



Interoffice Memorandum

Date: 07th December 2017

To: Valerie Cliff
Deputy Director- RBAP

From: Jorn Sorensen
Country Director- UNDP Sri Lanka

A handwritten signature in blue ink, appearing to be 'Jorn Sorensen', is written over the name in the 'From:' field.

CC: Tshering Pem
Country Programme Specialist, Bangkok Regional hub

FILE: SRI LANKA

Subject: Request for Approval of Direct Implementation Modality – UNDP Sri Lanka’s Peacebuilding, Access to Justice and Human Rights Programme Portfolio

This Memorandum is to request for the approval of the use of the Direct Implementation Modality (DIM) for UNDP Sri Lanka’s Peacebuilding, Access to Justice and Human Rights Programme Portfolio, being implemented until 31 December 2019.

Background

Following the changes in context in 2015, which included the election of a new President and formation of a Unity Government, passing of a Human Rights Council Resolution on Sri Lanka relating to reconciliation and accountability, and the Government's initiation of a number of governance reforms processes, several entry points for UNDP to support Sri Lanka on its path to strengthened accountability, peacebuilding and development were created.

The focus of the Development Partners (DP), including the co-sponsors of the October 2015 Human Rights Council Resolution, has since been upon furthering access to justice (primarily the government’s commitments to further transitional justice in Sri Lanka), reconciliation, providing support for independent oversight mechanisms and the Parliament of Sri Lanka to strengthen accountability and oversight and constitutional reforms.

UNDP has also proven to be the DP’s partner of choice to provide technical advisory and programming support to Sri Lanka, using the direct implementation modality, considering UNDP’s established relationship with the government and non-government stakeholders, relationship with the UN Resident Coordinator’s Office, convening ability following the changes in context in Sri Lanka, previously achieved programmatic results in the Portfolio thematic areas, proven international comparative expertise and effective management systems. UNDP’s ability to be flexible and respond to a rapidly changing context has also been a critical deciding factor to securing the DPs interest in UNDP.

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Programmatic Framework and Resource Mobilization

Against the above mentioned backdrop, prior to the formulation of a consolidated Programmatic Framework on Peacebuilding, Access to Justice and Human Rights, UNDP Sri Lanka was compelled to respond to a high level of resource mobilization opportunities (estimated at USD 11million, with donor contributions from the UN Peacebuilding Fund, the EU as part of a UN Joint Programme, British Government and US State Department) between 2016 and early 2017, and initiate implementation as a priority to respond to the achievement of established delivery targets. Therefore, while a consolidated draft Results Framework was developed in 2017, a Programmatic Framework will be developed in 2018, corresponding to the 2018-2022 Country Programme, following the completion of the Country Office restructuring.

The Peacebuilding, Access to Justice and Human Rights portfolio, has been developed to support the implementation of the 4 integrated Pillars of the Sri Lanka Peacebuilding Priority Plan (PPP).

The Sri Lanka Peacebuilding Priority Plan (PPP) was formulated under the leadership and oversight of the Peacebuilding Board, co-chaired by the Ministry of Foreign Affairs and the UN Resident Coordinator, and comprising of 16 Government Ministries/Departments (mostly at Secretary level), 3 Civil Society Representatives, 1 INGO representative and the EU Delegation as the representative of the Development Partners in Sri Lanka. In order to operationalize the PPP, the lead technical UN Agencies will directly implement projects in close partnership with the respective Government institutions and other stakeholders. All projects were designed in consultation with the respective government partners and approved by the Peacebuilding Board.

Justification for adoption of DIM Modality

UNDP Sri Lanka's previous experience of NIM modality has proven to be ineffective, given the bureaucracy within the government system and has in several instances in the past, led to significant delays in implementation. Further, several projects where UNDP has signed contracts with donors are time bound and meant to be catalytical. In particular, the EU funded project which has an 18-month implementation period and is the largest project in the portfolio. Other projects, namely the INL funded project, the PBF project and the British funded project which support the implementation of the PPP are also timebound, requiring speedy delivery.

UNDP Sri Lanka has in the past implemented several DIM projects, endorsed by the Regional Bureau. The largest of these being the Governance for Local Economic Development (GLED) programme implemented since 2013, with a budget of US\$30m. Also, the PBF is a global programme which is implemented under DIM modality.

Considering the need to fast track delivery (both internally within UNDP and externally in relation to showing results for the government), as well as the reasons indicated above, DIM modality is best suited for this programme.

On 12th May 2017, the Resident Coordinator UN Ms. Una McCauley wrote to the Director General of the External Resources Department (ERD) of the Government of Sri Lanka, explaining the planned projects and requesting ERD support to take implementation forward. While UNDP has not received a formal

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request for DIM modality implementation from the government, there has been no indication of objection to adopting DIM modality (see attached communication from the UN RC to the ERD).

Proposed Steering and Reporting Arrangement

Informed by the Mid Term Review and Outcome Evaluation of the 2013-2017 Country Programme and the former Strengthening Enforcement of Law, Access to Justice and Social Integration (SELAJSI) Programme, it became evident that UNDP needed to make course adjustments to its Programming on access to justice, peacebuilding and human rights, including to its implementation modality. Changes were deemed necessary in order to be able to improve the achievement of results, to improve cost efficiencies, strengthen the pace of implementation and have the flexibility to work with a wider range of government and non-government partners- particularly in a complex institutional context, and ability to mobilize more resources to support development efforts in Sri Lanka.

The Country Office therefore directly implements its Peacebuilding, Access to Justice and Human Rights portfolio, through the placement of a consolidated dynamic team headed by a Programme Manager that will manage this area of work, together with a team of Technical/Project Specialists, Project Associates and Project Assistants, and monitoring, evaluation and knowledge management expertise, working across the complementary and inter-linked areas of Programming, and given that the time frame for the achievement of results for the funding mobilized is between 18- 24 months. The Portfolio also provides extensive programming and management support for the UN Resident Coordinator's Office, and the Office of the High Commissioner for Human Rights.

At the strategic level, the Portfolio will also report through the UN Resident Coordinator's Office primarily to the Peacebuilding Board, Co-Chaired by the Ministry of Foreign Affairs and the UN Resident Coordinator, which has approved the funding received for implementation of the PPP, and monitors progress of implementation. For day to day management and decision-making purposes, Working Groups are established focusing on Transitional Justice, Human Rights and Independent Commissions and Access to Justice with the relevant partners for periodic review of progress, challenges, the need for course adjustments and knowledge management.

Attachments:

Attachment 1: Ministry of Foreign Affairs Endorsement for PBF-IRF Implementation

Attachment 2: UN Resident Coordinator/UNDP Resident Representative Communication to the External Resources Department on Directly Implemented Projects

Attachment 3: Presentation to the Peacebuilding Board of the PBF Funded Projects + Related Meeting Minutes

Attachment 4: Partner Meeting Minutes- Victim and Witness Protection and SGBV Response

Attachment 5: Draft Consolidated Results Framework for the Portfolio

Attachment 6: Sri Lanka Peacebuilding Priority Plan