



**United Nations Development Programme**  
**Afghanistan**  
**Support to Provincial Justice Coordination Mechanism**  
**[1 July 2008 – 30 September 2008]**

**Quarterly Project Report [3rd, 2008]**

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Component (MYFF): Justice and Human Rights  
Total Budget: \$3,181,790  
Implementing Partners/Responsible parties: UNAMA

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## I. Implementation progress

### **Background to Establishment**

In July 2007, the Government of Afghanistan, the Government of Italy and UNAMA co-hosted the Rome Conference on Justice and Rule of Law in Afghanistan to reaffirm the crucial importance of judicial and legal reform and the implementation of the rule of law for the reconstruction of Afghanistan. The conference participants agreed that in order to support rule of law reform and ensure the coordinated delivery of justice assistance in the provinces, consistent with the National Justice Sector Strategy and the National Justice Programme, that a Provincial Justice Coordination Mechanism be established.

### **Mandate**

The Provincial Justice Coordination Mechanism (PJCM) is a joint UNAMA/UNDP project, launched on 1 July 2008. It is designed to assist the Afghan Government systematically expand rule of law beyond Kabul and improve the delivery of justice assistance in the provinces. In relation to the delivery of justice assistance, the project's approach and strategy aim to achieve (1) effective coordination of donor assistance programmes at a central, regional and provincial level, (2) identification of, and mobilizing resources for, future justice assistance to the provinces, (3) comprehensive regional assessments of formal and informal justice systems in each PJCM area, (4) facilitation of communication and information sharing between the Afghan Government and the international community, and (5) transfer of expertise and strengthening the capacity of government officials to manage coordination within the justice sector in the future.

### **Output: Establishment of Field Units in Assigned Provincial Capitals**

The PJCM mechanism calls for the establishment of field units in eight (8) regions where there is an existing UNAMA regional office. The PJCM project team in each region should comprise an International Provincial Justice Coordinator (PJC), a National PJC and one National Administrative assistant/Interpreter. PJCM staff members in six of the eight regions are sponsored by international donors through UNDP, namely in Jalalabad (US), Gardez (US), Kandahar (Canada), Herat (Italy), Kunduz (Germany) and Kabul Central Field Office (US). UNAMA sponsors and staffs the PJCM units in Bamyan and Mazar-e-Sharif field offices, and the Project Coordinator's office at the Rule of Law Unit in Kabul.

In the past quarter, PJCM deployed international PJCs to the Project Coordinator's Office at the UNAMA Rule of Law Unit in Kabul, and six Regional Offices, namely, Jalalabad, Gardez, Kandahar, Herat, Kunduz and Kabul Central Field Office. International PJCs for the field offices in Bamyan and

Mazar-e-Sharif are currently being recruited and the offices there should be up and running by January 2009. National PJC Specialists have been deployed to Herat, Kabul Central Field Office, and Nengarhar, and recruitment is in the final stages for three remaining National PJC Specialists in Kandahar, Kunduz, and Paktia. The administrative assistants / translators for all 8 regions are in the final stages of the recruitment process.

**Output: Provincial Justice Assessments**

The emphasis of the PJCM is to coordinate donor assistance at the provincial level with a view to creating an environment conducive to institutional reform, capacity-building, professionalization, infrastructure, and delivery of provincial justice services (civil administration, legal aid, prosecutor's offices, courts, prisons).

In the past quarter, the PJCM teams have carried out a comprehensive assessment of the justice system in each of their regions in order to compile a living baseline document of the current state of the judicial system in their regions. Through these assessments, the PJCs highlighted the specific urgent needs of the various stakeholders i.e. judiciary, prosecutors, defence attorneys, court administration, correctional system, police coordination with the attorney general's office and the legal aid system. The assessments also includes a comprehensive detailing of which rule of law interventions are ongoing and where, as well as the state of the physical infrastructure in the provinces, and to the extent possible, in the districts.

The provincial assessments, which are currently being finalized into a report for distribution in November, outline the pressing needs of the provincial justice sector and the PJCs are now working to mobilize resources accordingly, and helping the provincial justice institutions emphasize their specific provincial needs to the various rule of law implementers.

**Output: Effective Coordination of Justice Sector Assistance**

In line with the primary activities of the project -- to transfer expertise and strengthen the capacity of government officials to manage coordination within the justice sector in the future -- PJCM teams have worked in close collaboration with the local departments of the three Afghan Justice Institutions, namely the Ministry of Justice, the Supreme Court and the Attorney General's Office in each of the provinces. The PJCM has begun implementing its primary coordination objectives: coordination among international actors delivering provincial rule of law assistance and coordination among the provincial justice institutions to work together in identifying and directing, where feasible, rule of law interventions, in an effort to create national ownership over this process.

To this end, all of the PJs have initiated rule of law coordination meetings in their provinces, both among international actors and the national justice institutions. After months of building relationships and trust with all actors, the PJs are now spearheading provincial rule of law coordination in their regions. The longer term goal, stemming from these coordination activities, is the transfer of expertise and strengthening the capacity of government officials to manage coordination within the justice sector in the future

At the Kabul HQ level, the PJCM has established strong ties with the national justice institutions and with all rule of law implementing projects, national and international. From building these relationships, PJCM has been able to map out the rule of law activities (trainings / infrastructure projects / mentoring programs) which are ongoing and to cultivate an atmosphere of information sharing at the central level, which is then filtered down to the field level to help alleviate the disconnect between Kabul and the provinces.

The results of the PJCM activities over the past quarter have well positioned PJCM to serve as the primary coordinator for rule of law coordination in the provinces for the duration of the project.

## II. Project implementation challenges

### *Updated project risks and actions*

#### Security Concerns

The deteriorating security situation in large parts of the country makes access to certain provinces and districts difficult. Another risk relates to the inherent sensitivity of playing a coordination role in a setting that is both politically complex and involving a complex set of government and donor dynamics.

*Action Taken:* This risk can be minimized by prioritizing the development of strong relationships with local authorities and other local actors in an effort to sensitise them to the nature of the project and build cooperative relationships within the area where staff can operate. In locations where staff cannot travel due to security restrictions, donors and other partners must be made aware of such restrictions in order to readjust expectations.

#### Political Will Among Justice Institutions

All justice institutions have expressed their support for PJCM. However, a prevailing challenge centers on the ability of justice institutions to coordinate among themselves, one of the major objectives of the project. This point is especially true with the Judiciary. The Judiciary regularly

asserts its independence, but extends this definition of independence to mean that it should not work with, or coordinate with, other justice institutions. As a result, coordination meetings among justice institutions often take place without the Judiciary, making it more difficult to achieve a comprehensive coordination mechanism. Another challenge confronting the implementation of the project is the ability of the provincial justice institutions to make decisions without direct approval from their counterparts in Kabul. While this is completely understandable, often, due to distance and lack of communication means, provincial justice officials are not able to take decisions on important issues related to the provision of justice assistance.

*Action Taken:* PJCM continues to engage with the Supreme Court at both the provincial and central level to get the Supreme Court to work in close partnership with their fellow justice institutions to ensure a complete and comprehensive justice strategy for the provinces. Additionally, PJCM staff in Kabul continues to engage with the justice officials at the central level in order to provide a more direct and easily accessible link to their counterparts in the provinces.

## *Updated project issues and actions*

### Human Resources

The project continues to face challenges in staffing complete field units in each of the 8 UNAMA Regional offices as outlined in the Project Document. Most notably, PJCM has yet to place staff in Mazar-e-Sharif and Bamiyan and has not timely hired national counterparts, both National Justice Coordination Specialists and admin/language assistants. The absence of these staff has slowed down the outreach of the international PJs because without their counterparts, particularly language assistants' outreach and communication has been curtailed.

*Action Taken:* After the candidates selected for the international posts in Mazar-e-Sharif and Bamiyan declined offers, PJCM has been actively seeking new roster candidates and has interviewed candidates to fill these positions with the hope that they can begin in January 2009. PJCM has also sped up the recruitment of national staff to fill the teams in all regions, and within the next month, almost all national staff will be hired or in the hiring process.

### Memorandum of Understanding

PJCM is a unique joint project between UNAMA and UNDP. As such, each agency has different roles and responsibilities. While many of these issues were discussed and agreed upon informally, the project has yet to have an official Memorandum of Understanding, which has held up some important operation/logistical/financial/ and substantive issues from being resolved.

Action Taken: UNAMA and UNDP are in dialogues with UNAMA Chief Administrative Services to finalize an official Memorandum of Understanding between the two partners.

### III. Financial status and utilization

#### Financial status

Table 1: Contribution overview [1 July 2008 – 31<sup>st</sup> June 2009]

DONOR NAME	CONTRIBUTIONS		CONTRIBUTION BALANCE
	Committed	Received	
Government of United States	1561308.00	1561308.00	0.00
Government of Germany	554208.00	554208.00	0.00
Government of Italy	521181.42	521181.42	0.00
Government of Canada	545093.38	545093.38	0.00
			0.00
<b>TOTAL</b>	<b>3181790.80</b>	<b>3181790.80</b>	<b>0.00</b>

#### Financial utilization

Table 2: Quarterly expenditure by activity

Activity	BUDGET [year]	QUARTERLY EXPENDITURE	BALANCE	DELIVERY (%)
Activity 1 Activity Coordination	1305308	1196954	108354	92%
Activity 2 [Activity Description]				
Activity 3 [Activity Description]				
Activity 4 [Activity Direct Support cost]	92266	0	92266	0%
Activity 5 [Activity Description]				
UNDP GMS (based on donor agreements)	105194	80851	24343	77%
<b>Total</b>	<b>1,502,768</b>	<b>1,277,805</b>	<b>224,963</b>	<b>85%</b>

Table 3: Quarterly expenditure by donor [1 July 08 – 30<sup>th</sup> September 2008]

DONORS	ACTIVITY	2008 Budget	Q1 EXPENDITURES	BALANCE	DELIVERY RATE
	(as per approved budget)		01/01/08 - 30/09/08	as of 30/09/08	%
<b>DONOR NAME</b>					<b>75%</b>
<b>Government of US</b>	Activity 1	1,305,308	1,074,160	231,148	
	Activity 4	92,266	-	92,266	
				0	
				0	
GMS 7% (see agreement)		97,830	53,708	16,171	
<b>Subtotal DONOR I</b>		<b>1,495,404</b>	<b>1,127,868</b>	<b>339,585</b>	
<b>Total</b>		<b>1,495,404</b>	<b>1,127,868</b>	<b>339,585</b>	<b>75%</b>

## Annexes

### Remarks:

Four armored & two soft skinned vehicles were ordered in April 2008, and although most of these cars have now been received the payments are not yet reflected in UNDP's ATLAS system. Table 1 above contains expenditure as recorded in ATLAS. Table 2, below, contains the expenditures recorded in ATLAS plus the costs of the cars already procured but not yet recorded in ATLAS.

Table 2:

Total expenditure 1 Jan – 30 Sept. 2008 including vehicles

Item description	Quantity	Donor	Total price
Soft skinned vehicles	1	Italy Canada, Germany, and USA	45,820
Armored Vehicles	5	(x3)	677,189
Total			<b>723,009</b>
<b>Total amount of expenditure recorded in Atlas (as per Table 1)</b>			473,945
<b>Grand Total</b>			<b>1,196,954</b>