

## **Support to Judicial Reform in Ethiopia Project Local Appraisal Committee (LPAC)**

### **Meeting Minutes**

**Date:** 18 June 2020

*virtual, Zoom Meeting, Addis Ababa*

**Time:** 2:30-4:00

The meeting started with introduction of the agenda, objectives of the meeting and meeting protocols by Donna Bugby-Smith- Senior Governance Advisor (moderator).

### **1. Opening Remarks**

Mr. Cleophas Torrori, UNDP Deputy Resident Representative, welcomed participants on behalf of the Resident Representative - thanking the Vice President of the Federal Supreme Court (FSC) and the Swedish International Development Agency (SIDA) that is a key partner to UNDP supporting the governance portfolio.

He stated that LPAC meeting is an important step before project implementation can get underway. There are three objectives:

- (i) to assess the project in terms of its robustness, responsiveness and relevance to the issues that it articulates;
- (ii) to confirm the proposed interventions help reconfirm and align with National ownership and priorities of the Judiciary; and
- (iii) advise on next steps in the approval process, whether the project is recommended to be approved, further amended/revised or rejected.

In his remarks, Mr. Torrori gave an overview of the context by explaining that UNDP has been in the forefront of supporting the reform process in Ethiopia aimed at broadening the democratic space, enhancing accountability, strengthening Justice and the Rule of Law. Democratic Institutions in charge of advancing those reforms particularly in strengthening justice and rule of law are integral part of the reform effort. He acknowledged that the justice sector reform efforts have been advancing well in terms of reviews of laws, institutional reforms, structural/leadership changes, transformation of key institutions for improvements in delivery of justice services. He expressed UNDP's interest to work with the judiciary through the 3 years Reform Project plan developed to lead the reform agenda for reforming courts and dispensation of justice- through the Federal Supreme Court (FSC), in collaboration with SIDA; the intended result being better dispensation of justice, fully owned, led by the judiciary itself. He added that it goes without saying that a strong independent justice system backed by strong judiciary is key in the promotion of peace and security. Developing a strong, independent, credible judiciary that will ensure rule of law and fair/equal access to Justice to the most marginalized groups including women and children.

Mr. Torrori reiterated that the Project is framed under the Governance portfolio which has also other components – with support from Sweden and other development partners. He reinforced UNDP's commitment to expanding the justice sector program support based on a comprehensive Justice Sector Assessment planned to be conducted to identify gaps and challenges in the wider justice sector and inform key interventions that complement the ongoing reform initiatives. He asked for support from the FSC in this endeavour.

Regarding UNDP's response to COVID 19, he stated that during COVID time, UNDP has been exploring ways of working with the government institutions to ensure adaptability and business continuity of critical services. As the Judiciary must have to continue some of its services, discussions can be held as to how this can be supported.

Vice President of the FSC, Solomon Areda, acknowledged UNDP's unwavering support for the reform activities. Among the supported activities he mentioned were: deployment of a senior judicial advisor and national consultant for the development of the Federal Courts' three year judiciary project

plan; recruitment of legal researcher to assist the Federal Judiciary Advisory Council and judicial reform coordinator to build the foundation for the Federal Courts reform plan.

He outlined the three goals of the reform project plan that the FSC intends to achieve as follows:

1. Strengthening the Judiciary's independence and transparency
2. Increasing Access to Justice and legal empowerment
3. Improving overall court's performance

He explained that as part of the reform process, the Federal Supreme Court submitted a revised Federal Courts and Judicial Administration Council Proclamations to Parliament in order to guarantee the independence of the courts. Ongoing activities include the introduction of court annexed mediation as a pilot project at the Federal High Court and Federal First Instance Court. Reduction of the case backlog. Other activities that are in the pipeline include procurement of equipment, recruitment of finance officer, court reform office, communications specialists, judicial training assessment.

Finally, he concluded by saying that the meeting would create an opportunity for the core areas of the Federal Courts reform project plan, to gain insights from UNDP, SIDA and others who are in attendance to validate the importance of the Federal Courts' Reform project plan and UNDP's timely support.

SIDA's representative, Feven Netsanet delivered remarks on behalf of Anika who was not able to participate.

She mentioned that Sweden has been a pioneer in jump starting the reform process within the judiciary by availing resources for the implementation of quick win activities which have been very useful in showcasing changes in the short term period. She emphasized that Sweden is also very keen to see the development of a Comprehensive Justice Sector Reform Program. Such a program will be key to ensure the promotion of the rule of law and ensuring respect for human rights in general. Sweden is happy to see that initial steps have been taken towards this process, and hoped that this would lead to the final development of a sectoral Program.

## 2. Presentation of Support to Judicial Reform in Ethiopia Project:

Tsige Alemayehu, Program Analyst, presented (Please see PPT):

- **Background** - description of the context of justice sector reform, UNDP's Support to the Justice Sector Reform, institutions of Justice and the Judiciary, Start up process as Project Initiation Plan (PIP):
- **Overview of the Project:**

It was explained that:

- the project is an extension of a Project Initiation Plan that has been implemented since 2019;
  - project has limited scope, it targets the Federal level Judiciary- supports selected critical & catalytic activities of the Federal Courts' Reform Plan addressing critical gaps to enable the Federal Supreme Court and its subordinate Federal level Courts to increase transparency, integrity and accountability of the Judiciary and the quality of Justice delivery services;
  - achievements will serve as steppingstones in the development of a comprehensive long-term joint rule of law and justice sector programme. An in-depth assessment of the justice sector will be conducted in collaboration with the Ethiopian Government. and other UN Agencies.
- o The Project is aligned with UNDP's new Country Programme Document (CPD 2020-2025), UN Sustainable Development Cooperation Framework (UNSDCF (2020-2024), Federal Courts Project Plan (2019-2022):

- o **Outputs, key areas of interventions:**

- Output 1: Operational capacity and efficiency of the judiciary enhanced
  - Output 2: Transparency of the Judiciary and access to justice enhanced
  - Output 3: Alternative Dispute Resolution Mechanisms Strengthened (Support to Court Annexed mediation),
- **Description of the Theory of Change:**
- **In general,** Justice sector in Ethiopia is weak. There have been multiple challenges faced by the judicial system that jeopardized the independence, integrity, accountability and effective performance of the judicial system as a whole. The challenges include: delays in disposal of cases, perceived or actual interference of the executive and legislative branches of government in the functions of the judiciary, corruption, institutional, capacity gaps within the judiciary (low level of professional competence of judges and court staff, inadequate funding and poor-quality infrastructure). These combined external factors have had a negative impact on citizen's right to access justice especially the poor and marginalized groups of society. As a result, public confidence in the administration of justice has diminished. This also undermined and jeopardized the independence, accountability and effective performance of the judicial system..
  - *The project's Theory of Change (TOC) is based on the assumption that by investing in strengthening the judiciary and supporting the judicial reform process, access to justice and rule of law will be enhanced. In addition, improved efficiency and effectiveness of Courts will increase public trust in justice and law enforcement institutions. This in turn will contribute to peace and stability of the country, respect for rule of law and human rights.*
  - key assumptions that determine the success of the Project : Sustained Peace and political stability, Continued commitment of the Government and the Judiciary to pursue reform initiatives, and that COVID 19 related measures do not affect smooth implementation of the project.
- **Risks & Assumptions, Mitigation measures:**  
Key delivery, political, operational and fiduciary risk factors and mitigating responses were explained.
- **Sustainability and Knowledge Management:**
- Project designed to facilitate sustainability of achievements by supporting the realization of the Government's own Judicial Reform initiative.
  - aims at strengthening systems and building capacity that have long term effects beyond the lifetime of the project.
  - knowledge products such as training manuals, conducting assessments, research and studies, learning/ data and evidence that will guide and inform the judicial reform will be generated.
  - technical professional skills transfer in the law-making process relevant to the judicial reform; support for the Pilot initiative of the court annexed mediation and the communications units of the Federal courts will contribute to building the institutional capacity of the Federal courts.
  - sustainability of the achievements of the project will require continued Government commitment to maintain interventions and systems developed by the project as part of the judicial reform process.

- Achievements will serve as entry points for future long-term support plan/projects. UNDP has plans to design a comprehensive long-term joint rule of law and justice sector programme aimed at strengthening justice sector institutions in Ethiopia. Efforts will be made to ensure that results and outputs of this project remain aligned with the joint program in compliance with Government's long-term vision of justice sector reform.
- **Project's Governance Structure:**
  - **PSC-** The Project will be overseen by a Project Steering Committee co-chaired by the Federal Supreme Court and UNDP. SIDA will be full members of the PSC
  - **PTT:** responsible for the effective and timely implementation of project activities that is accountable to the PSC and to UNDP and the FSC management. The PTT will comprise of a Project Coordinator based at the FSC, UNDP Programme Analyst, and other responsible staff at FSC and UNDP.
- **Budget:**
  - **Total Budget (USD) : SIDA 11 million SEK, UNDP 120,000 USD**
  - For 2020- 2021- 1,041,405 USD

### 3. Summary of Discussions:

Mr. Torreri thanked Tsige for the presentation and opened the floor for discussion.

Before inviting participants to speak and provide feedback, he reassured the Vice President of the FSC that the Federal Court's plan will be answered in part through the investment set out in the Project under examination by the LPAC.

On the comprehensive approach mentioned by Feven, Mr. Torreri commented that– one singular approach for ensuring full ownership and sustainability would be through sector wide comprehensive programming supported by both the Government and partners. UNDP intends to pursue achievement of this objective in the medium term.

#### Questions and Comments:

- The Vice President of the FSC, Ato Solomon expressed his satisfaction with the Project. He mentioned the challenge that the Federal Courts are facing due to the COVID 19 pandemic and not being able to operate to their full capacity since February 2020, and asked how support to mitigate the impact of COVID 19 could be provided.
- Feven raised the question of whether there are other funders of the 3 years Federal Courts' Reform plan; and whether there is a coordination mechanism with other prior justice sector support that was provided. A specific example cited was about the prior initiatives to support judicial training- to the Training Institute, development of training manuals and the UNODC had been providing to the Institute.
- Haregewein Ashenafi, (representative of an NGO working on Mediation and Arbitration), expressed her satisfaction with inclusion of Alternative Dispute Resolution (ADR) as an output of the project and a part of the reform initiative. She commented that introducing court annexed mediation (CAM) is one way of reducing case backlog and increasing the performance of courts.
- The Vice President of the FSC emphasized the importance and contribution of CAM, and the intention was to conduct an assessment. He informed participants that CAM was included on the proposed draft amended legislation of the Federal Courts, that Regulation to regulate this

would be adopted and 2 year action plan would be framed. He called upon UNDP and other donors to extend support to this initiative.

### **Response:**

Tsige responded to Feven's question by explaining that there is clear component on '*partnership and stakeholders' engagement*' in the Project Document- the Federal Courts' Reform Project Plan is designed to allow development partners and donors to provide support to activities outlined on the Plan. UNDP envisages collaboration and cooperation among donors and UN agencies contributing towards the implementation of the Plan to avoid duplication and maximize impact. Therefore the point on the need for coordination was well taken. Although not sure about the type and number of donors supporting the Reform Plan, she mentioned that there have been discussion with one of the donors, USAID where a common understanding on ensuring coordination and the importance of avoiding duplication was thoroughly explored and specific agreement on the areas of support was achieved.

Regarding the question about Judicial Training, she reiterated that UNDP supports activities upon request from FSC; in order to avoid any possible duplication, she would contact Abraham (UNODC), who was in attendance, to discuss the type and range of prior support provided associated with the judicial training.

- Shimels Assefa, Team Leader of the Governance and Peace Building Unit (UNDP), complemented that coordination should be paid attention to. However there are challenges, because there is no coordination among justice sector stakeholders and donors. Absence of a sector wide development program or strategy nor a platform for discussion and sharing information makes coordination difficult. UNDP and UNODC have been trying to advocate for such a platform where the different actors can come together and discuss different issues of concern, avoid duplication, promote collaboration, complementarity and synergy.
- Shimels added that although the Honourable Deputy Chief Justice would be better placed to talk about the issue, effectiveness of the National Justice Steering Committee in mobilizing the coordination of different actors including donors, was not very clear. He suggested that the Committee needs to be revitalized, and could be supported, if need be. He stressed that the sector should be in the driver's seat when it comes to coordination. UNDP has been in touch with USAID, - EU and Sweden are some of the actors supporting the Reform Plan; but who is funding what is to be left for the FSC. He pointed out that the Project under review was an interim project that is meant to serve as a spring board towards a broader comprehensive justice sector wide Programme. The FSC is the most established stakeholder within the Judiciary having the systems and capability of developing the broader justice sector reforms roadmap.
- Regarding the question on the training of judges, Shimels reassured that UNDP will make all efforts to avoid duplication and that any support provided through the Project complements and adds real extra value.
- Donna added, the project aims to specifically consider the scope and provision of training and the continuous professional development of judges. In order to do that, the first step will be to undertake an assessment.
- Abigeya Getachew, Project Officer- clarified that the project is supporting 9 of 40 reform activities; USAID – through the Fete Project (implemented by Mellenium Development) supports parts of the Project plan. On Judicial training, she clarified that UNDP will mainly focus on conducting an assessment of existing gaps, and build on previous interventions; there will certainly be room for intervention by other donors. On the wider justice sector support, she confirmed that the Justice Steering Committee had recently convened and had agreed to call a meeting to which donors will be invited to attend in the coming days.

- Ato Hailu ( from the Mediation and Arbitration Center) – asked about the statement made relating to the weakness of the Ethiopian judicial system. He believed that this was a reflection of broader societal issues including the educational system and the selection of judges as well as the commitment of the government to enhance the Judiciary. He further held the view that ADR been disregarded by previous Governments and questioned about the feasibility of a centrally controlled ADR system.

Shimels proposed whilst he concurred with Ato Hailu’s comments about the causal factors that have resulted in a weak and fragmented justice sector and judiciary, such detailed discussions should be the subject of separate discussions. ADR is one of a number of intervention areas that the Project would be seeking to support.

#### **4. Conclusions and Recommendations**

Donna thanked all attendees for their comments, discussions and obseravtion and reminded the LPAC members that their role was to consider whether the Project is recommended for approval, amendment or rejection.

From the discussions, Cleophas drew the unanimous conclusion that the Project as designed was good; elements raised may require further review and fine tuning if needed. In particular, the issue of coordination is very important- best way would be if it is led by the Governement and for a platform for better coordination to be established. The progect can therefore proceed having received the endorsement of the LPAC and some tweaking to incorporate some of the issues that emerged during the meeting will be undertaken. .

- The Project was fully endorsed by LPAC for approval.

Minutes Approved by: Shimels Assefa, Team Leader, Governance & Peace Building Unit.

Date: 07-Sep-2020

Signature:

*Shimels Assefa*

#### **Annexes:**

1. Agenda of the Meeting
2. List of Participants
3. Project Document of Support to Judicial Reform
4. Powerpoint presentation