expressed positive views about continuous support from the PCU. Their perceptions appear accurate, but in the case of the first two, this support may have confused rather than clarified their roles and programs. CENADOJ appears to have taken over some functions belonging to the Communications Office, while the multitude of short courses co-sponsored by the PCU did not encourage the School to develop a consistent program of in-service training. In many cases, short courses and workshops were spur of the moment interventions, seemingly unconnected.

The current contract disputes are not the only ones in which the PCU has been involved. At least one contract was terminated after initial implementation, with the contractor charging inadequate support from the PCU and the PCU charging that the contractor was not producing anything.<sup>20</sup> Several contractors complained about similar lack of support as well as about ambiguous terms of reference and the PCU's post-hoc, unilateral interpretations as to what they meant. As regards the relationship with UNOPS, which appears to have worsened since 2004,<sup>21</sup> the PCU claims UNOPS changed its TORs needlessly, while UNOPS holds that the TORs submitted by the PCU were incomplete, inconsistent, and of poor quality. The ICR team had no time (nor the necessary expertise) to investigate the competing claims. However, a team member did examine the TORs for one contract still under dispute (the inventory and delay reduction "study"), which was wholly managed by the PCU, and found it very poorly designed (see sections above). The software contract required the production of a thesaurus, an element that disappeared from such activities over fifteen years ago, once open search engines were developed.

**(c) Justification of Rating for Overall Borrower Performance**

Rating: *Moderately satisfactory*

Although many of the impediments to government and implementing agency performance in particular originated in a legal framework, political context, and certain design flaws that were beyond their control, borrower performance is rated as moderately satisfactory. The ICR team believes the Bank and the Borrower might have worked together to identify and adopt more satisfactory responses to these obstacles. It is debatable where the initiative should have started, but either one could have taken it and the other could have joined in – unfortunately, neither one did so, and thus the grades assigned here split the responsibility. The Court, the official counterpart, seemed quite content to let the PCU make its decisions for it, and showed no signs of questioning some of its more doubtful actions – absorbing work that should have gone to the judiciary's administrative offices, expanding its size to encompass the major share of the fourth project component's budget, and entering into conflicts with contractors where the Court might have examined the issues more closely. Over the entire period, its most decisive actions were to request reallocations of funds to reduce technical services and increase equipment purchases. Arguably the Bank had a responsibility for seeking the Court's more active involvement, but just as one understands why Court members might not want to rock the boat, it is also understandable why the Bank might find engaging an essential passive client more than it wished to take on.

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<sup>20</sup> This was the first firm contracted for the case management software. The PCU first mentioned the cancellation to the team, but other interviewees who claimed to know the situation, provided the counterarguments.

<sup>21</sup> Reports that PCU officials had gone to New York to request the removal of a UNOPS official were confirmed by both UNOPS and the PCU subcoordinator. Since the trips required no objections, the travel to New York, if not its purpose, is also verified by project records.

## 6. Lessons Learned

### Design and preparation

Although so obvious as to hardly bear mention, without counterpart buy-in, a judicial or institutional reform effort will not get far. It is the corollary to this statement that is more important, buy-in means not just accepting the donor contributions, but rather internalizing and actively pursuing the change goals behind them.

As a corollary to this corollary, it is also important that the Borrower understand and commit to the overall project goals and PDO and component indicators. In one of our meetings with the former and current PCU subcoordinators (the official actually in charge of the PCU), the ICR team reviewed the indicators with them and it was evident that there was a lack of clarity on several.

Participatory design is good, but can lead to a project “designed by a committee.” Highly qualified international assistance is also important, especially for countries only starting on the judicial reform route, and thus likely to repeat the errors of the past.

Projects composed of a list of activities run the risk of turning implementation into a check-list and moreover of doing the more attractive rather than the most important. An appraisal document needs to outline a strategy, major lines of action, and sequencing of intermediate steps, not as a detailed Gantt Chart, but rather as a logical narrative that can guide implementation. Great caution should be exercised in specifying activities other than those (e.g. creation of a statistical system to track court performance) constituting important benchmarks.

Indicators are important and should be chosen carefully on the basis of several criteria: closeness of relationship to the development objectives being tracked; likely availability of data; likelihood of measurable change within the project life; and ease of interpretation. Nearly all the indicators used in this project fail on one or more of those categories.

Given the nature of institutional change as a three step process – inputs to induce the change, changes in internal behaviors, and finally improvements in outcomes and impacts – a five year project may not be able to complete the entire process, and moreover, successful passage through steps one and two can over the short run, negatively affect the third (the most classic example being the increase in *reported* crime elicited by a better functioning criminal justice system). Project design must thus anticipate both the slow passage from one step to another and the possibility of short-term negative results on the outcome/impact indicators. This may argue for focusing on the intermediate step (behavioral change) or a more sophisticated (but explicit) interpretation of the anticipated changes in the impact variables.

### Implementation

If baseline data and other means of tracking performance and project achievements do not exist when a project goes into effect, they need to be created early on. This is critical to establishing concrete performance targets, focusing implementers on achieving them, establishing a monitoring and evaluation system, and allowing the project to demonstrate advances.

A PCU is a double-edged sword and where possible, one project goal should be its eventual phasing out and elimination. It is always tempting for the WB to rely on the PCU in the interest of faster implementation, but from the institutional development standpoint care should be taken that the PCU does not expand its control over the operation and take on activities better transferred to the, admittedly, less efficient normal organizational offices.

Given the WB's own operating procedures and the difficulty of constant monitoring of the myriad events that can affect implementation, use of local staff to maintain a permanent dialogue with the target agency (and not just the PCU) is highly recommended. USAID's ability to affect a series of targeted, but highly important changes (introduction of 24-hour centers, *juzgados de turno*, to conduct the initial hearings for detainees in criminal cases; redesign of the evidence storage facilities; introduction of a new model for first instance criminal courts; transfer of underworked justices of the peace from central Guatemala to the nearby Villanueva; and multi-disciplinary approaches in provincial criminal justice centers) was conditioned by having a full-time, highly experienced contractor on the ground who could convince the judicial authorities to take these steps. If the WB does not have local staff qualified to do this, thought might be given to including an experienced consultant on the supervision team and having that person (or persons) make frequent trips to discuss the content of implementation with the counterparts and other stakeholders. A local NGO or consultant might also be used, although this could lead to other problems in a politically charged environment.

Transferring substantial amounts of unused funds to massive equipment purchases, while understandable in light of the WB emphasis on disbursements, is a second or even third best choice. The large unexpended balance precipitating this action was predictable early on, and could have been handled by encouraging attention elsewhere (for example, in providing technical and even material assistance to the various disciplinary and evaluation bodies in the human resources office and Judicial Council, or to following up on the many recommendations from the mid-term evaluation). In the end, a final equipment purchase might still have occurred, but the amount could have been reduced and more progress made in more basic areas of institutional strengthening.

Even with joint implementation agencies and formal donor committees, donor coordination remains problematic. This is not simply a question of personal relationships and organizational operating procedures, but also of the models underlying each one's work. Although rarely mentioned, the construction programs managed by the PCU for the WB and IADB involved different models – the WB centers were for housing court services; those for the IADB emphasized multi-organizational teams working on criminal justice. A more productive way of *identifying* and discussing such differences needs to be found.

In collegial organizations and especially those with frequent turnovers, organizational leadership is especially problematic, but unless it can be developed, PCU mission creep is likely and difficult areas are likely to be avoided (as even a strong PCU may be reluctant to enter them).

“Institutional strengthening” does not end with a new organization chart, equipment, and manuals – it must be followed up throughout the project (and provisions for follow-up should be stressed in project design).

#### Evaluation and after

Where many actors are involved in promoting changes, attribution of results to any one will be extremely difficult, and may only be identifiable at the input level. From the standpoint of designing better operations, however, who did what may be far less important than what did and did not work to induce fundamental change.

Bank records (e.g. what is in IRIS) are a very incomplete source of information on what happened. Unfortunately, the Bank encourages this with its own incentive system – reporting anything as unsatisfactory or identifying emerging problems is only likely to cause a TTL grief except in those rare cases where the authorities insist on this.

ISRs by their very format do not encourage a good recounting of progress and problems. The ICR team did not find them to be a reliable source of information on past events and suggests three types of changes: a better review by management; some changes to the format to encourage the inclusion of more information; and some changes in the incentive systems to encourage greater realism in reporting.

A follow-up operation is desirable, but only if it can focus less on material assistance and more on institutional change. However, this will be difficult to negotiate and design. Ideally, the design process should be participatory, but something short of the mass meetings used for the first project. Emphasis should be on the quality of debate and attention to real problems of the type identified here and in other treatments (some listed in Annex 9) of Guatemala’s justice system.

If a PCU is used in a follow-on project, its gradual elimination should be part of the plan. Amounts spent on “PCU strengthening” should be controlled, and in no case should the PCU be used to implement activities corresponding to existing judicial agencies.

Guatemala now faces, and any follow-up project should address a dilemma not uncommon in the region (or for that matter in many more developed countries). This is the implicit trade-off between increased efficiency and increased access in situations where a significant portion of the population is widely dispersed in isolated rural areas. Doubling or tripling the number of judges and courtrooms (or adding substantially more mediation centers), as several of those interviewed suggested, would increase overall inefficiency and raise the courts’ share of the national budget above what appears to be a reasonable 2 percent. Moreover, it would require similar measures for police, prosecutors, and public defenders, although of all four groups only the police (with 150

police per 100,000 inhabitants, as opposed to the recommended 300) appears radically understaffed. Further redistribution of existing personnel might help, but in the end, other alternatives will have to be explored. Aside from efficiency considerations, having a large number of underworked personnel in areas where they cannot be adequately supervised is an invitation to other types of problems.

As demonstrated by the arguments about doubling or tripling the number of judges, it appears that local skills in reform planning and exposure to lessons from international experience are weak and need to be reinforced. Budgetary implications and constraints require more attention; implicit notions about “normal” workloads are poorly developed; legal obstacles are taken as givens (rather than something that can be changed); and there is an excessive faith in silver bullets (automation, “oralization” of procedures, ethics codes, and training). This is an area where the WB has and should exercise a comparative advantage as regards more sophisticated analysis and program design, not to impose solutions, but to help counterparts make their choices intelligently.

Contracts with third party implementers (e.g. UNDP and UNOPS) should be written with great care to ensure the lines of responsibility are clearly stated. If one supervises and the other approves, then this should be stated in all contracts so as not to replicate the current catch-22. The same consideration applies to contracts providing technical or other assistance to judicial units other than the PCU (a preferred arrangement). The PCU may sign and supervise the contract, but the latter should stipulate the role of the beneficiary agency in evaluating deliverables.

## **7. Comments on Issues Raised by Borrower/Implementing Agencies/Partners**

### **(a) Borrower/implementing agencies**

See Annex 7

### **(b) Cofinanciers**

Technically, there were no co-financiers. Monies from the UNDP, the IADB and various bilateral development agencies were initially calculated as part of the counterpart for the WB operation, but they were never tracked in the audits, and as of 2005, any attempt to do so was halted. While their use was in theory guided by the sector and judicial modernization plans, donor funds were separately programmed and negotiated with the Court and other sector agencies. Although the PCU directly managed \$12.95 million of IADB funds and coordinated with two other donors providing infrastructure, the only true example of co-financing occurred during the 1999-2001 reengineering when the WB project and UNDP’s PROFED (which managed funds from a variety of donors) cooperated in implementing the effort. Despite the modernization plans, the creation of a donor coordination committee, UMOJ’s more direct role vis-à-vis four donors (including the WB), and the joint reengineering exercise, coordination among donors/lenders/and other stakeholders appeared problematic. This was not new – see Hendrix (2000) and Carothers (2001) on the conflicts between USAID and MINUGUA over the former’s “justice centers” and the proposals of each for reengineering the Public Ministry and police. In interviews with other donors, references to these conflicts were sometimes

made, but in general they were neutral on the WB project (professional courtesy?) and offered no comments for attribution.

**(c) Other partners and stakeholders**

Interviews were held with three local NGOs (ASIES, the Comunidad Jurídica del Occidente de la República de Guatemala, and the Observatorio Judicial) and documents produced by them (ASIES, 2004 and 2006; Juárez, 2007; Ramírez n.d. and 2007) and others (Mendoza, Pérez and López, 2000) were reviewed. Not unexpectedly, most were critical of the progress made in improving court performance, although not targeting the WB project in particular. In fact more criticisms were directed at the legal framework, continuing political interference in judicial selection and operations, and the failure to control corruption.

Interviews with judicial staff are referenced in the text.

## Annex 1. Project Costs and Financing

### (a) Project Cost by Component (in USD Million equivalent)

Components	Appraisal Estimate (USD millions)*	Actual/Latest Estimate (USD millions)	Percentage of Appraisal
Strengthen Institutional Capacity of Judicial Branch	10.7	11	103%
Provide Anti-Corruption Support	2.3	0.2	9%
Strengthen Access to Justice	12.5	15.4	123%
Communications Support for Judiciary Branch Modernization	5.2	4.9	94%
<b>Total Baseline Cost</b>	<b>30.7</b>	<b>31.5</b>	<b>103%</b>
Physical Contingencies			
Price Contingencies			
<b>Total Project Costs</b>			
Project Preparation Fund			
Front-end fee IBRD	0.3	0.3	100%
Unallocated	2		0
<b>Total Financing Required</b>	<b>33</b>	<b>31.8</b>	<b>96.36%</b>

\* Appraisal Estimate includes Bank Financing only

### (b) Financing

Source of Funds	Type of Cofinancing	Appraisal Estimate (USD millions)	Actual/Latest Estimate (USD millions)	Percentage of Appraisal
Borrower		3.6	2.6	72%
US: Agency for International Development (USAID)	None	3.6		0
Inter-American Development Bank	None	6.7		0
International Bank for Reconstruction and Development		33	31.8	96.36%
SWEDEN: Swedish Intl. Dev. Cooperation Agency (SIDA)	None	2	0	0
UN Development Programme	None	0.4	0	0
<b>Total</b>		<b>49.3</b>	<b>34.4</b>	<b>69.78%</b>

## Annex 2. Outputs by Component

The following chart tracks outputs by component and subcomponent, following the outline in the PAD. Numbers in parentheses under the activities column refer to output indicators listed in the PAD's Annex 1. As explained above, the "revised" output indicators were not used absent any evidence that they were formally adopted and because they are wholly inadequate for tracking component advances. A general summary of progress in each component is given at the beginning of each section.

**A. Institutional Capacity Improvement:** As noted in the text, work under the project greatly improved the status quo ante. However, the reorganization and reengineering were completed early, but never tested or refined. Many offices need further support and coordination among them is insufficient. Information systems were developed, but are not integrated and of uneven quality. SGT (case management system) was only recently implemented in 32 courts and roll-out remains in question. Construction and equipment for the most part have been delivered as promised, although many key offices could use additional TA and more equipment.

Subcomponents	Activities	Results and Project Contribution	Comments
Design and implement new managerial and organizational model	Phase I: design of new model based on review of alternatives for organizing jurisdictional and administrative areas to redefine administrative procedures, processes and functions in urban and rural areas including: 1) strategies for optimum resource utilization and management change; 2) proposals for decentralizing administrative functions; 3) development of performance standards; and 4) proposals to improve organizational arrangements of courts at all levels, including their supervision (1.1).	Model for general restructuring developed on basis of PHRD-funded study; model for reengineering of internal organization and structure developed in 1999-2001 in coordination in UNDP/PROFED. Series of subsequent minor restructurings done since.	It is unclear whether the alternatives referred to in the PAD were developed and tested; in any event, the restructuring and reengineering, once completed in the first phase, were not systematically revisited to test results; subsequent changes in placement of offices appear to be the result of ad hoc decisions by the Court (and occasionally by the Chief Administrator)
	Phase II: Implementation of new model, training of staff in change management	Restructuring done in 1999; reengineering in 1999-2001. As part of reengineering, central	Administrative offices still exist as isolated islands with insufficient

	<p>and implementation (1.2)</p>	<p>administrative and auxiliary offices provided with equipment, remodeling of infrastructure, manuals, and technical assistance to develop some new processes. With few exceptions (informatics, judicial school, CENADOJ, UNAP, and later Communication) no further work done. No work on deconcentration done under project (pending termination of regional and departmental centers); no performance standards developed; no signs of work on optimum resource use (except for development of POAs for yearly budget exercise); limited work with court and courtroom organization, and pilots not replicated or supported afterwards.</p>	<p>coordination among them. Manuals nonexistent or not used. Complaints of lack of support from or contact with project frequent. Auxiliary offices (Judicial Council and its parts; <i>Servicios Tribunalicios</i>; Communication; CENADOJ, Judicial School, ADR Center, and SPDI) lack sufficient coordination. Continuing support to CENADOJ and School is a mixed blessing (has not strengthened their planning capacity and has confused some functions). <i>Servicios Tribunalicios</i> gets most assistance from other donors. UMOJ absorbed much of communication function (and some staff) for a good part of project. Consequently services provided to courts needs considerable improvement. Work on jurisdictional organization limited and not consolidated.</p>
<p>Improve Administrative Capacity, HR Management, and Strengthen Judicial Career Initiative</p>	<p>Administrative modernization through 1) the planning and institutional development function (SPDI); 2) strengthening office for IT, 3) developing and implementing a master plan for IT including design and training in integrated judicial and management information system (1.8); and 4) establishing regional</p>	<p>SPDI created and provided with TA and equipment, but planning function largely absorbed by UMOJ; IT office strengthened and master plan created; regional and departmental centers built and equipped, but unclear how much of administrative functions they have taken on. Network connections for 18 of 22 departments.</p>	<p>Progress in this element is relatively advanced, but SPDI needs further strengthening and a more active role in planning (with retreat of UMOJ from that role); SIAF needs further strengthening and addition of other modules (HR, inventory, etc) once they are also improved. SGT will require considerable work to ensure</p>

	and departmental centers with automated administrative functions, electronic links to the center, and training, logistical support and infrastructure (really 3.7)	Administrative information system still not integrated, and SIAF executed by help from Finance. Other modules of varying quality and still not connected. Case management system (SGT) designed and implemented in 32 courts – not linked to administrative system.	adequate roll-out and use. Now that regional and departmental centers are constructed and equipped, attention will be required to strengthen their administrative systems.
	Development of HR policy and judicial career (1.4, 1.5) through 1) application and evaluation of standards for recruitment, selection, training, and performance of judges, support, and administrative staff; 2) implementing and evaluating automated HR management system; 3) support to judicial school in comprehensive training programs; 4) comprehensive, integrated training programs for regional administrative and support staff; and 5) salary review for courts.	Project supports implementation of judicial career and civil service laws by equipping offices and providing technical assistance. Judicial selection has standards although there are many complaints about adequacy. HR classification study never done; no evaluation system for civil service staff; HR information system created but limited to payroll. Support to judicial school (remodeling, equipment, some TA and financing of many short courses). Training for regional and support staff done, but unclear how integrated and comprehensive (or effective). No sign of salary study, but UMOJ did comment on proposed new salary for judges.	All judicial council units (evaluation, discipline, supervision) require more equipment and TA to improve methodologies. Also legal framework for careers and their operation is flawed and requires amendment. There is really no judicial career, just tenure for 5 years with reappointment for lower judges based on evaluations. For civil service, position classification, evaluation system, and career paths are needed as is a complete automated registry (more than payroll). These salaries require review. School's program needs improvement for in-service training. Needs assessments and evaluations are necessary. In-service courses require better link to judges' career status and needs.
Improve Administrative Capacity, HR Management, and Strengthen Judicial	National inventory of cases to develop delay reduction program (1.6), prepare an integrated statistical	Inventory done too late and is incomplete; no delay reduction program, no performance	National inventory still needed and best combined with case purging exercise and introduction of

Career Initiative	system (1.8); and develop performance indicators and assess results (1.3).	indicators. Statistical system is not reliable.	automated or manual system for registering all new cases.
Improve Operation of courts	Revision and simplification of procedures in justice of the peace, first instance, and appeals courts in Guatemala city to reduce backlogs and increase transparency (1.7)	Exercises conducted for Guatemala City appellate courts, pilot first instance and justice of the peace courts. However, recommendations not officially adopted.	Rather than relying on case management system (SGT) to fix this (which it will not), recommendations from pilot work should be reexamined and steps taken to adopt them. Further work on simplifying courtroom procedures and identifying needed legal change is also required (and again, the case management system will not do this).
	Review judicial processes as support for legislative and administrative reform proposals and review through workshops, internal discussion, training	Except for actions in prior point, this was not done.	Still required.
	Increase number of judicial support centers for notification and case distribution.	<i>Servicios Tribunalicios</i> has or will have branch offices in the new regional and departmental centers. However, logistically their reach will be limited.	These centers only make sense for courthouses with multiple judges – improvement of services for single or few judges centers also need to be worked out.
	Carry out related studies for strengthening and evaluating court operations	Not done	More studies may be required and a better means for identifying research needs should be created and institutionalized (in SPDI?).
	Develop judicial information systems for Guatemala City and two pilot locations (1.8).	Existing systems are not reliable even within these targeted areas. Data are being collected (an improvement over the	At present four offices are collecting their own statistics although only the office in CENADOJ has this responsibility. The

		past) but they are incomplete, and also not analyzed. SGT will generate statistics, but only once rolled out and if quality control maintained.	statistics area in CENADOJ's office should be moved back to planning, and better manual and automated collection of data enforced. Analytic capabilities also need strengthening as a basis for setting productivity targets and detecting problems beyond the low productivity of individual judges
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**B. Transparency:** major achievements were ethics code and training; support to *Junta de Disciplina* and disciplinary office for civil service employees, support for *Departamento de Supervision*, automation of *Registro de Protocolos*, and increased salaries (however this was not a project achievement). Several activities were not executed, and those achieved did not receive follow-up assistance to strengthen their impact. Total amount spent on component about one-tenth of that indicated in PAD.

Subcomponents	Activities	Results and Project Contribution	Comments
Preventive measures	Preparation and implementation of an ethics code (2.2).	Code drafted, enacted and publicized with project support.	No evaluation of impacts, which do not appear significant.
	Carry out study on applicability of international treaties (IACC) for judiciary.	Not done.	Unclear what impact would have been.
	Development of various mechanisms (salaries, norms, sanctions, statistics, publication of judgments) to deter corruption (2.5)	Judicial salaries were raised (but not by project); reliable statistics still missing, publication of decisions is partial; and investigative systems appear relatively ineffectual	Clearly salaries are less important than several other measures that were not taken – for example the statistical system, better investigation.
	Carry out studies on introduction of oral procedures in preparation for draft law (2.6)	Except for pilot experiments, this was not done.	Not only were pilots not replicated – they seem to have had no input to code drafting exercise.
	Carry out training on anti-corruption measures.	Series of courses held on ethics code.	Absent better control mechanisms, impact of courses appears minimal (and was not evaluated).
Control measures	Creation of an Anti-corruption Commission (2.1)	Done, but not by project. Project supports <i>Junta de</i>	Commission (an intersectoral body) appears to have had

		<i>Disciplina</i> (for judges) and disciplinary office (for civil service), both created in restructuring and further assisted during reengineering exercise	minimal impact. Impact of disciplinary units impeded by insufficient resources, legal framework (which could be improved) and insufficient technical assistance.
	<i>Departamento de Supervisión de Tribunales</i> reorganized and streamlining of procedures, including creation of complaints office (2.3).	Reorganization done, equipment and TA provided, but project support ends post-2002.	Needs more logistical support, decentralized offices, improved legal framework, and better coordination with <i>Junta de Disciplina</i> .
	Monitoring of pending cases. (Unclear from PAD whether these are disciplinary or all cases – 2.1?)	Not done except insofar as disciplinary offices keep their own registries	Given their undecipherable statistics and the many complaints about the disciplinary systems, further study and monitoring are needed.
	Development of internal system for disclosure of assets of judges and staff	Not done	World be useful and should be pursued as one more element to fight corruption.
	Development of a system to register lawyers' assistants to address problem of unauthorized litigants accessing courts (2.4)	Project funds automation of Registry of <i>Protocolos</i> in Guatemala City.	Automation has reduced registration times, but impact on related problems (corruption, litigation by unregistered lawyers, etc) is unknown. Need to evaluate, study additional problems and develop alternative measures to limit lawyer abuses.
	Expansion of oral procedures in other (non-criminal) areas of law (2.6)	Draft civil procedures code supported (but not enacted) and pilot projects done with family and labor courts, but not replicated.	While the impact of orality in increasing transparency or reducing delays can be overstated, this would still be a useful step, especially in combination with other measures
	Studies on corruption and improvement of complaints system	Not done	Both are necessary elements in understanding and thus combating corruption

**C. Strengthening of Access to Justice:** major accomplishments were provision of infrastructure and equipping of what was built, introduction of mobile courts, and promotion of ADR, via infrastructure, equipment, training, and technical assistance. Work on reorganizing justice of the peace courts and promoting indigenous law was minimal, and civil society program appears to have been reconceptualized in the course of execution.

Subcomponents	Activities	Results and Project Contribution	Comments
Diversification of judicial services and reorganization of justice of the peace courts.	Studies on rural and urban communities to assist in preparation of policies to improve access (3.1)	One study covering 33 communities was completed in last year of project and thus with no impact on implementation.	Study had to be done too rapidly to meet PAD criteria – much more is needed on reasons for non-use even of popular services (ADR) and on types of services that would best meet needs of marginalized populations.
	Design and creation of an ADR coordination unit, pilot programs and their replication, and training and dissemination campaign. (3.2)	Completed with 16 centers built; training of mediators; programs with justices of the peace and public to promote use.	Program is popular but underutilized. No evaluation done, and more work needed to understand limitations on use, and, for the few centers with considerable work, to help develop a strategy to respond to the demand.
	Reorganization of justice-of-the-peace courts to respond to community needs (3.4).	Number expanded, but no new model developed. Instead the project has focused on two elements: 1) training justices of the peace in conciliation and the use of ADR services, and 2) publicizing their presence through a large number of workshops. Presumably the massive equipment purchase made at the end of the project will also benefit these units.	Although there are now justice of the peace courts in every municipality (thanks to the WB project, other donors, and the government), their services attract many complaints and their efficiency is generally low. Much more information is needed on their operations, weaknesses, and use.
	Streamlining of coverage, provision of conciliation and other	Except for what is noted above this was not done. Training in	Complaints from FUNCEDES survey and others suggest

	skills, preparation of regulations to better define role and profile of justices of the peace (3.3; 3.4, 3.5).	“local customs” appears to be a general course in “sensitization.” The judicial career laws have specified that justices of the peace must be lawyers and have regularized entry into the position (as well as providing evaluations every five years), but aside from this regulation of role has not improved	much need to be done to improve the performance of these officials.
	Automation of <i>Antecedentes Penales</i>	Not included in PAD, but a very successful activity. Times to receive certificate greatly reduced	Great benefit for poor (although they still must pay); impact on other services minimal. In the longer run, Guatemala and many other countries need to eliminate this requirement.
Expansion of judicial infrastructure services	Construction and remodeling of courthouses in the interior of the country – 2 regional centers, 2 departmental centers, 6 justice of the peace courts, and development of second-stage master plan for infrastructure (3.6; 3.7)	All accomplished by project except for second departmental center. Infrastructure plan developed early – has not been readjusted	Construction took more time and was more costly than anticipated, but buildings are occupied.
	Program of mobile courts.	This was not included in the PAD but has been very successful. Two are now in operation and 10 more ready for deployment	More of this could be done as part of a larger plan to determine how to meet the demands of a very dispersed population in the most efficient fashion. However, where there are courts, there need to be police, prosecutors, and defenders – this problem cannot be fixed by the judiciary alone.
Program of Civil Society Participation	Subprojects through the promotion of partnerships with donors, NGOS, and other participants to	450 workshops to prevent lynchings held, 2 programs to expose school children to justice developed,	Contrary to the PAD description, these were all centrally initiated and organized, although local

	develop broader participation in access to justice efforts (3.8)	various workshops on justices of the peace, gender, and community practices	authorities were asked to participate. No evaluation of impact, and remains unclear as to what was really intended.
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**D. Support for social communication, Judiciary Modernization Commission and PCU:** The major part of funding here (nearly 90 percent) went to the PCU which as a consequence may have taken on or kept functions better transferred to the OJ offices. These functions include two figuring in this component – social communication and reform planning and oversight. Nonetheless, certain activities, and indicators, were not advanced – most notably, creation of a monitoring and evaluation system (even within the PCU) and of a program to gather and publish court data and surveys.

Subcomponents	Activities	Results and Project Contribution	Comments
Social Communications program	Strengthening of social communications unit in Judiciary (4.3)	Creation of <i>Dirección de Comunicación</i> , and alter several shifts of placement, its return to the <i>Secretaría de la Presidencia</i> ; staffing increased from 3-4 to 12 in 2002 with 3 internal divisions. Post-2003 development not assisted by Project	Another example of UMOJ mission creep? Would be preferable to focus communications in <i>Dirección</i> , including those for project to ensure institutionalization of functions
	Development and implementation of long-term communications strategy (4.1)	There does not appear to be a long-term plan; Communications Unit has little contact with UMOJ since 2003.	PCU carries on much of communication work for life of project; also encourages CENADOJ's involvement in same rather than development of own priorities and activities.
	Development of internal and institutional communications mechanisms (4.2)	Project (UMOJ) has been active in promoting novel kinds of internal and external communications (website, publications, radio spots, meetings, programs with schools and students)	As much of this is done by UMOJ, not clear whether internal capacity has been enhanced or who (what office) will carry on once project ends.
	Office of Public Affairs with Multilingual communications capacity, including publications and	Publications, radio spots, and events done in local languages. However, installed capacity and strategy	Much activity especially by UMOJ, but again, installed capacity and strategy not evident.

	<b>reports (4.3)</b>	<b>not evident.</b>	
	<b>Development of program to gather and publish data on court performance, surveys, and civil education efforts (4.2?)</b>	<b>Relevant actions include CENADOJ statistics (few published), several surveys done by Project, and numerous education activities. However, there is no single program and many activities are ad hoc.</b>	<b>The institutionalization of a program for monitoring and disseminating data on performance and its direction and use by OJ leadership are critical, but have not occurred.</b>
	<b>Establishment of public information center</b>	<b>Communications division created within the <i>Departamento (ex-Gerencia) de Comunicación</i>.</b>	<b>Divisions of labor with UMOJ not clear – UMOJ does much of this for project on its own.</b>
<b>Support for Judiciary's Modernization Commission</b>	<b>Training and development support; annual progress report (4.8), exchange of best practices, and training in change management (4.4)</b>	<b>Annual reports published, but training and development of commission not visible</b>	<b>Commission remains weak and dependent on UMOJ for planning and execution. No independent supervisory capacity developed</b>
<b>Strengthening PCU</b>	<b>Provision of long and short term TA in specialized areas to improve project performance, including (4.5) clear delineation of functions; (4.6) adequate quality assurance, monitoring and evaluation; and (4.7) automated financial management and reporting system</b>	<b>PCU grows in size over period to maximum of 48 employees. TA provided by hiring specialists to work within unit and so to engage directly in oversight and implementation of project activities, thus clouding division of functions with OJ units; automated financial system implemented (but not linked to SIAF); no monitoring and evaluation system except for tracking implementation of activities and disbursements.</b>	<b>Question as to whether PCU grew too much and so took on activities corresponding to permanent judicial offices. With some exceptions (CIT, Social Communications) not clear that knowledge was transferred to judiciary to enhance its ability to implement on its own</b>

### **Annex 3. Economic and Financial Analysis** *(including assumptions in the analysis)*

An economic and financial analysis was not done for this project, and admittedly, given the lack of basic statistics would have been hard to do. However, contrary to the assertions of the PAD something could have been produced in each area, even if largely based on illustrative statistics. The reasons for doing this are largely educational and inspirational: by demonstrating, even if in the abstract, the potential financial and economic benefits of the activities, stakeholders may come to understand a number of issues better and may be better prepared to take policy decisions. The ICR does not grade the project (or the Bank's role) any lower for not having done what virtually is never done for a judicial reform operation. It simply suggests that the contention that this is impossible (made by many others) be reexamined.

For example, on the financial side, one could have at least calculated the returns of a potential doubling or tripling of judicial output against the amount invested plus operating costs versus what would be required to place two or three times the number of judges and courthouses. While the judicial plan also increased the numbers of judges and courthouses in the interests of serving isolated areas, it clearly could eliminate some and has already moved others to areas with insufficient service. In the end, Guatemala probably does not need more judges – it simply needs to increase the productivity of those in place and better distribute them. The analysis could have included several alternative scenarios for distribution – something the judiciary is going to have to do in any case

On the economic side, even working with some rather dodgy data (World Bank, 2005) or methodologies (Sherwood et al's calculation of impacts on growth rates of a "better judicial system") some simple analytic exercises could have been done to demonstrate the theoretical impacts of a more effective, credible, and accessible justice system. It is suggested that this exercises be incorporated in the next preparation, offered with all the necessary caveats, but nonetheless placing the emphasis on the importance of improving outputs, and not just inputs. The principal advantage of both exercises would be to get the assumptions out on the table and encourage participants (on both the Bank and counterpart side) to reexamine them. Analysis should also include necessary inputs from other organizations – what happens if you increase the number of judges, but not prosecutors, police, and defenders? – opportunity costs, and the impact of different scenarios.

## Annex 4. Bank Lending and Implementation Support/Supervision Processes

### (a) Task Team members

Names	Title	Unit	Responsibility/ Specialty
<b>Lending</b>			
<b>Supervision/ICR</b>			
Shelton H. Davis	Consultant	LCSPS	
Alexandra M. Habershon	Consultant	ECSSD	
Nina-Christina Ohman	Consultant	LCSPS	
Roberto O. Panzardi	Sr Public Sector Mgmt. Spec.	LCSPS	
Karla Lopez Flores	Program Assistant	LCSPS	
Anthony Wanis-St.John	Consultant	LCSPS	
Linn Hammergren	Sr. Public Sector Mgmt Spec	LCSPS	
Richard Moore	Consultant	LCSPS	
Laura Louza	Consultant	LCSPS	
Andrew Blandford	Consultant	LCSPS	
Keisgner Alfaro	Procurement Analyst	LCSPT	
Monica Lehnhoff	Procurement Analyst	LCSPT	
Antonio Leonardo Blasco	Financial Management SpecialistSr.	LCSFM	
David Bernstein	Public Sector Mgmt Spec.	ECSPE	ICR Reviewer
Eduardo Somensatto	Lead Economist	LCSPR	ICR Reviewer
Robert Varenik	Consultant		ICR Reviewer

### (b) Staff Time and Cost

Stage of Project Cycle	Staff Time and Cost (Bank Budget Only)	
	No. of staff weeks	USD Thousands (including travel and consultant costs)
<b>Lending</b>		
FY97		134.36
FY98		200.68
FY99		68.39
FY00	8	37.45
FY01	5	19.25
FY02		0.00
FY03		0.00
FY04		0.00
FY05		0.00
FY06		0.00

FY07		0.00
FY08		0.00
<b>Total:</b>	13	460.13
<b>Supervision/ICR</b>		
FY97		0.00
FY98		1.71
FY99		44.20
FY00	18	90.82
FY01	9	48.30
FY02	10	132.89
FY03	10	121.66
FY04	11	95.77
FY05	15	72.48
FY06	17	90.83
FY07	17	83.24
FY08		6.29
<b>Total:</b>	107	788.19

## Annex 5. Beneficiary Survey Results

The project supported three surveys, two by the same firm using comparable samples and methodologies (Aragón y Asociados, 2003), and a third, conducted by UMOJ, which we only learned of after the fieldwork (because of its mention in Novoa and Tacao, 2007). There was a fourth survey (Novoa and Tacao, 2007) conducted after the project closed and apparently financed from non-project funds. It was done by two consultants hired by UMOJ who drew their sample from court staff and court users in four urban centers and one semi-rural area where the project had provided major infrastructure. Unfortunately, the change in methodology and samples (the first two drew from a universe of the entire national population; the last was geographically and functionally limited) means that the final survey is not directly comparable with the first two.

The first two surveys were conducted in 1997 and 2003. The sample size for each was 1,000; they were drawn nationally and stratified to capture groups by gender, age, and geographic areas (department). A comparison of the two periods shows some loss of optimism. Questions about the state of the country in general and expectations for the future brought slightly more negative responses in 2003, with 11 percent judging the situation as improved in 1997 as opposed to 8 percent in 2003; and positive expectations for the future declining by one point (from 12 to 11 percent) over the six years. The most notable improvements tapped by the survey were perceptions of the cost of justice, as shown below:

### Responses to Question: “Is Justice Expensive?”

Date	Population	Expensive	Not expensive	NR
1997	Total	79	10	11
	Capital	80	10	10
	Urban	79	11	10
	Rural	78	10	12
2003	Total	51	46	3
	Capital	60	36	4
	Urban	54	43	3
	Rural	48	50	2

Source: Data from Aragón y Asociados, 2003.

While by 2003, respondents showed some familiarity with the modernization program, and rated certain aspects (*Antecedentes Penales* and the increase in judges and other personnel) positively, scores for the overall performance of the judiciary dropped during the six years as shown below:

### Responses to Question: “How would you evaluate the work of the Organismo Judicial?”

Year	Population	Excel.	V. Good	Good	So-so	Bad	V. Bd	Terrible
1997	Total	0	NA	12	49	19	NA	10
	Central	2	NA	12	46	19	NA	16
	Urban	0	NA	10	51	21	NA	11
	Rural	0	NA	13	49	19	NA	7
2003	Total	0	2	9	43	27	9	10
	Central	1	1	14	41	27	8	9
	Urban	0	1	10	45	25	9	10
	Rural	0	2	8	42	27	9	10

*Source: Data from Aragón y Asociados, 2003. Note: the options given in 2003 were greater than in 1997. It is possible this affected the distribution of results, but impossible to tell in which direction.*

A final difference between the two sets of results is that the number of mentions of corruption as the principal problem affecting those seeking justice increased from 26 to 41 percent. In 2003, many more negative factors were mentioned, and some of them (lack of professional ethics 3 percent, lack of administrative control 3 percent) are also related to corruption. It is important to recognize that the question and the answers are not directed only at the judiciary and likely incorporate perceptions of corruption within the entire sector. In their conclusions the authors note the following:

- Changes from 1997 to 2003 as involves the increase in the population’s ability to identify the components of the justice system (Supreme Court, Public Ministry, Judges) and a lesser tendency to see justice as depending on the National President.
- The perceived greater accessibility to courts and other sector organizations in 2003
- A continuing perception that justice is excessively influenced by groups (the rich, the political parties) and organizations external to the sector, but with some differences as to which are accorded most importance.
- A continuing low evaluation of sector performance combined with high expectations for an improvement

The survey conducted in 2007 used a sample of 376 respondents drawn from “internal and external users” of the courts within Guatemala City, Quetzaltenango, Huehuetenango, Escuintla and El Petén. On the internal users side (202 respondents), judges, secretaries, mediators, and administrative staff were interviewed. External users (174) included lawyers, community leaders and civil authorities. Nearly one-third of the respondents (103) came from Guatemala City. One can conceive of the two groups as the most direct, but not the targeted beneficiaries of the program, probably better informed of its contents but also less capable of measuring the impact on the poor, indigenous citizens. (As the authors note in their introduction, a full vision of citizen perceptions on the state of the judiciary and the advances made in the modernization program would require a sample of

all citizens, and not just those with the closest contact with the organization and its reform program, Novoa and Tacao, p. 3)

Different questionnaires were used for external and internal users, making it still more difficult to summarize the results. Also the final report focuses more on external users, but some graphs do not specify whether one or the other or both groups are included (no N is cited). Among external users, corruption was still perceived (40.2 percent) as the major cause of low confidence in the judiciary. When asked about the principal areas in which services had improved, the following answers were given:

#### External Users

**In your opinion, which of these aspects of the *Organismo Judicial* have improved, remained the same or worsened? (Answers are absolute numbers of responses)**

	NS/NC	Better	The Same	Worse	Total
<b>Physical infrastructure (judicial centers)</b>	3	158	12	1	174
<b>Training of judges and staff</b>	7	87	65	15	174
<b>Provision of materials and computer equipment</b>	9	139	22	4	174
<b>Faster processing of cases</b>	8	31	97	38	174
<b>Communication and public information</b>	7	48	97	22	174
<b>Attention to the public</b>	12	42	94	26	174
<b>Transparency and accountability</b>	18	28	94	34	174
<b>Creation of more courtrooms</b>	7	127	32	8	174
<b>Processing of antecedentes penales</b>	10	138	22	4	174
<b>Judges' performance</b>	7	45	96	26	174
<b>Mobile courtrooms</b>	29	109	25	11	174
<b>Protocolo registry</b>	25	92	55	2	174
<b>Attention to violence against women</b>	13	81	66	14	174

*Source: Novoa and Tacao, 2007, p. 20. Own translation*

Clearly, donor and government efforts to construct more courts, create more judgeships, and supply all with equipment had not gone unnoticed. Two activities sponsored by the WB project alone, the automation of *Antecedentes Penales* and *Protocolos* and the introduction of the mobile courts, were also recognized. However, areas relating to judicial performance (transparency, delay, treatment of the public) were generally seen as not having improved. In a separate set of questions on conciliations services (p. 25), perceptions of improvements were mixed. This may be due to continuing lawyer

resistance (ADR can be done without their services) with non-lawyer “users” perceiving them more positively. External users in their majority (73 percent) also did not recognize programs facilitating access by indigenous communities (p. 29) and believed (73 percent as well) that linguistic barriers still impeded access.

The summary report focused less on the responses of internal users, but did include their evaluation of certain aspects of the reform program. One of these was the efficacy of the measures taken to reduce delay:

**.- Internal Users**

**In efforts to reduce courtroom delays, how effective were the following measures?**

	NS/NC	Very	Not Much	Not at all	Total
<b>Legal and normative reform</b>	20	51	116	11	198
<b>Human resource development</b>	6	111	73	8	198
<b>Technology</b>	7	153	38		198
<b>Strengthening of regional offices</b>	21	127	45	5	198
<b>Strengthening of communication and interinstitutional coordination</b>	17	106	68	7	198
<b>Implementation of ADR programs, (mediación, conciliación)</b>	13	135	46	4	198

Source: *Novoa and Tanco (2007), p. 34. Own translation.*

Interestingly, although both groups recognize the reform programs (and especially those financed by the WB), the internal users seem to give more credit to their effects. When internal users are asked what aspects of judicial “performance” have improved or worsened, they coincide with external users in mentioning buildings, decentralization, and equipment, but also mention other factors which external users either ignore or do not consider important.

**Internal users**

**In your opinion, which of the following aspects of administrative efficiency have improved or worsened in the Organismo Judicial?**

	NS/NC	Better	Same	Worse	Total
<b>Existence of strategic and operational plans</b>	40	104	52	2	198
<b>Organizational structure and functions</b>	18	125	50	5	198
<b>Position descriptions consistent with organizational needs and objectives</b>	10	114	62	12	198
<b>Development of regional-level administration</b>	18	134	43	3	198
<b>Linkages between areas and levels of work</b>	23	104	69	2	198
<b>Existence of a human resources management system</b>	6	132	53	7	198
<b>Skills updating of professional, administrative, and technical personnel</b>	11	133	50	4	198
<b>Improvements in information technology</b>	3	160	33	2	198
<b>Adequate physical space and equipment</b>	6	137	46	9	198
<b>Sufficient budget</b>	29	32	108	29	198
<b>Strengthening of organizational culture</b>	15	88	85	10	198
<b>Institutional coordination, communication, and information</b>	9	117	64	8	198
<b>Salary scale and incentives</b>	9	54	99	36	198
<b>Quality of judicial statistics</b>	22	105	70	1	198

*Source: Novoa and Tanco, 2007, p. 38. Own translation*

External users are considerably less sanguine about program achievements, and 36 percent of them note the need for improvement in all of the following: simplification of procedures, information, treatment of users, judicial supervision, and the availability of free legal services. What this suggests (and the answers still do not tap the perceptions of the general public) is that to date the modernization programs have improved the situation of those working within the system (although still not as much as they would like), but that the results have not been translated into better services for external clients – certainly not if those who know best (the lawyers and local authorities) perceive corruption as having increased and see no impact on delay. Interestingly, interviews done by FUNCEDE and reported in its 2006 study note the same difference – when asked about what is needed, judges and staff mention more buildings, equipment and higher salaries while users emphasize the failure to resolve the same old problems of corruption, delay, and poor treatment. This puts into question one of the implicit (and sometimes explicit) assumptions of many WB projects – that better housed, remunerated, and

equipped judges will automatically perform better – and suggests the need for additional actions (a bit of stick with the carrot, or simply greater emphasis on improving services) to bring about the ultimate goals of a more credible, effective, and accessible (in more than the simple physical sense) justice system.

## **Annex 6. Stakeholder Workshop Report and Results**

While stakeholder workshops were held during project preparation, none were held at the close of the project. Thus there is nothing to report here.

## Annex 7. Summary of Borrower's ICR and/or Comments on Draft ICR

	<i>Unidad de Modernización Organismo Judicial</i>	
Guatemala, 28 de Marzo de 2008 77/UMOJ-08		
Señora Laura Frigenti Directora Departamento de América Central Oficina Regional para América Latina y el Caribe		
Ref. Préstamo BIRF 4401-GU Informe de Cierre Observaciones en forma parcial		
Estimada señora Frigenti:		
En atención a sus comunicaciones y estando dentro del plazo estipulado por ustedes, remitimos <b>PARCIALMENTE</b> nuestras <b>OBSERVACIONES</b> al informe de cierre del proyecto del préstamo de la referencia, pero por lo extenso aún no se ha analizado en su totalidad, por lo que a continuación nos permitimos indicar lo siguiente:		
PARTE C: RESUMEN DE LA EVALUACIÓN		
<b>Resultado: Moderadamente Insatisfactorio</b>		
<b><u>COMENTARIO:</u></b>		
Resulta contradictoria la evaluación asignada a los resultados, si se toman en consideración los porcentajes asignados a los indicadores de las actividades realizadas; en la página 35 se indica que el resultado fue evaluado con lo efectivamente realizado por el proyecto. Si se toma en consideración la evaluación de 28 indicadores y porcentajes asignados, se tiene un promedio de cumplimiento de los indicadores en un 73%.		
Conforme a lo expuesto, se solicita tomar en cuenta lo indicado en el párrafo anterior, para que se proceda al respectivo análisis.		
<b><u>INDICADORES DE OBJETIVOS DE DESARROLLO DEL PROYECTO</u></b>		
<b><u>COMENTARIO GENERAL:</u></b>		
Manifestamos nuestra inconformidad, sobre la evaluación de los indicadores 1, 3, 4 y 5, ya que los supuestos críticos y los objetivos de desarrollo para la meta, fueron cumplidos y fortalecidos.		
<hr/> <i>21 Calle 7-70 zona 1, Palacio de Justicia, 3er. Nivel, Guatemala, C.A. Teléfono: (502) 2230-5876 e-mail: moderof@concyt.gob.gt</i>		
1/4 		



**COMENTARIOS A LOS INDICADORES:**

Indicador 1

**COMENTARIO:**

Se percibe que en el análisis de este indicador, no se tomó en consideración lo expuesto en los numerales 5 y 6 (página 16 y 17) del informe de Novoa y Takao, realizado en julio de 2007, sobre la percepción que tienen los usuarios en las áreas en donde se desarrollaron proyectos con fondos de Banco Mundial.

Indicador 5

**COMENTARIO:**

La realización de actividades relacionadas con talleres de linchamientos, fueron realizados con fondos de Banco, y no con fondos de la Unidad, como se indica en la parte del comentario.

**INDICADORES DE RESULTADOS INTERMEDIOS:**

Indicador 5

**COMENTARIO:**

Con relación al comentario de este indicador, que no se ha desarrollado un nuevo sistema de estadísticas, se adjunta copia del acta No. 69-UM0J/07, en la cual consta el traslado del Sistema de Estadísticas Judiciales al Centro de Informática y Telecomunicaciones, para su administración. Pueden verificarse todos los elementos que conforman este sistema en el detalle del Acta; se remite para comprobar que sí existe un sistema formal para llevar a cabo esta actividad.

Indicador 7

**COMENTARIO:**

En la parte del comentario indica "Quetzaltenango" lo cual no es correcto, debido a que la prueba piloto fue realizada en el Complejo Judicial de Huehuetenango, por tal razón debe corregirse.



*Unidad de Modernización  
Organismo Judicial*



Indicador 14

**COMENTARIO**

Con relación al tema de la oralidad, el proyecto participó en la preparación del Código Procesal General, el cual fue remitido como iniciativa de ley al Congreso de la República de Guatemala, pero aún se encuentra pendiente de aprobación, pero es de resaltar la participación y esfuerzo del proyecto para llevar a cabo la oralidad en las distintas ramas del derecho, ya que para la implementación es necesario su regulación legal.

Indicador 15

**COMENTARIO**

El Presidente del Organismo Judicial y de la Corte Suprema de Justicia emitió el acuerdo No. 11/001, del mes de abril del 2001, por medio del cual se crea la Unidad de Resolución Alternativa de Conflictos, dictando las directrices correspondientes a su funcionamiento y por ende la política sobre los mecanismos alternativos de resolución de conflictos en el Organismo Judicial, por tal razón de tomarse en consideración esta documentación para el análisis de este indicador.

Indicador 25

**COMENTARIO**

No se comprende lo afirmado en cuenta a que las responsabilidades de la UCP no estaban claras, no compartimos esa apreciación toda vez que las atribuciones de la Unidad de encuentran enmarcadas en el acuerdo No 25/998, mismo que detalla el qué hacer de la Unidad: Con fundamento en esa disposición, se llevaron a cabo las diversas actividades con recursos de donantes o préstamos (Banco Mundial y BID).

**COMENTARIO Indicador 3.6 (El Plan Maestro de Infraestructura ha sido preparado, aprobado e Implementado).**

Al iniciar la implementación del plan de modernización (a partir del año 1999), se elaboró el primer Plan Maestro de Infraestructura, el cual fue marco de referencia que sirvió para llevar a cabo el programa de construcción con recursos de donantes, BID, BIRF y fondos propios del Organismo Judicial.



*Unidad de Modernización  
Organismo Judicial*



**COMENTARIOS A LA PARTE NARRATIVA DEL INFORME:**

1. Numeral 1.3 y 1.6, (páginas 3 y 7): Se refiere a los cambios de los indicadores: el Proyecto en ningún momento fue notificado de esos cambios, el proyecto continuó ejecutando conforme los indicadores originales del PAD.
2. Numeral 1.7 Quinto párrafo (página 9): Se refiere a informes de auditoría externa, pero no se incluye un pie de página para referencia, revisamos los informes del año 2005 y 2006 y no localizamos lo indicado en este párrafo.
3. Tercer párrafo del punto "(b) Oficina de Implementación o desempeño de la oficina" (página 41): En el informe no quedó indicado que los conflictos contractuales se deben al incumplimiento de productos que las empresas contratadas debieron haber entregado conforme a las condiciones contractuales, asimismo, conforme a los procedimientos de adquisición los términos de referencia fueron sometidos a consideración del Banco Mundial, para lo cual se otorgó la no objeción a los mismos.

Es importante indicar que por el corto tiempo que se nos otorgó, no fue posible incorporar otros comentarios por lo que oportunamente las estaremos remitiendo.

Atentamente,



Lic. Carlos Gilberto Chacón Torrebiarte  
Coordinador de la Unidad de Modernización del Organismo Judicial  
y Magistrado Vocal V de la Corte Suprema de Justicia

cc: Sr. David Varela, Task Manager Banco Mundial Washington  
Sr. Roberto Panzardi, Banco Mundial Washington  
Sr. Wolfgang Koehling, Banco Mundial Washington  
Nick P. Manning, Banco Mundial Washington  
Sr. Javier Madalengoitia, Consultor Banco Mundial

## **Annex 8. Comments of Cofinanciers and Other Partners/Stakeholders**

There were no cofinanciers of the project. Other donors did commit to supporting portions of the judiciary's modernization plan and of the overall sector modernization plan. One (the IADB) shared the same PCU (UMOJ) contributing to its strengthening with the purchase of equipment, but not salaries, and two others (Norwegian and Dutch assistance agencies) coordinated closely with UMOJ in their construction of courtrooms. The UNDP not only assisted procurement activities for the current project, but also was an equal partner (managing its own funds and those of several other donors) in the reengineering program of the 1999-2001 period (list of contributions supplied by Josefina Coutiño, on file with authors). Other stakeholders include members of the judiciary and other sector institutions, NGOs, the private bar, and court users.

Although interviews were held with several donors and with three NGOs on their activities and interactions with the WB project, no formal statements on the project were offered for citation. Interviews were supplemented with written materials and the results of surveys. In general, remarks were neutral to negative, but this was either affected by on-going conflicts with UMOJ (USAID, UNDP, UNOPS) or in the case of NGOs and outside users, so mixed with views on the judiciary and marred by a frequent inability to separate WB activities from those of the Court or of other donors that we do not believe they can be taken as evaluations of WB performance. When pressed (see Novoa and Tarao, 2007), court users and knowledgeable observers generally admitted some improvements to the judiciary – in terms of transparency, better organization, and more capable judges – but do not see any noticeable change in the quality of output. Rural inhabitants interviewed by FUNCEDE (2006), while quite critical of court performance, offered positive evaluations on the ADR programs. Many of these positive views can be attributed to changes the World Bank supported, but in which its direct involvement varied considerably.

In interviews with judicial staff, as reported in the text, a few (CENODOJ, the Judicial School, and CIT) were very positive about the project and UMOJ, but others cited only early support to their activities, seemed less aware of recent developments, and in several cases reported a “policy of secrecy” on the part of UMOJ. We were led to understand through discussions with knowledgeable outsiders, that the current divisions in the Supreme Court (precipitated by the upcoming election of a new President) include disagreements on the project and especially UMOJ. We were unable to verify this observation.

## **Annex 9. List of Supporting Documents**

### **ICR Consultants' Reports (on file):**

Louza, Laura. 2007. "Evaluación sobre el proyecto de reforma judicial de Guatemala"

Moore, Richard. 2007. "Report on Administrative Reforms of the Judicial Reform Project in Guatemala, IBRD 4401-GU"

### **Project Documents**

**Note:** In preparation for the field work and during the course of ICR preparation, the ICR team (Linn Hammergren, WB; Andrew Blandford, Consultant; Laura Louza, Consultant; and Richard Moore, Consultant) prepared a list of the 4,000 or so documents filed in IRIS and reviewed (sometimes only cursorily) about 10 percent which on the basis of their titles seemed potentially significant. A list of even those actually used in the report would take several pages. We are thus listing only those of particular importance, and where relevant have cited additional ones in the main text.

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Cornish, Mary. 2002. “Promoting a Culture of Dialogue and Diversity: Report to the World Bank on Technical Visit to the Guatemala Judicial Reform Project,” June 12

FUNCEDE (Fundación Centroamericana de Desarrollo). 2006. “Informe final de la consultoría: Particularidades de las comunidades rurales y urbanas en el contexto de los juzgados,” and reports on various subproducts, unpublished documents prepared under World Bank Project.

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Novoa, Maria. 2006. “Preparación insumos para la evaluación del proyecto BIRF 4401-GU, Reforma Judicial de Guatemala, December.

\_\_\_\_\_. 2007. “Análisis cualitativo y cuantitativo sobre la percepción de los usuarios internos y externos del Servicio de Justicia,” unpublished report prepared with project funding

Svensson, Bo. 2007. “Judicial modernization projects in Guatemala and El Salvador,” report prepared with project funds. On file with authors.

Thacker, Gerald. 2002. “Report of Trip to Guatemala May 21-25.” (Evaluation of infrastructure)

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Wanis-St John, Anthony. 2003. "Evaluation of World-Bank supported ADR in Guatemala."

### **Guatemala, Organismo Judicial**

Castillo y Castillo, Carlos. 2007. Reports from Unidad de Resolución Alternativa de Conflictos (RAC), various months.

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"Ley de Servicio Civil del Organismo Judicial y su Reglamento General."

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## **Annex 10: List of individuals interviewed for ICR**

### **Judicial Personnel:**

Javier Oswaldo Alegría, Supervisión de Tribunales

Vilma Álvarez, Secretaría de Planificación y Desarrollo Institucional

Elia María Berdugo, Juez del Juzgado Primero de Familia de Guatemala

Claudia Lorena Castañeda Castillo, Centro de Gestión Penal de Quetzaltenango

Herbert Castillo, Director de Servicios Tribunalicios de Quetzaltenango

Carlos Humberto Castillo y Castillo, Coordinador General de la Unidad Resolución Alternativa de Conflictos

Luis Alfredo Cifuentes, Gerencia de Administración

Brina Cordero, Recursos Humanos

Carlos Gilberto Chacón Torrebiarte, SCJ Justice and current coordinator for PCU

Dilia Estrada García, Asistente de la Secretaría del Consejo de la Carrera Judicial

Mónica Paola Faillace de Zelada, Jefe del Centro de Gestión Penal de Quetzaltenango

Ronald Estuardo Figueroa Hernández, Director of Centro de Informática y Telecomunicaciones (CIT)

Jorge Isaías Figueroa Pérez, Junta de Disciplina

Aída Franco, Directora de la Escuela de Estudios Jurídicos

Ludin Noemí Franco, Comisionada del Juzgado Primero de Familia de Guatemala

Rita Marissa García, Junta de Disciplina

Verónica Herrera, Coordinadora de Educación a Distancia de la Escuela de Estudios Jurídicos

Victor Hugo Herrera, Juez Penal de Turno, Guatemala

María Leonor Hurtado, Oficinista del Juzgado Primero de Familia de Guatemala

Ulises Ixcot, Juez Primero de Paz de Quetzaltenango

Byron de León, Especialista, Departamento de Comunicación Social, Comunicación y Divulgación

Beatriz Ofelia de León Reyes de Barreda, Magistrado Vocal IV, SCJ

Héctor Aníbal de León Velazco, Secretario de la Presidencia

Mildred Luna de Espina, Departamento de Comunicación Social, Coordinadora de Programa Educativo

Héctor Emilio Méndez, Presidente, Junta Disciplina

Carlos Enrique Mendizabal Arriola, Director de la Unidad de Antecedentes Penales

Gladys Miranda de Valencia, Gerente de Recursos Humanos

Lisette Nájera, Directora de Servicios Tribunalicios.

María del Carmen Ortíz, former subcoordinator of PCU, currently Gerente General

Mario Francisco Pérez, Jefe del Centro de Servicios Auxiliares de Quetzaltenango

Edgar Pérez Bosque, Secretaría de Planificación y Desarrollo Institucional

Isabel Prem, Supervisión de Tribunales

Lucía E. Rivas Alvarado, Gerente de la Secretaría de Planificación y Desarrollo Institucional

Orfa Julieta Rivera Acedo, Jefe de CENADOJ

Olga Roch Muñoz, Secretaria del Juzgado Cuarto de Primera Instancia Civil y Mercantil de Guatemala

Carlos Rojas Loarca, Mediador del Centro de Mediación de Quetzaltenango

Carlos Ruiz, Tesorero

Nora Torres, Gerencia de Administración Financiera

Silvia Patricia Valdez, Juez Primero de Primera Instancia Civil y Mercantil de Guatemala

Santos Alejandro Villatorro, Coordinador de la Unidad de Evaluación del Desempeño de Jueces y Magistrados, Consejo de la Carrera Judicial

Amelia Yoc, CENADOJ, Directora de Estadísticas

Hector Zapata, Notificador del Juzgado Cuarto de Primera Instancia Civil y Mercantil de Guatemala

### **PCU Personnel**

Napoleon Guix, Sub-coordinator, UMOJ

Carmen Elena Enriquez, coordinator for institutional development (component A)

Juan Luis Morales, coordinator for infrastructure

Miguel Pichiyá, coordinator for case management software

### **PCU Consultants:**

Eladio Alcázar Martín, Indra (firm competing for several contracts under the Project)

Jorge Mario Andrino Grotewöld, Comisión Presidencial para la Reforma, Modernización y Fortalecimiento del Estado (COPRE) and ex-consultant to project

Robert Bonnafon, National Center for State Courts

William Kasbach, National Center for State Courts

Carlos Guillermo Monsalvo Torres, Gerente Operaciones (ISI – software firm)

Fernando Jordan Flores, case management software

Jorge Obando, National Center for State Courts (judicial inventory study)

Danilo Ovalle, Consultor (ISI –software firm)

### **World Bank**

Keisgner Alfaro, CMU2

Antonio Leonardo Blasco, CMU2

Lisa Bhansali, AFTPR, former LCSPS and former MINUGUA staff member

Waleska García Corzo, Economist, CMU2

Monica Lehnhoff, Procurement Analyst, CMU2

Neeta Sirur, Country Manager, Guatemala

### **United Nations Development Program (and UNOPS)**

Esau Beltrán, UNOPS, Guatemala

Josefina Coutiño, former judicial branch employee, former advisor to UNDP judicial reform programs (PROFED), and current consultant to USAID judicial reform project in the Dominican Republic

Eduardo Tercero Muxi, UNOPS, Guatemala

Sergio Caceres, UNOPS, Guatemala

Ana Luisa Rivas de Douma, UNDP/Guatemala

### **Other Multilateral and Bilateral Donors**

Alvaro Ferrandino, former head of Public Defense (Costa Rica), currently Chief of Party for Checchi/USAID judicial reform program in Guatemala

Jose Garzón, Democracy Officer, USAID/Guatemala

Mario Yano, IADB, Guatemala

### **NGOS**

Franklin Erick Juárez Elías, Comunidad Jurídica de Occidente República de Guatemala

Luis Ramírez, Observatorio Judicial

Karen Wagner, Asociación de Investigación y Estudios Sociales (ASIES), Guatemala