



QUARTERLY PROJECT REPORT [2nd Quarter, 2007]

**United Nations Development Programme
Afghanistan
[Strengthening the Justice System of Afghanistan]
[01-01-2006 – 31-12-2008]**

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TABLE OF CONTENTS

I. PROJECT IMPLEMENTATION CHALLENGES	3
UPDATED PROJECT RISKS AND ACTIONS	3
UPDATED PROJECT ISSUES AND ACTIONS	4
II. IMPLEMENTATION PROGRESS	5
Outcome 1: Increase in number and diversity of persons receiving effective legal services from Permanent Justice Institutions.....	5
Outcome 2: Increase in number and diversity of persons receiving effective legal services from the Ministry of Justice.....	6
Outcome 3: Increase in number and diversity of persons receiving effective legal services from the Office of the Attorney General.	6
Outcome 4: Increase in the number and diversity of persons receiving effective legal services from the Supreme Court.	8
Outcome 5: Increase in the number and diversity of persons receiving effective and quality legal education and servicing the justice sector.....	9
Outcome 6: Increase service delivery capacity of national justice institutions and decrease barriers to accessing the legal system.....	9
CONCLUSION.....	10
Lessons Learned.....	10
FINANCIAL STATUS.....	12
FINANCIAL UTILIZATION.	12

I. PROJECT IMPLEMENTATION CHALLENGES

UPDATED PROJECT RISKS AND ACTIONS

Risks

The Second Quarter experienced a flurry of activity that has put the sector in a state of strategic flux. Increasing bilateral donor activity with insufficient mechanisms for donor coordination was resulting in duplication, waste and what appeared to be emerging competition for resources among the justice institutions and competition for the attention of institutions by implementing agencies.

Other risks, like not having embedded advisers in the Supreme Court and Ministry of justice continue to challenge project implementation and affect the project's relationships with the justice institutions.

Further, security risks continue to limit movement and ability to provide assistance in certain provinces.

Actions Taken:

The Rome Conference on Justice and Rule of Law held in Rome, Italy July 2-3, 2007 was designed to address the risks presented by lack of coordination and the apparent competition generated by lack of coordination. In terms of this Project, the Country Office scheduled a Project Review mission to assess the Project and potential for strategic repositioning of the Project in the changing environment.

The project in the second half of this quarter focused on preparing for the review mission, and assisting the institutions in preparing for Rome by providing technical, planning and drafting support to the discussions and outcomes of the Rome Conference. These outcomes, Sector Strategy and National Justice Programme, with funding mechanism through the Afghanistan Reconstruction Trust Fund, will have a major impact on sector programming, strategy and development in the future. The lead up to and aftermath of the Rome Conference therefore present unique, risks, opportunities and challenges for the Project, as it navigates a new strategic and operating environment. The review mission currently underway at the time of writing is acutely aware of this development.

Additionally, other **inter-related risks** continue to present challenges to implementation and the attainment of deliverables. The Project still experiences a serious and chronic **lack of adequate technical resources** to carryout project activities to achieve deliverables, due in large part to chronic funding shortages. These are also still attributable in part to **limited national ownership**, though this quarter has noticed significant improvement in relations with the Supreme Court and Ministry of Justice, despite the Project not having embedded technical advisers in these institutions. With regard to **Donor coordination**, the Rome Conference and strategic processes envisaged as outcomes of this conference Rome have re-energized political will and national ownership of the process.

UPDATED PROJECT ISSUES AND ACTIONS

During the reporting period the project has successfully concluded the recruitment of a Project Coordinator and Technical Adviser to the Ministry of Justice. Other positions to be filled include National Technical Advisers and Translators to the Supreme Court and Ministry of Justice. In addition, special attention has been paid to sector strategic issues, due to the Rome Conference, as well as strategic repositioning of the Project, in addition to completing activities already provided for the in the work plan.

At the end of the reporting period, approximately \$250,000 in core funds allocated to the Project for this year 2007 has been withdrawn. Funding generously provided by the Kingdom of the Netherlands has been extended through to February 2008. This funding is limited and permits the project to continue to operate from a reduced base of activities.

II. IMPLEMENTATION PROGRESS

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

Output: Development, Implementation and Management by the Permanent Justice Institutions of a detailed justice sector strategy;

On account of the ANDS deadline to submit Ministry Strategies, the Project has been intimately involved in the development, drafting and submission of the AGO's five year strategic plan as well as the other justice institutions; providing extensive support and technical assistance to conclude their ministry strategies for the ANDS. In addition, the Project's advisers were instrumental in preparing reports and document for the Rome Conference. Among other things, the acting project manager developed and drafted an outline for the National Justice Programme.

The purpose of the Rome Conference is to re-energize commitment to sector development and funding. In assisting the AGO develop and draft its strategy, the Project capitalized on the leadership and strategy making workshops and seminar conducted in 2006. The Project provided comments, advice and recommendations to the Ministry of Justice on its Ministry Strategy; suggesting that the Ministry of Justice review its organizational design, develop a professional development programme for junior officers, a legal aid policy and review its mission. In a subsequent meeting, the Minister of Justice expressed a desire for the Project to provide more assistance in this area.

As a result of its increased profile in sector strategy and programme development, the Project is poised to take a leading role assisting Afghan institutions articulating a sector strategy and National Justice Programme post-Rome. However, lack of resources may be a constraint.

The project continues to support the justice sector working groups and sub-working groups and the Technical Advisory Group for Women and Children (The TAG), where the Project co-authored the TAG's working paper to be submitted at the Rome Conference. In addition, the Project participated in the Anti-Corruption group. The Project's instrument to assess attitudes and aptitudes of Justice Sector personnel regarding corruption and human rights is currently being reviewed by experts at UNODC head quarters.

The assistance to strategy making provided to the PJI's seeks to execute our Project's long standing view that policy development and planning in the PJI's is central to the ANDS process in terms of the planning and implementation of activities designed to achieve the designated benchmarks under the Afghan Compact. Integral to the AGO's strategic plan is the formalization of policy and planning activities in the High Council. This feature also appears in the Ministry of Justice and Supreme Court strategic plans.

The Prospects for Administrative Justice in the Afghan Legal System:

The Project has held various meetings with international agencies, civil service commission, faculty of law and political science in Kabul University, as well as senior managers in the Permanent Justice institutions to raise the possibility of establishing institutional mechanisms and capacity to deliver Administrative Justice and judicial review of administrative action. Currently no effective mechanism or field currently exists in the Afghan legal system. The Projects' initial consultations yielded encouraging responses. The Civil service Commission is currently drafting and promulgating a new civil service law to deal with public servants security of tenure. The Project intends to mobilize resources to investigate this issue in greater depth and present plans to develop this important area.

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

Output: Strengthened Institutional Capacity of the Ministry of Justice

During the reporting period, the SJSA programme concluded the project conducted recruitment of a Technical Adviser to the Ministry of Justice. This adviser is due to start next quarter. Currently no project staff member is in the Ministry of Justice. However, the Project is working assiduously to complete the recruitment process of national technical advisor and translator.

Technical Assistance

In addition to supporting the Ministry developing and revising its strategy for ANDS, the Project continues to support various working committees within the Ministry and various sub-working groups, including the Law Reform working Group. The Project contributed to the drafting of the proposed Terrorism Law under the chairmanship of the Taqnim. This draft is currently being reviewed with a view to submission to the Cabinet and then on to the Parliament.

Further assistance was provided to the Taqnim in raising the profile of the proper roles of Parliament and Taqnim in legislative review, the legislative process and setting the legislative agenda for the government. With more resources the Project can provide more assistance in this regard.

An initiative that the Project is developing with UNDP's National Youth Development Programme (NYDP) is to encourage young people to "shadow justice sector public officials for a day". The purpose is to promote contact with young people, while encouraging them to consider careers in the justice system. Initial contacts with the Minister of Justice were positive. Our Project and NYDP are working on modalities to introduce members of the Youth Parliament to the Ministry of Justice to shadow the Minister and Deputy Ministers for a day "on the job".

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

Output: Strengthened Institutional Capacity of the Office of the Attorney General

During the reporting period, the programme undertook a range of activities aimed at strengthening the institutional capacity of the AGO and its ability to strategically position itself to be a developmental actor.

These activities can be categorized as: Organizational and administrative restructuring, technical support and planning support. Currently, three staff are assigned to the Attorney General's Office: one Institutional Development Specialist (National), one Senior Institutional Development Specialist (International) and a Translator (National).

Public Administration Reform

The Civil Service Commission approved the Counter Narcotics Department's submission for stage two of the Priority Reform and Restructuring (PRR) Programme in this quarter, after several meetings and interventions by the Project. The Project has consistently provided technical and advisory support to the AGO in organizational reform and restructuring for PRR. The Project has prepared supporting programmes to assist other departments prepare for Stage 2 submission and approval. All of this is

subject to confirmation by the Attorney General and his commitment to continue with the Public Administration Reform process.

Strategy and Planning

During the reporting period our project took a leading role in supporting the AGO develop, drafting and submitting its Ministry Strategy to the ANDS. In addition, the Project is supporting the AGO develop its Strategy Implementation Plan and timetable. In helping the AGO prepare for the Rome Conference the Project mentored AGO officials in presenting AGO infrastructural transportation and equipment assets in the context of the AGO's mandate, topography and geographical coverage its mandate requires in Afghanistan. This exercise has significantly increased the profile and importance of records keeping and data management at the AGO.

Technical Support

Budgetary Support

Criminal Justice Task Force

An outcome of the budgetary support provided to the AGO has been the Project's active engagement of donors funding AGO operations in the Counter Narcotics – Criminal Justice Task Force (CJTF) and bring this funding assistance within the AGO's development budgetary processes and planning. The SJSA programme was invited to join the new Project Coordination committee of the Criminal Justice Task Force (CJTF). The CJTF comprises the Police, Prosecutors' Office, Supreme Court, and Prisons in a task force to combat narcotics cultivation and trafficking. As a member of this Committee, the Project has provided technical support and advice to CJTF on the organizational set-up and structure of the Project within the framework of the Justice sector. In addition, the project has made recommendations and offers to assist the CJTF in streamlining and improving its business processes. The Project will continue to provide technical and advisory support to the CJTF as it transitions into a Project Status with further support being planned, if resources are available, for the eventual move to new head quarters located near Kabul airport.

Law Reform

The Project contributed to the development and drafting of the proposed new Law on Terrorism. The Project is also actively involved in preparing the AGO to play a central role in Criminal Procedure Code reform and drafting.

Gender Issues

The Project has followed up on the Post-Philippines process for gender mainstreaming and Eliminating Violence Against Women (EVAW). Support is being provided to establish a Special Victims Department at the AGO for intervention in and prosecuting violence against women.

Management Information Systems

A large amount of the Project's time and resources has been devoted to towards improving information and communications systems at the AGO including website development, database development, case management systems reform, and reviewing the archive system. The Project's

collaboration with UNDP's Afghanistan Information Management System has led to the development of the AGO's website, a completed information Management Systems strategy.

Website Development:

The Project's lead and support has resulted in an AGO developed website. Despite the delays in completing this initiative, the Project has demonstrated that approaching website development as a capacity building exercise has paid off. The AGO personnel the Project contracted AIMS to train have taken the lead in developing the AGO's website, including uploading and managing content. This website is now ready for launch.

Case Management Systems:

Adopting a similar approach to website development, the project in conjunction with U.S. State Department's Justice Sector Support Program facilitated numerous meetings between April and June with a number of personnel in the investigative department of the AGO, along with other departments, to develop a case and file identification system complete with numbering. The final product is to be printed with the assistance of both projects (SJSA & JSSP). Extensive analysis of case in-take and handling processes by AGO participants, including a review of historical case identification systems and files by all participants led to this development. Care was taken to ensure that the end product, in terms of layout and content, resembles what is familiar to Afghan prosecutors. The final product is being submitted to the Attorney General for review by the AGO High Council. Thereafter both Projects will assist in facilitating a roll out plan for the new case identification template.

Another development in case management processes has been the Project's developing relationship with JSSP to develop a comprehensive database system across the Criminal Justice Chain – from arrest to prison sentencing. This is an ambitious undertaking and the Project has coordinated and facilitated the AIMS-SJSA-JSSP emerging partnership to develop this. This will continue in the next quarter.

The Project continues to hold the view that good records-keeping is essential to preserving integrity, transparency and essential to evidenced based policy making. Developing policy making capacity in any of the PJI's without improving records keeping is unlikely to be sustainable, and will result in institutional memory be lost.

Special Projects

The Proposal to establish an International Unit has made limited progress this quarter. The Project has engaged former senior prosecutors to develop entry level questionnaire which has been shared with the AGO. The Project has been approached by UNODC to partner in actualizing this proposal. This would synergize U.N. agency expertise, as UNODC is the repository for the United Nations Convention Against Corruption. UNODC's plan to expand its support to the AGO by providing specialized assistance in combating corruption. In the next quarter the Project intends to explore the synergies and benefits of such partnership.

This Project continues to affirm the importance of this unit in the strategic context of combating transnational crime and as a template that could be replicated for other PJI's.

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

Output: Strengthened Institutional Capacity of the Supreme Court

The Project still has only one staff member in the Supreme Court. However, this has not discouraged the Project from providing continuing support to the Supreme Court in terms of advising senior justices and managers on strategy.

In addition, the Project is jointly developing proposed interventions with USAID's Afghanistan Rule of Law Project (AROLP) to improve the Supreme Court's capacity for project monitoring and evaluation through establishing a donor' relations office. Other joint efforts with US AID'S AROLP included a facilitation and education tour of the Philippines and Egypt to familiarize senior Supreme Court managers, justices, law faculty and Ministry of Justice officials with these two countries' commercial court systems, National Legal Training Centres and Ministries of Justice, and donor relations and donor management projects. The trip is scheduled to commence on August 20th and end September 1st. Both Projects intend to provide joint assistance in establishing a management and planning unit at the Supreme Court.

The Supreme Court has requested the Project to provide temporary office space to ease the dire space constraints. In addition the Supreme Court has requested the Project to assist it establishing capacity for legal translation. To this end the Project has developed activities to attain the two objectives. In terms of providing for the space needs, the Project has requested the Supreme Court to engage Afghan government agencies to develop a plan for temporary office and classroom space. Encouraged by the Project the Supreme Court administration has engaged the Ministry of Rural Rehabilitation and Development (MRRD) to provide schematics and specifications for container offices and classrooms, including engineering consulting advice. As a result the Project and the Supreme Court with technical assistance from MRRD are preparing design and cost proposals for establishing container offices for the Supreme Court, to be erected, and completed with assistance from MRRD. The proposal should be completed by the next quarter.

The Project firmly believes that encouraging Afghan government institutions to look for expertise within the Afghan government not only develops capacity, but reduces costly services provided by internationals.

Outcome 5: Increase in the number and diversity of persons receiving effective and quality legal education and servicing the justice sector.

Output: Strengthened Institutional Capacity of the Legal Education Institutions

Due to funding and personnel constraints the Project was unable to provide measurable support to the Law and or Sharia faculties at the University in this reporting period.

Outcome 6: Increase service delivery capacity of national justice institutions and decrease barriers to accessing the legal system.

Output: Rehabilitation of physical facilities for the Justice sector.

Due to funding and personnel constraints the Project was unable to provide measurable support to achieve this Outcome. Funding continues to pose serious challenges to programme delivery and the attainment of outputs in the Project documents.

The Project is currently engaged in developing a proposal and with adequate resources executing this proposal to provide the Supreme Court with temporary office facilities.

CONCLUSION

This quarter has marked the beginning of developments that will alter the strategic landscape of the Justice Sector in the coming years. The Project has worked assiduously to participate in the strategy making process, while completing over 80% of its work plan to date. In addition, given the personnel and funding constraints, the Project has judiciously engaged in tactical and strategic partnerships with other implementing agencies to reduce duplication, increase effectiveness and efficiency of project deliverables for the institutions, the project and its partners. It has also allowed the project to make significant progress towards many of the Project Document's outputs and outcomes despite the personnel and financial resource constraints.

Despite continuing recruitment difficulties and funding constraints, the Project continues to provide a significant level of support to the institutions. This period has marked increasing support to the Supreme Court and Ministry of Justice despite the absence of embedded technical advisers in either of those institutions.

The project reiterates its concerns regarding its two major constraints that limit the programme's ability to achieve the goals and objectives outlined in the project document. The first is the lack of funding and the second is the inability, due to lack of funding, to recruit additional advisors to support the work of the SJSA programme. While funding has been generously provided by UNDP and the government of the Netherlands, this funding is sufficient to provide a basic level of support. To achieve the full impact and potential of deliverables the Project document charges UNDP to produce will require a greater injection of funding and support to this project.

It should not be forgotten that the SJSA programme is a sector-wide project, including all the permanent justice institutions, that covers the entire justice sector (other than prisons) and recognizes that improvements in capacity in one institution at the expense of the others do not benefit the justice system as a whole. The programme therefore takes a systemic approach to capacity development reflecting the now almost universally recognized principle that justice systems must be viewed as interconnected and integrated systems.

Lessons Learned

During the reporting period, the following challenges and key priorities were identified:

1. The introduction of the Rome Conference has added a sense of strategic urgency to a coordinated approach to Justice Sector strategy development and implementation. The Project needs to strategically position itself to provide optimum support to the Government.
2. Given the internalized institutional approach reflected in each of the strategies of the PJI's the Project should promote a more systems approach to sector strategy making reflecting the systems nature of justice in Afghanistan. The Project believes that as currently presented justice sector strategy will have major gaps that can impact negatively on project deliverables and the effective functioning of the justice system.
3. Since the Dubai donor's meeting, there is increasing attention from donors in the justice sector. The Project should be ready to strategically reposition itself to provide support to the institutions to improve donor coordination and improve strategy making and articulation.

4. The Project has taken an active role in promoting the use of Afghan service providers and government experts to assist in developing and executing its activities. By taking such an approach, as taken with the Supreme Court regarding space needs, the Project is able to increase the Supreme Court's responsibility for managing such activities, while increasing intra-government cooperation in development. This also reduces the Project's implementation costs thereby improving capacity and making scarce resources stretch further. As stated before, building capacity is not a short term process and capacity development must be sustainable. Encouraging internal approaches and responsibility for activities – planning and execution – the justice institutions will be more sustainable. Therefore, justice sector strategies, plans and projects must employ such methodologies to ensure sustainability.

5. Resource and personnel constraints have led to adopting creative ways to achieve project objectives through tactical and strategic partnerships. This has allowed the project to make progress towards delivering on many of its outputs. However, it does present challenges. These create spending pressure as the Project's limited resources do not need to be fully expended given the personnel and financial participation in the joined activity by other implementing agencies. Hence the budget tends to under-spend for that particular activity because the costs are being shared by other projects and programmes. This has the appearance of impacting project deliverables, as the project's financial reports may demonstrate. However, with more personnel resources and improved financial resources, the Project will be able to carry out proposed activities by itself.

FINANCIAL STATUS

Table 1: Contribution Overview [Jan 1,2007 to June 30,2007]¹

DONOR NAME	CONTRIBUTIONS		CONTRIBUTIO N BALANCE
	Committed	Received	
DUTCH	691,688	622,530	69,158
UNDP	350,000	350,000	-
TOTAL	1,041,688	972,530	69,158

NOTE: Out of \$622,530 received amounts \$34,997.02 is budgeted for the year, 2006 and the balance \$587,532.98 is budgeted for the year, 2007..

**The *Earmarked* column should specify if any donors have earmarked their funding to a specific activity or other requirement.

FINANCIAL UTILIZATION. The figures in this section (budget, expenditure, and balance) can refer only to the reporting period (i.e. one year).

Table 2: Quarterly Expenditure by Activity [1 April – June 30, 2007]

Activity	BUDGET [2007]	QUARTERLY EXPENDITURE	BALANCE	DELIVERY (%)
Programme Management	224,889.5	62,797.77	162,091.73	27.92
Support to the Ministry of Justice.	256,425.51	1,655	254,770.51	0.65
Support to Attorney General Office.	280,422	46,026.61	234,395.39	16.41
Support to Supreme Court	147,818.22	4,930.8	142,887.42	3.34
GMS 5%	27,977.75	5,027.52	22,950.23	17.97
Total	937,532.98	120,437.7	817,095.28	12.84%

¹ The "resource overview" can be any kind of chart (a pie chart, for example, would be an effective way of demonstrating a funding gap).

Table 3: Quarterly Expenditure by Donor [1 April – June 30]

DONORS	ACTIVITY (as per approved budget)	2007 Budget	Q1 EXPENDITURES 01/04/07 - 31/06/07	BALANCE as of 33/04/07	DELIVERY RATE %
UNDP	Programme Management	84,000.00	9720.71	74,279.29	11.57
	Support to the Ministry of Justice.	122,500.00	330	122,170.00	0.27
	Support to Attorney General Office.	131,000.00	4809	126,191.00	3.67
	Support to Supreme Court	12,500.00	325	12,175.00	2.60
Sub-Total UNDP		350,000.00	15,184.71	334,815.29	4.34
DUTCH	Programme Management	140,889.50	53,077.06	87,812.44	30.15%
	Support to the Ministry of Justice.	133,925.51	1,325.00	132,600.51	1.93%
	Support to Attorney General Office.	149,422	41,217.61	108,204.39	17.05%
	Support to Supreme Court	135,318.22	4,930.00	130,388.22	1.11%
GMS 5% (see agreement)		27,977.75	5,028	22,950	12.88%
Sub-Total DUTCH		587,532.98	105,577.19	481,955.84	12.87%
Total		937,533	120,762	481,956	12.87

