



QUARTERLY PROJECT REPORT [THIRD QUARTER 2007]

United Nations Development Programme

Afghanistan

STRENGTHENING THE JUSTICE SYSTEM OF AFGHANISTAN

01-07-2007 - 30-09-2007

Project ID: 0047952
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I. 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 (PJI) of a detailed justice sector strategy;

After having facilitated preparation of the strategic concepts for the Rome Conference on Justice (2nd Quarter 2007) the SJSA project was also an active participant at the Rome Conference in July 2007, represented by its technical Adviser to the AGO. The conclusions from the Rome conference resulted in national and international commitments to edit and merge the 3 sectoral strategies (Attorney General's Office, Ministry of Justice, and Supreme Court) into one National Justice Sector Strategy. Immediately after the Rome conference, ANDS initiated the drafting process to create this National Justice Sector Strategy, and sought the assistance and advice of the SJSA Project in doing so.

The Project was requested by ANDS and the justice institutions to initially lead the development of a Justice Sector Strategy. The project seconded its Technical Adviser at the Attorney General's Office to ANDS for this purpose. ANDS, in executing the conclusions from the Rome conference, convened a drafting group, including the SJSA advisor. This drafting group reports to ANDS and to the donor coordination group.

The drafting group developed a 9 point strategic plan based upon 3 goals for the justice sector. These 3 goals were adopted by the ANDS and justice institutions.

Since 30 September 2007, ANDS with assistance of international technical advisers, including SJSA Program staff, is leading the review of the comments of the strategy and incorporating these comments into the strategy.

The strategy development assistance being provided to the PJIs continues SJSA's long-standing view that policy development and planning within 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 Project's advocacy for tackling the complex of Administrative Justice has resulted in the Justice Sector Institutions, and the above mentioned drafting group, adopting it as one strategic priority in the Sector strategy, even though it did not appear in any of the individual ministry strategies. This is a significant development for future transparency, due process and human rights in Afghanistan.

Individual Activities:

To facilitate interagency information sharing and compatible information systems, the Project conducted an IT assessment at MOJ and the SC. This assessment led to the project coordinating with UNDP's AIMS project to conduct technology awareness workshops for senior staff of MOJ and SC to familiarize them with modern office technology and information systems in their daily activities. The two workshops were useful and have resulted in a tentative proposal to establish a joint committee composed by three PJI's representative to work on database (case tracking, crime statistics, and personnel) for each entity.

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

Technical Assistance to the Ministry of Justice:

The newly hired Chief Technical Adviser to the MoJ arrived during the reporting period, in the middle of August 2007. He was incorporated into the team of technical advisers to the MoJ in agreement with the Deputy Minister Hashimzai.

Following his arrival, SJSA made efforts to identify needs for quick support of ongoing processes within the Ministry. Activities identified included the training needs of the newly established Planning and Strategy Unit within the MoJ and small scale logistic needs of the Taqin department, which lacks Dari programmed lap tops. In both cases the Project is in process of developing small scale and quick impact measures, jointly with MoJ, and in case of training needs of the newly installed PSU unit, also with other international donors that have technical advisers within the MoJ.

Individual Activities:

Within the framework of the MoJ-Strategy, as presented to the Rome conference, one of the 5 roughly designed project concepts of "quick impact projects" was selected and was submitted to a possible donor for funding. As per 30 September 2007 the submission was still pending approval.

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 maintained the general technical support to the AGO. Assistance was provided in 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. During the reporting period, three staff were 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 AGO has yet to commence the advertising and recruitment steps necessary to act upon the Civil Service Commission's approval of the Counter Narcotics Department's submission for stage two of the Priority Reform and Restructuring Programme in this quarter. The Project is thus unable to provide technical assistance or guide the AGO through this process without political will and commitment from the AG. This status is unchanged since the previous reporting period.

The Project has provided, during this quarter, some consultations and advice to the European Commission funded project designed to improve salaries and human resource departments in the PJI's

Review and Impact of Laws

In this reporting period the project continued to provide input into the development of Law on the Structure and Competence of the Attorney General and development of the ethics code for prosecutors. The Project's advisers' also continued to provide technical support to the development of the new Law on Terrorism through the Law Reform Working Group.

Management Information Systems

The Project directed a significant level of resources and time towards developing a comprehensive and integrated information and communications system at the AGO – comprising website development, database development, case management systems, and archive system. The Project

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

Website Development:

The AGO's website has been concluded and been ready for launch since last quarter. It is currently awaiting the AG's approval to set a launch date.

Case Management systems:

To continue raising awareness of the need for improving office technology, information systems, and case management systems, the Project has deepened its collaborating with JSSP, (first mentioned in the last quarter) to develop and implement a comprehensive case management system at the AGO.

In addition, with UNDP's sister project – AIMS -- the project has conducted technology awareness workshops for senior AGO administrators. This is to support and complement the JSSP report and proposal for improving information systems in the AGO.

The Project continues to hold the view that good record keeping is essential to preserving integrity and transparency and is crucial to evidenced-based policy making. Developing policy making capacity in any of the PJI's without improving records keeping and ensuring that structures exist for guarding institutional memory is unlikely to be sustainable.

Individual Activities:

On its own initiative, the Project has commenced reviewing materials and consulting with senior AGO officials to develop a prosecutors' manual. After preliminary talks it still has to be clarified if the project will be requested by the AGO to provide concrete assistance in developing such manual.

The Project assisted the AGO to receive a donation of 54 "Russian Jeeps" located in Herat, which were donated by UNOPS. These Jeeps have now been transferred to the AGO, and will be used by the AGO in order increase the AGO's capacity to reach crime scenes and attend courts.

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

Throughout this reporting period the Project still had only one full time – national - staff member in the Supreme Court. Despite this limited staffing, this quarter has witnessed a significant growth in the project's presence at the Supreme Court. During the reporting period the project also supported the SC through the assistance of its two international technical advisors currently positioned within the AGO and within the MoJ.

The Project facilitated the Supreme Court obtaining 9 COJIMs (container offices) and other office equipment from UNOPS. These and other equipments were delivered to the Supreme Court August 28th, 2007. Having been requested to assist the SC in installing these container offices, the project developed the corresponding workplan and is currently processing the procurement request.

The Supreme Court has requested that the project assist it in developing capacity for disseminating its ethics code and enforcement mechanisms. The Project is currently looking at options to provide this assistance and is in process of elaborating a project concept jointly with the SC senior management.

The Project plans to jointly fund with USAID'S AROLP a study tour to the Philippines and Egypt to familiarize senior Supreme Court managers, justices, law faculty and Ministry of Justice officials with these two country's commercial court systems, National Legal Training Centres and Ministries of Justice, and donor relations and donor management projects. The study trip was originally scheduled for August 20th -- September 1st, but has been rescheduled due to external factors for November 23rd-December 1st, 2007.

The Project is also sponsoring the Supreme Court's attendance at a workshop on "Human Rights Law in Judgments in South Asia", planned by the International Commission of Jurists for 14 – 15 December 2007 in Kolkata, India. The invitation to this event has been received by the SC; the Project awaits the Supreme Court's selection of its attendee.

The Project will also sponsor the participation of 2 judges at the annual conference of the International Association of Anti-Corruption Authorities (IAACA) from 21 – 24 November 2007 in Bali, Indonesia. For this conference, the project is handling the nomination and sponsoring process jointly with the Accountability and Transparency Project (ACT) of UNDP.

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, as in the previous 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 in this area.

Lessons Learned

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

1. 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 non-integrated, institution-specific approach reflected in 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 the justice sector strategy will have major gaps that can impact negatively on the effective functioning of the justice system and on project deliverables.
3. In the third quarter, the Project has focused a very large proportion of its resources on supporting the ANDS in its efforts to assist the justice institutions to develop the Justice Sector Consolidated Strategy and National Justice Programme.

This work provides a unique and exciting opportunity for the Project to contribute to the heart of the strategy making process. However, it also presents risks in being too closely associated with ANDS and donors, at the expense of close involvement with the justice institutions. This is particularly of concern in the context of the emerging competition for resources among the justice institutions and competition for the attention of institutions by implementing agencies, as described in the last quarter's report.

4. The Project welcome's Michael Lackner as New Project Coordinator and Technical Adviser to the Ministry of Justice. Michael is someone with long experience in the justice reform field and significant prior experience in Afghanistan. We are optimistic that his presence will allow the project to quickly strengthen our relationship with the Ministry of Justice. However, not having a dedicated adviser to the Supreme Court currently still hampers the project's ability to deliver to the SC the support described in the Programme Document.

II. Project implementation challenges

Risks

The increased interest in the issue of judicial reform within the donor community and the rising awareness of the importance of this issue within government institutions, together with the Rome conference in early July, created a completely new momentum. This sector is now, at last, the focus of a great deal of national and international attention. Along with a greatly increased pace in the discussion and drafting process of the National Justice Strategy and national Justice Programme has come high donor pledges which must be utilized by the government within short periods.

This context creates a challenge for the project, as there is a tension between the systematic approach that we have been encouraging our government partners to take to reform and the opportunities and challenges created by the availability of donor funds that need to be spent quickly. The Project will need to be very strategic and focused to ensure that its efforts do not get "swept away" and fragmented by the momentum of the NJS.

Another existing risk in the course of the National Justice Strategy/Programme discussions and the funding/activities to follow is that the international donor group is a very strong motor driving this process. The national institutions are participating actively, but it is a constant challenge to have the national institutions maintaining their active participation let alone to have real ownership over the process.

Actions Taken:

The Project underwent a comprehensive review and has been intimately involved in the post-Rome Conference strategic and programmatic planning to ensure UNDP's value added and competitive advantage provide the Government of Afghanistan the necessary support for coordinating justice sector development.

A UNDP-reviewing mission visited the project in July to assess the Project activities and to recommend possible changes in the project setup. The reviewing mission conducted a thorough assessment, meeting with national partners as well as international partners and donors.

The main recommendations by this reviewing mission were:

- In the process of the NJS and NJP being drafted, the project should make all possible efforts to assist national institutions in the drafting process.
- Upon completion of the NJS and NJP, UNDP should identify the appropriate niche to apply the available strengths of UNDP and the Project within the priorities identified through the NJS/NJP. Within these priority areas, UNDP's focus should be on: capacity development, coordination and communication mechanisms at the national level for the permanent justice institutions, coordination and programme implementation of justice reform at the sub-national level (provincial coordination), promotion of justice for women, transparency and accountability of the justice structures, and the nexus between traditional justice and the formal justice sector.

We expect to be able to share the finalized report from this mission with national partners and the donor during the forthcoming reporting period. A key goal for the forthcoming work period will be continuing to make substantial investments of staff time and resources into supporting the

NJS/NJP process to the greatest extent possible. A second, and related, goal will be working to realign the SJSA Project so that it fits well within and builds upon the NJS/NJP.

Challenges

Another challenge to implementation and the attainment of deliverables is the fact that the Project still experiences a serious and chronic lack of adequate technical resources to carryout project activities, due in large part to chronic funding shortages.

Actions Taken

The project continues to seek funding for its activities, most recently through its discussions with a donor about being the implementing partner for several of the quick impact projects presented at the Rome Conference.

UPDATED PROJECT ISSUES AND ACTIONS

During the reporting period the new project coordinator took up his position. The project is in the process of recruiting for National Technical Advisers and Translators to the Supreme Court and Ministry of Justice. The Project's annual workplan has been readjusted to accommodate the changes in the justice sector landscape brought about by the Rome conference, and the projects' anticipated strategic repositioning

III. Financial status and utilization

Financial status

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

DONOR NAME	CONTRIBUTIONS		CONTRIBUTIO N BALANCE
	Committed	Received	
DUTCH	691,688	622,530	69,158
UNDP	350,000	350,000	-
CANADA/ CIDA	110,667	110,667	
TOTAL	1,152,355	1,083,197	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.
- CANADA/CIDA \$ 110,667 was transferred from AJDL old project 00011029

Financial utilization

Table 2: Quarterly Expenditure by Activity [1 July – Sep 30, 2007]

Activity	Budget 2007	Q1 & Q2 Exp. 2007	Q3 exp. 2007	Jan - Sep Exp 2007	Balance	Delivery Rate
ACTIVITY01: Programme Managemetn	224,537.27	126,864.82	52,599.80	179,464.62	45,072.65	79.93%
ACTIVITY02: Support to Ministry of Justice	256,090.69	11,371.37	30,441.18	41,812.55	214,278.14	16.33%
ACTIVITY03: Support to Attorney General Office	280,048.45	145,780.27	75,713.30	221,493.57	58,554.88	79.09%
ACTIVITY04: Support to Supreme Court	147,479.92	13,860.61	3,276.00	17,136.61	130,343.31	11.62%
Total GMS	29,376.65	13,678.76	1,185.03	14,863.80	14,512.85	50.60%
Total	937,532.98	311,555.83	163,215.31	474,771.15	462,761.83	50.64%

Table 3: Quarterly Expenditure by Donor [1 July – Sep 30, 2007]

Donor	Activity	Budget 2007	Q1 & Q2 Exp. 2007	Q3 exp. 2007	Jan - Sep Exp 2007	Balance	Delivery Rate
UNDP	ACTIVITY01: Programme Management	84,000.00	15,624.35	52,572.59	68,196.94	15,803.06	81.19%
	ACTIVITY02: Support to Ministry of Justice	122,500.00	330.00	17,340.31	17,670.31	104,829.69	14.42%
	ACTIVITY03: Support to Attorney General Office	131,000.00	21,284.93	68,951.74	90,236.67	40,763.33	68.88%
	ACTIVITY04: Support to Supreme Court	12,500.00	325.00	650.00	975.00	11,525.00	7.80%
Total UNDP		350,000.00	37,564.28	139,514.64	177,078.92	172,921.08	50.59%
CANADA	ACTIVITY01: Programme Management		2,603.04		2,603.04	(2,603.04)	
GMS 5%			137.00		137.00	(137.00)	
Total CANADA			2,740.04	-	2,740.04	(2,740.04)	
Netherlands	ACTIVITY01: Programme Management	140,537.27	108,318.84	27.21	108,346.05	32,191.22	77.09%
	ACTIVITY02: Support to Ministry of Justice	133,590.69	10,943.69	13,100.87	24,044.56	109,546.13	18.00%
	ACTIVITY03: Support to Attorney General Office	149,048.45	124,495.34	6,761.56	131,256.90	17,791.55	88.06%
	ACTIVITY04: Support to Supreme Court	134,979.92	13,535.61	2,626.00	16,161.61	118,818.31	11.97%
GMS 5%		29,376.65	13,541.76	1,185.03	14,726.80	14,649.85	50.13%
Total Netherlands		587,532.98	270,835.24	23,700.67	294,535.92	292,997.06	50.13%
Grand total		937,532.98	311,555.83	163,215.31	474,771.15	481,979.04	50.64%