



PROJECT DOCUMENT

[Ethiopia]



Project Title: Support to Judicial Reform in Ethiopia

Project Number:

Implementing Partner: Federal Supreme Court

Start Date: January 2020 End Date: December 31, 2021 PAC Meeting date: 18 June 2020

Brief Description

Ethiopia has made rapid progress in the economic sector and provision of social services over the past two decades. However, there is a long way to go in terms of ensuring good governance, consolidating democracy, rule of law, protection of human rights, prevention of violent conflicts, managing diversity and promoting social cohesion. As part of comprehensive political, socio-economic, legal reform initiatives undertaken by the Government of Ethiopia, advancing rule of law and access to justice have been prioritized. The Justice sector in Ethiopia remains generally weak and fragmented. Accessibility of justice especially by disadvantaged segments of the population, as well as its independence and integrity has been challenged. The reform initiatives include institutional reforms in the justice system as well as establishment of the Legal and Justice Affairs Advisory Council (LJAAC) under the office of the Attorney General. The Council has the mandate of examining restrictive laws, flaws in the justice system, and developing recommendations for revisions including amendments to the laws and restructuring of institutions. At Federal level the Judicial reform agenda is being led by the Federal supreme Court. Judicial Affairs Advisory council (JAAC) has been set up to examine relevant laws and judicial systems, structures and make recommendations for legislative as well as institutional reform.

The 'Project on Judicial Reform in Ethiopia' supports increased access to justice, strengthening judicial independence and improved courts' performance. Selected activities of the three-years' Federal Courts Reform Project Plan (2019-2021/2022) will be implemented under this Project.

UNDP will collaborate with the Federal Supreme Court in implementing initiatives that would enable the Court to showcase results and improvements that will serve as steppingstones in developing a comprehensive long-term joint rule of law and justice sector programme. The project's expected results are summarized into key outputs: i. Operational capacity and efficiency of the judiciary enhanced, ii. Transparency of the Judiciary and access to justice enhanced, iii. Alternative Dispute Resolution mechanisms strengthened.

UNDP has been supporting the Supreme Court and other actors in the justice sector to implement immediate/quick-win initiatives that would enable the Court to showcase results and improvements in the interim. As part of this initiative, project initiation plan (PIP) has been implemented in July-September 2019, which was later on developed into a full-fledged project covering the period January 2020- December 2021.

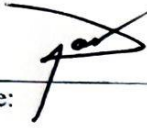
Expected UNSDCF/CP Outcome(s): UNSDCF/CPD CF OUTCOME: By 2025, all people in Ethiopia live in a cohesive, just, inclusive and democratic society.

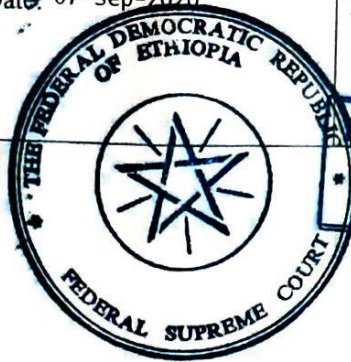
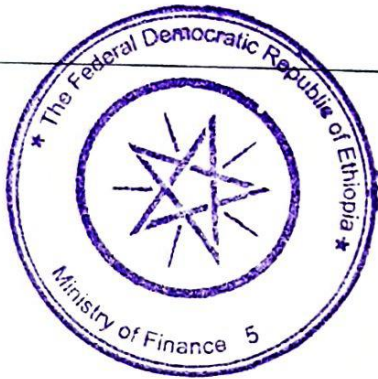
Output 2: Capacities and functions enhanced at all levels within Government and in society to respect human rights and strengthen rule of law, access to justice and protection for vulnerable populations.

Expected CPD Output (S): Output 1.2, UNDP Strategic Plan (2018-21) output (IRRF 2.2.3)

Capacities, functions and financing of rule of law and national human rights institutions and systems strengthened to promote and protect human rights, expand access to justice and combat discrimination, with a focus on women and other marginalized groups.

Total resources required:	1,041,000 USD	
Total resources allocated:	UNDP TRAC:	120,000 USD
	Donor: SIDA	921,000 USD
	Government:	
	In-Kind:	
Unfunded:		

Government	UNDP	Implementing Partner
<p>Mr. Yonas Getahun Director, UN Agencies, CRGE Facility and Regional Economic Cooperation Directorate; Ministry of Finance,</p> <p>Print Name: Yonas Getahun UN Agencies, CRGE Facility & Regional Economic Cooperation Directorate Director</p> <p>Date: </p>	<p>Mr. Turhan Saleh Resident Representative UNDP Ethiopia</p> <p>Print Name: Turhan Saleh</p> <p>Date: 07-Sep-2020</p>	<p>Chief Justice Mrs. Meaza Ashenafi Mengistu Federal Supreme Court, President</p> <p>Print Name: Meaza Ashenafi</p> <p>Date: 18 June 2020</p>



Meaza Ashenafi Mengistu
Federal Supreme Court
President

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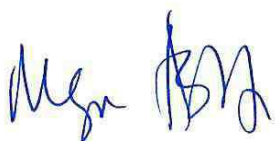
I. DEVELOPMENT CHALLENGE

Ethiopia has made rapid progress in the economic sector and provision of social services over the past two decades. Improvements in access to education, health and other pro-poor social and economic sectors such as agriculture and food security have led to significant gains in human development indicators. Efforts have also been made to enhance the capacity of the governance architecture; establishment of democratic institutions, reform of the civil service and institutions of justice. However, there is a long way to go in terms of ensuring good governance, consolidating democracy, ensuring the rule of law, protection of human rights, prevention of violent conflicts, managing diversity and promoting social cohesion.

The Ethiopian judicial system has made some efforts to improve its performance following assessments and capacity building initiatives undertaken in the past. The measures include introduction of computerization of case management, increase in the number of judges, and improvements in the judicial benefit packages. However, there have been various challenges faced by the judicial system that jeopardized the independence, accountability and effective performance of the judicial system as a whole. The challenges include delays in disposal of cases, interference of the executive and legislative branches of government in the functions of the judiciary, corruption, low level of professional competence of judges and court staff, inadequate funding and poor-quality infrastructure. These 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.

The Government of Ethiopia has launched a series of bold and comprehensive reforms since April 2018. The Prime Minister's Office issued its policy priorities in a document entitled '*Ethiopia: A New Horizon of Hope*' with a clear emphasis on peace and inclusion, justice sector reform, democratization and public service delivery, transparency, accountability and effectiveness. New initiatives aimed at broadening democratic participation, strengthening justice and the rule of law, creating accountable systems of governance have been undertaken. Institutional reforms have been introduced in the justice system. A Legal and Justice Affairs Advisory Council (LJAAC) comprising of 13 legal professionals was set up under the auspices of the Office of the Attorney General. The Council is entrusted with the task of examining restrictive laws, flaws in the justice system, and developing recommendations for revisions including amendments to the laws and restructuring of institutions. New/revised Charities and Societies Proclamation and the Electoral Law, and more recently the Anti-Terrorism Proclamation have been repealed by the House of Parliament, a new legislation on Hate Speech was also put in place while the media Law is in the pipeline.

A Judicial Affairs Advisory council (JAAC) was established with a primary mandate of examining existing laws and practices relevant to the Judiciary at Federal and regional levels and making recommendations for judicial reforms. The ultimate objective is enhancing independence, integrity and credibility of the judicial system, thereby ensure rule of law and access to justice of citizens and restore public confidence in the



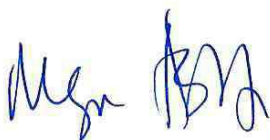
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period and use of visual arts and innovative communication to promote the ideals of rule of law and justice throughout the 'justice month'. The justice forum for 2019 aimed at re-connecting the justice sector institutions with the public and re-gaining confidence of the public. The theory of change of the justice forum was for *'The justice sector institutions approach the public with new communication strategy that the public can relate with its everyday life; create a ground for both (the public and the justice sector institutions) to come closer, identify gaps and influence one another'*.

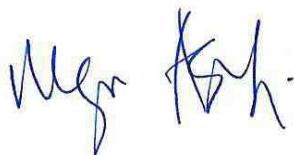
The primary objective of this Project is to enable UNDP to expand its support to the justice sector reform in Ethiopia, and more specifically to the Supreme Court in advancing the judicial reform agenda that has been prioritized by the Supreme Court as one of the strong pillars of advancing rule of law and access to justice in Ethiopia. The project will support implementation of various judicial reform initiatives that enhance the performance of the judiciary. Initiatives that enable advancement of Rule of Law and Access to Justice will be undertaken. The project will support provision of technical assistance to realize fulfilment of the mandates of the judiciary.

II. STRATEGY

As mentioned above, a comprehensive three-years' Federal Courts Reform Plan (2019-2021/2022) has been developed to lead the reform process. This Project aims to support initiatives aimed at enhancing transparency and integrity of the judiciary as well as restoring public trust in courts and the justice system by addressing some of the critical gaps as outlined in the Reform Plan. While the Reform Plan is bigger in scope extending to three years, this specific project is intended to support critical and catalytic activities only by providing some seed funding, running for up to two years.

Improving the efficiency/effectiveness of courts is one of the essential components of the Federal Courts' Reform Project Plan. This project, therefore, aims at improving efficiency of the courts to enhance their ability to dispose of cases on time through case flow management and backlog reduction. In addition, Alternative Dispute Resolution mechanisms will be strengthened through support to the Out of Court Dispute Resolution mechanism. Building on a pilot project of the federal judiciary on a court annexed mediation, an assessment and consultation on ADR in Ethiopia and feasibility of assigning cases for mandatory out of court dispute resolution will be undertaken. Ultimately, the types of cases that could be assigned to mandatory mediation will be identified to serve as inputs for proposals for legislative review.

To ensure effective implementation of the Project, the Judicial Advisory sub-unit of the Legal and Justice Affairs Advisory Council was reorganized as Judicial Affairs Advisory Council under the Federal Supreme Court. The Judicial Affairs Advisory Council is entrusted with the responsibility for the handling of legal and policy reform initiatives of the judiciary such as amendment of legislations, engage in research, and propose recommendations for improving the performance of the judiciary.

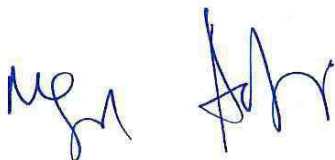


The project has specific activities aimed at advancing Gender equality and women's empowerment. Among others, policy will be developed to protect the rights of female staff members from harassment and discrimination; capacity development of female judges and staff of Courts will be undertaken; gender auditing of federal courts and needs assessment of female courts' users will be conducted. Overall, gender sensitivity and women's empowerment will be the guiding principle of the project. Participation of women and gender sensitivity of activities of the project will be ensured throughout the duration of the project. Women's empowerment, right of women for access to justice, increasing the role and participation of women in the rule of law and justice architecture, will receive due attention in the activities of this project, as appropriate.

The objectives of the project are closely aligned with outcomes of the Strategic Plan of the United Nations Development Programme (UNDP, 2017 - 2021), country programme document (CPD) for Ethiopia (2020-25), and the United Nations Sustainable Development Cooperation Framework (UNSDCF, 2020 - 2024) for Ethiopia. The relevant UNSDCF Outcome refers that *'By 2025, all people in Ethiopia live in a cohesive, just, inclusive and democratic society.'* UNSDCF aims at enhancing capacities and functions at all levels within Government and in society to respect human rights and strengthen rule of law, access to justice and protection for vulnerable populations. *Under the new CPD, 'UNDP will pursue a step change in the rule of law and access to justice, based on a sector-wide approach that triggers a comprehensive change process delivering major advances within 4-5 years, with clear benefits accruing to women. To this end, UNDP will build upon the recommendations of a proposed Justice Sector Assessment to be conducted jointly by Government and UN agencies³ in 2020, leading to a joint programme that could provide a platform for other partners. UNDP will emphasise research, strengthening of core systems, and civic education and outreach.'* The project will contribute to achievement of SDG 16, in particular: *promoting peaceful and inclusive societies, access to justice and capable and responsive institutions.* Strengthening institutions of justice and access to justice, promoting rule of law are essential in ensuring the security, rights and opportunities of citizens without which delivery of public services and economic development cannot be realized.

UNDP, in partnership with its development partners, will continue supporting these initiatives by availing the required financial resources and by deploying consultants who provide professional/technical support. More broadly, 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 enabling them carry out their mandates effectively. An in-depth assessment of the justice sector in Ethiopia will be conducted in collaboration with other sister UN agencies. The assessment will provide a baseline as well as recommendations for intervention for UN justice sector programming. It will also guide and promote evidence-based reform of the institutional, legal and policy framework of the justice sector. The initiatives undertaken under this project are expected

³ UNDP, UNICEF, UNODC, UNOHCHR and UN Women.



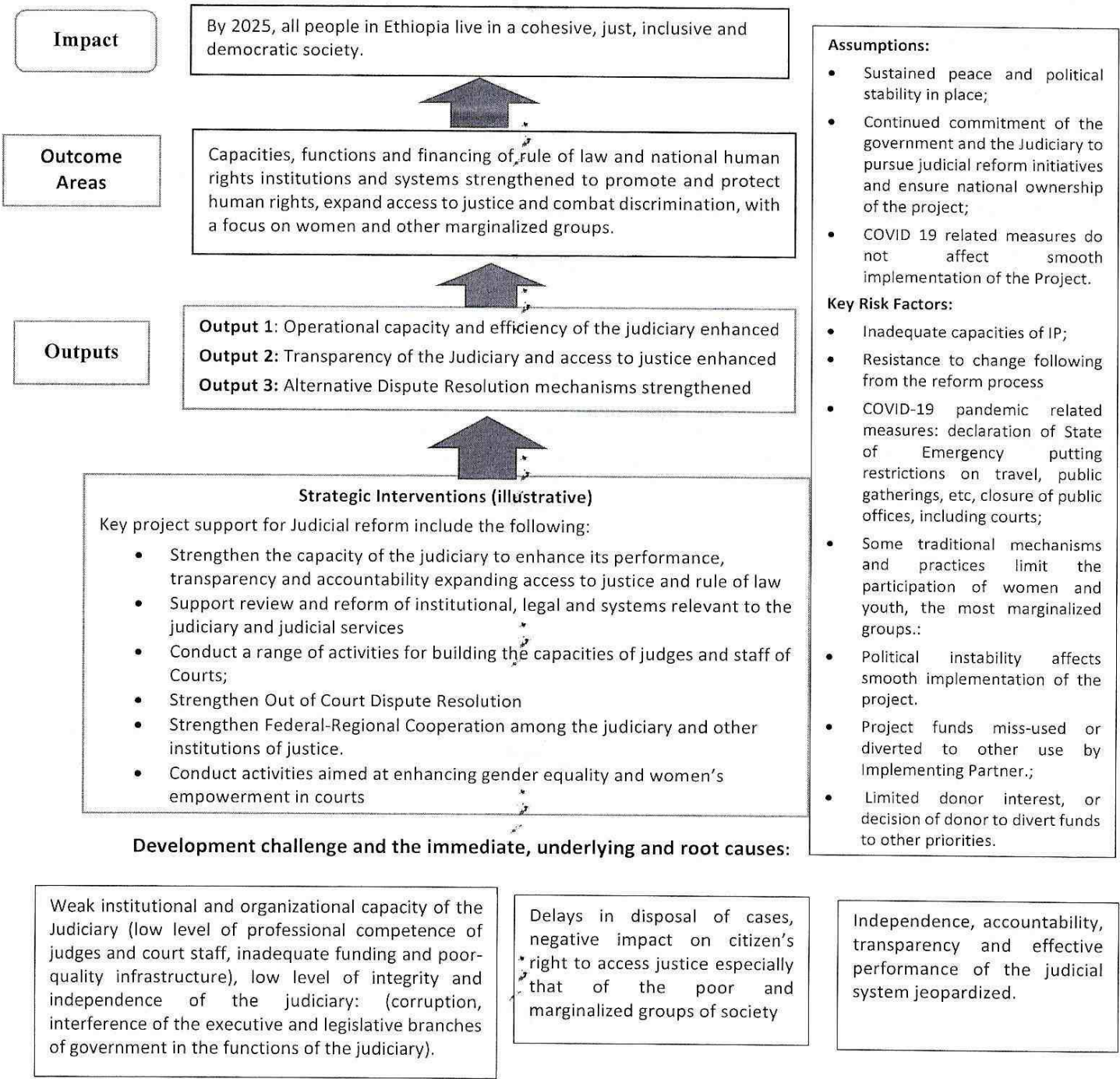
to serve as entry points for a long-term support plan/project that UNDP and the Justice sector stakeholders would be devising in collaboration with other actors and partners as a second phase.

The Project supports components of the Federal Courts Reform Plan developed by the Ethiopian government ensuring national ownership. The Federal Supreme Court will be the main national counterpart to be consulted regarding key operational and strategic issues relevant to implementation of the Project. Overall strategic decisions of the project will be provided by the Project Steering Committee (PSC), comprising of the Federal Supreme Court, the Ministry of Finance, contributing donors (SIDA) and UNDP, in line with UNDP standard project management practices.

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.



Figure 1. Theory of Change Model



III. RESULTS AND PARTNERSHIPS

3.1. Project Outputs and Results

The Project will focus more on institutional capacity building and enhancing performance of Federal courts. The quality of judicial training will be revised to enhance the skills of judges this is determining factor in ensuring rule of law and access to justice of citizens. Public legal literacy will be enhanced by establishing legal and justice clubs in primary and secondary schools and creating other fora for this purpose. Knowledge of law related issues, rights and obligations relevant to young people, will contribute towards promotion/protection of human rights, rule of law and access to justice of citizens. Project's outputs fit well within the framework of the relevant CPD output that provides *'Capacities, functions and financing of rule of law and national human rights institutions and systems strengthened to promote and protect human rights, expand access to justice and combat discrimination, with a focus on women and other marginalized groups'*.

Implementation of activities will be in full alignment with the Government's judicial reform initiatives, based on the core principles and values of respect for human rights and rule of law, access to justice and protection of the rights of women and other vulnerable populations enshrined in the Ethiopian constitution and highlighted by the outcomes of the UNSDCF and UNDP's CPD. Efforts will be made to minimize and address the impact of COVID 19 on project implementation by undertaking mitigating measures as appropriate.

The Project will support selected activities extracted from the 3-year Federal Courts Reform Project Plan. Components of the Reform Project Plan supported by UNDP have been identified in consultation with the Federal Supreme Court. The three main strategic goals of the Reform Project Plan are: Strengthen judicial independence, accountability, and transparency; increase access to justice and legal empowerment; and improve courts' performance (efficiency and effectiveness). Implementation of the activities under the output areas will contribute to achievement of the strategic goals of the Federal Courts Reform project plan. This will be achieved through implementation of activities elaborated as follows:

Output 1: Operational capacity and efficiency of the judiciary enhanced

Activity 1.1: Knowledge and skills transfer

Technical and advisory services will be provided to the Judicial Affairs Advisory Council and the Federal Supreme Court. Experts will provide technical and advisory services to support the Judiciary and Justice system enhancement initiatives.

Activity 1.2: Establish judicial training programme

Lack of initial and continuous training of judges and staff was identified as one of the problems of the judiciary by previous assessments of the justice sector. The recommendations given to tackle this problem included improvement of curriculum for training of judges and staff by integrating technical and managerial skills.

A handwritten signature in blue ink, appearing to read 'M. G. Ash'.

Under this project, the quality of judicial training program will be reviewed. A judicial training curriculum for judges will be designed based on the areas of improvement identified by the prior assessments and recommendations thereof, as well as feedback from all stakeholders to be followed by judicial trainings based on revised curriculum. This is expected to improve the contents of the curriculum and enhance skills of judges that is determining factor in ensuring rule of law and access to justice of citizens.

Activity 1.3: Clear court case backlog

Improving the efficiency/effectiveness of courts is an essential component of the Federal Courts' Reform Project Plan. The Project aims at enhancing efficiency of the courts to by strengthening their ability to dispose of cases in a timely manner through improvement of case-flow management and backlog reduction.

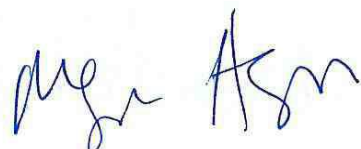
Activity 1.4: Conduct assessment with a view to enhance Federal-Regional Cooperation

The Federal Democratic Republic of Ethiopia comprises of the Federal Government and nine Regional States that have their own respective legislative, executive and judicial powers. Matters under the jurisdiction of the Federal government and regional states are defined by the Constitution and other legislations. The Ethiopian judicial system is organized on a parallel three-tiered court structures, (i.e. first instance, high court and supreme court) at both federal and regional levels. The supreme federal judicial authority is vested in the Federal Supreme Court. The FSC has a nationwide jurisdiction while Federal High Court and First Instance Courts are limited only to Addis Ababa and Diredawa, which are autonomous cities accountable to the Federal government. The judiciary of regional states consists of State First instance Court (woreda courts) at lower level, zonal/ high court at intermediate level and the state supreme court at highest level. City (municipal) courts have also been established in Addis Ababa and Diredawa. In addition, Social Courts in Addis Ababa are set up at *Kebele* level to deal with cases involving matters of small monetary value not exceeding 5,000 Birr, city hygiene and public health contraventions and other similar petty offences. The judges serving in social courts do not have legal training and do not get monthly salaries or payments.

Jurisdiction of the Federal High Court and of the First Instance Courts are delegated to State Courts for federal matters⁴. By virtue of this delegation, in addition to their state jurisdiction, the regional State Supreme Courts and State High Courts exercise the jurisdiction of the Federal High Court and the jurisdiction of the Federal First Instance Court, respectively. Decisions rendered by a State Supreme Court on federal matters are appealed to the Federal Supreme Court. The Constitution provides for review of State court decisions by the Cassation Division of the Federal Supreme Court demonstrating another link between federal and state courts. Furthermore, the Plenum of the FSC that is expected to convene annually is established by law⁵. The members of the plenum are President, the Vice-President and judges of the Federal Supreme Court, the Presidents of the Federal High Court and the Federal First Instance Court and the

⁴ Article 78(2), The Federal Democratic Republic of Ethiopia Constitution, 1994; hereinafter the FDRE Con.

⁵ The Federal Courts Proclamation No. 25/1988, Articles 31-34.



Presidents of Regional Supreme Courts. The Attorney General, and other judges and officials of other institutions may be invited to the Plenum without having a voting right. The Plenum is entrusted with the power to deliberate on matters of administration of justice and pass decisions by a majority vote of the quorum (2/3 of the members of the Plenum). The Plenum is also another uniting factor in the two structures. The mandates given to the Federal Judicial Administration Council to forward its opinion on the list of Regional Supreme and High Court candidate judges, submitted to it by a Regional Judicial Administration Councils under Article 81(4) of the Constitution is also intended to strengthen the unity of the federal and state courts.

Considering the above-mentioned entry points for strengthening cooperation and coordination within the judiciary at federal and regional levels, an assessment will be conducted to provide information about the practical operation of the existing system, level of cooperation and coordination, and identify challenges and gaps. The assessment will also provide recommendations for overcoming the challenges, strengthening coordination and cooperation among courts at federal and regional state levels. Moreover, it will identify possible areas of intervention aimed at enabling courts at all levels to carry out their mandates more effectively.

National experts will support the FSC in working on the assessment. Support will be provided to regional courts to build their capacity in strengthening coordination and cooperation among courts at all levels.

Activity 1.5: Conduct judicial mapping

The House of Peoples' Representatives has the constitutional mandate to establish the Federal High Court and First-Instance Courts nation-wide, or in some parts of the country only, as it deems necessary. Accordingly, Federal High Courts have been established in the five regional States of Afar, Benishangul, Gambella, Somali and Southern Nations Nationalities and Peoples under the Federal Courts Establishment Proclamation No. 322/2003. However, these federal courts are working as roaming circuit courts as they are not established as federal courts permanently located in the regions. Under this project, an assessment on the best modality (geographical or zoning) where to establish federal courts that could lead to a legislative reform, will be conducted.

Output 2: Transparency of the Judiciary and Access to Justice Enhanced

Activity 2.1.: Conduct activities aimed at enhancing gender equality and women's empowerment in courts

The project will contribute towards gender equality and women's empowerment. At institutional level, the project aims at developing Workplace Anti-Harassment and Anti-Discrimination Policy. Female judges and staff of Courts will benefit from mentoring and coaching platforms that will build their professional skills as well as the capacity to ensure gender equality and women's empowerment. Gender auditing of federal courts aimed at identifying the gaps and recommendations for addressing the deficits of gender equality will be conducted. In addition, the challenges, needs of female courts' users and recommendations for necessary



interventions will be identified through needs assessment of female court users. Those initiatives will enable the courts to overcome the challenges and fill the gaps in gender equality based on evidence that emanates from the research and studies.

Activity 2.2. Public legal education

Public legal literacy will be enhanced by establishing legal and justice clubs in primary and secondary schools and creating other fora for this purpose; as well as by organizing awareness creation forums and student-court discussions.

Activity 2.3.: Strengthen public relations

In Ethiopia, the general public has limited access to reliable and credible information related to the judiciary such as the justice system, court judgments; other relevant information. This results in limitations in access to justice and lack of public confidence in the administration of justice. Hence, Improved communication with the public is needed in order to increase public knowledge about the functions and operations of courts. Federal Courts' transparency and accountability will be enhanced by strengthening public relations units of courts. The project will provide the public relations units with the necessary equipment and support to enable them to carry out their responsibilities effectively.

Output 3: Alternative Dispute Resolution (ADR) mechanisms strengthened

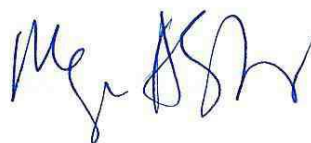
Activity 3.1: Support out of court Dispute Resolution

A wide variety of dispute resolution mechanisms are used in Ethiopia. Apart from the formal justice institutions, traditional/customary dispute resolution mechanisms (practiced by various ethnic groups and communities) are widely used by vast majority of the population⁶ especially in rural areas. Religious (Sharia) courts are also used by followers of the Muslim religion for types of cases specified by law. Considering the high number and diversity of the population in Ethiopia, the ratio of number of formal courts and judges to number of inhabitants is very low.⁷ This shows that there is a huge gap in access to formal courts in many parts of the country which calls for expansion of the reach of formal judicial services. At the same time, strengthening alternative dispute resolution mechanisms would increase access to justice of citizens in Ethiopia.

In the formal judicial system, Ethiopian law recognizes out of court dispute resolution mechanisms for settlement of civil cases through negotiation, conciliation, or arbitration. Such mechanisms are deployed upon consent of both parties to a dispute. The law, however, doesn't provide for mandatory settlement of disputes through alternative dispute resolution procedures. There is also lack of data and information

⁶ In Ethiopia, it is estimated that up to 85% of the population relies on traditional mechanisms to resolve disputes and provide security. (Uses and Users of Justice in Africa: The Case of Ethiopia's Courts, World Bank, P. 9).(documents.worldbank.org, July, 2010)

⁷ As of 2010, the ratio of judges per 100,000 inhabitants was 4.0 (Id.)



regarding traditional systems of dispute resolution in Ethiopia. There are studies on ADR in Ethiopia that need to be updated and customized, but more importantly there is a policy gap which needs to be filled with the support of this project.

A Pilot initiative has been launched to test court annexed mediation at the Federal First Instance Court (FFIC) on selected family and labour cases. The project will support this initiative by strengthening the Mandatory Out of Court Dispute Resolution Office. A dedicated coordinator responsible for management of the day to day functions of the office will be recruited. A Feasibility study on assigning cases for mandatory out of court dispute resolution will also be undertaken by the project. Ultimately, the types of cases that could be assigned to mandatory mediation will be identified to serve as inputs for proposal for legislative reform aimed at formalizing establishment of court annexed mediation offices. This would contribute to resolving cases amicably, with less cost and time reducing the burden on courts.

3.2. Support partnerships and stakeholders' engagement

UNDP will work with the Federal Supreme Court in implementing the Project. The Federal Supreme Court will engage and forge partnerships with institutions of justice both at Federal and Regional levels, including courts, police, prison administration and attorney general's office. The Federal Supreme Court will also engage and forge partnerships with relevant Non-State Actors during implementation of the project. This would involve a range of civil society organizations engaged in the protection of human rights, advancement of rule of law and access to justice of citizenship; professional associations such as the Ethiopian Lawyers' Association, Ethiopian Women Lawyers' Association, media as well as academia.

During implementation of the project, efforts will be made to find ways of ensuring participation of the most vulnerable, particularly women, people with disability and the youth. The Federal Courts' Judicial Reform Project Plan is designed in such a way that development partners and donors could provide support to the activities as per the needs identified in the Reform Plan. In this regard, there is a need for coordination and collaboration among donors contributing towards the implementation of the Plan to avoid duplication of efforts and maximize impact for achievement of the reform objectives. Donor partners, UN agencies and other stakeholders supporting the Courts' Reform Program will be encouraged to provide valuable inputs on issues of common interest during implementation, monitoring as well as sharing lessons and good practices of the project.

A judicial reform project office will be established by the Federal Supreme Court to coordinate implementation of judicial reform initiatives. The office is expected to strengthen synergy, cooperation and coordination among donors which is key in facilitating smooth implementation of the Judicial reform initiatives. UNDP will actively seek synergy and complementarity with other similar initiatives including programs implemented by UNDP with relevant objectives.

3.3. Resources required to achieve the Expected Results

The project will mainly focus on software aspects – research, studies, development of strategies/policies, legislations, systems and mechanisms, training and human resource capacity development. The Project office within the FSC will be equipped with qualified staff, office furniture, and IT facilities. A vehicle that will facilitate the work of the FSC and the project will be made available.

UNDP will maintain a bare minimum recurrent costs over the duration of implementation of the Project including a Justice and Rule of Law Specialist/Project Coordinator and Programme Assistant and some other costs including IT facilities and utilities and other operating costs, such as utilization of UNDP pooled services. Funds will be allocated (as part of the overall budget) to cover these and other institutional direct costs (in some cases), including contingency funds.

UNDP staff time (Country Office): Costs include time of the Governance Programme Analyst and Justice and Rule of Law Specialist for providing technical and advisory support, regular monitoring, meetings with visiting experts and GoE partners, review of regular monthly, quarterly and annual financial and physical reports; the time of the Governance and Capacity Development Team Leader for regular review of and update on the programme, regular meetings of Project Steering Committee, occasional meetings with GoE and Development Partners. In addition, the project will make demands on the time of UNDP Finance, Procurement and Human Resources Units, as well as IT and logistical support.

Project finance/budget: The projects budget is 1,041,40,USD, i.e. sum of fund balance from the PIP amounting to -741,405⁸ and 300,000 USD (scheduled to be disbursed from SIDA in 2021). The budget allocated to each output and activity has been determined by FSC in close consultation with UNDP.

3.4. Sustainability and Knowledge Management:

The project is designed to facilitate sustainability of achievements by supporting the realization of the government's Judicial Reform initiative. As explained above, the project aims at strengthening systems and building capacity that have long term effects beyond the lifetime of the project. More specifically, the output areas include dedicated activities for developing knowledge products such as training manuals, conducting assessments, research and studies. Important learning, data and evidence that will guide and inform the judicial reform will be generated. Moreover, project interventions provide 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

⁸ This amount is a balance as of January 2020. It should be noted that Project implementation will continue through implementation of the PIP and funds will be transferred to the new Project as soon as LPAC process is finalized and registered on Atlas.

communications units of the Federal courts will contribute to the building institutional capacity of the Federal courts. However, it is to be noted that sustainability of the achievements of the project will require continued commitment from the government to maintain interventions and systems developed by the project as part of the judicial reform process.

As mentioned above, 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. Achievements of this project are expected to serve as entry points for a long-term support plan/project. 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.

IV. RISKS AND ASSUMPTIONS

Implementation of the activities requires high level of commitment of the Federal Supreme Court. The achievement of expected results in the judicial reform presupposes continued political will and commitment of the government. The current volatile political situation, ongoing government's reform processes in the country and the upcoming election the date of which is now unknown but had been expected to take place in 2020 may come up with additional changes/risk factors affecting the project's implementation. Regular follow up and consultation will be undertaken with senior management of the Supreme Court to assess changing situations and make the necessary adjustments in project implementation to mitigate the consequences of identified risk factors.

The duration of the program is two years. There is a need to implement multiple activities simultaneously. Timely implementation of activities requires high level of efficiency of project staff and coordination among all concerned. Close monitoring and follow up of implementation of activities is needed to identify potential risks and undertake the necessary measures to ensure achievement of planned results. UNDP will continue monitoring the risk factors and propose mitigation strategies, while at the same time providing backstopping/technical support and quality assurance.

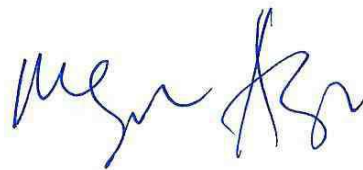
The judiciary is by far a conservative sector; resistance to change is expected which may affect the timeliness of project implementation. The impact of COVID-19 on the project is also being assessed. A continuous advocacy and awareness approach will be required to forge a common vision among all concerned.

Critical Risk Factors and Mitigation Response

Risk Category	Risks Factor	Mitigating Response
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<p>Delivery Risk</p>	<ul style="list-style-type: none"> • Inadequate capacities of IP to implement the project in a timely fashion • Resistance to change following from the reform process • Possible change of pathways and implementation strategy occurring during project implementation. • COVID-19 pandemic related measures undertaken by the government of Ethiopia such as declaration of State of Emergency putting restrictions on travel, public gatherings, etc, in place, closure of public offices, including courts, hindering smooth implementation of project activities 	<ul style="list-style-type: none"> - Assess delivery capacity of IP and inject capacity development support - Undertake regular reviews at short intervals to track implementation bottlenecks and address all delivery deficiencies in time - Negotiate and ensure, flexibility to use NIM and DIM interchangeably where they are most appropriate to facilitate speedy and quality of delivery - Hold regular meetings with the IP to exchange views and to ensure all stakeholders are fully participating in the decision-making process and continuous monitoring exercises - Project implementation will be informed by regular early warning systems, COVID 19 response measures undertaken by the government as well as UNDP. The necessary adjustments will be made accordingly.
<p>Protection Risk</p>	<ul style="list-style-type: none"> • Project activities raise sensitive grievances and increase the potential for inter-agency tensions • Public dialogue and opportunity for open expression of views risks the safety and security of people involved • Some traditional mechanisms and practices limit the participation of women and youth, the most marginalized groups 	<ul style="list-style-type: none"> - Assess the capacity and tolerance of institutions (Courts at regional and federal level and at various tiers, traditional dispute resolution mechanisms and other justice sector institutions) to open dialogue - Ensure structures with specialized skills in addressing women-specific violations where social and cultural sensitivity are established and supported; - Design and ensure the implementation of a robust gender mainstreaming and women's protection checklist that account for the special needs of women and ensure IP reports on it on a regular basis - Design methodologies that address the concerns of women, persons with disability, marginalized segments of society and youth
<p>Political Risk</p>	<ul style="list-style-type: none"> • Political instability affects smooth implementation of the project. 	<ul style="list-style-type: none"> - Project implementation will be informed by regular early warning systems - Regular feedback mechanisms from the IP will include security situation assessment



Fiduciary Risk	<ul style="list-style-type: none"> • Project funds miss-used or diverted to other use by Implementing Partner. • Limited success in mobilization of funding due to limited donor interest, or decision of donor to divert funds to other priorities. 	<ul style="list-style-type: none"> - Institute rigorous quarterly review and monitoring processes - Introduce and maintain robust financial management and control systems, and reporting within short intervals; - Identify and address issues and concerns donors may have that hinder them from supporting the project
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V. GOVERNANCE AND MANAGEMENT ARRANGEMENTS

The Project will use a mixed modality for implementation. Both National and Direct Implementation Modalities (NIM and DIM) will be adopted where both FSC and UNDP will act as Implementing Partners (IP). Ministry of Finance (MoF) is responsible for the overall coordination of UN Assisted Programmes in Ethiopia and as such assumes the ultimate responsibility, on behalf of the Government of Ethiopia, and is accountable for results and resources under Government management. The FSC, as Project implementation Partner, is responsible for implementation of the project and achievement of the results, in accordance with the UNDP NIM and Government of Ethiopia PIM guidelines, and per the Project Document.

MoF and UNDP will provide oversight on quality assurance, ensuring that project resources are utilized effectively and efficiently in the achievement of the intended results. Further, UNDP will be responsible for facilitation of project implementation, providing technical support and quality assurance. Monitoring and Evaluation mechanisms will be put in place to ensure quality implementation and results reporting.

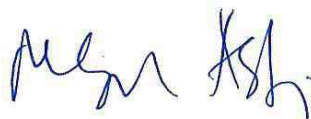
The governance arrangement of the project will include Project Steering Committee (PSC) and Project Technical Team (PTT).

I. Project Steering Committee (PSC)

The Project will be overseen by a Project Steering Committee co-chaired by the Federal Supreme Court and UNDP. SIDA and other contributing donors will be full members of the PSC. The PSC will approve annual plans and budget allocations and receive and review annual progress and financial reports. It will also address and consider or propose remedies to any issues brought to its attention that require policy decision. These may relate to policy and substantive matters, partnership and cooperation, management of operations and financial allocations. The PSC will meet bi-annually.

II. Project Technical Team (PTT):⁹

⁹ Detailed Term of Reference will be developed and adopted both for the PSC and PTT

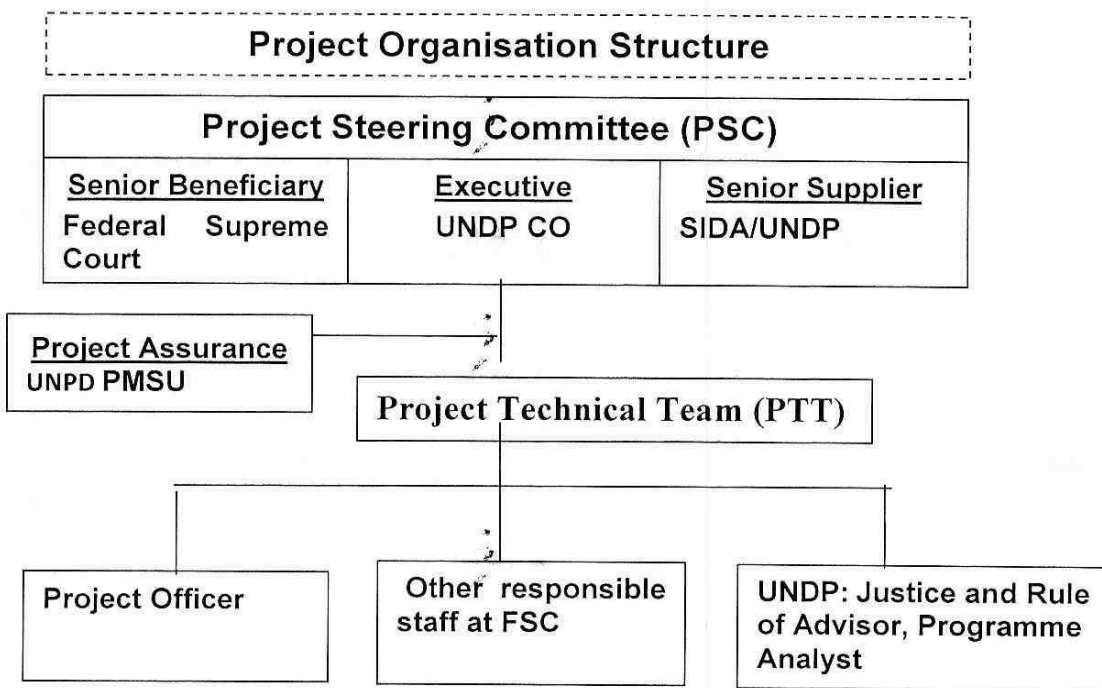


The PTT is the entity responsible for the effective and timely implementation of project activities that is accountable to the PSC and to UNDP and FSC management. The PTT will comprise of a Project Coordinator at the FSC, UNDP Programme Analyst, and other responsible staff at FSC and UNDP.

The Project Officer is responsible for handling all matters related to the implementation of the Project including following up implementation, reporting and monitoring of the project. A Project Finance Officer will handle project's finance related matters. Both the Project Coordinator and Finance Officer will be hosted by the FSC.

The Justice and Rule of Advisor within UNDP, in close coordination with the Programme Analyst will provide the necessary technical backstopping, and advisory support to the project, under the leadership of the UNDP Governance and Capacity Development Team Leader. UNPD Project Support and Management Unit (PSMU) are responsible for project quality assurance.

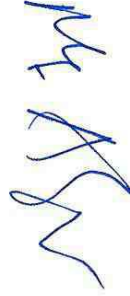
Governance Structure of the Support to Judicial Reform in Ethiopia Project:



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VI. RESULTS FRAMEWORK¹⁰

¹⁰ UNDP publishes its project information (indicators, baselines, targets and results) to meet the International Aid Transparency Initiative (IATI) standards. Make sure that indicators are S.M.A.R.T. (Specific, Measurable, Attainable, Relevant and Time-bound), provide accurate baselines and targets underpinned by reliable evidence and data, and avoid acronyms so that external audience clearly understand the results of the project.



Intended Outcome as stated in the UNSDCF/Country [or Global/Regional] Programme Results and Resource Framework:
Contributing Outcome (UNSDCF /CPD, RPD or GPD):

UNSDCF OUTCOME: By 2025, all people in Ethiopia live in a cohesive, just, inclusive and democratic society.

Output 2: Capacities and functions enhanced at all levels within Government and in society to respect human rights and strengthen rule of law, access to justice and protection for vulnerable populations.

Expected Strategic Plan Output 1.2

CPD Output: (modified IRRF 2.2.3)

Capacities, functions and financing of rule of law and national human rights institutions and systems strengthened to promote and protect human rights, expand access to justice and combat discrimination, with a focus on women and other marginalized groups.

CPD output Indicators:

1.2.1 Extent of strengthened capacities for governance and oversight of justice and rule of law institutions (IRRF 2.2.3.3)

- Baseline (2019): 1
- Target: 2

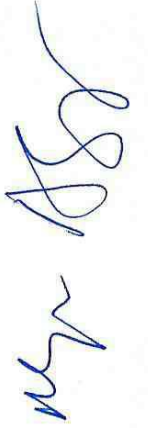
Source: OAG, Supreme Court, NEBE, MOP

Frequency: annual

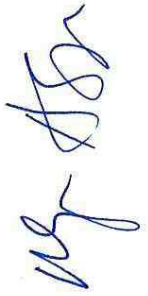
Project Title and Atlas Project Number: Support to Judicial Reform in Ethiopia

EXPECTED OUTPUTS	OUTPUT INDICATORS ¹¹	DATA SOURCE	BASELINE		DATA COLLECTION METHODS		
			Value	Year	Year	FINAL	
Outcome: Judicial operations become more transparent, efficient and effective through support to the judicial reform in Ethiopia.							
Output 1 Operational capacity and efficiency of the judiciary enhanced	1.1. Number of experts supporting the Justice sector reform.	FSC	Two national experts supported the FSC and LAAAC	2020	2	2	FSC Reports
	1.2. Number of assessment reports on the existing judicial training mechanism conducted		0	2020	1	1	FSC Reports

¹¹ It is recommended that projects use output indicators from the Strategic Plan IRRF, as relevant, in addition to project-specific results indicators. Indicators should be disaggregated by sex or for other targeted groups where relevant.



Output 2 Transparency of the Judiciary and access to justice enhanced	1.3. Number of curriculums and training modules designed			Curriculum of the Judicial Training Program offered by the Legal and Justice Research and Training Institute (LJRTI)	1	1	FSC Reports
	1.4. Number of judges with enhanced awareness judicial training programs, disaggregated by sex			Judicial Training Program offered by the Legal and Justice Research and Training Institute (LJRTI)	(4 sets of trainings with 2 rounds/group; 50 judges per round/group)		FSC Reports
	1.5. Rate of backlog reduction at Federal Courts			Backlog reduction Strategy of the FSC, FHC and FFIC			FSC Reports
	1.6. Number of assessment reports on Judicial mapping and geographical rezoning			Geographical zoning of federal courts in Addis Ababa	1	1	Assessment report.
	1.7. Number of assessment reports on Judicial mapping and geographical rezoning	FSC	0		1	1	Assessment Reports, FSC Reports
	1.8. Number of Judicial Reform Project office equipped/established				1	1	
	2.1. Number of Gender auditing of federal courts judges and staff undertaken		0		1	1	Gender audit report, FSC report
	2.2. Number of assessment reports produced on women court users		0			1	



	2.3. Number of female court users supported as per recommendation of the assessment						FSC report
	2.4. Number of Work Place Anti-harassment and Anti-Discrimination Policy developed	In house survey on Staff perception of work place harassment	1				Policy document, FSC Report.
	2.5. Number of Mentoring and Coaching Program Toolkit developed	0	1				Practical, user friendly toolkit document
	2.6. Number of female judges with enhanced awareness on mentoring and coaching	0	2	2			FSC Report
	2.7. Number of Communication strategies developed	0	1	1			Strategy document, FSC Reports
	2.8. Number of additional Public relations and communication experts	No PR officer in FHC and FFIC	2				UNDP/FSC Report
	2.9. Number of trainings on issues of Public relations		2				FSC Report
	2.10. Number of audio-visual sets of equipment for PR offices		3				FSC Report
	2.11. Number of Legal and Justice Clubs in Primary and Secondary Schools established	MoU between the FSC, Ministry of Education and Higher Education					Observation of Club activities/ FSC Reports

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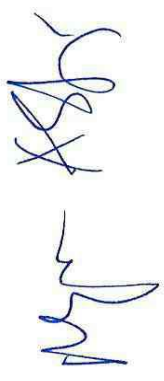
Output 3: Alternative Dispute Resolution mechanisms strengthened	2.12 Number of awareness creation forums for students created.		MoU between the FSC, Ministry of Education and Ministry of Science and Higher Education			Feedback of students attended in the forums/ FSC, Reports
	2.12. Number of awareness creation programs on Rule of law and the role of courts in promoting justice, human rights and democracy, through media outlets, town hall meetings.		FSC Public Legal Education TV Program			FSC Reports
	3.1. Number of assessment reports produced on ADR; feasibility of Mandatory out of Court Dispute Resolution		Pilot Court Annexed Mediation Program in FFIC and FHC	1	1	Assessment report
	3.2. Number of training modules developed		0	1	1	Training Modules, FSC Report
	3.3. Number of mediators with enhanced awareness on mediation		TBC			FSC Report
	3.4. Number of Court Annexed Mediation Office established/ strengthened; Number of cases settled by mediation		1 office and six centres	7	7	FSC Report

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VII. MONITORING AND EVALUATION

The monitoring activities will be conducted throughout the duration of the project by the team. Monitoring is abided by the UNDP Monitoring and Evaluation (hereinafter referred to as M&E) manual.

Partnership Management Support Unit (PMSU) within UNDP will provide support to programme monitoring and evaluation, quality assurance, annual workplans, submission of annual and quarterly progress and financial reports as per the tools and templates in the UNDP M&E manual. Review meeting will be conducted on regular basis (every six months) to assess project's performance. The Federal Supreme Court will submit progress and financial report as per agreed work plan and budget based on the standard reporting template. UNDP will prepare consolidated annual report and submit to development partner as per agreed time frame.

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VIII. MULTI-YEAR WORK PLAN¹²

EXPECTED OUTPUTS	PLANNED ACTIVITIES	Planned Budget by Year		RESPONSIBLE PARTY	PLANNED BUDGET		
		Y 1	Y2		Funding Source	Budget Description	Amount
Output 1: Operational capacity and efficiency of the judiciary enhanced Gender marker: 2	Activity 1.1: Provide technical support:						
	Action 1.1.1: Assignment of experts to provide technical and advisory services to the Justice Sector Reform and the Federal Supreme Court.	X	X	UNDP	SIDA	Action 1.1.1: Assignment of technical experts	100,000.00
	Activity 1.2: Establish Judicial Training Program	X			SIDA	Action 1.2. Expert to conduct assessment, design curriculum; conduct trainings	205,121.00
	Activity 1.3.: Clear court case Backlog			Federal Supreme Court	SIDA	Action1.3: Support reduction of backlog	117,250.00

¹² Cost definitions and classifications for programme and development effectiveness costs to be charged to the project are defined in the Executive Board decision DP/2010/32

¹³ It should be noted that the Project is a continuation of a Project Initiation Plan (PIP). PIP will be used for implementation of Project activities from January 2020 until LAPC date and the date When funds (remaining balance) will be moved to the new project on Atlas. Changes to a project budget affecting the scope (outputs), completion date, or total estimated project costs require a formal budget revision that must be signed by the project board. In other cases, the UNDP programme manager alone may sign the revision provided the other signatories have no objection. This procedure may be applied for example when the purpose of the revision is only to re-phase activities among years.

	Activity 1.4.: Conduct Assessment on Federal-Regional Cooperation and	X	UNDP/ Federal Supreme Court	57,450.00
	Activity 1.4.1. Conduct training for regional/state courts		UNDP/ Federal Supreme Court	<p>Action 1.4.1. National expert to support the SC, Provide capacity building and logistic support to regional courts, conduct capacity building activities for Judges in regions.</p>
	Activity 1.4.2. Conduct Judicial Mapping	X	UNDP/ Federal Supreme Court	<p>Action 1.4.2.: <ul style="list-style-type: none"> •Conduct assessment and consultation for geographical re-zoning and zoning of federal courts •Propose legislative review of the law that established federal courts in five regional states </p>
	Activity 1.5.:Establish a Judicial Reform Project Office	X	Federal Supreme Court	<p>Action 1.5.1.: Setup structure & office Recruit experts/technical staff</p>
	Sub-Total for Output 1:			661,657.00
Output 2 Transparency of the Judiciary and access to justice enhanced	Activity 2.1. Conduct activities aimed at enhancing gender equality and women's empowerment in courts	X	UNDP/ Federal Supreme Court	<p>Action 2.1.1. 70,250.00</p>

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	<p>Activity 1.4.: Conduct Assessment on Federal-Regional Cooperation and</p>	X	UNDP/ Federal Supreme Court	SIDA	<p>Action 1.4.1. National expert to support the SC, Provide capacity building and logistic support to regional courts, conduct capacity building activities for Judges in regions.</p>	57,450.00	
	<p>Activity 1.4.1. Conduct training for regional/state courts</p>				<p>Action 1.4.2.: <ul style="list-style-type: none"> •Conduct assessment and consultation for geographical re-zoning and zoning of federal courts •Propose legislative review of the law that established federal courts in five regional states </p>	28,050.00	
	<p>Activity 1.4.2. Conduct Judicial Mapping</p>	X	UNDP/ Federal Supreme Court	SIDA			
	<p>Activity 1.5.:Establish a Judicial Reform Project Office</p>	X	Federal Supreme Court	SIDA	<p>Action 1.5.1.: Setup structure & office Recruit experts/technical staff</p>	153,786.00	
	Sub-Total for Output 1:						661,657.00
<p>Output 2 Transparency of the Judiciary and access to justice enhanced</p>	<p>Activity 2.1. Conduct activities aimed at enhancing gender equality and women's empowerment in courts</p>	X	UNDP/ Federal Supreme Court	SIDA	<p>Action 2.1.1.</p>	70,250.00	

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	Sub-Total for Output 2:				206,899.00
Output 3: Alternative Dispute Resolution mechanisms strengthened <i>Gender marker: 2</i>	Activity 3.1.1.: Provide support for strengthening Mandatory Out of Court Dispute Resolution in Selected Cases	X	X	UNDP/ Federal Supreme Court SIDA	Action 3.1.1.1.: Conduct assessment and consultation on ADR in Ethiopia and feasibility of assigning cases for mandatory out of court dispute resolution • Identify types of cases that could be assigned to mandatory mediation and propose legislative review • Establish a court annexed mediation office 70,065.00
Sub-Total for Output 3:					70,065
Total Program Costs					938,621
GMS 8% of the total budget					69,527
DPC 3% of total cost					28,159
M&E Communication					4,693
Programable budget (after deduction of GMS, DPC and M&E)					836,242
Total Program Budget					1,041,000

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IX. LEGAL CONTEXT

This project document shall be the instrument referred to as such in Article 1 of the Standard Basic Assistance Agreement between the Government of (country) and UNDP, signed on (26th February 1981). All references in the SBAA to "Executing Agency" shall be deemed to refer to "Implementing Partner."

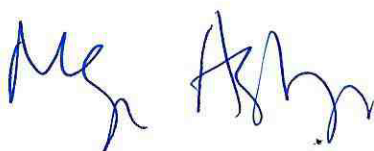
This project will be implemented by FSC ("Implementing Partner") in accordance with its financial regulations, rules, practices and procedures only to the extent that they do not contravene the principles of the Financial Regulations and Rules of UNDP. Where the financial governance of an Implementing Partner does not provide the required guidance to ensure best value for money, fairness, integrity, transparency, and effective international competition, the financial governance of UNDP shall apply.

X. RISK MANAGEMENT

1. Consistent with Article III of the SBAA, the responsibility for the safety and security of the Implementing Partner and its personnel and property, and of UNDP's property in the Implementing Partner's custody, rests with the Implementing Partner. To this end, the Implementing Partner shall:
 - a) put in place an appropriate security plan and maintain the security plan, taking into account the security situation in the country where the project is being carried;
 - b) assume all risks and liabilities related to the Implementing Partner's security, and the full implementation of the security plan.

2. UNDP reserves the right to verify whether such a plan is in place, and to suggest modifications to the plan when necessary. Failure to maintain and implement an appropriate security plan as required hereunder shall be deemed a breach of the Implementing Partner's obligations under this Project Document.

3. The Implementing Partner agrees to undertake all reasonable efforts to ensure that no UNDP funds received pursuant to the Project Document are used to provide support to individuals or entities associated with terrorism and that the recipients of any amounts provided by UNDP hereunder do not appear on the list maintained by the Security Council Committee established pursuant to resolution 1267 (1999). The list can be accessed via http://www.un.org/sc/committees/1267/aq_sanctions_list.shtml.



4. The Implementing Partner acknowledges and agrees that UNDP will not tolerate sexual harassment and sexual exploitation and abuse of anyone by the Implementing Partner, and each of its responsible parties, their respective sub-recipients and other entities involved in Project implementation, either as contractors or subcontractors and their personnel, and any individuals performing services for them under the Project Document.

(a) In the implementation of the activities under this Project Document, the Implementing Partner, and each of its sub-parties referred to above, shall comply with the standards of conduct set forth in the Secretary General's Bulletin ST/SGB/2003/13 of 9 October 2003, concerning "Special measures for protection from sexual exploitation and sexual abuse" ("SEA").

(b) Moreover, and without limitation to the application of other regulations, rules, policies and procedures bearing upon the performance of the activities under this Project Document, in the implementation of activities, the Implementing Partner, and each of its sub-parties referred to above, shall not engage in any form of sexual harassment ("SH"). SH is defined as any unwelcome conduct of a sexual nature that might reasonably be expected or be perceived to cause offense or humiliation, when such conduct interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment.

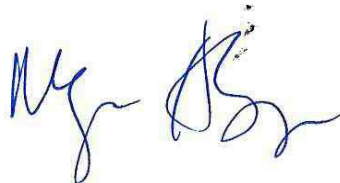
5. a) In the performance of the activities under this Project Document, the Implementing Partner shall (with respect to its own activities), and shall require from its sub-parties referred to in paragraph 4 (with respect to their activities) that they, have minimum standards and procedures in place, or a plan to develop and/or improve such standards and procedures in order to be able to take effective preventive and investigative action. These should include: policies on sexual harassment and sexual exploitation and abuse; policies on whistleblowing/protection against retaliation; and complaints, disciplinary and investigative mechanisms. In line with this, the Implementing Partner will and will require that such sub-parties will take all appropriate measures to:

- i. Prevent its employees, agents or any other persons engaged to perform any services under this Project Document, from engaging in SH or SEA;
- ii. Offer employees and associated personnel training on prevention and response to SH and SEA, where the Implementing Partner and its sub-parties referred to in paragraph 4 have not put in place its own training regarding the prevention of SH and SEA, the Implementing Partner and its sub-parties may use the training material available at UNDP;

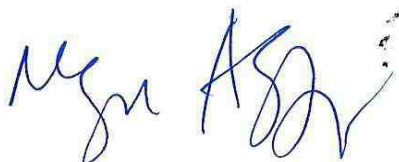
- iii. Report and monitor allegations of SH and SEA of which the Implementing Partner and its sub-parties referred to in paragraph 4 have been informed or have otherwise become aware, and status thereof;
- iv. Refer victims/survivors of SH and SEA to safe and confidential victim assistance; and
- v. Promptly and confidentially record and investigate any allegations credible enough to warrant an investigation of SH or SEA. The Implementing Partner shall advise UNDP of any such allegations received and investigations being conducted by itself or any of its sub-parties referred to in paragraph 4 with respect to their activities under the Project Document, and shall keep UNDP informed during the investigation by it or any of such sub-parties, to the extent that such notification (i) does not jeopardize the conduct of the investigation, including but not limited to the safety or security of persons, and/or (ii) is not in contravention of any laws applicable to it. Following the investigation, the Implementing Partner shall advise UNDP of any actions taken by it or any of the other entities further to the investigation.

b) The Implementing Partner shall establish that it has complied with the foregoing, to the satisfaction of UNDP, when requested by UNDP or any party acting on its behalf to provide such confirmation. Failure of the Implementing Partner, and each of its sub-parties referred to in paragraph 4, to comply of the foregoing, as determined by UNDP, shall be considered grounds for suspension or termination of the Project.

6. Social and environmental sustainability will be enhanced through application of the UNDP Social and Environmental Standards (<http://www.undp.org/ses>) and related Accountability Mechanism (<http://www.undp.org/secu-srm>).
7. The Implementing Partner shall: (a) conduct project and programme-related activities in a manner consistent with the UNDP Social and Environmental Standards, (b) implement any management or mitigation plan prepared for the project or programme to comply with such standards, and (c) engage in a constructive and timely manner to address any concerns and complaints raised through the Accountability Mechanism. UNDP will seek to ensure that communities and other project stakeholders are informed of and have access to the Accountability Mechanism.
8. All signatories to the Project Document shall cooperate in good faith with any exercise to evaluate any programme or project-related commitments or compliance with the UNDP Social and Environmental Standards. This includes providing access to project sites, relevant personnel, information, and documentation.



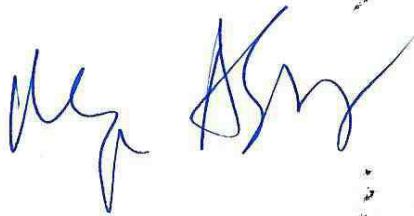
9. The Implementing Partner will take appropriate steps to prevent misuse of funds, fraud or corruption, by its officials, consultants, responsible parties, subcontractors and sub-recipients in implementing the project or using UNDP funds. The Implementing Partner will ensure that its financial management, anti-corruption and anti-fraud policies are in place and enforced for all funding received from or through UNDP.
10. The requirements of the following documents, then in force at the time of signature of the Project Document, apply to the Implementing Partner: (a) UNDP Policy on Fraud and other Corrupt Practices and (b) UNDP Office of Audit and Investigations Investigation Guidelines. The Implementing Partner agrees to the requirements of the above documents, which are an integral part of this Project Document and are available online at www.undp.org.
11. In the event that an investigation is required, UNDP has the obligation to conduct investigations relating to any aspect of UNDP projects and programmes in accordance with UNDP's regulations, rules, policies and procedures. The Implementing Partner shall provide its full cooperation, including making available personnel, relevant documentation, and granting access to the Implementing Partner's (and its consultants', responsible parties', subcontractors' and sub-recipients') premises, for such purposes at reasonable times and on reasonable conditions as may be required for the purpose of an investigation. Should there be a limitation in meeting this obligation, UNDP shall consult with the Implementing Partner to find a solution.
12. The signatories to this Project Document will promptly inform one another in case of any incidence of inappropriate use of funds, or credible allegation of fraud or corruption with due confidentiality.
- Where the Implementing Partner becomes aware that a UNDP project or activity, in whole or in part, is the focus of investigation for alleged fraud/corruption, the Implementing Partner will inform the UNDP Resident Representative/Head of Office, who will promptly inform UNDP's Office of Audit and Investigations (OAI). The Implementing Partner shall provide regular updates to the head of UNDP in the country and OAI of the status of, and actions relating to, such investigation.
13. UNDP shall be entitled to a refund from the Implementing Partner of any funds provided that have been used inappropriately, including through fraud or corruption, or otherwise paid other than in accordance with the terms and conditions of the Project Document. Such amount may be deducted by UNDP from any payment due to the Implementing Partner under this or any other agreement.



Where such funds have not been refunded to UNDP, the Implementing Partner agrees that donors to UNDP whose funding is the source, in whole or in part, of the funds for the activities under this Project Document, may seek recourse to the Implementing Partner for the recovery of any funds determined by UNDP to have been used inappropriately, including through fraud or corruption, or otherwise paid other than in accordance with the terms and conditions of the Project Document.

Note: The term "Project Document" as used in this clause shall be deemed to include any relevant subsidiary agreement further to the Project Document, including those with responsible parties, subcontractors and sub-recipients.

14. Each contract issued by the Implementing Partner in connection with this Project Document shall include a provision representing that no fees, gratuities, rebates, gifts, commissions or other payments, other than those shown in the proposal, have been given, received, or promised in connection with the selection process or in contract execution, and that the recipient of funds from the Implementing Partner shall cooperate with any and all investigations and post-payment audits.
15. Should UNDP refer to the relevant national authorities for appropriate legal action any alleged wrongdoing relating to the project, the Government will ensure that the relevant national authorities shall actively investigate the same and take appropriate legal action against all individuals found to have participated in the wrongdoing, recover and return any recovered funds to UNDP.
16. The Implementing Partner shall ensure that all of its obligations set forth under this section entitled "Risk Management" are passed on to each responsible party, subcontractor and sub-recipient and that all the clauses under this section entitled "Risk Management Standard Clauses" are included, *mutatis mutandis*, in all sub-contracts or sub-agreements entered into further to this Project Document.



XI. ANNEXES

1. **Project Quality Assurance Report**
2. **Capacity Assessment:** Results of capacity assessments of Implementing Partner (including HACT Micro Assessment)
3. **Project Board Terms of Reference and TORs of key management positions**

M. Ash