



United Nations Development Programme
Afghanistan
[STRENGTHENING THE JUSTICE SYSTEM OF
AFGHANISTAN]
[January-2006 - December-2008]

Quarterly Project Report [Q2 - 2008]

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Duration: 01-01-2006 – 31-12-2008
Component (MYFF): Goal 2.4 Justice & Human Rights
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I. Implementation progress

Summary:

After finalization and publication of the NJSS in the first quarter 2008, during the reporting period the National Justice Program (NJP) also could be finally edited and published with endorsement by the Minister of Justice at the beginning of this reporting period. The project had provided considerable contributions to the NJP.

The main activities carried out during the reporting period include the following:

The preparations for the implementation of the two Quick Impact Projects, which were selected jointly with the Canadian government. Staffing and logistic arrangements were accomplished to enable a start of the substantial project activities in July 2008 in both cases.

The project had been involved in the final drafting of the UNAMA/OHCHR lead process of drafting a project concept for the establishment of a Human Rights Support Unit within the MoJ. The SJSA project had been requested to take over the administration of the implementation of this project and will provide its framework for the project implementation, since the Minister of Justice has formally endorsed the project concept.

Major time budget and efforts had also been invested into the drafting and editing of the concept paper for a revised project design, taking into consideration the situational change by the existing NJSS and NJP, and focussing on the giving priorities of the NJP. The concept for a revised package of project activities throughout a timeframe of 2 years had been edited in two phases. At the end of the reporting period the transformation into UNDP format is pending. Solicitation for donor funding will take place in third quarter of 2008.

Output 1: Increase in number and diversity of persons receiving effective legal services from Permanent Justice Institutions.

Annual Target / Deliverables

Consolidated National Justice Sector Strategy (NJSS) is edited and finalized. NJSS has national and donor acceptance. Post Rome conference on NJSS has taken place by March 2008.

After the finalization and endorsement of the NJSS, the NJP was also finally endorsed and published by the MoJ in this reporting period. Although the project had offered translation services these were at the end not used by ANDS in the process of finalizing the Dari version of the paper. The planned facilitation for the “post Rome conference” as planned in the Rome conference (July 2007) resolutions turned out not to be needed. The donor community, in line with the MoJ and the Kabul based ICGJR (International Coordination Group for Justice Reform) concluded that the process of the NJSS and NJP finalization was sufficient and a formal conference for endorsement would not be necessary.

It was included in the project annual work plan to provide assistance in establishing a national Programme Oversight Committee and to the Programme Support Unit on a national level however, it was later deemed not necessary and the donor community and the PJIs agreed to have a first project implemented by World Bank under ARTF funding, as foreseen in the Rome conclusions and in NJSS and NJP. This World Bank administrated ARTF funded project is including a component to support the establishment of these 2 elements.

However, the necessary support to establish the same level of Reform Program Support Units within the three PJIs is still exists within the World Bank administrated ARTF funded project. This element has been picked up by the project and is subject of a broader package of planned activities in the forthcoming working periods within the mentioned new project concept.

Output 2: Increase in number and diversity of persons receiving effective legal services from the Ministry of Justice.

Annual Target / Deliverables

Improved capacity of Planning and Strategy Unit at MoJ. Hukuk department reorganized. Legal rights awareness increased through Hukuk department/Public Legal Awareness unit. MoJ developed Legal Aid policy.

Mainly in preparation of the planned Public Legal Awareness campaign with the Hukuk based Public Legal Awareness (PLA) Unit of the MoJ following activities were accomplished with the Hukuk department:

With joint efforts of UNDP/ SJSA project and MOJ/ PLA unit the first ever workshop with PLA staff from all provinces was conducted during three days at Intercontinental Hotel from 17 to 19 July 2008. 33 out of 60 participants were invited from provinces. The workshop served as platform for exchange of experience and lessons learnt. The Project utilized the workshop to make the field staff of MoJ PLA units familiar with the PLA campaign that the Project will implement with the MoJ, as well as starting event of the campaign, implemented by the project.

The recruitment of the project based team for the PLA campaign is accomplished in the reporting period. Logistic arrangement for the project based staff have been made. The start of real activities by the new PLA team is prepared for July 2008 in cooperation with the MoJ PLA Unit.

The Hukuk department had approached the project and asked for support in publishing the annual calendar of the PLA unit, which serves as a tool for countrywide recognition of the MoJ PLA Unit, the publication of the monthly “Adalat” magazine of the MoJ and the planning and cost coverage of the planned Hukuk “Government Cases Unit” workshop in July 2008. The project approved support for the calendar publication as PR element for the PLA unit, but had to refrain from supporting the other proposed activities, due to budget shortage.

In consultation with UNAMA, OHCHR and the deputy Minister of Justice, the project had been involved in the final drafting of the UNAMA/OHCHR lead process of drafting a project concept for the establishment of a Human Rights Support Unit within the MoJ. The SJSA project had been requested to take over the administration of the implementation of this project and will provide its framework for the project implementation, since the Minister of Justice has formally endorsed the project concept.

Output 3: Increase in number and diversity of persons receiving effective legal services from the Office of the Attorney General.

Annual Target / Deliverables

AGO to be supported in establishing of a resourceful library and technical trainings to attorneys.

Although the status continues that the Project has faced a factual reduction of activities with AGO, mainly due to reduced interest from AGO side, the Project continues to provide support to the AGO. This support consists largely of assisting the AGO plan and execute the EC led PRR submission process. The Project has provided technical support to the process, as well as advice on institutional changes in the AGO. In addition, the project has continued its support to AG, and its technical advisors have proposed alternative implementation mechanisms that seek to satisfy the conditions of PRR and the AG’s internal policies and business processes. The process is still ongoing

and UNDP has been requested to provide a technical analysis of the legal framework necessary to create such a mechanism.

In addition the project's national technical advisor continues to provide support to the Criminal Law reform Committee. Several Laws have been reviewed. The Project participated at the conference on the New Criminal Procedure Code in Italy in the second half of April 2008, which was attended by the National Institutional Development Advisor and one international staff from UNDP Country office.

While the Project has no current plans to expand its support to the AGO, it will continue to provide limited support to it and the current strategy is to give value-added support to the initiatives and activities of other partners where UNDP's comparative advantages can be applied.

Output 4: Increase in the number and diversity of persons receiving effective legal services from the Supreme Court.

Annual Target / Deliverables

Capacity building through technical assistance for SC. Supporting the establishment of accountability mechanisms. Professional translation services available at the Supreme Court.

The planning process for a project component, enhancing the accountability of judicial staff is still ongoing. The project had conducted the basic discussions with SC senior management and the results have been included in the concept for planned activities in the second half of 2008 and beyond.

In preparation of the start of the establishment of the Supreme Court based Translation and Publication Unit, the recruitment process has started. Further, logistic arrangements for office space and office supply were put in place to enable implementation of work in July 2008.

Standards for entry tests and for certification could be prepared with professors of Shariah and for Dari language at Kabul University.

In the course of these preparations the project had sent a delegation of the SC management staff, who will be involved in the implementation of this component, to the 9th conference of the federation of Legal Interpreters and Court Translators to Tampere/Finland. The conference provided very useful results as lessons learnt and good and bad practices in other countries. The national participants from SC could achieve a high level of problem insight, which is understood as important contribution for the national ownership within this project component.

II. Project implementation challenges

Updated project risks and actions

The existing risks for current and future project results are unchanged:

An existing gap in capacity of the three PJIs to absorb reform programs and their administration continues to exist.

The project will offer the three PJI technical assistance in establishing and capacity building of corresponding Program Support Units within the institutions to raise reform program absorption and planning capacity within the institutions.

The high political sensitivity of the entire justice reform topic and the possibility that singular Statements of third parts or of stakeholders within the institutions are creating halts or negatively impacting the ongoing process.

The political level engagement will have to remain and interventions on the more diplomatic level will need to be enhanced to remove impediments and facilitate the ground for smooth implementation of overall reform and support processes.

Updated project issues and actions

The project's funding situation still remains the same and certain components of the project are unfunded. UNDP core fund is being provided to fill in the gap and the two funded components are well underway. A quick finalization of the ongoing editing process for the revised project design is urgently needed in order to be able to solicit donor funding for the revised project concept.

The project will soon reach limits of administrative capacities of existing staff resources (professional staff, PM and administrative support). Clear moves in order to establish a strong management and providing necessary administrative capacity will be necessary. It will be up to the project management to propose the necessary steps, which will need to be implemented while the funding gaps until additional project components are covered by donor funding are still open.

III. Financial status and utilization

Financial status

Table 1: Contribution overview [Jan 1, 2006 – June 30, 2008]

DONOR NAME	CONTRIBUTIONS		CONTRIBUTION BALANCE
	Committed	Received	
NETHERLANDS	691,688	622,530	69,158
UNDP	395,520	395,520	-
UNDP	630,400	630,400	-
UK	753,024	753,024	-
CANADA/CIDA	110,965	110,965	-
UNDP	400,000	400,000	-
CANADA/DFAIT	1,852,654	1,852,654	-
TOTAL	4,834,250	4,765,093	69,158

Financial utilization

Table 2: Quarterly expenditure by activity from April 1, 2008 to June 30, 2008.

Activity	BUDGET [2008]	QUARTERLY(Q1&Q2)E XPENDITURE	BALANCE	DELIVERY (%)
Programme Management	213,043.82	60,080	152,964	28%
Support to the Ministry of Justice.	802,223.69	90,983	711,241	11%
Support to Attorney General Office.	179,414.06	51,628	127,787	29%
Support to Supreme Court	1,089,786.76	103,244	986,543	9%
UNDP GMS (based on donor agreements) 5% for Netherlands and 7% for Canada/DFAIT.	138,185.44	14,279	123,907	10%
Total	2,422,653.77	320,212	2102,441	13.21%

Table 3: Quarterly expenditure by donor [April 1, 2008 – June 30, 2008]

DONORS	ACTIVITY (as per approved budget)	2008 Budget	Q1 Expenditures 01/01/08 - 31/03/08	Q2 Expenditures 01/04/08 - 30/06/08	BALANCE as of 30/06/08	DELIVERY RATE %
UNDP	Programme Management	74828.91	-	26,335	48,494	
	Support to Ministry of Justice	148852.11	-	8,353	140,500	
	Support to Attorney General Office	140726.48	-	12,998	127,728	
	Support to Supreme Court	35592.5	-	15,593	20,000	
GMS (see agreement) N/A			-	-	-	
Subtotal UNDP		400,000	-	63,279	336,721	15.82
Canada/ DFAIT	Programme Management	108792.72	-	5,297	103,496	
	Support to Ministry of Justice	598268.02	-	11,930	586,338	
	Support to Attorney General Office	0	-	-	0	
	Support to Supreme Court	1015907.6	-	49,364	966,543	
GMS 7% (see agreement)		129,685	-	5,012	124,673	
Subtotal DFAIT		1,852,654	-	71,603	1,781,051	3.86
Netherlands	Programme Management	29422.19	24,711	3,737	974	
	Support to Ministry of Justice	55103.56	67,470	3,231	-15,597	
	Support to Attorney General Office	38687.58	33,313	5,316	58	
	Support to Supreme Court	38286.66	15,154	23,133	0	
GMS 5% (see agreement)		8,500.01	7,403	1,864	-767	
Subtotal Netherland		170,000	148,050	37,281	(15,331)	109.00
Total		2,422,654	148,050	172,162	2,102,441	13.21

Annexes

- 1 - AWP 2008 , I – VI 2008
- 2 - CDR April – June 2008
- 3 - Expenditure details 1.4.2008 – 30.6.2008
- 4 - Budget table with consolidated DFAIT budget, split into 2008 and 2009