

MIDEAST/2021/422-722 - ANNEX I:
PROJECT DOCUMENT
UNDP IRAQ



Empowered lives.
Resilient nations.

Project Title: Support to justice initiatives curbing corruption and promoting commercial dispute resolution

Implementing Partner: UNDP Country Office Iraq

National development priority: UNSDCF Outcome (2020-2024) involving UNDP: Outcome 3.1- Strengthened institutions and systems deliver people-centred, evidence and needs-based equitable and inclusive gender and age-responsive services, especially for the most vulnerable populations, with particular focus on advocating for women's leadership in decision-making processes

Related UNDP Strategic Plan Outcome (2018-2021): Capacities and systems for transparency and accountability improved in key policymaking and oversight structures to mitigate the risk of corruption.

Sustainable Development Goals (SDGs): SDG 16

Gender marker²: 2

Brief Description

Iraq's rampant corruption, impacting on every aspect of its citizens' lives, was one reason for civil unrest in October 2019. Low oil prices and the pandemic have accelerated the quest for change. Against the background of popular calls for action against corruption and the need for international investment in Iraq, the international community has improved conditions to engage with the government and provide support in taking substantive and sustainable steps to combat corruption and promote economic growth. Prime Minister Mustafa Al-Kadhimi's government has identified anti-corruption efforts and administrative reforms as key priorities of the Government Programme.¹ This Programme aspires to promote the work of anti-corruption entities and support them to accelerate corruption cases that have been pending for years.

In support of national efforts, the project aims at achieving the following three key outputs: (1) improvement of the legislative and strategic framework on corruption; (2) supporting the justice sector, lawyers and the Commission of Integrity to process corruption offences with improved technical skills relevant for corruption investigation, prosecution, adjudication and improved integrity rules of the justice sector; and (3) improving the capacity and legal framework to conduct commercial litigation through better legal and institutional infrastructure for alternative dispute resolution and further development of commercial courts. Key partners are federal (and where applicable regional) commissions of integrity (CoI), government, parliament, and the justice sector.

Iraq's legal framework provides a good basis for advancing anti-corruption reforms though some adjustments, clarifications and reorganizations (codification of offences in the penal code and anti-corruption institutions in an anti-corruption law) would improve it in line with the UN Convention against Corruption (UNCAC). The project aims at creating a working group to advance corruption and justice related legislation; supporting CoI's analytical capacities (reporting, impact assessments); and supporting the finalization and implementation of the federal and regional anti-corruption strategies.

The project will seek to strengthen the capacity of specialized institutions adjudicating and investigating corruption offences. Where possible it also aims at achieving a positive spill-over effect for justice reforms in general by working in close collaboration with the Higher Judicial Council supporting the review and improvement of integrity and disciplinary mechanisms in the justice sector. The project also seeks to build Iraq's ability to recover stolen assets.

¹ Government Programme, Prime Minister's Office, Republic of Iraq, May 2020.

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[Signature]

The project will promote increased use of commercial arbitration, support Iraq in developing legislation on commercial litigation and arbitration and on the execution of arbitral awards in Iraq, thus paving the way for Iraq's accession to the UN Convention on the Recognition and Enforcement of Arbitral Awards.² The project will ensure the Parliament's buy-in on anti-corruption, integrity and investment reforms and promote understanding of corruption work and integrity and transparency in Parliament. The overall project design rests on the assumption that achieving these goals will require genuine political commitment from the highest levels of authorities and the judiciary in Iraq.

The project will integrate gender equality, human rights principles and civil society engagement as cross-cutting elements.

² Convention on the Recognition and Enforcement of Foreign Arbitral Awards, New York, 10 June 1958, <http://www.newyorkconvention.org/>.

I.I. Political Context

“Corruption continues to affect the lives of the majority of Iraqis” observed UN Development Programme (UNDP) back in 2013 after an in-depth study into corruption and integrity in Iraq’s civil service, made in collaboration with the UN Office on Drugs and Crime (UNODC) and Iraq's Commission of Integrity (CoI). The situation has not improved much in the interim: Transparency International’s Global Corruption Perceptions Index for 2019 placed Iraq at 162 out of 180 countries.³ According to the World Bank collection of development indicators on Control of Corruption measuring perceptions of the extent to which public power is exercised for private gain, including both petty and grand forms of corruption, as well as "capture" of the state by elites and private interests, the Percentile Rank for Iraq among all countries covered by the aggregate indicator, with 0 corresponding to lowest rank and 100 to highest rank, was reported at 8.65 % in 2019⁴. Furthermore, Iraq is ranked at 3.85 % on rule of law, government effectiveness at 9.62%, and voice and accountability at 22.66% among all countries ranging from 0 (lowest) to 100 (highest) in 2019⁵.

Corruption in Iraq is endemic, conducted systematically at all levels of society and impacting on all aspects of life in Iraq. It leads to the waste of large amounts of public funds, poor service delivery and is an obstacle for foreign direct investment in the private sector. At the highest levels, corruption is a by-product of the political system. The post-2003 *muhāsasa ta’ifiya*, or sectarian apportionment system, means that senior political offices are allocated based on religious and ethnic identity. Ministerial positions and senior civil service positions are also apportioned along sectarian and party lines. This has created an environment where sectarian-based patronage and corruption thrive through the control of public sector appointments and resources – individual political parties control ministries and their budgets. The system has led to the concentration of power and wealth in the hands of the political elite, while some twenty per cent of Iraqis live in poverty⁶ (a figure which is rising in the wake of the COVID-19 pandemic and Iraq’s consequent economic crisis).

With ministries seen primarily as a source of party revenue, the level of service that they provide has steadily fallen. Infrastructure, reconstruction and other large-scale projects are vulnerable to the wholesale misappropriation of funds, contributing to a growing public service delivery crisis. Public protests have multiplied as supplies of electricity and drinking water faltered, leading to widespread popular criticism of the whole political structure and its associated corruption. These calls for change persuaded all political alliances to make the fight against corruption (including ending *muhāsasa* and improving services) part of their electoral campaigns in the 2018 national elections. However, despite this apparent move away from identity politics, when the post-election government was formed, there was again intense competition for sectarian-based political control of government ministries.

The rise to prominence of pro-Iranian militias after they played a central role in the fight against ISIL has further entrenched corruption at the heart of the Iraqi political and economic system. The militias and Iraq’s new political class have supported each other in capturing wealth at all levels of the state, from extortion at checkpoints to public fund embezzlement. Despite attempts by successive prime ministers to rein them in, the militias have been able to rely on their far-reaching political ties and military strength – including a heavily armed presence inside the International Zone of Baghdad, at the centre of government – to avoid being held accountable for their actions. Their handle on Iraq’s political, security and economic nervous system thus poses significant issues of accountability for all actors involved in the country’s numerous graft schemes.

Despite the calls of Grand Ayatollah Ali al-Sistani, who has condemned the infighting over political positions and criticized rampant corruption, no serious or visible efforts were seen in this regard. Iraq’s politicians are aware of their growing disconnect with the people, seen in the falling voter turn-out at each election and in

³ See: <https://www.transparency.org/en/cpi>.

⁴ See Trading Economics at <https://tradingeconomics.com/iraq/control-of-corruption-percentile-rank-wb-data.html>

⁵ Ibid.

⁶ See: <https://mop.gov.iq/news/view/details?id=387>.

the protesters' demands. But there has been no incentive for them to change a system from which they profit so much. The desire for party and personal gain, combined with a lack of accountability and transparency within the system, allows widespread corruption to continue.

But some change may at last be on the horizon. The government's failure to tackle political patronage after the 2018 elections was one reason for the start of large-scale civil unrest in October 2019, with countering corruption and call to return stolen assets prominent among protesters' demands. And it is possible that these demands are, at last, being heard by some in the political firmament. The multiple crises of low oil prices and the pandemic have accelerated the need for a change. With the popular calls for action now growing louder, and in light of the desperate need for international investment in Iraq, engagement by the international community might now persuade the government to take substantive steps to combat corruption – such as adopting a national strategy on fighting corruption and putting in place and implementing comprehensive anti-corruption legislation. The new government of the Prime Minister Mustafa Al-Kadhimi has identified anti-corruption efforts and administrative reforms as key priorities in its Government Programme.⁷ This New Government Programme also aspires to promote entities working on anti-corruption, and laws to accelerate corruption cases that have been pending for years. On 27 August 2020, the government created a committee for the investigation of high-profile corruption cases operating under the Prime Minister.⁸ A step which attempts to overcome the weaknesses of the judiciary compounded by limited citizens' access to justice which provides limited redress to citizens, prevent them from seeing justice being done in rampant publicly reported corruption cases. The Higher Judicial Council (HJC), the self-governing authority over the judiciary of Iraq, expressed its keenness to UNDP to become more effective in its efforts to counter corruption and more efficient in the administration of justice.

Despite political uncertainties, security concerns, lack of a solid and consistently enforced legal system protecting investors and limited or no access to international dispute resolution mechanisms to protect such investments, Iraq has witnessed considerable sums of foreign investments over the past years. The economic imperative to attract more foreign investors provides an incentive for Iraq to consolidate its legal framework for arbitration procedures and make its enforcement more consistent. Difficulties with corruption, customs regulations, dysfunctional visa and residency permit procedures, non-existent dispute resolution mechanisms, electricity shortages, and lack of access to financing remain common complaints of foreign companies operating in Iraq⁹. A solid domestic legal infrastructure and the adoption of generally harmonized international best practices would serve to increase levels of foreign investment and promotes economic growth. Further action by the Government of Iraq is necessary against corrupt practices, to create more legal certainty for investors. Supporting conditions for companies to be able to conduct commercial arbitration procedures and having their arbitral awards enforced will go some way to improve the investment climate in Iraq. By doing so it will help to convey a strong message to potential foreign investors that they can invest in a fair domestic business environment in Iraq with confidence. It in turn will also help to boost confidence of private sector businesses in Iraq when dealing with overseas investors, financiers and suppliers, and help promote private sector development.

I.II. Operational Context

Iraq acceded to the 2003 United Nations Convention Against Corruption (UNCAC) on 17 March 2008 and gradually adjusted its legislative and strategic framework to the Convention. In May 2013, Iraq completed its first review cycle for the Implementation Review Mechanism (IRM) of the Convention, which focused on Chapters III (criminalisation and law enforcement) and IV (international cooperation) and identified several technical assistance needs requested by Iraq to improve the implementation of the Convention. It resulted in recommendations most of which are still applicable today.¹⁰ On 19 June 2019, Iraq began its second IRM, which focuses on the chapters II and V, prevention and asset recovery.¹¹ On 7 July 2020, Iraq sent a formal

⁷ Government Programme, Prime Minister's Office, Republic of Iraq, May 2020

⁸ Diwani Order No. 29 of 28 August 2020.

⁹ See US Department of State, 2019 Investment Climate Statements: Iraq, <https://www.state.gov/reports/2019-investment-climate-statements/iraq/>

¹⁰ The Executive summary is available on UNODC website: : <https://www.unodc.org/unodc/en/corruption/country-profile/countryprofile.html#?CountryProfileDetails=%2Funodc%2Fcorruption%2Fcountry-profile%2Fprofiles%2Ffirg.htm>.

¹¹ See: <https://www.unodc.org/unodc/en/corruption/country->

request for assistance to the Stolen Asset Recovery Initiative of UNODC and World Bank,¹² which requests legislative review, capacity building and concrete case support in relation to the recovery of stolen assets. UNODC has indicated early January 2021 that Iraqi request will be prioritized. These ongoing processes may produce further gap analysis which will be considered during project implementation.

Iraq's legal framework with the recognised strong roles of investigating judges in Iraq for leading criminal investigations following the French-Egyptian model provides a solid basis for focusing on the judiciary for advancing anti-corruption reforms though some adjustments, clarifications and reorganizations (such as the necessary codification of more offences in the penal code and anti-corruption institutions in an anti-corruption law) in line with UNCAC would further improve it.

Iraq approved and – in part – implemented a national Anti-Corruption Strategy for the period 2010-2014 (federal). A follow-on document was developed but never approved and is currently revised and adjusted to the new timeframe 2019-2022. One major shortcoming of the 2014 Strategy as identified by Iraqi authorities was that CoI, the sole responsible entity to oversee and advance the implementation of the Strategy, was not powerful enough to significantly advance implementation with legislative and executive authorities. Currently, the draft National Anti-Corruption Strategy (2019-2022) on the new government agenda awaiting formal approval, includes the following subject matters:

- Benefiting from international experiences in developing and adopting new practices and approaches to raise levels of integrity and combat corruption.
- Activating roles of executive and monitoring bodies within strategic directions; and
- Effectuating the participation of different levels of society in diagnosing relevant manifestations, developing alternatives and strategic programmes, and specifying detailed procedures for each programme.

The draft National Strategy also entails new methods to be applied in relation to the preventive side by adopting a number of diverse evaluations derived from governmental reports, governmental and non-governmental organizations and monitoring institutions in addition to surveys and questionnaires. The draft Strategy also lays out ways to identify sources of corruption and design solutions and alternatives in order to address these forms of corruption within timeframes in support of initiatives presented by executive institutions.

The Kurdistan regional authorities developed their separate Anti-Corruption Strategy for the period 2017-2021. Unfortunately, it was never implemented apparently due to political resistance by parts of the Government and unwillingness to face this resistance by the government bureaucracy. Recently the Strategy was updated (new timeframe 2021-2025) and authorities requested UN support in finalizing and implementing it.

Whether the regional and federal strategies will be adopted until the start of the project implementation or not, they will provide a good entry point for project activities since they are part of many more initiatives and documents in this regard, such as the Government Programme, the draft National Security Strategy entailing strong components on anti-corruption measures, the working of the Office of the National Security Advisor, and the newly government-created committee for the investigation of high-profile corruption cases operating directly under the Prime Minister. Even if the Anti-Corruption Strategies were not formally adopted, the drafts carry authority as having been negotiated and supported by many stakeholders and should be seen in perspective with the many other initiatives that proves the serious commitment of the current Prime Minister.

The legislative power is divided into the Council of Representatives (CoR) and the Federation Council.¹³ The effective exercise of the Council of Representative's oversight and legislative authorities' support is required to advance anti-corruption activities. However, the Parliament has not always been a catalyst of anti-corruption reforms, because related draft legislation was pending its review for longer periods or was rejected. Successive governments in Iraq have allowed corruption to become entrenched and spiralled throughout state institutions. As a result, high-level corruption is systematic and widespread. The situation was further exacerbated by successive governments that were broad alliances and deprived of a strong parliamentary

[profile/countryprofile.html#?CountryProfileDetails=%2Funodc%2Fcorruption%2Fcountry-profile%2Fprofiles%2Firq.html](https://countryprofile.html#?CountryProfileDetails=%2Funodc%2Fcorruption%2Fcountry-profile%2Fprofiles%2Firq.html).

¹² See: <https://star.worldbank.org/>.

¹³ Constitution of Iraq, Articles 48 seq.

opposition, interfering in corruption cases or manipulating corruption investigations for political advantage, silencing critics by intimidation and coercion, and delaying or rejecting anti-corruption legislation and measures. In this context, while the CoR is key to anti-corruption reforms, it is also part of the problem. As such, greater and more effective cooperation and commitment from the CoR will be required in taking forward anti-corruption measures in Iraq. Hence, the project will aim at fostering the Parliament's support to anti-corruption measures by engaging it in joint anti-corruption activities and developing a shared understanding of priorities together with the government. The project will also aim to support CoR champions on anti-corruption and help them to form a strong alliance to pressure legislatures to approve/ endorse anti-corruption reforms to the extent possible.

Iraq features an inquisitorial criminal procedure of the civil law tradition with emphasis on the investigation rather than the trial phase. CoI investigators, under the oversight of specialized investigative judges (integrity judges) work on corruption investigations, while the role of the police is limited. Whereas difficulties in prioritizing cases have long hindered breakthroughs in investigating major cases, policy steps like the creation of a committee for the investigation of high-profile corruption cases on 27 August 2020 seem to indicate increased awareness to counter this trend. The fact that the committee is operating under the Prime Minister and has yet to be fitted into the existing anti-corruption landscape risks that its work is (perceived to be) politicised.¹⁴ Specialization for processing corruption-offences exists at the level of judicial investigation (integrity judges) and – since October 2019- at the trial level for most serious corruption cases (Central Anti-Corruption Court).¹⁵ Specialized judges and prosecutors operate in criminal courts and are assigned to the specialized positions by the Higher Judicial Council. The Higher Judicial Council is Iraq's organ for judicial self-administration and responsible for overseeing disciplinary, selection and appointment, training, and outreach of the justice sector. The Higher Judicial Council is sensitive to the need to address corruption and appreciative of UN support in this regard. In addition to capacity development, the Higher Judicial Council will work with the project in reviewing and updating conduct and disciplinary codes and mechanisms. Until now, they are focusing on formal mistakes such as incomplete case files/ lack of completeness of a case file and provide no incentives for more substantive inquiries. Iraq's Judicial Training Institute has initial (for new judges/prosecutors) and continuous (for serving judges/ prosecutors) training programmes and should partner in all justice-sector training initiatives to make them sustainable. Besides the Judicial Training Institute, CoI has its own training institute, the Anti-Corruption Academy, providing anti-corruption training for public officials and CoI staff, including investigators. Defence in corruption cases has been identified as being weak. For example, if lawyers are appointed as legal aid lawyers, they are unmotivated and tend to do only the minimum, often their only service is being present and saying nothing of substance. Often they do not know the case file and may have had only a short interaction with the client before the hearing or the trial. An important feature of Iraqi judicial procedures are the investigative hearings before the investigating judge, followed by a shorter trial at a later stage. Typically, legal aid lawyers only attend the investigative hearings or the trial but not both events, thereby not being sufficiently informed to motion defence actions for their clients. In the rarer cases where clients retained defence lawyers themselves and paid for them, the lawyers are often, as reported to UNDP, not committed to uphold procedural requirements. Police and judges complain that many privately retained lawyers try to bribe them or intimidate witnesses not to testify against their clients. What is apparent when monitoring hearings and trials is the passivity of defence lawyers and their lack of skill to question witnesses. In this view, capacity building activities for lawyers are warranted. In training activities on corruption issues for the justice sector and investigative staff the Judicial Training Institute, the Anti-Corruption Academy, and where feasible the Bar Association should be involved as much as possible to ensure a wider reach of the training.

Iraq has not yet acceded to the UN Convention on the Recognition and Enforcement of Arbitral Awards.¹⁶ Iraq does not have adequate procedures to adjudicate all kinds of commercial disputes either through the formal justice system or through commercial arbitration. The recognition of foreign arbitration award in Iraq is not ensured. Arbitration is not widely understood or used in Iraq. More legal security in commercial dispute

¹⁴ Diwani Order / 29 of 28 August 2020.

¹⁵ Supreme Judicial Council Statement 96 (2019) of 16 October 2019.

¹⁶ Convention on the Recognition and Enforcement of Foreign Arbitral Awards, New York, 10 June 1958, <http://www.newyorkconvention.org/>.

resolution, through the justice system or arbitration is key to attracting investment. The project will also support Iraq in meeting these conditions.

Anticorruption coordination between development partners lack a structure allowing for regular discussions on progress and challenges and building on synergies. While the government often seek input from its international partners notably when it comes to legislative drafting, a coordinated approach is missing between public institutions and key development partners. While consultation with civil society and other relevant stakeholders in anticorruption reform is an internationally accepted practice now and enables a constructive dialogue and trust building, the mechanisms to operationalize engagement with civil society, investigative journalists and other stakeholders need to be enhanced.

II. PROJECT STRATEGY

The UNDP Country Programme 2020-2024 is aligned with the United Nations Sustainable Development Cooperation Framework (UNSDCF) 2020-2024 and national strategic priorities reflected in Iraq's National Development Plan (NDP), 2018-2022, Iraq Vision 2030, Kurdistan Vision 2020 and the Kurdistan Regional Government (KRG) Roadmap to Economic Reforms, which are within the framework of the Goals. Relevant international legal instruments are UNCAC and the UN Convention on the Recognition and Enforcement of Arbitral Awards. UNDP will work on the project in close collaboration with UNAMI and UNODC.

Further, the project is in line with EU's financial decisions MIDEAST/2020/42756 financed under the Development Cooperation Instrument titled "Response to the COVID-19 crisis: support to socio-economic recovery and state building of Iraq. The project addresses outcomes 2.1 (National framework for anti-corruption is revised), 2.2 (Capabilities of the Iraqi Parliament (Council of Representatives) are fostered to exercise its legislative / accountability functions in a professional, accountable, representative and transparent manner) and 2.3 (The space for direct policy dialogue with government is enlarged as well as the space for civic engagement nurtured with technical, networking and monitoring capacities of Iraqi civil society organisations and civic actors, including media, are built to support inclusion and modalities of participatory, transparent and accountable governance at all levels).

UNDP has consulted with the relevant public institutions mentioned in this project notably CoIs, Higher Judicial Council, Parliament and the Prime Minister Offices at federal and regional level during the scoping mission in the third quarter of 2020. The activities proposed are in line with their strategic objectives and their requests formulated during the scoping mission. UNDP has further consulted with them during the validation meetings in January 2021 and will do again during the inception phase of the project.

The project is based on a theory of the change that by addressing the fundamental problems identified under the operational context, the approach below will enable Iraq to succeed sustainably in its fight against corruption and attract foreign investments. Legislative and strategic gaps will be addressed while capacity deficiencies will be addressed allowing for sanctioning corruption offences more effectively and returning the stolen assets. Parliament will engage in a more active role, with its legislative and oversight functions of anticorruption reform. The legislative and capacity gaps in arbitral matters will be addressed to build trust for investors. All four components will reinforce each other, but more sustainably will benefit from engagement and participation of civil society actors, media and independent bar associations. They will be informing, monitoring and in some instance co-creating the anti-corruption reform agenda. The project will further mobilize the support of the Prime Minister offices in Baghdad and Erbil by consulting with them and keeping them informed of the progress. The UNAMI-led trial monitoring will add an additional level of scrutiny on major cases of corruption and build leverage for political will.

II.I. Advancing cautiously in a supportive political climate to achieve sustainable long-term results

The new government of the Prime Minister Mustafa Al-Kadhimi has identified anti-corruption efforts and administrative reforms as key priorities in its Government Programme.¹⁷ However, albeit important, corruption is one amongst many pressing economic, health, security, and political reform challenges Iraq is

¹⁷ Government Programme, Prime Minister's Office, Republic of Iraq, May 2020

seeking to address. While the commitment to curb corruption is repeated often at the highest political level¹⁸ and is an important project enabler, little clarity exists about Iraq's concrete plans to reach this goal. Considering the highly politicized nature of the topic, UNDP will follow a gradual and cautionary approach in implementing the project and focus on the provision of technical expert advice and assistance to meet identified needs. Continuous monitoring and analysis of the political context will be foreseen to seize ensuing political openings and adjust the implementation pace and methodology accordingly. More broadly the project aims at supporting economic growth and international investment by helping the establishment of commercial arbitration and extending the jurisdiction and strengthening the capacity of commercial courts. After a careful assessment of the scoping mission findings,¹⁹ the project will work closely with investigating judges and provide technical support paving the ground and where opportune putting in place structures (e.g. legal working groups) for providing policy advice. Beyond policy advice, the project will also invest in concrete capacity building and training. Amongst others they will include the following:

- Collaborate with stakeholders to review tasks and conditions, commence initiatives, and where necessary and possible, advise on drafting anti-corruption related legislation.
- Support the drafting of standard operating procedures for the implementation of the witness protection law.
- Support mechanisms to oversee the implementation of the anti-corruption and other related strategies.
- Support capacity development measures in form of training on how to conduct impact assessments on anti-corruption legislation.
- Support the CoI on how to design outreach initiatives.
- Develop and carry out a trial monitoring programme on anti-corruption cases.
- Conduct training on investigative skills for investigating judges.
- Support the development of standard operating procedures for specific challenges arising out of corruption investigations.
- Organise international peer exchanges.
- Conduct seminars for defence lawyers.
- Carry out an assessment on the current judicial integrity standards.
- Prepare an IT-based self-learning tool on the Code of Conduct for Judges.
- Support the drafting of a law on arbitration enabling the recognition of foreign arbitral awards in Iraq.
- Conduct training for judge about arbitration and other forms of alternative dispute resolutions.

In support of its activities, the project will also work in a top-down approach²⁰, using UNAMI's political leverage to engage the highest officials of the government to resolve bottlenecks if and when they arise. The project's entry points are the new draft federal and regional anti-corruption strategies with their declared commitment by the Council of Ministers and the Prime Minister in 2016, to work towards the accession of the UN Convention on the Recognition and Enforcement of Arbitral Awards following the approved proposal of the Council of Ministers and establishment of the "Committee Responsible for Assessing the Possibility of Iraq's Accession to the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 1958" through Decree No. 373 dated October 13, 2016. The project will build its support around these government initiatives by engaging current or former members of this committee.

¹⁸ Prime Minister Mustafa Al-Kadhimi's interim government has identified anti-corruption and administrative reforms as key priorities, (ref. Government Programme May 2020).

¹⁹ UNDP in collaboration with specialized agencies conducted a scoping mission between 15 July and 15 September to identify challenges and opportunities for the upcoming EU anti-corruption and commercial justice project.

²⁰ Top-down approach focuses on advocating and lobbying with high-level decision-makers/ authorities to take appropriate action in advancing relevant initiatives, activities, interventions where applicable.

UNDP will ensure sustainability of the actions by working with existing government structures and seek that actions started in the project will be continued by government partners. For example, the train the trainer activities carried out in collaboration with Col's Anti-Corruption Academy, the Judicial Training Institute and the Bar Association will enable the project partners to continue the activities after the end of the project. Some of the activities proposed aim at yielding long-term results such as the development of the analytical capacity of institutions involved in legislation.

II.II. Synergies with related initiatives

Following consultations with other development partners carrying out anti-corruption and integrity initiatives in Iraq, the project will not engage in the asset declaration and verification system or work on Public Financial Management (PFM) or with the Supreme Audit Board.²¹ The EU-funded PFM project starting in January 2021 and implemented by the World Bank focuses on fiscal accountability, modernization of public procurement notably through e-procurement, strengthening of external auditing, budget oversight capacity of Parliament, asset declaration and verification of Col and corruption risks in reconstruction. Also, the project will not engage in preventive measures to enhance transparency in the private sector development and economic policy that is covered under an EU-funded project implemented by GIZ. UNDP will collaborate in the project implementation with both GIZ and World Bank projects. Further, UNODC indicated in January 2021 that it is prioritizing the request made by Iraq in June 2020 to seek technical assistance under the Stolen Asset Recovery Initiative, which we hope will result in some support in legislative review and capacity building of the asset recovery department of the federal Col. UNDP will closely work with UNODC to synergize support in the area of asset recovery.

In line with identified needs and considering other initiatives, the focus of the project will be on supporting legislative reforms, the adjudication of corruption offences and commercial dispute resolution. Furthermore, the project will also aim to identify and engage with likeminded potential initiatives that support civil society and media in promoting anti-corruption reforms in Iraq. UNDP will aim at embedding these initiatives into its work on the legislative and strategic framework on anti-corruption reforms and make sure to engage the Parliament in its work. The lack of existing international support programmes on general justice reform in Iraq on which the project could build is likely to be a challenge when aiming at developing a specialized focus on corruption cases in the justice sector.

UNDP closed in December 2020 its program to support the development of a National Corruption Index (NCI) that was supported by the Embassy of Netherlands since April 2018. The current project will build on the following key lessons learned from NCI project: first, the politically volatile environment that resulted in dissolution of two key partners (IGOs and Provincial Councils) was mitigated by Col and the Prime Minister's Office by setting up ad hoc teams within ministries to fill in the capacity gap. Second, the initial timeframe of one year was very short for developing and implementing such a tool. Corruption and integrity indexes are used as measurement tools that are usually updated on a yearly basis and require a few years in order to be improved and tailored to context. Third, the NCI as a measurement tool is considered to measure progress over anticorruption reform efforts notably with the federal Anti-Corruption Strategy. Fourth, NCI has allowed the identification of corruption problems that need now to be diagnosed in detailed through corruption risk assessments. Fifth, capacity building provided has empowered public officials to better understand corruption problems.

UNDP has been implementing Anti-Corruption Trust for Iraq (ACT Iraq) since April 2020 that is solely focused on preventive anticorruption measures including drafting of preventive legislations (access to information, conflict of interest, procurement), review of anticorruption strategies, capacity building on anti-illicit enrichment and anti-money laundering for Col, joint civil society and government monitoring of the health sector corruption risks, empowerment of civil society notably through small grants and drafting of a digital transformation roadmap. The areas between ACT and this project (focused on enforcement) are carefully

²¹ The scoping mission learned that the World Bank's ongoing Public Finance Management project focuses on developing Col's capacity to register and verify asset declarations of public officials, the capacity building of the Board of Supreme Audit, and the budgetary oversight capacity of Parliament. It also learned that an ongoing GIZ project works on providing management advice to Col.

considered to complement each other and produce synergies to better fight corruption. Two important lessons can be learned at this stage: i) the anticorruption strategies lack an implementation plan and a monitoring mechanism that can be enhanced under EU-funded project; ii) legislative drafting will significantly benefit from international best practice and compliance to international norms and standards.

II.III. Communication and Visibility of the Overall Project

All project activities will be supported by public outreach activities which aim at communicating the importance of integrity and curbing corruption to the public at large so they are better informed. Project partners will reinforce the importance to curb corruption at key project events and on general commemoration opportunities including on anti-corruption day.²²

Communication of results in curbing corruption is of key importance for the justice sector, because by appropriately communicating and explaining procedures and results, the judiciary can counter perceptions and reports of fairness and bias. Also, public communication and transparency of results of corruption proceedings can help the justice sector in developing a deterrent effect.

Public communication is also of key importance in relation to the project component on commercial litigation and arbitration. The project will aim at yielding broad support of its initiatives by ensuring outreach and effective communications with stakeholders.

II.IV. Contributing to creating a shared understanding of next steps in corruption and justice reforms

A major challenge is that no shared vision of how to advance anti-corruption reforms exists. Suggestions and recommendations on the way forward – including from government, and national and international experts tend to be reactive and opinionated rather than fact-based, thoroughly researched and long-term. Given the precarious security and operational environment in Iraq and the active resistance by those who benefit from corruption, there is a reluctance by government officials for public documentation on this issue. High level confidential meetings will be held to overcome this reluctance and engage the government exploring avenues to counter corruption in Iraq and thereby influence the formation of a government approach on this matter. The project will carry out in-depth-studies of identified topics related to project activities (outlined below) such as conducting assessments on:

- Required anti-corruption investigation techniques.
- Collaboration with national institutions in corruption-related investigations (judiciary, police, Supreme Audit Board, Col and the PM-led committee for the investigation of high-profile corruption cases).
- Anti-Corruption-related legislative gap assessments, assessments of existing legislation and corruption risk assessments.
- Strategic communications and outreach on anti-corruption issues of the Higher Judicial Council.
- Trial monitoring on anti-corruption cases.
- Preparatory assessments on the activity of the Judicial Supervisory Authority in developing a comprehensive standard operating procedures (SOP) for ensuring a system of background checks and vetting upon entry into the service of the judiciary and promotion or assignment to specialized courts.
- Ethics and integrity frameworks for independent lawyers registered to practice before a court of law
- Legal framework for arbitration and promote understanding and information of the importance of commercial arbitration in Parliament.

The project will also work with Col's reporting department to strengthen its analytical capacities and develop the ability to conduct sectoral corruption risk assessments.

²² See: <https://www.un.org/en/observances/anti-corruption-day>.

UNDP, through UNAMI, will implement a trial monitoring programme for cases before the Anti-Corruption Court which allows for ongoing reflections on the strengthened performance of target institutions. The program can point to systematic problems that may hinder the effective adjudication of cases. The observations of the program are analysed, documented and discussed with the stakeholders concerned for addressing them. The anti-corruption trial monitoring project will build on UNAMI's existing trial monitoring efforts related to terrorism cases, while also associating UNAMA's trial monitoring of corruption cases, to ensure the monitoring extends to particular features of corruption cases.

II.V. UN partnerships

Curbing corruption and promoting economic growth is a cross-cutting topic, to which many UN agencies can contribute. UNDP will lead the project and closely collaborate with UNAMI, seeking its support as well as that of specialized UN agencies where required. Sustainable Development Goal 16 States: "Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels". Supporting Iraq to implement this goal, UNDP²³ has implemented numerous project activities from 2011 to 2014 and then since 2018, on which the project may build. These include capacity building for and impact assessments of anti-corruption institutions (Col, IG, BoSA), anti-corruption media-campaigns, expert advice to developing strategies, strengthening asset recovery. Recent projects include supporting Col in developing the National Corruption Index under an agreement with the embassy of Netherlands and Anti-Corruption for Trust in Iraq that is supported by UNDP core funds and is focused preventive measures in collaboration with UNDP Regional Hub (Anti-Corruption and Integrity in Arab Countries – ACIAC).

UNDP's extensive network of government, NGO partners, UN agencies and, a range of international development partners is another asset to successfully lead the implementation of the project. UNDP's effective stewardship of the scoping mission²⁴ for this project and its ability to find creative solutions to successfully implement the mission despite multiple challenges demonstrates yet again its suitability to lead the project implementation in all four areas of the project.

UNODC, as guardian of UNCAC, brings pertinent expertise to complement UNDP in the implementation of the anti-corruption-related project areas in particular those that require specific expertise in international cooperation (including extradition), asset recovery, legislative work and support in trainings. UNDP will draw upon UNODC's expertise where required and refer to UNODC-headquarter-based experts to ensure coordination with ongoing activities such as the UNCAC second cycle review and the StAR initiative.

UNAMI's support, ranging from supplying policy and situational analysis to facilitating access, will be relevant during project implementation. UNAMI/ Human Rights Service's insight on justice issues and its trial monitoring findings (on terrorism cases) will be tabbed in to build the trial monitoring component of the project.

²³ Present in Iraq since 1976, UNDP is committed to supporting Iraq and its people during its transition towards long-term stability, recovery, peace and development. Amongst others, UNDP-Iraq support ranges from helping stabilize newly liberated areas and security and justice sector reform to anti-corruption and economic recovery, local area development and basic service delivery to displaced populations and NGO capacity building. UNDP is a major partner contributing to Iraq's broader stabilization, recovery and development initiatives in Iraq.

²⁴ UNDP in collaboration with specialized agencies conducted a scoping mission between 15 July and 15 September to identify challenges and opportunities for the upcoming EU anti-corruption and commercial justice project.

Overall and specific objectives

The overall objective is to build on Iraqi efforts to fight corruption in a sustainable manner and create a conducive environment for attracting foreign investments and private sector development.

The specific objectives are the following:

- Address legislative and strategic gaps in fighting corruption
- Improve capacity and integrity of public institutions investigating and adjudicating corruption offenses
- Improve capacity and legal framework to conduct commercial litigation
- Enable a climate of support in Parliament for fighting corruption and enhancing commercial litigation system
- Engage civil society, media and citizens in a constructive dialogue in the anti-corruption reform

PROPOSED PROJECT ACTIVITIES, OUTPUTS AND OUTCOMES

The proposed activities, outputs and outcomes of the project aligns with the needs of the people of Iraq and the recovery and development priorities of the GoI, UNDP and the EU, focusing on promoting economic growth, strengthening integrity and the rule of law.

A scoping mission carried out in close collaboration with the EU and following consultations of more than 25 federal and regional partners planned and designed the project outputs and activities. The project's beneficiaries include federal and regional Commission of Integrity (CoI), the Higher Judicial Council, Courts and Prosecution, Parliament and Government. Whenever possible, activities for the federal and Kurdish regional government will be combined. When this is not possible the activities will be carried out separately.

EXPECTED RESULTS

Output 1: Improved Legislative and Strategic Framework for Anti-Corruption Reforms

Activity 1.1. In collaboration with the federal Commission of Integrity, create a multi-disciplinary anti-corruption reform working group to review anti-corruption initiatives, identify gaps, commence new initiatives and, where necessary and agreed, draft anti-corruption related legislation.

Context, Problem Analysis and Reasoning of Activity

Iraq's Commission of Integrity implements preventive measures, and is responsible for policy development and legislation drafting, as well as advocacy and promotion functions on anti-corruption to UNCAC Article 6 (as outlined below it also serves as the specialized law enforcement body envisaged under UNCAC Article 36).²⁵ Albeit not explicitly mentioned in the Constitution as an independent body, the CoI's mandate is based on Article 108 of the Iraq Constitution, which allows for the establishment of independent commissions by law as needed. While the CoI has "administrative and financial independence", a proper legal status and proposes its own budget, it is "supervised by the Council of Representatives (CoR)." The CoI's leadership is appointed upon the CoR's approval of a proposal by Cabinet.²⁶ The CoI is the initial drafter of corruption-related legislation and focal point for the anti-corruption strategy, and together with the Higher Judicial Council (for legislation with major justice sector implications), the proponent of legislation on corruption.

While the CoI is well positioned to develop initiatives and draft anti-corruption legislation, it is overpowered by the sheer size of the problem and lacks the confidence that it could be a major force to fight corruption in a country where organized crime, including corruption, are prevalent criminal activities. With few

²⁵ UNCAC, Articles 6 and 36. Integrity Commission and Illicit Gain Law 30 of 2011 as amended by Law 30 of 2019, (CoI Law) Article 3.

²⁶ CoI Law, Article 3.

exceptions, it only investigates minor corruption cases and has generally not been a force to reckon with by those who are behind bigger corruption practices. This even led the current Prime Minister to establish another committee directly under his auspices to investigate major corruption incidences. Likewise, the Col has not used its function to initiate the drafting of key laws or started initiatives that shows it is committed to become an enduring stakeholder in countering the sense of impunity that permits grand corruption schemes to be carried out in the country.

An avenue to address this shortcoming is to engage attentively in a working group with the Col to analyse jointly the situation of corruption in the country, recognise what the Col can do with its current capacity, identify capacity building needs, advance legislative policy reforms and provide directions for the other project activities.

UNDP has experience in creating and operating close-knitted working groups (for example, it established the SOP for Criminal Investigations for Iraq in a criminal justice working group with the Mol and the Higher Judicial Council thereby able to address a wider range of issues on police conduct). UNDP has cooperated with the Col and developed a trustworthy relationship that permits closer access to Col. The working group shall be chaired by the head of the Col and UNDP jointly, or only chaired by Col and UNDP acting as secretariate of the working group. Frequency of meetings should be at least once a month (better once every two weeks). Buy-in in working groups shall not be problematic since the Iraqi institutions are part of the process and decisions are taken unanimously. Necessary composition is Col, Higher Judicial Council and UNDP. Where possible, a representative of the PM-led committee for the investigation of high-profile corruption cases should also participate. It shall be Iraqi owned and as such do not act as another international partners forum with Iraqi interlocutors attending only as guests.

The working group shall commence with advancing relatively uncontroversial legislative projects, such as the anti-corruption law and the further codification of all penal offences in the Penal Code, and gradually advance to more challenging legislative initiatives, such as the review of the amnesty law and legislation on specialized corruption courts. While some legislative gaps have been identified through reviews under UNCAC and during the scoping mission, the working group will further identify the legislative gaps and prioritize legislative drafting with relevant public institutions. Current gaps include the absence of an access to information law, a whistle-blower protection law, a comprehensive anti-corruption law, a comprehensive conflict of interest legislation, shortcomings in asset recovery, penal code, procurement law, civil service law, judicial organization, witness protection, anti-money laundering and declaration of beneficial ownership of companies.

This activity in legislative reforms will be implemented in parallel to the rest of projects outputs and activities. As such, legislative reforms will be promoted as a part of the project but will not hinder other activities from advancing in case legislative reforms get stalled.

The composition and terms of reference of the working group will be determined in consultation with the federal Col in the early months following the project initiation. The group will be small in structure but invite representatives of the relevant institutions for specific legislation and consult with civil society organizations at different stages of legislative drafting to receive their input as determined in the terms of reference.

The establishment of a similar forum at the regional level will require the continued presence of experts. Therefore, the project will use the draft legislation produced at the federal level to be adapted to regional level when such legislations need to be specifically enacted in Kurdistan. The project will work with the Legal Consultation Centre recently created by a resolution of the Council of Ministers and placed under the Prime Minister Office with a mandate to review the legislation prior to their adoption. The project will further work directly with the regional Col that propose anticorruption legislation.

Activity 1.2. Support the Higher Judicial Council, Col and Ministry of Interior (Mol) on developing regulations and Standard Operating Procedures (SOPs) for the implementation of the witness protection law.

Context, Problem Analysis and Reasoning of Activity

Article 254 of the Criminal Code makes it a crime for a person to (a) force or induce by any means a witness not to testify or to give false testimony; or (b) refrain from testifying as a result of receiving a gift or promise. Although Iraq has provisions allowing for the granting of rewards to persons reporting corruption, as a percentage of the property seized, a problem of investigative procedures in Iraq is that witnesses are often not forthcoming due to fear of reprisals from the family of a suspect, his clan, or affiliated militias. To address this recognised problem, in 2017 Law No. 58 on the Protection of Witnesses, Experts, Informants²⁷ and Victims was adopted although Kurdistan region has not enacted similar legislation. Protection measures exist during investigation and trial through the concealment of identity, including voice alteration, during testimony. However, investigating judges, police investigators and the director of Col investigations highlighted that the passing of this law did not improve witness protection with the effect that their willingness to assist in investigations has not changed. The problem identified is that no mechanism was put in place to implement the law to the satisfaction of investigators. Further, there are at present no provisions to facilitate changing a witness's identity or relocation of the witness or their families. Finally, Iraq does not have a whistle-blower protection law, except the provisions for rewarding of corruption reporting that lacks an effective implementation mechanism. One major gap is with regards to post trial protection of whistle-blowers (change of identity, relocation etc.) that needs to be considered in a comprehensive law either part of the anticorruption law or separately.

UNDP will assist the Col and the Higher Judicial Council in advancing the implementation of the witness protection through drafting of bylaws, supporting the creation of a nuanced mechanism (depending on the degree of protection required) for implementing victim, witness, experts and whistle blower protection measures. Implementation will be supported through information package provided to citizens under Output 5 (communication and outreach of federal and regional Col and HJC), the conduct of training for judges, prosecutors, investigating judges and police under activity 2.1.2 (investigative skills). Given KRG institutions follow the same rules, this activity will be extended to regional level as well.

Activity 1.3. Support regional and federal Cols in developing a mechanism to oversee the implementation of the Anti-Corruption Strategies

Context, Problem Analysis and Reasoning of Activity

Iraq approved and – in part – implemented a national Anti-Corruption Strategy for the period 2010-2014 (federal). A follow-on document was developed but never approved by the Council of Ministers and is currently revised and adjusted to the new timeframe 2019-2022. The Kurdistan regional authorities developed their separate Anti-Corruption Strategy for the period 2017-2021. Unfortunately, it was never adopted. Recently the Strategy was updated (new timeframe 2020-2030) and authorities requested UN support in finalizing and implementing it. While neither the federal nor the regional draft anti-corruption strategies are adopted, the current supportive climate to advance on the drafts provides a useful entry point for the project. UNDP Regional Hub has already provided input to improve the draft strategies. The project will provide expert advice to national and/or federal authorities in improving the monitoring and verification mechanisms in the finalized strategies or – once adopted – support their implementation. While some activities are to be tailored and agreed at the start of the project according to the adoption status of these strategies, an activity already discussed and agreed upon by federal Col is the following: One major shortcoming of the 2014 Strategy as identified by Iraqi authorities was that Col, the sole responsible entity to oversee and advance the implementation of the Strategy, was not powerful enough to significantly advance implementation with legislative and executive authorities. The UN therefore has leveraged support from the Prime Minister Office and the KRG's Council of Minister to enlist compliance by all ministries and public agencies for the implementation of the strategies. Another major shortcoming was the absence of specific goals and time-bound action plan in the strategies preventing a monitoring of the implementation.

The Council of Ministers at federal level might still fail to formally approve the national strategy before the June 2021 elections which consequentially will limit the authority of the document. However, given the

²⁷ The terminology "whistle blower" is not used in the law but with "informants" they are covered.

earnestness that the prime minister displays in attempting to change how corruption is dealt with, the federal Col will work on a plan, and likely still follow the draft strategy or at least parts of it and as such the project shall work with the federal Col to create an implementation and oversight mechanism of the strategy or any other plan to tackle corruption in the country. In addition, any future government will have to adopt an anticorruption policy given public anger generated as a result of October 2019 protests and the potential impact of the protest movement in the 2021 elections. As such the project will assist the federal Col in developing a concrete action plan coupled with an oversight mechanism to address the underperformance of government institutions in their endeavours to prevent and counteract corruption and account publicly on their performance.

The Council of Ministers – KRG is eager to take a more robust role on anticorruption notably with the draft law on Supreme Council for Public Reform and Anti-Corruption that emphasizes on a coordination role by a prime minister. However, clarifications around the roles of Col and this new office regarding the oversight function will be needed. Further, regional and federal strategies need to be linked in order to ensure efficiency.

Activity 1.4. Support the further development of federal and regional Col's capacity to conduct impact assessments of corruption legislation and corruption risk assessments of identified priority sectors.

Context, Problem Analysis and Reasoning of Activity

In order to commence preparing reasonable legislative and policy instruments it is crucial to be able to gather facts, ascertain shortcomings and needs, determine goals, lay out mechanism for implementation, gauge risks and how to mitigate them, verify capacities and necessary financial and other resources for implementation, and predict envisioned and also unintended impacts. Strategies, laws and other policy initiatives remain ineffective without properly and honestly conducting each of those steps. A particular weakness/ gap observed is the lack of any meaningful risk and impact assessments.

The Col's legal, reporting and analysis department requested support of the project in strengthening its analysis work, and to develop its capacity to conduct sectoral risk assessments, which shall feed into its legislative drafting work. To date no impact assessments of laws are conducted, and policy steps are not analysed prior to proposing legal or policy changes. The Col also does not conduct sectoral risk assessments.

The project will work with federal and regional Col's to increase their capacities to conduct specialized legislative and corruption risk assessments. As an initial case study, the project intends to work with the Col to assess the consequences of the abolishment of Inspector Generals (who were meant to be anti-corruption watchdogs stationed in every ministry) and make relevant recommendations to fill the void. Upon this initial, joint assessment, the project will build Col's capacity to conduct impact assessments of laws prior to proposing changes to legislation. The action will also build Col's capacity to conduct sectoral corruption risks assessments and propose policy measures. Over time this activity will help to address the problem of limited readiness of in-depth research and assessments on corruption issues in Iraq. Currently, Col does issue annual, quarterly and bi-annual reports, in which it reports on its own activities with strong focus on processing corruption cases. However, upon its own request these activities should be strengthened, and its analytical capacity should be built to increase the overall quality. More analytical reporting will help to create a shared understanding regarding anti-corruption reforms and the impact of policy measures. This activity will be mirrored with the regional Col.

In cooperation with the Col's the project will also consider conducting an assessment of a specific economic or government sector (to be jointly selected) as to the extent of corruption to be found.

Activity 1.5. Encourage and support Gol in entering into bilateral agreements to recover corruption-related assets.

Context, Problem Analysis and Reasoning of Activity

Two main institutions lead the asset recovery work in Iraq: the Asset Recovery Fund for funds stolen prior to 2003, and the CoI through its Asset Recovery Department for funds stolen after 2003.

The Asset Recovery Fund is mandated to recover asset stolen from Iraq prior to 2003 and that have been frozen in accordance with Security Council Resolution 66. After being recovered, these funds are transferred to the Development Fund for Iraq formed in 2012.

The Asset Recovery Fund has been established by the Law N. 9 of 2012 on the Asset Recovery Fund which has been amended in 2019, affiliating the Fund to the Council of Ministers. The law provides for the fund's management structure and grants rewards for informants and collaborators unveiling corruption crimes.

Furthermore, the law includes a major binding requirement in relation to the conclusion of bilateral agreements with other countries.

The Iraqi authorities reported that the Asset Recovery Fund is facing important challenges due to the unresponsiveness of many countries to unfreeze and return the funds to Iraq. Moreover, Iraqi authorities are facing challenges in identifying and locating the stolen funds pursuant the loss and destruction of most relevant documents during the periods of war and instability. The funds that should be recovered is estimated between 40 and 50 billion dollars according to the inventory made by the Iraqi government.

The CoI is tasked to administer and receive financial disclosures, reviews the submitted information, audits the disproportionate increase in assets of officials subject to disclosure requirements, and oversees the implementation of, and accountability to, relevant Codes of Conduct. Any increase exceeding 20% annually in the assets of reporting officials, their spouses or children, disproportionate to standard resources and lacking a legal reason, is considered an illegal gain. Furthermore, any funds proved, by a final judicial ruling, to be obtained by a natural person in partnership with a reporting official, are considered by a legal presumption to be illegal gains. The CoI is mandated to gather information, track suspects sought by the CoI from abroad, and recover stolen assets, in cooperation and coordination with other law enforcement bodies both domestically and internationally. The CoI has an "Asset Recovery Department" which consists of two units, one for asset recovery and another for extradition.

Perpetrators are more likely to continue to engage in corrupt conduct if they are convinced that they and their families will be able to enjoy their illegally obtained wealth because they feel they can disregard the risk of losing their assets again. Bilateral agreement supporting effective mechanisms to recover stolen assets will dissuade many people in Iraq to commit corruption in Iraq by turning it into a higher-risk, lower-reward activity. By convicting corrupt officials and recovering stolen assets, Iraq can generate funds for development and strengthen their criminal justice system. The end results are stronger rule of law, integrity and increased trust in government.

The Project shall facilitate the participation of Iraqi-decision makers in multilateral meetings on asset recovery based on the United Nations Convention against Corruption (UNCAC) and encourage and support the GoI in entering into bilateral agreements to recover corruption-related assets. The project will engage the Council of Representative through its legislative and oversight functions to encourage the executive to enter into more bilateral agreements or when feasible make such agreements part of broader bilateral agreements economic cooperation and trade agreements.

Activity 1.6. In order to improve international partner coordination amongst and between all key stakeholders engaged in Anti-Corruption Reforms in Iraq, UNDP will convene bi-monthly International Partner Coordination forum on anti-corruption reform and integrity projects and programmes. Participants will include UNDP, UNAMI, UNODC, EU, World Bank, GIZ, USAID, FCDO and other likeminded stakeholders.

Context, Problem Analysis and Reasoning of Activity

The International Community is a stakeholder in the anticorruption reform agenda in Iraq, both funding and assessing anticorruption efforts. Lack of coordination, competing agendas, diverging views and fragmented technical assistance and funding support often result in less leverage with Iraqi public partners and confusion with regards to international community political support to fight corruption. To a minimum, information and knowledge sharing can overcome coordination problems, duplication of effort and

diverging views. This activity therefore aims to build a shared understanding between members of the international community and enable concerted efforts to fight corruption.

A forum composed of key development partners active in the anticorruption sector will convene bi-monthly to brief each other about their anti-corruption efforts, but also invite key civil society organizations and public partners to present their initiatives, reports and challenges. UNDP will support with the convening and information sharing including the minutes of the meeting. EU and UNDP will co-chair the meetings.

Output 2: The justice sector, lawyers and CoI are better equipped to process corruption offences due to (2.1.) improved technical skills relevant for corruption investigation, prosecution, adjudication and (2.2.) improved integrity rules of the justice sector

2.1. Improved technical skills relevant for corruption investigation and adjudication.

Activity 2.1.1. Develop a trial monitoring programme in close cooperation with UNAMI Human Rights Office for all cases before the Central Anti-corruption Court, which feeds back observations and trends to a political dialogue with the Higher Judicial Council and UNDP for training programmes.

Context, Problem Analysis and Reasoning of Activity

To obtain a clearer picture of what kind and how many corruption cases reach the courts, the quality of evidence produced and thereby also assess the strength and difficulties of investigations preceding the trials, the Project will monitor investigative hearings (held before an investigating judge) and trials (held before a bench) of corruption cases. The trial monitoring assignment will be conducted by UNAMI before the Central Anti-Corruption Court – and where feasible – selected cases before other courts and the KRI level. The project builds on UNAMI's existing trial monitoring project for terrorism cases²⁸, but will adjust it to specificities of corruption cases. Trial monitoring will be based on a Memorandum of Understanding with the Higher Judicial Council, which shall allow for UNAMI to request to obtain documents from the case files²⁹. The trial monitoring programme shall establish an off-line database of cases and seek to identify trends and patterns, and document them in quarterly reports, which will be discussed with judges and prosecutors, and provide recommendations to UNDP to tailor training activities and provide normative advice according to the findings. Data and monitoring reports will further enrich UNAMI assessments of anti-corruption efforts in Iraq.

Further modalities: The UNAMI trial monitoring team will be headed by a UNAMI senior human rights officer. External staffing requirements include one international Arabic-speaking legal officer/trial monitor (equivalent to P3 level) and several (around 2) national legal officers/ trial monitors (equivalent to SC9 level). The posts shall be recruited and contracted by UNDP but placed in UNAMI Human Rights Office, with primary reporting lines to UNAMI. A separate Memorandum of Understanding between UNAMI and UNDP will detail the provision of resources and cost sharing as well as the scope of the trial monitoring.

UNAMI will be setting up the trial monitoring database, develop the monitoring sheet/questionnaires, train the recruited trial monitors, and carry out the trial monitoring activities, including networking with the judicial stakeholders. After completion of the trial monitoring, the UNDP and UNAMI will hold discussions with the Higher Judicial Council about the findings and recommendations, and publish the trial monitoring report.

²⁸ See UNAMI, Human Rights in the Administration of Justice in Iraq: Trials under the anti-terrorism laws and implications for justice, accountability and social cohesion in the aftermath of ISIL, 2020, https://www.ohchr.org/Documents/Countries/IQ/UNAMI_Report_HRAAdministrationJustice_Iraq_28January2020.pdf

²⁹ Even if the Supreme Judicial Council commits to this clause, getting access to the dossiers is problematic. In the last trial monitoring programme of UNAMI not even access to the written judgments could be ensured.

Monitoring of the investigative hearing is relatively new for Iraq and ground-breaking in anticorruption work. It will have its own challenges (gaining access from HJC, judges complying with the terms of agreement with HJC, access to case file, randomness of hearing by investigative judges, prosecutors agreeing). The project will therefore start with a pilot methodology and adapt accordingly. However, success in this monitoring will trigger a change in organizational culture resulting in more organized hearings, respect for procedural proceedings, lesser use of discretionary power and transparency of decision making. Given the inquisitive nature of the judiciary in Iraq, investigative hearings account for a big part of the trial, the trial by the judges of the bench almost entirely depending on them. Monitoring of investigative hearings therefore constitute an important part of the trial monitoring.

Activity 2.1.2. Conduct training and capacity building activities with focus on investigations for investigating judges, prosecutors and Col investigators.

Context, Problem Analysis and Reasoning of Activity

The project will seek to strengthen the investigative and judicial capacities to process corruption cases. The Col is the specialized institution for the investigation of corruption offences since 2011. The Col investigates corruption cases under the supervision of the competent investigating judge in accordance with the Col Law and the Criminal Procedures Code. As regards criminal trials in Iraq, the outcome of cases is very much guided by the results of the investigative phase. Therefore, in line with a request of the Head of the Central Anti-Corruption Court, the focus of capacity building activities will be on this phase and include investigators of the Commission of Integrity (Col).

Iraqi criminal procedure law provides that the investigating judge has the authority to lead all criminal investigations. However, judges are not trained to conduct investigations. They rely on others to conduct the investigations for them. Judges mostly control investigative actions only from their court buildings – they usually do not venture out, do not personally look at crime scenes etc. They later rehear in their court houses the suspects and witnesses, review other evidence and the dossier sent by the investigators (in so-called investigative hearings). Raising capacities of the investigators make little sense if investigating judge are not part of the process. Cases reach trial courts only through investigating judges. Investigating judges must know how to investigate corruption cases, and likewise be familiar with and have trust in the capacity of the actual investigators who officially assist investigating judges in their investigations.

Prosecutors in Iraq officially carry the title of “judge and prosecutor”. They work closely to the judges, can replace them to order investigative actions, monitor the procedures, and intervene when they find that mandatory procedures are not properly followed. Recent laws have strengthened the role of judges, such as “The Anti-Money Laundering and Counter-Terrorism Financing Law” of 2015 which provides in Article 9 paragraph 1 provides that reports on reasonable grounds of suspicion of money laundering, terrorism financing or predicate offences shall be referred to the “Prosecutor General” so that he can take legal action.

Actual investigation skills of Col investigators are weak. This is recognised by the director of the Col and thus he requested capacity-building training events to enable the Col investigators to identify suspects, follow leads, protect witness and produce better evidence not only to go after minor corruption cases but target organised corruption-led crimes as well. While the law provides explicitly for the use of specialized tools and techniques in investigating corruption offences, the Col Director explicitly noted that further training and capacity building for Col investigators was required and requested a specialized workshop to identify the needs of Col.

Specialization on corruption cases exists at the level of judicial investigation: Integrity Courts have been established pursuant to an order of the Higher Judicial Council to investigate corruption offences. The definition of the jurisdictional scope remains unclear³⁰ and according to interviews with federal and

³⁰ For example the Supreme Judicial Council Order of 19 August 2009, forming the integrity court of Baghdad, states that the investigative judges will be assigned to investigate “integrity cases”.

regional interlocutors, these investigative judges are overloaded with investigations into minor offences, which is perceived as an obstacle to comprehensively investigating major corruption offences. Specialization at the trial stage is very new in Iraq and only exists for “serious” corruption cases.³¹ The so-called “Central Anti-Corruption Court was created in October 2019 and consists of a three-judge trial panel and a prosecutor embedded in the Criminal Court in Baghdad. Investigations of these cases under the jurisdiction of the Special Anti-Corruption Court are carried out by Integrity Courts in the Baghdad / Rusafa and Al-Karkh Appeals Courts in coordination with the Presidency of both of the Appeals Courts regarding cases committed in Baghdad and the rest of the provinces.³² Case assignment systems as well as criteria for selection to specialized investigative and judicial positions are unclear.

Against this background the selection of a training group among judges and prosecutors for further specialisation on corruption offences are challenging, because the assignment to the Central Anti-Corruption Court and as integrity judges can be easily changed and judges in regular criminal courts also try corruption offences. The project will hence collaborate closely with the Higher Judicial Council and the Judicial Training Institute in Baghdad to identify the needs and select judges whom the Higher Judicial Council will continue to support to focus on corruption investigations. It will collaborate to (1) create basic training modules to be included in the initial training programme for all judges, (2) specialized training programmes for judges and prosecutors assigned to corruption cases and (3) develop a pool of trainers.

With regard to the Col, the Col Anti-Corruption Academy presents a good partner with whom training programmes can be sustainably implemented. Where possible joint multidisciplinary trainings for investigative judges, prosecutors and Col investigators will be organized to further foster a culture of working in multi-disciplinary teams in corruption investigations. The Col must learn to reach out to other institutions to be able to track illicit financing and as such are depending on collaboration with other actors such as the Board of Supreme Audit, the Iraqi Central Bank and the budgetary oversight committee of parliament. As such, training should provide opportunities to reconnect with compliance investigators from those institutions and foster relations to strengthen regular working relations. International trainers (ideally from Arabic countries because of language and cultural affinity) will have a prosecutor or police background with specialisation on anti-corruption investigations or are financial compliance officers.

Upon request of the Head of the Col Directorate for investigations, training activities targeting the Col should be preceded by a needs assessment workshop which defines such activities outlining the topics to be covered in the forthcoming training, determine the length and depth of training and the required expertise of trainers, and select speakers from other institutions (such as the Board of Supreme Audit) to share their experience and how their institutions can support Col investigations.

The project will work in collaboration with the Col training academy and the Judicial Training Institute to ensure that training is conducted within the respective educational departments that modules become integrated into the curriculum of judges and to ensure effective selection of participants.

The activity will cover KRI judges, prosecutor and investigators.

Activity 2.1.3. Provide mentors (international consultants) to Col to deliver advice on diversifying investigative techniques and bring about cultural change resulting in increased work in multidisciplinary investigative teams. The focus of the mentors’ work should be on cases for the Anti-Corruption Court.

Context, Problem Analysis and Reasoning of Activity

Following the conduct of training activities as outlined in Activity 2.1.2, there is a danger that what is learnt in training swill is not applied in daily work. The reasons for this can be manifold as resistance to change can come from entrenched daily routines, motivation problems, fear of repercussions from suspects etc.

³¹ See infra for problems with this definition.

³² Supreme Judicial Council Statement 96 (2019) of 16 October 2019.

To improve the chance that new avenues of investigations are tried, and setbacks overcome, mentoring can help bridge the challenge between theoretical knowledge and daily application.

Where possible, trainers in seminars are also mentors of investigators who participated in a seminar. Ideally mentors are fluent Arabic speakers from other countries. If those cannot be found or attracted to apply, non-Arabic speakers would be selected. Mentoring is a sensitive intervention that should be carefully planned and not overdone. Establishing a good rapport during trainings with the trainees to be mentored is helpful. Mentors should spend initially a longer period with the investigators on daily cases and then periodically return to assist on case work with advice.

Topics to be focused on in mentoring are as follows:

Case planning and preparation

Sources of information

Case organization

Financial document analysis and forensic accounting and audits

Public sector procurement and contracting

Use of search warrants

Financial interviews/questioning

Investigator/Investigating Judge/Police relations in investigations

Multi-disciplinary task force investigations

Cooperation and information sharing in investigations including with FIUs

Investigation of transnational crimes

Documenting unknown funds/Unexplained Accumulation of Wealth

Use of circumstantial evidence

Asset recovery

Money Laundering investigations

Preparation of dossier

Work shift and Case-flow management

UNDP will select and deploy international mentors supporting Col on investigating cases under the jurisdiction of the Central Anti-Corruption Court. These mentors will advise the Col on diversifying investigative techniques and work towards a cultural change resulting in increased work in multidisciplinary investigative teams. The focus of the mentors' work should be on cases for the Anti-Corruption Court. Mentor activities shall also seek to support the recently established supreme committee on investigating grand corruption cases which works closely with the Col.

Activity 2.1.4. Work with Col and support the development of standard operating procedures (SOPs) for specific challenges arising out of corruption investigations, including on case selection and prioritization of important cases of corruption.

Context, Problem Analysis and Reasoning of Activity

UNDP will also work with Col on the development of standard operating procedures (SOPs) for specific challenges arising out of corruption investigations, including on case selection and prioritization of important cases of corruption.

Shortcomings hindering Col's efficiency identified by UNDP include that excessive resources are dedicated to minor offences and that the investigative phase at Col before a case file reaches the investigative judge is too short to investigate complex cases. The project will clarify the reasons for this practice and aim at changing the culture of investigative work. The creation of the Central Anti-Corruption Court has the potential for addressing these shortcomings and building a new work culture in investigative matters, which should be based on a team approach with investigative teams.

Standard operating procedures or any guides on how to approach corruption investigations, categorise them as minor or complex, allocate them to investigators, reach out to police investigators or forensics, or form multidisciplinary task forces when appropriate etc. could be described and made available as a guide for effective anti-corruption investigations. One international consultant, ideally someone who already worked as trainer and mentor for the project and as such has gained personal insights of anti-corruption investigations in Iraq, should be assigned to this task.

The activity will cover regional Col equally.

Activity 2.1.5. In collaboration with the specialized agency and considering the activities carried out by the Stolen Asset Recovery (StAR) initiative conduct capacity building for the asset recovery office in Col.

Context, Problem Analysis and Reasoning of Activity

While in Output 1 (on Improved Legislative and Strategic Framework for Anti-Corruption Reforms) supports the Gol in reviewing its legislation on asset recovery and entering into bilateral agreements to recover corruption-related assets, Activity 2.1.6 complements this assignment with capacity building in close coordination with the Stolen Asset Recovery Initiative (StAR) of UNODC and World Bank.

As the Col is mandated to gather information, track suspects sought by the Col from abroad, and recover stolen assets, in cooperation and coordination with other law enforcement bodies both domestically and internationally, it has an “Asset Recovery Department” which consists of two units, one for asset recovery and another for extradition. As such, the Commission of Integrity is the Central Authority to receive and process mutual legal assistance requests on corruption-related matters. The Iraqi authorities reported that the Asset Recovery Fund is facing important challenges due to the unresponsiveness of many countries to unfreeze and return the funds to Iraq. The project, in consultation with UNODC notably taking into account capacity building efforts provided under StAR, will support the staff of the Asset Recovery Department of the Col to raise their insights on how to trace and seize assets, and how and when to initiate substantive extradition requests with enhanced chances of success. A needs assessment will be conducted to determine the capacity needs of the asset recovery department. Other incremental institutions, such as the Iraqi Central Bank, the Supreme Board of Audit, the MoJ and the MoFA will be involved in the training as necessary.

Upon the completion of the second cycle review of the UNCAC self-assessment in 2021, the activity will be further enriched by the needs and gaps for capacity identified in the review.

2.2. Strengthen and update ethics, integrity and disciplinary measures in the judiciary and the bar associate

Activity 2.2.1. Support the Higher Judicial Council through the Judicial Supervisory Authority to undertake a comprehensive assessment on the current judicial integrity standards in Iraq, namely, to review the compiled norms on conduct (from 2007) and update them to meet contemporary challenges.

Context, Problem Analysis and Reasoning of Activity

Judicial ethics and integrity do not form a central part of the initial training programme for judges, nor does the Judicial Training Institute offer refresher courses for judges serving in the system. A judicial supervisor interviewed explained that courses for judicial supervisors would be beneficial and indicated a willingness to collaborate with the project and the Judicial Training Institute in developing the courses.

The project will seek to ensure that federal and regional disciplinary integrity and disciplinary measures within the judicial sector in Iraq and the Kurdistan region are strengthened and upon request of the Judicial Supervisory Authority updated to meet contemporary challenges to improve accountability of the entire judicial system – without any prejudice to the independence of the judiciary. This will ensure that institutional mechanisms to uphold and inquire the integrity among members of the judiciary are in place.

The project³³ will support the Judicial Supervisory Authority under the Higher Judicial Council of Iraq to undertake a comprehensive assessment of the current judicial integrity standards in Iraq. This will include analysis of the levels of their awareness and adherence to the principles of judicial integrity among all judges, prosecutors and court/prosecution staff. The assessment methodology and framework will draw extensively from the globally established and recognised standards under the Bangalore Principles of Judicial Conduct, 2002, the International Framework on Court Excellence (IFCE) as well as under Article 11 of the UNCAC. Upon the completion of the assessments and its findings, the project will support the Judicial Supervisory Authority in hosting multiple consultative sessions and discussion with a wide range of judicial stakeholders, including members of the IBA, civil society and legal academia / experts in the development of comprehensive revised framework on Code of Conduct and Ethics for the judiciary in Iraq.³⁴ Once finalised, the project will assist the Judicial Supervisory Authority in the publication and wide dissemination of the Code of Conduct and Ethics in the form of pocket booklets for all members of the judiciary and the legal fraternity as well as make it available for public dissemination on the website and through other public legal awareness initiatives of the Higher Judicial Council of Iraq.

Activity 2.2.2. Upon the completion of the comprehensive review and revision of the Code of Conduct develop comprehensive training materials for ToT courses (both initial courses and refresher courses).

Context, Problem Analysis and Reasoning of Activity

Upon the completion of the comprehensive review and finalisation of new ethical norms, the project will also support the Judicial Supervisory Authority and the Judicial Training Institute to develop comprehensive training materials for courses as there have not been such courses before (both initial courses for newly hired judges and in-service training for practising judges and prosecutors) and conduct ToTs from among the judicial supervisors to improve their understanding of ethics and integrity. This activity will develop a training course for refresher training that will allow all judges to undertake the. To introduce courses at the Judicial Training Institute for all judges, and the project shall facilitate any logistical and technical support including the conduct of ToTs at the Judicial Training Institute. UNDP can jointly support the development, launch and conduct of these trainings modules that can be used as instructional materials regularly by the trainers and the training institute.

Activity 2.2.3. Support the Judicial Supervisory Authority in developing a comprehensive SOP for ensuring a system of background checks and vetting upon entry into the service of the judiciary and promotion or assignment to specialized courts.

Context, Problem Analysis and Reasoning of Activity

As judicial supervisors working for the Judicial Supervisory Authority reported, a system of background checks and vetting upon entry into the service of the judiciary and promotion or assignment to specialized courts does not exist.

Subsequently, the project will support the Judicial Supervisory Authority in developing a comprehensive SOP for ensuring a system of background checks and vetting upon entry into the service of the judiciary and promotion or assignment to specialized courts in Iraq. The SOP will also provide detailed processes and procedures for the “Declaration and disclosure of financial interests, assets and affiliations ” upon entry into judicial service and to be updated each year of extension, as well as promotion of the judges and general prosecution members of the Judiciary in Iraq. Capacity development on vetting and inspection processes shall also comprise of upgrading disciplinary inquiry capacities and upgrading the use of objective and merit-based criteria for promotions.

³³ Both UNDP and UNODC will draw on their Global Experts Rosters on Judicial Integrity and Ethics to implement this activity in Iraq. UNDP has undertaken this initiative through its Asia Pacific Bureau (see: <https://www.asia-pacific.undp.org/content/rbap/en/home/programmes-and-initiatives/Judicial-integrity.html>) and UNODC through its Global Judicial Integrity Network (see: <https://www.unodc.org/ij/>).

³⁴ The Judicial Supervisory Authority has expressed its interest in such a comprehensive review process to its Code of Conduct and Ethics Framework, as recorded under section 3.2 of the Scoping Mission Report @ p. 16.

After the SOP will have been developed and adopted, a training module for the members of the Judicial Supervisory Authority on the application of the SOP will be prepared and seminars held.

Activity 2.2.4. Collaborate with the IBA and the Bar Association of Kurdistan to strengthen ethics and integrity frameworks for independent lawyers registered to practice before a court of law and develop a training program.

Context, Problem Analysis and Reasoning of Activity

Many judges and police investigators interviewed were dismissive of the role of defence lawyers. They described them as either lazy and useless, or, when being well paid by clients, willing to intimidate witnesses and even employ criminal practices such as offering bribes to influence criminal procedures. In the scoping mission both the federal and Kurdish Bar Associations welcomed activities to strengthen the bars' ethics framework and procedures and were opened to collaborate with the project and between themselves.

The project will thus collaborate with the IBA and the KRG Bar Association to strengthen ethics and integrity frameworks for independent lawyers registered to practise before a court of law in Iraq and Kurdistan Region, respectively. The project will support a self-assessment on integrity and ethics among the lawyers and the staff of both Bar Associations. The project will then support extensive consultations for both Bar Associations to engage with civil society, court users (including former and current disputants), organisations specifically working on improving access to justice for women, youth and marginalised groups in Iraq and KRG, as well as judicial representatives from both the Higher Judicial Council of Iraq and the Judicial Council of Kurdistan to revise the Code of Ethics and identify enforcement/disciplinary systems under both Bar Associations. The executive and administrative staff of the Bar Associations will be supported in identifying practical means of regularly executing and upholding the standards of the Code of Ethics through training and dissemination of recorded video and audio messages on standards of integrity and the importance to adhere to the Code of Ethics, procedure to handle complaints from civil society and citizens against independent lawyers and grievance referral mechanisms.

Output 3: Improved capacity and legal framework to conduct commercial litigation through (3.1.) better legal framework and capacity building for arbitration and (3.2.) further development of the commercial court

3.1 Legal framework and capacity building for arbitration:

Activity 3.1.1. Support the drafting of legislation adopting the New York Convention and a new, modern arbitration law including clear provisions on the composition of arbitral tribunal, arbitral proceedings, arbitral award, nullity of arbitral award, and the enforcement of international commercial arbitral awards.

Context, Problem Analysis and Reasoning of Activity

Iraq is a signatory to the League of Arab States Convention on Commercial Arbitration, the Riyadh Convention on Judicial Cooperation, and the ICSID Convention on Investment Disputes which have not been adopted into national law yet. Most importantly, Iraq is not a signatory to the UN Convention on the Recognition and Enforcement of Arbitral Awards³⁵ (hereinafter the New York Convention), the adoption of which through legislation is key to arbitration. Studies³⁶ suggest that accession to the New York Convention is more critical than the other conventions since it leads on average to 30%–60% growth in bilateral trade levels. This is because parties regularly opt for international commercial arbitration for the resolution of disputes in

³⁵ The Convention on the Recognition and Enforcement of Foreign Arbitral Awards, done in New York, 10 June 1958 (the New York Convention), is described as the most successful treaty in private international law. It is adhered to by more than 160 nations. <http://www.newyorkconvention.org/>.

³⁶ See: <https://academic.oup.com/arbitration>.

international commercial contracts. Most international business transactions require mechanisms to enforce international arbitral awards and business partners of Iraqi firms could find themselves unable to enforce such awards in Iraq, or to resort to arbitration in the first place. Amongst others, this gap deters foreign investment and also hinders Iraqi firms to attract trade and foreign investment. The project will support drafting of the legislation adopting the New York Convention prior to the adoption of a new separate arbitration law.

The economic imperative to attract more foreign investors provides an incentive for Iraq to consolidate its legal framework for arbitration procedures and make its enforcement more consistent. A solid domestic legal infrastructure and the adoption by countries of generally harmonized international best practices serves to increase levels of foreign investment and promotes economic growth. The drafting of a new arbitration law has begun³⁷. This draft law shall include enforcement mechanisms of arbitral awards. While the Iraqi Civil Procedures Law³⁸ speaks to domestic arbitration in Iraq³⁹ in fifteen articles,⁴⁰ it is rarely used by disputed parties, only regulates domestic arbitration in a detailed manner, omits any reference to international arbitration, and faces practical problems of recognition of arbitral awards by the courts. An assessment of the current civil procedural law on arbitration is therefore required to lay out the arbitration chapter meeting international standards and the signed international treaties. The project should catalyse the once already commenced drafting process, which has repeatedly been stalled, by injecting international expertise to accomplish the adoption of a modern arbitration law. If the latter is too complicated, amendments to the civil procedure code or the addition of a new chapter according to international standards and norms can be envisaged.

The project will provide international experts with experience and technical skills in this specific area of work (technical experts/ consultants) to Iraqi authorities to review and revise the legal framework and make more it more conducive to foreign investment.

Activity 3.1.2. In collaboration with the Ministry of Foreign Affairs and the Investment Commission, promote Iraq's accession to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, and the creation of an attractive legal environment capable of minimizing the legal exposure and risks for foreign investors.

Context, Problem Analysis and Reasoning of Activity

Through collaboration with the legal committee of the Council of Representatives, the MoFA and the Investment Commission the project will promote understanding and information of the importance of commercial arbitration in Parliament and thus promote Iraq's accession to the New York Convention.

In collaboration with federal and regional Investment Commissions, the project will also prepare and carry out a number of conferences in Baghdad and Erbil together with major government and trade stakeholders on stimulating investment and upholding legal certainty for Iraqi and foreign companies through arbitration.

The project will further support the Commission of Investment to revise and disseminate Legal Guides to Investment to Iraq and Kurdistan based on the adoption of the new arbitration law.

³⁷ The Iraqi Shura Council is responsible to draft new legislations. At the time of preparing this report, it came to our attention that a new draft on arbitration is being prepared. It would be much beneficial if such draft could be shared with the UNDP team to have our input.

³⁸ The Iraqi Civil Procedures Law No. (83) For the year 1969, published in the Official Gazette No. (1766) on 10th November 1969, 2nd part, the same law applies to Kurdistan Region.

³⁹ The same law applies In Kurdistan region. Arbitration between Iraqi parties is enforceable per the civil procedures law, as long as such dispute is legally considered as a "domestic arbitration" according to certain standards, such as, the nationality or the place of business of the parties, subject-matter of the dispute, the substantive law, the procedural law, the place of arbitration, etc.

⁴⁰ See Articles 251 – 276 of the Iraqi Civil Procedures Law.

Activity 3.1.3. Build the capacity of judges on arbitration including the importance of recognition and enforcement of arbitral awards.

Context, Problem Analysis and Reasoning of Activity

Iraqi courts have rejected lawsuits requesting enforcement of international arbitral awards based on the mere fact that the arbitral award is issued by an “arbitral tribunal” and not by a “court of law”. Such rejection led to a result that the international arbitral award shall never be enforced in Iraq.

In other cases, the national courts have refused to enforce any “foreign” arbitration agreements, based on the ground that they lack jurisdiction over such matters. In denying jurisdiction, Iraqi courts have taken the view that because the Civil Procedures Law does not explicitly refer to international arbitration, it must be understood to govern only domestic arbitration. The courts’ reasoning concluded that recognition and enforcement of international arbitration violates Iraq’s public policy and sovereignty.

Since there are problems with the recognition of arbitral awards and their enforcement, judges shall be trained on the requirements on arbitration procedures, when courts can intervene, when and how arbitral awards shall be recognized and how the judiciary shall enable enforcement.

This activity will be based on the enactment of the legislation adopting the New York Convention and the new law on arbitration. It is likely that the Kurdistan Region enact its own arbitration law, as this was not seen as an exclusively federal jurisdiction during the validation meetings in Erbil. The project will develop basic training material, ensure its inclusion in the curriculum and provide training of trainers’ sessions in collaboration with the Judicial Training Institute at federal and regional levels in order to provide basic training for all commercial judges during their first years. The project will develop advanced training material and provide training sessions in collaboration with the Judicial Training Institute at federal and regional levels for all commercial judges dealing with arbitration.

Activity 3.1.4. Set up a training and certification system for specialized arbitrators and attorneys in international commercial disputes

Context, Problem Analysis and Reasoning of Activity

Arbitration as a speedy and reliable instrument is usually first conducted abroad (eg. in Dubai, Paris or London) before emerging markets like Iraq have the legal infrastructure to carry it out in their own countries. Thus, arbitration is a new theme that requires specialized training and a framework to be enforced. The project will develop the training material and hold courses for attorneys to become certified arbitrators and/or attorneys in the process of arbitration procedures on behalf of a client. Training will focus on conducting online arbitration with emphasis on some vital and modern types of disputes, such as oil and gas, intellectual property, modern e-commerce transactions, and technology transfer.

Following the best practice in international commercial arbitration (e.g. UEA and Egypt, who have government-arbitration centres), in particular of countries in the region, Iraq will have to discuss and decide on the establishment of an arbitration centre, and qualify specialized arbitrators within the framework of the new arbitration law. The arbitration centre is the mechanism through which certification system is implemented. If the option of the arbitration centre is not endorsed in the law, the Iraqi government will likely have to propose an alternative certification mechanism. The project will support the establishment of the certification system within the legal framework by providing Standard Operating Procedures, IT solutions, training of the staff of the centre and mentor the validation process of the arbitrators.

3.2 Further development of Commercial courts:

Activity 3.2.1. Support drafting a special law identifying the jurisdictions and capacities of commercial courts to include modern transactions disputes and technology transfer.

Context, Problem Analysis and Reasoning of Activity

Iraq's current commercial courts were established in November 2010 by Order No. 136, of the Iraqi Higher Judicial Council, based on Article 22 of the Judicial Organization Law, and Section VII of Order No. (12) for the year 2004. Since then, three Commercial Courts in three different provinces have been set up: in Baghdad, Basra and Najaf. Each court is part of the Appellate Court in the same province. The decision of the commercial courts is subject to appeal at the same province presiding Appellate Court.

The commercial court's jurisdiction is limited to commercial disputes involving at least one foreign party – it is thus specialized to support foreign investment and trade with foreign companies. The matter in dispute must be of a commercial nature, as defined by the Iraqi Commercial Code, which includes 16 separate categories for commercial activities. As these are outdated, revisions to the commercial code should expand these categories of commercial activities to include modern transactions such as e-commerce and technology transfer.

The project will revise legislation to broaden the capacity of the commercial courts to hear judicial-arbitral matters, such as the appointment of the arbitrator and/or the presiding arbitrator and precautionary measures in arbitration cases, and the enforcement/annulment of the arbitral award where needed. The project will further explore the possibility of increasing the number of the commercial courts from current 3 to 15 (one court per province) during the revision of the legislation.

Activity 3.2.2. Develop standard operating procedures aimed at creating a modern system for hearing commercial disputes, starting from registration of the lawsuit up to the issuance of a final verdict. This shall include, but not limited to concluding online-sessions, submitting online-pleas and/or requests, and submitting evidences and affidavits.

Context, Problem Analysis and Reasoning of Activity

This activity will be implemented after amending provisions in the civil procedural code allowing the use of information technology in some legal proceedings. The project will advocate with the Higher Judicial Council to amend the code and support the establishment of the online proceedings by drafting the SOPs, providing IT support at the initial stage and training for judges and attorneys.

Activity 3.2.3. In collaboration with the Judicial Training Institute, conduct courses for judges on commercial disputes procedural issues with emphasis on issuing timely and efficient judgments.

Context, Problem Analysis and Reasoning of Activity

There exists very little trust of Iraqi companies in the civil court system generally. As such, companies try to avoid the courts and try to settle their disputes elsewhere by any means (through legal and also illicit means) and often utilize the court system or consider filing a lawsuit only as the very last resort. Civil law judges will benefit in acquiring knowledge on best international practices in adjudicating commercial disputes and also have their standing raised by receiving training from international legal experts on commercial dispute resolution. This can be achieved through improving the curricula of the Judicial Training Institute and enrolling international experts as instructors therein to train trainers.

Output 4: Create a climate of support in Parliament for anti-corruption reforms

Activity 4.1: In collaboration with the legislative committee of parliament and CoI, conduct an information campaign on UNCAC and the Doha Declaration for parliamentarians of both houses to sensitize them on Iraq's international obligations.

Context, Problem Analysis and Reasoning of Activity

Articles 48 et seq of the Constitution regulate the legislative power which is divided into the Council of Representatives and the Federation Council. The effective exercise of the Council of Representative's oversight and legislative authorities are key to advance anti-corruption activities.

The Col legislative department informed the scoping mission that it saw the Council of Representatives as a bottle neck in advancing anti-corruption reforms, in particular as key legislation for anti-corruption reforms was stalled. Col was interested in working with the Parliament to sensitize representatives to the urgency and importance of anti-corruption legislation.

A representative of the Iraqi Parliament Speaker, whom the scoping mission consulted on project activities for Parliament, confirmed the Parliament's general interest in participating in the project, but highlighted that the Parliament's view was that the main responsibility to advance corruption reforms was with the government. Representatives of the legal and integrity committees confirmed that they would support small scale activities of the project for the Parliament, in particular on information campaigns on the content and obligations under UNCAC.

The project will work with the parliament on these areas to ensure its engagement on anti-corruption issues. The project will work in similar ways with the Integrity Committee of the Council of Representative of Kurdistan.

Activity 4.2: In collaboration, with the integrity committee of the parliament conduct a review of rules of conduct for parliamentarians and create info materials for parliamentarians.

Context, Problem Analysis and Reasoning of Activity

There are public complaints from the demonstrators, in the press and elsewhere that members of parliament use their immunity to carry out illicit businesses. Representatives of the integrity committee of parliament are aware of this and confirmed that they are interested in the review of conduct and ethical norms as avenue to reign in corrupt or other unethical activities of members of parliament. The project will work closely with the integrity committee of parliament to advise on parliamentary codes of conduct to support initiative to strengthen the integrity of parliament.

To provide Iraqi parliamentarians with opportunities to study international standards on the conduct of MPs, the project will encourage Iraq's participation in the Global Organization of Parliamentarians against Corruption.

Activity 4.3: Create an anti-corruption forum comprised of representatives of the legislative and integrity committees, civil society, Col and the Board of Supreme Audit to meet quarterly to discuss corruption and integrity challenges.

Context, Problem Analysis and Reasoning of Activity

The Iraqi society plainly expressed that corruption represents a major constraint for the development of the country. The demonstrations in 2019 and early 2020 made clear that civil society demands to be part of a process to counter corruption and requires that results to be seen. Anti-corruption initiatives can be more easily embraced by parliament and supported by the government when they appear to address public demands. A broader and public forum against corruption mitigates the fear of politicians against serious resistance from those who benefit strongly from corrupt activities.

To bring together the various stakeholders and provide them with a setting to voice frustrations but also outlay proposals, the project will support the conduct of quarter-yearly meetings through a forum comprised of regular and fluctuating representatives of the legislative and integrity committees of Parliament, CoI, BoSA, civil society and other stakeholders. The consultation forum shall enable the stakeholders to develop a shared understanding for needs for corruption reforms and provide opportunities to utilise synergies to pursue anti-corruption goals.

The project will work in similar ways with the Kurdistan Region Council of Representatives (CoR) and identify the relevant committees to work with during inception phases.

Activity 4.4: Collaborate with the legal committee of the Council of Representatives to promote understanding and information of the importance of commercial arbitration in Parliament.

Context, Problem Analysis and Reasoning of Activity

The absence of recognition and enforceability of the international arbitral awards cannot be overcome without a separate arbitration law that provides for the right of the investors to resort to arbitration. Domestic laws on this matter must be in compliance with international convention. Iraq is a signatory to the League of Arab States Convention on Commercial Arbitration and the Riyadh Convention on Judicial Cooperation, and currently is a signatory of the ICSID Convention on Investment Disputes. Iraq is not a signatory of the New York Convention on the Recognition and Enforcement of Arbitral Awards that will enable a significant economic growth. The Parliament therefore needs to be engaged in order to understand the importance of such legislation.

The project will work with Legal Committee of the Parliament to promote the adoption to New York Convention and a new separate arbitration law including provisions on the online arbitration. Awareness material will be produced and seminars with Parliamentarians will be held to engage the Parliament in this area.

Output 5: Increased transparency and public accountability

Activity 5.1. Support the CoI in strategic communications and outreach on anti-corruption issues aimed at Parliament and the public.

Context, Problem Analysis and Reasoning of Activity

The federal CoI has alerted the scoping mission of this project to the difficulties of getting proposed corruption-related legislation passed in Parliament. It cited a mix of lack of understanding and political will as reasons for such delays and impasses. The CoI asked the project to facilitate outreach to overcome those delays and impasses. Further CoI has requested UNDP to support its communication and outreach work to the benefit of the wider public.

The activity aims at fostering understanding among parliamentarians to garner their support and also amongst the public that is committed to tackle corruption in the country. Increased understanding by policymakers and corresponding support in the population shall contribute to a growing sense that corruption can be tackled, that there will be less impunity (ie. more perpetrators will be held to account), that corrupt conduct will not be accepted, and that the population will benefit from less corruption. As the demonstration against government corruption in 2019 and at the beginning of 2020 showed, the public is ready to support country leaders who are willing to take a risk by acting decisively against corruption. The activity aims to inform parliamentarians and at the same time reach out to public to garner support for overcoming impasses in

parliament to effective anti-corruption legislation and oversight. If the Col is able to convey this message to instil more confidence in its work, it shall be better able to have the laws against corruption adopted that the country needs.

As such, the project will assist in strengthening Col's outreach capacity on anti-corruption issues. The project will cooperate with Col to inform parliamentarians and the public about anti-corruption measures undertaken and reform steps upcoming. The Col will also be the project's main partner to commemorate the official anti-corruption days during the project period.

Activity 5.2. Support the Higher Judicial Council in developing a communication strategy for corruption prosecutions and adjudications building on existing outreach efforts.

Context, Problem Analysis and Reasoning of Activity

The justice sector must uphold the principle of fairness and this fairness must be transparent. Efficient cooperation thereof with public is a significant pre-condition for the project activities and development of courts. The court must provide information to the public, thus increasing access and availability of courts, ensuring openness of the work of courts, facilitating transparency of the court proceedings, increasing public confidence to court system and understanding of work of courts and their rulings rendered, while at the same time through this openness eliminating the risk of corruption. Efficient communication shall result in public confidence in the judiciary and institutions thereof, improve trust in fair court proceedings with the result that more people will support judicial proceedings, such as forthcoming as witnesses, which in turn also prompt judges and other people working in the justice sector to improve their service deliveries.

With better access, the media will acquire a bigger role in providing transparency of the work of courts. Even more often the society obtains information on the work of courts, both in general, as well as on particular cases, from the mass media. Thus, it is crucial to ensure better access for the mass media to acquire sufficient and comprehensible information on the work of courts.

Therefore, it is important for the judiciary to have a well-considered communication strategy. The strategy must ensure that true and objective information on the work of courts is provided to the public in a comprehensive way, while also acknowledging where transparency is limited, as in juvenile justice proceedings, for the protection of witnesses and in compliance with the principles of presumption of innocence and right for private life.

Iraq has a special feature making the need for adopting a robust communication strategy even more urgent. Since the investigating judge represents the central authority for the conduct of investigations, the contact with the press must also be made through him (or at least approved by him) and not the police. As investigations regularly depend on the support received from the public, it is indispensable to have knowledge and a functioning mechanism in place when and how to use the media for investigative purposes. As UNDP's intense contact with investigating judges (and the police) have always shown, there is no clear communication strategy of the judiciary (same with the police) which seriously hampers the conduct of investigations. The general attitude of judges and police are to keep all information confidential and never contact the media to seek public support (e.g. to find a missing person, identify a suspect, request witnesses to be forthcoming etc.). Media relations are almost only meant to be sought as PR for top officials.

The project will thus work with the Higher Judicial Council notably its Media Centre to develop a communication strategy for investigations and trials with focus on corruption cases. Complementing activity 5.1 (strategic communication and outreach of Col), the focus of this activity will be on federal Col and Central Anti-Corruption Courts in the first year, to be then extended to Col in the KRG in the second year. The activity will cover provision of assistance for formulating the communication strategy as well as training on how to apply the strategy with casework.

Activity 5.3. Enable civil society and the media to conduct responsible reporting on corruption cases

Recent international best practice emphasize that the contributions of the media and civil society constitute the most effective indicator in fighting corruption. Within this is the important role that civil society organizations and media play in undertaking investigative work that support and sustain the work of law enforcement and judiciary institutions in fighting corruption. Iraq like many emerging countries has a rich but also fragmented civil society and media organizations that can be prone to influences of some politicians that engage in corruption or demonstrate bias in reporting corruption cases.

On the basis of the previous UNDP work with civil society under the Anti-Corruption for Trust in Iraq (ACT Iraq) and other past projects, the project will work with a select group of reputable civil society and media organization to enable them to report better and responsibly. The project will associate federal and regional Col investigators and investigative judges in the training sessions aimed at investigative reporting entities. It will facilitate outreach sessions enable a constructive dialogue on reported cases and building trust between civil society and media on the one hand and investigators and investigative judges on the other hand. Regular discussions will inform the reporting bodies that public agencies have acted upon their work and allow investigator and investigative judges to formulate their needs from the media and civil society.

5.4. Improve citizen's access to information and support the implementation of access to information legislation
Iraq is currently lacking a comprehensively access to information legislation that is key public's demand for transparency and public accountability of state institutions while Kurdistan Region has recently enacted such a legislation. Scattered provisions at federal level allow some access to information for media and civil society. Public institutions currently lack the organizational culture of openness to public and norms and rules centred around the right to know for citizens. But state officials including in the Parliament have shown support for a comprehensive access to information legislation that is currently in a draft form both in Parliament and in Col. UNDP under ACT project will review the legislation and provide comments. It is hoped that the legislation will be enacted paving the way for citizens and media organization to have a wide access to information currently held by state institutions.

The project will support the implementation of the access to information legislation by drafting by-laws and standing operating procedures in cooperation with either an Access to Information Commission (dominant norm in emerging countries) or a public institution that will have the authority to act as the custodian of the access to information legislation. In the draft law, the Human Rights Commission is currently considered for this role. The central authority will have the responsibility to oversee the implementation of the law including regular reporting to the public and function as an appeal mechanism for citizens, civil society and media organizations whose requests are either denied or not satisfactorily fulfilled. Further, the project will support the federal and regional Col, Higher Judicial Council, Parliament and the Board of Supreme Audit to establish information desk for citizens a system for registering and responding to information requests. It will also support the central authority for establishing a complaint handling mechanism. Finally, the project will train a selected number officials in those institutions dealing with information requests and complaints on how to respond in accordance with legislation and procedures.

Partnerships and Stakeholder Engagement:

Sustainable Development Goal 16 States: "Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels". Supporting Iraq to implement this goal, UNDP⁴¹ has implemented numerous project activities, on which the project may build. As such the project will utilise previously conducted capacity building for and impact assessments of anti-corruption institutions (Col, IG, BoSA), anti-corruption media-campaigns to provide expert advice in developing strategies, strengthening asset recovery, and supporting Col in developing the National Corruption Index. UNDP's extensive network of government, NGO partners, UN agencies and, a range of international development partners is another asset to successfully lead the implementation of the project. UNDP's effective stewardship of the scoping mission for this project and its ability to find creative

⁴¹ Present in Iraq since 1976, UNDP is committed to supporting Iraq and its people during its transition towards long- term stability, recovery, peace and development. Amongst others, UNDP-Iraq support ranges from helping stabilize newly liberated areas and security and justice sector reform to anti-corruption and economic recovery, local area development and basic service delivery to displaced populations and NGO capacity building. UNDP is a major partner contributing to Iraq's broader stabilization, recovery and development initiatives in Iraq.

solutions to successfully implement the mission despite multiple challenges demonstrates yet again its suitability to lead the project implementation in all four areas of the project.

UNDP will carry out project in close collaboration with UNAMI. UNAMI brings ample experience in monitoring on justice issues and is currently conducting a trial monitoring program (for terrorism cases). The project will recruit trial monitors who will be placed to UNAMI's human rights section. UNDP will collaborate with the UN specialized agencies as required.

UNDP will collaborate with existing and future anti-corruption initiatives by likeminded International Partners. More specifically with the EU-funded GIZ project "Private Sector Development and Employment Promotion / Development-Oriented (Re) Integration of Iraqi Youth" and the EU funded World Bank project on 'Public Finance Management (PFM)'. To ensure coordination and coherence the project will convene a bi-monthly international partner coordination forum. (Also see activity 1.6).

Assumptions and Risks:

1) Assumptions: sufficient levels of security and political stability prevail that allow implementation of project activities; existing and potential health pandemics stabilize allowing timely project implementation; resources for project activities are available on time; key stakeholders continue to show willingness to engage and, are receptive and responsive to the project; access to target locations in and outside Iraq.

2) Risks: political instability/ renewed public protests; political spoilers and those who are opposed to genuine reforms; health pandemics; inconclusive parliamentary elections 2021; highly volatile security conditions/ health pandemics restrict movements within and outside Iraq causing delays to overall project implementation. (Also See Appendix II Risk Log)

Sustainability:

The project approach aims to produce outcomes that are sustainable, through empowerment, development of Iraqi capacity, legislative and policy reforms, and the creation of durable links between and amongst all stakeholders involved in the anti-corruption institutions (CoI, IG, BoSA), justice sector (HJC and the legal profession), civil society, and the Iraqi public at large to strengthen accountability and anti-corruption reforms in Iraq. The state institutions and the judiciary must play an active role in this critical process of change. In order to do this, it is also crucial to take tangible action to strengthen institutional capacity and the capabilities of key actors for the long-term. As such the project will achieve suitability in the following manner:

- Transferrable skills learned and acquired by the project's target groups will increase learning between and amongst themselves and like-minded institutions/agencies. It will also provide a replicable model more widely within Iraq.
- The training and capacity building efforts will allow learning and impact to be had beyond the direct target group. The target group will share/ impart their knowledge with peers, and the methodology itself will serve as an on-going resource for future initiatives.
- Improved relationships developed and trust built between and amongst project's target groups i.e. anti-corruption institutions and the justice sector as well as civil society and media will promote collaboration to strengthen accountability and advance anti-corruption reforms beyond this project.
- Project's legislative and policy reform efforts will facilitate an enabling environment to sustain projects expected outcomes/ results beyond this project.
- Legislative reforms and policy recommendations advocated to anti-corruption institutions, the Higher Judicial Council (HJC) and the justice sector more broadly from project's activities will provide these entities, UNDP, UNAMI, UN Country Team, the EU and other like-minded international partners to pursue advocacy and future interventions to sustain, and build from the gains achieved by the project in the long-term.

Sustainability per output is as follows:

Output 1 outcomes are mainly legislation and strategies that are owned by the Iraqi government, do not bear long-term cost for the project and cost for their implementation will become an integral part of the federal or regional budgets as processes for adoption of legislation and policy requires.

Output 2 outcomes are mainly individual and institutional capacities that will be sustained beyond the project timelines. Technical skills of investigators and judges will allow them to change the practice of justice while institutional changes that result from embedded integrity standards and norms in the judiciary and Col will enhance a culture of rule of law for decades. Further, skills acquired by individuals will be transferred within the community of investigators and judges and the integrity rules and standards will apply across the whole institution. Together they both set of outcomes will result in institutions that trusted by citizen.

Output 3 is similar to the outcomes under Outputs 1 and 2 leading to adoption of legislations and nationally owned systems while the capacity in arbitral matters will stay beyond the lifetime of the project.

Output 4 will result in better capacity and awareness in Parliament that last to a minimum for the period of the mandate of upcoming Parliamentarians, some of whom are likely to be re-elected. The practice of engaging with the Parliament by civil society and public institutions however will last longer. The financial cost for maintaining such forums is also limited.

Output 5 will set an organizational culture of communication and interaction with citizens, civil society and media that will become an integral part of the functioning of public institutions. The project provides minimal costs communication and outreach while public institutions bear the main cost in their budgets, e.g. paying the salaries and equipment of for access to information desks etc.

Conflict Sensitivity

Every stage of the project will be guided by a conflict-sensitive approach to support the overall implementation. It will help to ensure that project activities are carried out in a way that does not unintentionally cause or exacerbate tensions and, maximize the opportunities to contribute to building peace and stability. In order to understand the conflict dynamics in project's target institutions a conflict analysis will be conducted at the project inception. The findings therein will help to better understand the interaction between the operational context, its conflict dynamics and, project intervention. The findings will be linked to the overall project cycle and, utilized to avoid potential negative effects and maximize positive impacts. It will therefore help to ensure that overall project planning, implementation and M&E are conducted in a conflict-sensitive manner. The conflict analysis will be reviewed and, updated annually. As such, following guiding principles of conflict-sensitivity will be integrated into every stage of the project implementation: participatory process; inclusiveness of actors, issues and, perceptions; gender equality; impartiality in terms of actors and issues; transparency and accountability; respect for people's ownership of the conflict and, their sufferings; partnership and collaboration; complementarity and coherence; and timeliness.

Anti-corruption projects generally suffer from a number of exogeneous drivers of conflict: political rivalries coupled with interference by foreign countries; public protests turning violent; limited resources for public institutions fighting corruption; politicization of corruption and anticorruption reform. Safeguards considered in this project include comprehensiveness and emphasis on apolitical and neutral approach to anti-corruption reform agenda including in the anticorruption strategy; inclusiveness, participation of multiple stakeholders, access to information for citizens and transparency of decisions; and timely and fair delivery of justice. Endogenous drivers of conflict can be: rivalries between institutions; spoilers within public institutions we support; lack of accountability of public institutions to the public. Mitigation measures include: collaborative approach through working groups including key anticorruption institutions; support to enhance the transparency and public accountability of institutions; close coordination with the political authority; participatory approach including technical and leadership levels of the institutions in decision-making around the project including consultations during the scoping mission, validation and inception phase.

IV. PROJECT MANAGEMENT

Cost Efficiency and Effectiveness

The project will come under the Governance Pillar of UNDP Iraq's Programme Portfolio, which will help to improve cost effectiveness by leveraging operational support and processes that are already in place within UNDP Iraq, and also leverage partnerships with other on-going UNDP projects such as the Funding Facility for

Stabilization (FFS), SSR/ RoL Programme and the Iraq Crisis Response and Resilience Programme. The overall Project management approach places priority to ensure UNDP's organisational Value for Money criteria (VFM) -economy, efficiency and, cost-effectiveness.

- a) Overall project budget costs are estimated under each Output, and to corresponding activities with itemized costing to ensure economy, efficiency, effectiveness and cost-effectiveness.
- b) Knowledge and skill transfer will be strengthened/ further facilitated, through investments in nationally recruited UNDP staff, in partner state and non-state institutions, through a combination of providing advisory support, conducting trainings and workshops, provision of inputs and, issuing grants for activity implementation.
- c) Where there is a shortage of national level expertise it will require relying on high quality international technical expertise. As such investments will be made in the recruitment of international technical staff and consultants on the key subject areas where needed. It is a strategic investment that is fundamental to achieving the Project Outputs.
- d) Competitive procurement processes will be relied upon to ensure equity and, draw in competitive offers. Competitive processes also enable to assess the range, quality and, pricing available in the market.
- e) To provide time sensitive responses with the provision of goods and services, the project will rely on UNDP's Crisis Bureau Express Roster of pre-vetted technical experts/consultants and, on long-term agreements established with companies across a range of different sectors and services.
- f) Procurement of goods and equipment will be undertaken following a strategic planning exercise to consolidate procurement actions in accordance with UNDP rules and regulations.
- g) Consolidated operations and administration support teams working across the portfolio will help consistency in processes, save time and resources.

Project Management

The project will be implemented through the Direct Implementation Modality (DIM) by UNDP Iraq, which will be accountable for the overall management of the project and, achievement of results described in this Project Document.

UNDP will according to the requirements of each activity, in keeping with UNDP's Rules and Regulations and selection processes, identify qualified contractors, consultants and/or service providers that would be Responsible Parties. They will be directly accountable to UNDP in accordance with the terms of each type/category of agreement signed. They will be selected with a view to take advantage of their specialized skills, to achieve high quality results, to mitigate risks and to strengthen administrative efficiencies.

The project will be managed and coordinated from the UNDP Country Office in Iraq located in the UN Assistance Mission for Iraq (UNAMI) Compound in Baghdad. Should the need arise due to space limitations within the UNAMI Compound, and subject to security rules and regulations additional office space for the Project may be secured, based on direct attribution of the cost to the Project. Activity implementation will primarily be undertaken in coordination with the Federal Government of Iraq given the majority policy level focus therein. However, a selected number of activities will also be undertaken with the engagement of the Kurdistan Regional Government in Iraq (KR-I), that will be determined during project inception phase in consultation with key Iraqi interlocutors.

The project team includes staff carrying out a range of tasks including technical assistance, administration and management. It will comprise of full-time dedicated and part-time specialised project staff, apportioned based on actual support required for the Project activity implementation and it will consist of a Project Management Unit and a Technical Assistant Team.

The Project Management Unit (PMU) will consist of the following UNDP staff who will dedicate 100% of their time to the project.

- *Project Manager*: Subject matter expert, the Project Manager will provide overall management, technical guidance and oversee timely implementation of project activities.
- *Project Management Specialist*: will be responsible for ensuring project implementation, planning, strategic partnerships and external relations. S/he will be responsible for administrative, operational and financial quality assurance, advising and verifying procurement and payment processes and human resources processes for the needs of the project.
- *M&E and Reporting Specialist*: will be responsible for, designing and implementing M&E tools including the M&E plan, monitoring progress including tracking results, assessing impact and reporting. S/he will explore designing tools and collect data in innovative ways notably on qualitative indicators.
- *Project Associate-Administration and Finance (1 position)*: will assist with overall day-to-day administration and financial management related to project implementation.
- *Project Associate – Translator (2 positions)*: will assist with project’s overall translation tasks.

The Technical Assistance Team (TAT), will consist of full-time staff (international and national personnel, based on the identified needs), leading on the provision of technical expertise in the following areas:

- *Anti-Corruption and Integrity Specialist*: will be responsible for corruption risk assessments, anticorruption strategies and initiatives, integrity rules of judiciary including training.
- *Anti-Corruption Legislation Specialist*: will be responsible for legislative assessment and drafting including by-laws and SOPs.
- *Investigation and Adjudication Training Specialist*: will be in charge of capacity building in the investigation and adjudication of corruption offences with expertise in design and delivery of tailored trainings
- *Corruption Investigation Mentoring Specialist*: will be in charge of mentoring CoI investigators with expertise in mentoring and coaching with specialised investigative techniques
- *Commercial Dispute Resolution Specialist*: will have expertise in drafting of arbitration and in design and delivery of capacity building and mentoring.
- *Project Management Officers (two positions)*: will assist the technical experts in Baghdad and Erbil respectively.

The TAT is further supported by a technical team that will be detached to UNAMI Human Rights Office and include:

- *Trial Monitoring Specialist*: will be responsible for the development of methodology, data collection and reporting on trial monitoring
- *Trial Monitoring Officers (2 positions)*: will assist the Trial Monitoring Specialist in data collection and reporting

The project will also be supported part-time by other key staff positions in the Country Office, as per the below:

- *Strategic Direction and Engagement*: Given the strategic importance of the Project and the related sensitivities in its operational context of Iraq, the project will be implemented under the overall strategic direction and engagement of the Deputy Resident Representative (DRR)-Programme in the UNDP Country Office. The DRR-Programme will provide overall direction to the Project team in order to ensure implementation is on-track and address associated risks and challenges, ensure the project inputs are available and directly support high-level engagement with government counterparts, and to maintain relationships with development partners.
- *Management Services*: Governance Pillar in UNDP Country Office, through the Programme Specialist and Programme Associate will support the project with management oversight, donor relationship management, technical guidance, establishing portfolio synergies and policy advocacy support towards the government and the broader project partners.
- *Quality Assurance and Oversight services (2 positions)*: The Programme Management Support Unit (PMSU) in the UNDP Country Office will support project quality assurance and oversight. *Monitoring*

& *Evaluation Specialist* will support the project to ensure compliance with corporate policies, rules and regulations relating to monitoring and evaluation and reporting. *The Finance Specialist* will provide overall oversight support to the project to maintain financial transactions ensuring high quality, accuracy and consistency with UNDP rules and regulations.

- *Communications and Visibility Support (1 Position)* The Communication Specialist will provide technical expertise to increase visibility of EU support and share beneficiaries results to the public internally and externally. The project will be supported to implement the Communications and Visibility Plan, while ensuring compliance with UNDP's guidelines and requirements of the EU. The Communication Specialist will work part time to support the Project.
- *Gender Advisory Support (1 position):* The Gender Specialist will ensure that the project is implemented in line with the project's gender markers, and that gender integration and gender equality are cross-cutting in all project activities.
- *Operational Services: UNDP Iraq through its operational structure, will provide support to project's procurement, financial and administrative processes, human resource management, Travel/Field Security and IT management. Accordingly, the staff to support the project part-time are the following:*
 - *Operations Coordination (1 position): Overall Country Office operations support to the project will be coordinated with the direct support of the Head of the Service Center.*
 - *Human Resources (2 positions):* The project will have nationally and internationally recruited staff as part of the Project team. These staff are recruited and managed according to UNDP rules and procedures and costs are incurred in the recruitment, administration and finalization and/or extension of such contracts. Two members of the UNDP Human Resource unit (Human Resources Analyst and Human Resources Associate) will support the project.
 - *Procurement (2 Positions):* A Procurement Specialist and Procurement Assistant will provide technical oversight support on all procurement activities (including compliance with Procurement Review Committee requirements) and vendors. This support will be provided to ensure transparency, accountability and best value for money is maintained throughout the project.
 - *Finance (1 position):* A Finance Assistant will be responsible to support processing payments and issuing of cheques and transfers, as in keeping with UNDP's internal controls and accounting standards, functions must be split between the originating unit (the project management unit) and the Country Office finance unit.
 - *Field Travel/Security (2 Positions):* The project will have two security drivers to assist with project staff movements in Baghdad to attend meetings, organise and deliver workshops/ trainings, undertake advocacy events etc.

In addition, there are several categories of costs that are necessary for the implementation of this project, including but not limited to:

- *Transportation and Vehicle-Related Expenses including maintenance and repair cost:* Two vehicles will be assigned to the project for the life of the project. These two vehicles will be purchased through Project funds. Should additional, transport support be required the Project will rely on vehicles on the Country Office vehicle pool. The overall cost allocation in the budget will cover vehicle maintenance, insurance, fuel, etc. and contribution for relevant driver services.

- *Office Equipment and Furniture:* For the project’s operations laptops for the new staff, office furniture, a printer and related consumables will be purchased. Additionally, the project will also facilitate equipment for communications and outreach on anti-corruption issues for increasing use of the citizen’s hotlines.
Note: Full asset costs are budgeted, however the equipment and vehicles will be subject to depreciation. Donation/transfer/disposal of assets at the end of the Project period will be undertaken in keeping with UNDP rules and regulations, and the EU contractual requirements.
- *Security:* For the security and safety measures for staff and consultants, for related security costs for field travel. Maintain security in office premises, including for the office equipment
- *General Operating Costs:* Several categories of costs that are required for the functioning and operations of the Project team, including office rental (inclusive of all office running costs) , office supplies, ICT costs, communications and visibility costs and required costs for international and national travel (inclusive of daily subsistence allowance and accommodation allowance) are applicable to the project budget. A small amount of these costs is applied to the project.
- Additionally, based on identified needs the Project will seek full or part-time Arabic language proficient consultants or consultancy services focusing on the following key activities. These experts will report directly to the Project Manager:
 - Anti-corruption reform and integrity training design and delivery
 - Commercial justice, Arbitration training design and delivery
 - Anti-corruption reform and public information communication strategy development
 - Legislative review and anti-corruption reform impact assessments

The project shall be subject to the internal and external auditing procedures laid down in the UNDP Financial Regulations, Rules and directives.

Communication and Visibility

All project activities will meet the communication and visibility requirements set out in the FAFA , Article 8 of the Annex II to the EU-UNDP Contribution Agreement and be implemented according to the Joint Visibility Guidelines for EC-UN Actions in the field. Please see Annex VI-Project’s Communication and Visibility Plan.

V. MONITORING AND EVALUATION

In accordance with UNDP’s programming policies and procedures, the project will be monitored through the following monitoring and evaluation plans. The monitoring plan will be annually reviewed as part of Project Management. (Also see Appendix I: Logical Frame Work)

Monitoring Plan

Monitoring Activity	Purpose	Frequency	Expected Action	Partners (if joint)	Cost (if any)
Track results progress	Progress data against the results indicators in the RRF will be collected and analysed to assess the progress of the project in achieving the agreed outputs.	A minimum, quarterly and, where relevant in keeping with the frequency required for	Slower than expected progress will be timely signalled to the EU Delegation and addressed by project management.		

		each indicator.			
Monitor and Manage Risks	Identify specific risks that may threaten achievement of intended results. Identify and monitor risk management actions using a risk log. This includes monitoring measures and plans that may have been required as per UNDP's Social and Environmental Standards. Audits will be conducted in accordance with UNDP's audit policy to manage financial risk.	Quarterly	Risks are identified by project management and, actions are taken to manage risk. The risk log is actively maintained to keep track of identified risks and actions taken.		
Knowledge Management	Knowledge, good practices and lessons will be captured regularly, as well as actively sourced from other projects and partners and integrated back into the project.	At least annually	Relevant lessons are captured by the project team and, used to inform management decisions.		
Project Review to Make Course Corrections	Internal review of data and evidence from all monitoring actions undertaken by the Project Team to inform decision making by the Project Board. This internal review will also include taking stock of exit/phase-out strategies adopted by the Project.	At least Annually	Performance data, risks, lessons and quality will be discussed by the project board and used to make course corrections.		
Annual Project Quality Assurance	The quality of the project will be assessed against UNDP's quality standards to identify project strengths and weaknesses and to inform management decision making to improve the project.	Annually (mid-year)	Areas of strength and weakness will be reviewed by project management and used to inform decisions to improve project performance.		
Project Report	A progress report will be presented to the Project Board and key stakeholders, consisting of progress data showing the results	While a quarterly summary of Progress will be prepared, a Project			

	achieved against pre-defined annual targets at the output level, the annual project quality rating summary, an updated risk long with mitigation measures, and any evaluation or review reports prepared over the period.	Report will be prepared Annually, and a Final Report at the end of the Project.			
Project Review by the Project Board	The Project Board will hold regular project reviews (a minimum annually) to assess the performance of the project and review the Multi-Year Work Plan to ensure realistic budgeting over the life of the project. In the project's final year, the Project Board will hold an end-of project review to capture lessons learned and, discuss opportunities for scaling up and to publicise project results and lessons learned with relevant audiences.	At-least Annually	The Project Board will discuss any quality concerns or slower than expected progress and agree on management actions to address the issues identified.		
Project Evaluation	To determine the failures and successes of project activities to strengthen the implementation process.	Mid-Term and/or Final Evaluation	The Project Management Team and Project Board will review the findings of the Evaluation to identify ways to strengthen the implementation process, and determine the need for and nature of a further phase of support.		
Project Closure Quality Assurance	The quality of the closure process of the project will be assessed against UNDP's quality standards to identify strengths and weaknesses and to inform management	In the lead up to Closure of the Project	Areas of strength and weakness will be reviewed by project management and used to inform decisions to improve		

	decision making to improve the process.		project performance.		
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VI. GOVERNANCE AND MANAGEMENT ARRANGEMENTS

A Project Board chaired by UNDP and co-chaired by the EU Delegation to Iraq will govern the project. The Board will consist of the Prime Minister Office, Higher Judicial Council and Commission of Integrity at federal level, the donor and other members approved by the Local Project Appraisal Committee. The Project Board may also invite key partners/stakeholders as “Observers” for meetings where necessary. These may include *inter alia* line Ministries and Departments, civil society organizations and United Nations agencies.

The Project Board is the highest-level project management and oversight body. It will provide policy guidance, review progress against target results, support the identification of solutions to challenges faced by the project, and review risks and lessons learned. The Board will also provide guidance needed to strengthen coordination and collaboration among other relevant projects and with other national initiatives and development projects. The Project Board will meet twice a year and, would the need arise the Board will also meet on an ad-hoc basis, in the event for example there is a significant change in context. The Board will receive Annual and Final Reports from the Project.

The *main responsibilities* of the Project Board will be to:

- Ensure that identified results and associated actions in the annual work plans comply with the strategies and principles outlined in the project document.
- Review and endorse annual work plans (including budgets) provided by the project.
- Review reports which indicate progress against target results and provide strategic guidance and policy direction.
- Take stock of delays or bottlenecks in implementation and propose solutions and measures.
- Provide oversight, and assess the quality of project implementation, including through review of the Quality Assessment by UNDP’s Programme Assurance function.
- Review assessments, evaluations and recommendations in respect of the project and provide strategic guidance, as required.
- Assess and decide on substantive changes (such as project strategy, principles, outputs and activity results).
- Recommend new or revised policy directions in the planning and implementation of the project in light of new national planning strategies/documents.
- Establish levels of tolerance (on time and budget) for the Project and provide guidance when tolerance levels have been exceeded.
- Ensure that the resources made available are committed and expended in a timely manner.

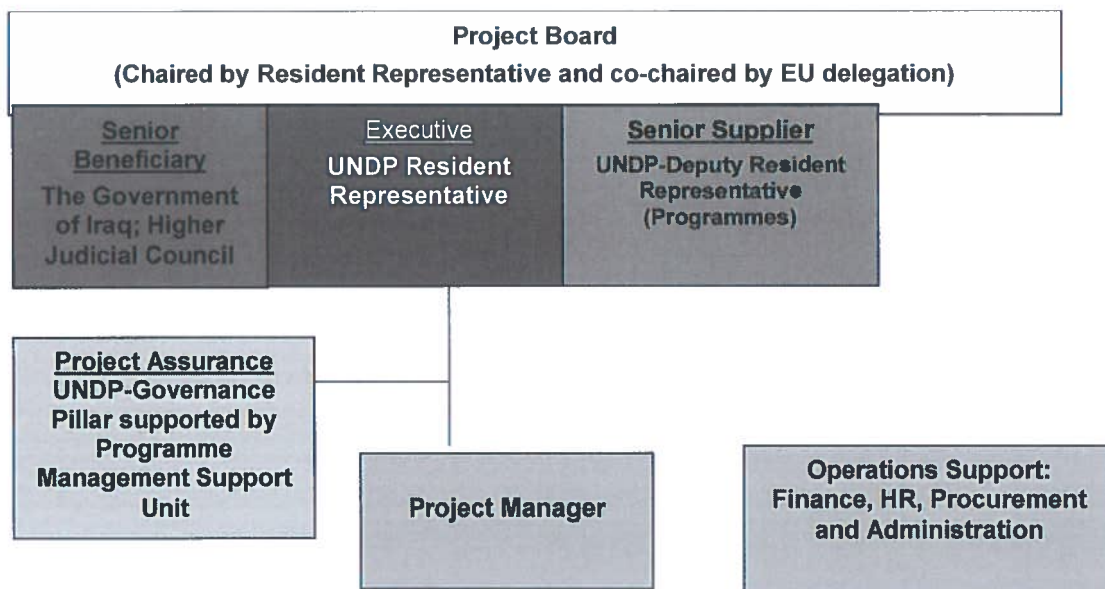
The Chairperson of the Board is the UNDP Resident Representative, who will have ultimate responsibility for the project. As part of the responsibilities of the Board, they will ensure that the project is focused throughout the project cycle on achieving its outputs and targets. Additional responsibilities include monitoring and controlling the progress of the project at a strategic level; ensuring that risks are being tracked and mitigated as effectively as possible; and chairing and ensuring that the Project Board meets in a timely manner, as stipulated in the project document. The Chairperson will be responsible for approving and signing the Annual Work Plan (AWP), and other relevant project management documents.

The Senior Supplier will represent the interests of those designing and developing the Project deliverables and providing complementary resources to the Project. The Senior Supplier is represented by the Deputy Resident Representative- Programme. The primary function and responsibility of the Senior Supplier is to provide guidance regarding the technical feasibility of the project. As part of the responsibilities of the Project Board,

the Senior Supplier will advise on the identification of strategies, design and methods to carry out Project actions. Within the context of the Project Board, the Senior Supplier is also responsible for ensuring that progress towards outputs remains consistent; contributing the supplier’s perspective and opinions on implementing any proposed changes; and arbitrating on and ensuring resolution of input/resource related priorities or conflicts.

The Project Assurance role will be delegated by the Project Board to the Governance Pillar that will be supported by the Programme Management Support Unit (PMSU). Project Assurance has to be independent of the Project Manager. The Project Assurance role supports the Project Board by carrying out objective and independent project oversight and monitoring functions. This role ensures appropriate project management milestones are managed and completed. The Project Assurance role needs to be engaged throughout the project as part of ensuring that it remains relevant, follows the approved plans and continues to meet the planned targets with quality. Project Assurance is required to ensure Beneficiary needs and expectations are being met or managed; risks are being controlled; adherence to the project justification (business case); the right people are being involved; an acceptable solution is being developed; the project remains viable; applicable UNDP rules and regulations are being observed; adherence to monitoring and reporting requirements and standards of the donor ; quality management procedures are properly followed; and the Project Board’s decisions are followed and revisions are managed in line with the required procedures.

The Project Manager (PM) is responsible for the successful management of project outputs and contribution to the achievement of project outcomes. The PM will have the responsibility to run the project on a day-to-day basis on behalf of and within the framework outlined by the Project Board. The PM is responsible for working in coordination with the respective Senior Beneficiary/ies and Responsible Parties of the project to ensure project implementation, financial management, administration, monitoring and reporting takes place in a timely manner. Under the guidance of the Chair, the PM shall ensure efficient coordination efforts between the stakeholders of the Project. The PM will be responsible for managing the realization of Project outputs and targets through actions as specified in the Annual Work Plan. This includes: planning activities/actions; preparing annual work plans; overseeing the implementation of activities/actions (including liaising with service providers to mobilize goods and services); managing financial resources and accounting to ensure accuracy and reliability of financial reports; updating the monitoring plan; managing, monitoring and updating the project risks; identifying new risks and alerting the Project Board to consider and decide on possible actions; managing issues and requests for change (including maintaining an Issues Log); and preparing the Project Quarterly Progress Report, Annual Report and Final Report for submission to the Project Board. The PM will be supported by rest of the project team of national and international staff/ consultants/ experts in carrying out their function.



Project Team (Project Management Unit and Technical Assistance Team)

Project Governance Structure

VII. 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 Iraq and UNDP, signed on 20 October 1976. All references in the SBAA to “Executing Agency” shall be deemed to refer to “Implementing Partner.”

This project will be implemented by UNDP in Iraq 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.

VIII. RISK MANAGEMENT

UNDP (DIM)

1. UNDP as the Implementing Partner will comply with the policies, procedures and practices of the United Nations Security Management System (UNSMS.)
2. UNDP as the Implementing Partner will undertake all reasonable efforts to ensure that none of the [project funds]⁴² [UNDP funds received pursuant to the Project Document]⁴³ 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. This provision must be included in all sub-contracts or sub-agreements entered into under this Project Document.
3. 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>).
4. UNDP as the Implementing Partner will: (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.
5. 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.
6. UNDP as the Implementing Partner will ensure that the following obligations are binding on each responsible party, subcontractor and sub-recipient:
 - a. Consistent with the Article III of the SBAA *[or the Supplemental Provisions to the Project Document]*, the responsibility for the safety and security of each responsible party, subcontractor and sub-recipient and its personnel and property, and of UNDP’s property in such responsible party’s, subcontractor’s and sub-recipient’s custody, rests with such responsible party, subcontractor and sub-recipient. To this end, each responsible party, subcontractor and sub-recipient shall:
 - i. 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;

⁴² To be used where UNDP is the Implementing Partner

⁴³ To be used where the UN, a UN fund/programme or a specialized agency is the Implementing Partner

- ii. assume all risks and liabilities related to such responsible party's, subcontractor's and sub-recipient's security, and the full implementation of the security plan.
- b. 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 responsible party's, subcontractor's and sub-recipient's obligations under this Project Document.
- c. Each responsible party, subcontractor and sub-recipient will take appropriate steps to prevent misuse of funds, fraud or corruption, by its officials, consultants, subcontractors and sub-recipients in implementing the project or programme or using the UNDP funds. It 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.
- d. The requirements of the following documents, then in force at the time of signature of the Project Document, apply to each responsible party, subcontractor and sub-recipient: (a) UNDP Policy on Fraud and other Corrupt Practices and (b) UNDP Office of Audit and Investigations Investigation Guidelines. Each responsible party, subcontractor and sub-recipient 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.
- e. In the event that an investigation is required, UNDP will conduct investigations relating to any aspect of UNDP programmes and projects. Each responsible party, subcontractor and sub-recipient will provide its full cooperation, including making available personnel, relevant documentation, and granting access to its (and its consultants', 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 it to find a solution.
- f. Each responsible party, subcontractor and sub-recipient will promptly inform UNDP as the Implementing Partner in case of any incidence of inappropriate use of funds, or credible allegation of fraud or corruption with due confidentiality.

Where it becomes aware that a UNDP project or activity, in whole or in part, is the focus of investigation for alleged fraud/corruption, each responsible party, subcontractor and sub-recipient will inform the UNDP Resident Representative/Head of Office, who will promptly inform UNDP's Office of Audit and Investigations (OAI). It will provide regular updates to the head of UNDP in the country and OAI of the status of, and actions relating to, such investigation.

- g. UNDP will be entitled to a refund from the responsible party, subcontractor or sub-recipient 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 this Project Document. Such amount may be deducted by UNDP from any payment due to the responsible party, subcontractor or sub-recipient under this or any other agreement. Recovery of such amount by UNDP shall not diminish or curtail any responsible party's, subcontractor's or sub-recipient's obligations under this Project Document.

Where such funds have not been refunded to UNDP, the responsible party, subcontractor or sub-recipient agrees that donors to UNDP (including the Government) whose funding is the source, in whole or in part, of the funds for the activities under this Project Document, may seek recourse to such responsible party, subcontractor or sub-recipient 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.

- h. Each contract issued by the responsible party, subcontractor or sub-recipient 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 it shall cooperate with any and all investigations and post-payment audits.
 - i. Should UNDP refer to the relevant national authorities for appropriate legal action any alleged wrongdoing relating to the project or programme, 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.
 - j. Each responsible party, subcontractor and sub-recipient shall ensure that all of its obligations set forth under this section entitled “Risk Management” are passed on to its subcontractors and sub-recipients and that all the clauses under this section entitled “Risk Management Standard Clauses” are adequately reflected, *mutatis mutandis*, in all its sub-contracts or sub-agreements entered into further to this Project Document.
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Appendix I: Support to justice initiatives curbing corruption and promoting commercial dispute resolution Results (Logical) framework

<p>Intended Outcome as stated in the UNSDCF/UNDP Country Programme (2020-2024): Outcome 3.1 - Strengthened institutions and systems deliver people-centred, evidence and needs-based equitable and inclusive gender and age-responsive services, especially for the most vulnerable populations, with particular focus on advocating for women's leadership in decision-making processes</p> <p>Outcome Indicator as stated in the UNDP Country Programme (2020-2024) : Proportion of the population satisfied with the delivery of improved public services, disaggregated by sex, age, disability, type of service and governorates. Baseline (2019): 5.8% Target(2024): 2% increase every year</p> <p>Applicable Output(s) from the UNDP 2018-2021 Strategic Plan: Outcome 1: Advance poverty eradication in all its forms and dimensions Output 1.2.3: Institutions and systems enabled to address awareness, prevention and enforcement of anti-corruption measures to maximise availability of resources for poverty eradication. Indicator 1.2.3.1 Existence of effective measures adopted to mitigate and remedy corruption risks at: national level; sub-national level; sector level</p> <p>Applicable Outcome and Outputs from EU's financial decisions MIDEAST/2020/42756: Outcome 2: Improved accountability, transparency and credibility of the Justice system, including strengthened inclusive participatory decision-making Output 2.1. National framework for anti-corruption is revised Output 2.2. Capabilities of the Iraqi Parliament (Council of Representatives) are fostered to exercise its legislative / accountability functions in a professional, accountable, representative and transparent manner Output 2.3. The space for direct policy dialogue with government is enlarged as well as the space for civic engagement nurtured with technical, networking and monitoring capacities of Iraqi civil society organisations and civic actors, including media, are built to support inclusion and modalities of participatory, transparent and accountable governance at all levels.</p>		<p>Project ID: TBC</p>					
		TARGETS (by frequency of data collection)					
		BASELINE					
		DATA SOURCE					
		Year					
		Year 1					
		Year 2					
		Year 3					
		Year 4					
		DATA COLLECTION METHODS					
<p>EXPECTED OUTPUTS</p> <p>Output 1: Improved Legislative and Strategic Framework for Anti-Corruption Reforms</p>	<p>OUTPUT INDICATORS⁴⁴</p> <p>A) # of anti-corruption legislations drafted or reviewed and submitted for approval of the Council of Ministers or the Parliament including by working group⁴⁵ in Iraq with better compliance with international norms and best practice (disaggregated by type & sector).</p> <p>B) # of oversight mechanism for the anti-corruption strategies reflecting best international practice</p>	<p>Value</p> <p>a) No anti-corruption legislation drafted or revised under this project including by the proposed anti-corruption reform group</p> <p>b) No oversight mechanism for anti-corruption strategies</p>	<p>Year 2020</p> <p>a) Draft or revise 3 anti-corruption legislations containing at least 6 compliance indicators with international norms (three legislations)</p> <p>b) Draft and submit for approval of one regional or federal anticorruption strategy integrating at least 2 international best practices</p>	<p>Year 2020</p> <p>a) Draft or revise 6⁴⁶ anti-corruption legislations containing at least 12 compliance indicators with international norms (3 legislations to be defined in year 1).</p> <p>b) Draft and submit for approval of two oversight mechanisms for the regional and federal anticorruption strategies integrating at least 4 international best practices</p>	<p>Year 3</p> <p>a) Draft or revise 9 anti-corruption legislations containing at least 18 compliance indicators with international norms (3 additional legislations to be defined in year 2).</p> <p>b) N/A</p>	<p>Year 4</p> <p>a) Draft or revise 11 anti-corruption legislations containing at least 22 compliance indicators with international norms (2 additional legislations to be defined in year 3).</p> <p>b) N/A</p>	<p>Interviews: Questionnaires; Focus Groups; Observation and review of project documents including quarterly progress and activity implementation reports. Action Plan</p> <p>Interviews; Questionnaires; Focus Groups; Observation and review of project documents including quarterly progress and activity implementation reports.</p>

⁴⁵ The project has made the choice of not establishing an anticorruption working group in Kurdistan, but work in close cooperation with Legal Consultation Centre and CoI.

⁴⁶ When number, yearly figures are cumulative.

						records and photos, participants Quarterly project progress reports and post-project action plans.	Proposals on witness protection legislations Activity implementation reports including participants attendance records and photos, participants Quarterly project progress reports and post-project action plans.	2020	c) Draft submit for approval at least one regulation or SOP to implement protection law at federal level	c) Submit for approval at least one regulation or SOP to implement protection law at regional level	c) N/A	c) N/A			
C) # of regulation or Standard Operating Procedure (SOP) submitted for approval allowing implementation of witness and informant protection law												Interviews, Questionnaires; Focus Groups; Observation and review of project documents including quarterly project progress and activity implementation reports,			
D) # of federal and regional Commission of Integrity (Col) professionals trained on conducting impact assessment on anti-corruption legislation and conducting a corruption risk assessment by type (disaggregated by type and sex)							d) No professional of federal and regional Col trained to undertake assessments on impact of anti-corruption legislation and corruption risk assessments	2020	d) Enhanced skills of 40 professionals of Cols in impact assessment of legislation and corruption risk assessments (20 from federal Col and 20 from regional Col)	d) Enhanced skills of 80 professionals of Cols in impact assessment of legislation and corruption risk assessments (40 from federal Col and 40 from regional Col)	d) N/A	d) Enhanced skills 120 professionals of Cols in impact assessment of legislation and corruption risk assessments (60 from federal Col and 60 from regional Col)			
E) Level of progress towards enhanced capacity of Gol to recover stolen assets (disaggregated by type)						e) weak asset recovery capacity to be captured during the inception phase		2020	e) i. assessment of processes to identify gaps and weaknesses in the recovery of assets through bilateral agreements including assessment of the capacity of relevant Gol officials to initiate, conclude and use bilateral agreement	e) i. 30 Gol officials trained to initiate, conclude and use bilateral agreements on recovery of Stolen Assets. ii. improved processes to initiate, conclude and use bilateral agreements for asset recovery revised and submitted for approval	e) i. an additional 30 officials trained on asset recovery on the basis of deficiencies identified in year 3. ii. improved processes to initiate, conclude and use bilateral agreements for asset recovery revised and submitted for approval on the basis of deficiencies identified in year 3	e) i. an additional 30 officials trained on asset recovery on the basis of deficiencies identified in year 3. ii. improved processes to initiate, conclude and use bilateral agreements for asset recovery revised and submitted for approval on the basis of deficiencies identified in year 3			

<p>Output 2: The justice sector, lawyers and Col are better equipped to process corruption offences due to (2.1.) improved technical skills relevant for corruption investigation, prosecution, adjudication and (2.2.) improved integrity rules of the justice sector</p>	<p>F) i. # of coordinated responses of development partners to Gol on corruption issues and anticorruption reform ii. # of presentations on anticorruption programs, corruption issues and sectors jointly discussed by development partners</p>	<p>Meeting minutes/agendas; attendance sheets; reports; joint letters and statements;</p>	<p>f) coordinated responses by development partners and anticorruption reform no common discussion of presentation on corruption problems and anticorruption measures</p>	<p>2020</p>	<p>f) i. At least 5 coordinated responses by development partners on corruption issues and anticorruption reform ii. At least 10 presentations jointly discussed by development partners</p>	<p>f) i. At least 10 coordinated responses by development partners on corruption issues and anticorruption reform ii. At least 20 presentations jointly discussed by development partners</p>	<p>f) i. At least 15 coordinated responses by development partners on corruption issues and anticorruption reform ii. At least 30 presentations jointly discussed by development partners</p>	<p>f) i. At least 20 coordinated responses by development partners on corruption issues and anticorruption reform ii. At least 40 presentations jointly discussed by development partners</p>	<p>Questionnaires; Focus Groups; Observation and review of seminar/workshop related documents including seminar/workshop concept note and completion reports with participants' attendance records and photos and participants pre- and post-participants' scores</p>
<p>2.1 A) i. Level of progress in developing and implementing a trial monitoring programme A) ii. # of cases before the Central Anti-Corruption Court and other courts monitored by UNAMI.</p>	<p>2.1 Report of trial monitoring programmes developed on cases before the central court of anti- corruption Project documents including quarterly progress reports, project stakeholder consultation meeting minutes</p>	<p>2.1 a) i. No Trial monitoring programme on corruption cases exist in Iraq. ii. No corruption cases monitored by UNAMI</p>	<p>2.1 a) i. Exposure and awareness raising on trial monitoring programmes and one trial monitoring programme on corruption cases is developed. ii. N/A</p>	<p>2020</p>	<p>2.1 a) i. The trial monitoring programme on corruption cases is being implemented. ii. Minimum of 40 cases are monitored with regular follow up on monitoring reports with Higher Judicial Council</p>	<p>2.1 a) i. The trial monitoring programme on corruption cases is reviewed. ii. Minimum of 80 cases are monitored with regular follow up on monitoring reports with Higher Judicial Council</p>	<p>2.1 a) i. The trial monitoring programme on corruption cases continues to be implemented. ii. Minimum of 120 cases are monitored with regular follow up on monitoring reports with Higher Judicial Council</p>	<p>2.1 a) i. The trial monitoring programme on corruption cases continues to be implemented. ii. Minimum of 220 judges, prosecutors and Col investigators are trained. (160 federal and 60 regional)</p>	<p>Questionnaires; Focus interviews; Focus group and review of project documents including quarterly project and monitoring reports transcripts/minutes of interviews/bi-lateral discussions with project stakeholders.</p>
<p>B) # of federal and regional judges, prosecutors, and Col investigators trained on corruption investigation, adjudication (disaggregated by designation of participants and sex).</p>	<p>Training concept note Training report including participants attendance record, photos and participants pre- and post-training scores</p>	<p>b) No judges, prosecutors, Col and regional investigators trained or mentored on corruption investigation, adjudication and asset recovery c) no federal and regional investigator is mentored during investigation of corruption cases</p>	<p>b) Minimum of 40 judges, prosecutors and Col investigators are trained. (30 federal and 10 regional)</p>	<p>2020</p>	<p>b) Minimum of 100 judges, prosecutors and Col investigators are trained. (80 federal and 20 regional)</p>	<p>b) Minimum of 160 judges, prosecutors and Col investigators are trained. (120 federal and 40 regional)</p>	<p>b) Minimum of 220 judges, prosecutors and Col investigators are trained. (160 federal and 60 regional)</p>	<p>Questionnaires; focus interviews; focus group and review report including attendance record, photos and participants pre- and post training scores</p>	
<p>C) # of federal and regional investigators mentored during investigation of corruption cases</p>	<p>Mentoring concept note and training material; photos and assessment of skills learned</p>	<p>d) i. No SOPs drafted to address challenges stemming from investigations and asset recovery</p>	<p>c) Minimum of 8 federal and 2 regional investigators mentored during investigation of corruption cases</p>	<p>2020</p>	<p>c) Minimum of 16 federal and 4 regional investigators mentored during investigation of corruption cases</p>	<p>c) Minimum of 24 federal and 6 regional investigators mentored during investigation of corruption cases</p>	<p>c) Minimum of 32 federal and 8 regional investigators mentored during investigation of corruption cases</p>	<p>Questionnaires; focus interviews; focus group and review report including attendance record, photos and participants pre- and post-training scores</p>	
<p>D) i. # of Standard Operating Procedures (SOPs) drafted or revised to address challenges stemming from investigations. (disaggregated by type of SOP). ii. # of justice professionals trained</p>	<p>Copie of SOPs drafted to address challenges stemming from investigations and asset recovery</p>	<p>d) i. 2 SOPs developed or revised ii. 40 justice professionals trained on newly developed or revised SOPs</p>	<p>d) N/A</p>	<p>2020</p>	<p>d) i. 2 SOPs developed or revised ii. 40 justice professionals trained on newly developed or revised SOPs</p>	<p>d) i. 3 SOPs developed or revised ii. 60 justice professionals trained on newly developed or revised SOPs</p>	<p>d) i. 4 SOPs developed or revised ii. 80 justice professionals trained on newly developed or revised SOPs</p>	<p>Questionnaires; focus interviews; focus group, review of training reports and quarterly progress reports</p>	

respectively on those SOPs												
E) # of Col officials with newly acquired skills on asset recovery	2020	e) N/A	20 federal and 10 regional Col officials enhanced skills on asset recovery	40 federal and 20 regional Col officials enhanced skills on asset recovery	60 federal and 30 regional Col officials enhanced skills on asset recovery	Questionnaires, interviews, focus group, review of quarterly project progress reports						
2.2 A) Level of progress to enhance the integrity rules of the justice sector. (disaggregated by type).	2020	2.2	a) No review of this nature is undertaken to date.	a) Conduct one survey of the Judge's perceptions towards the code of conduct and one assessment of current judiciary integrity standards at federal level	2.2 a) Revise norms of conduct of the federal judiciary at regional level	Questionnaires, interviews, focus group, review of quarterly project progress reports						
B) i. # of training modules developed on revised integrity rules ii. # of trainers trained on revised integrity rules of the justice sector.	2020	b) N/A	b) No training modules developed on revised integrity rule of the justice sector; no training of trainers conducted	b) N/A	b) i. 2 training modules on revised integrity rules (one for new judges and one refresher) developed at federal level ii. 15 trainers trained on revised integrity rules of the justice sector at federal level	Questionnaires, interviews, focus group, review of quarterly project progress reports						
C) i. # SOPs revised for background checks and vetting of judges, ii. # of training modules developed on revised SOP iii. # of officials trained on revised SOPs	2020	c) N/A	c) SOPs not revised, no training modules developed on revised integrity rule of the justice sector; no training of trainers conducted	c) N/A	c) i. SOP for background checks and vetting at regional level, ii. 1 training modules developed at regional level iii. 20 officials of Judicial Supervisory Authority at federal level trained	Questionnaires, interviews, focus group, review of quarterly project progress reports						
D) Level of progress towards the enforcement of integrity rules within the lawyers associations	2020	d) i. 1 self-assessment conducted at federal level to determine the level of awareness and application of integrity rules by lawyers ii. 1 self-assessment conducted at regional level to determine the level of awareness and application of integrity rules by lawyers	d) assessment exist; codes not revised; training module not available and not applied	d) i. Code of Ethics of federal Independent Bar Association revised ii. Code of Ethics of regional Bar Association revised	d) i. 20 officials of federal Independent Bar Association trained on revised rules ii. 20 officials of Kurdistan Bar Association trained on revised rules	Questionnaires, interviews, focus group, review of quarterly project progress reports						

<p>Output 3: Improved capacity and legal framework to conduct commercial litigation through (3.1.) better legal framework and capacity building for arbitration and (3.2.) further development of the commercial court</p>	<p>A) # of legislations and SOPs drafted or revised (disaggregated by type)</p>	<p>Copied (web link) of adopted New York Convention, arbitration law, jurisdiction law, SOPs and legislation drafted</p> <p>Minutes of consultation meetings, notes</p>	<p>a) Draft Arbitration Law is incomplete; No executive procedures/bi-laws in place</p>	<p>2020</p>	<p>a) 1 legislation drafted or revised (New York Convention)</p>	<p>a) 2 legislations drafted or revised (Arbitration Law)</p>	<p>a) 3 legislations drafted or revised (Law expanding jurisdiction of the courts for arbitration)</p>	<p>a) 3 legislations and 2 SOP drafted or revised (SOP for online hearing and SOP for registration and certification of arbitrators & attorneys)</p>	<p>Questionnaires, interviews, focus group, and review report on existing laws and legislation drafts</p>
<p>Output 4: Create a climate of support in Parliament for anti-corruption reforms</p>	<p>B) # of judges, attorneys, arbitrators and other justice sector professionals dealing with arbitration trained on arbitral matters, laws and SOPs (disaggregated by type and sex of participants and type of training)</p>	<p>Training concept note</p> <p>Training reports including participants attendance record, photos and pre and post training score</p>	<p>b) No judges, attorneys, arbitrators and other justice sector professionals dealing with arbitration trained on arbitral matters, laws and SOPs</p>	<p>2020</p>	<p>b) N/A</p>	<p>b) 30 justice professionals trained</p>	<p>b) 60 justice professionals trained</p>	<p>b) 90 justice professionals trained</p>	<p>Questionnaires, interviews, focus group, and training concept note</p>
<p>Output 5: Increased transparency and public accountability</p>	<p>A) # of new initiatives/events implemented to promote knowledge on anti-corruption in parliament. (disaggregated by type)</p>	<p>Information on campaign UNCAC and the Doha Declaration report including related activity documents including meeting minutes of information campaign with parliamentarians, participant attendance records, and photos</p> <p>Quarterly Project progress reports.</p>	<p>a) Hostile parliamentary environment for anti-corruption reforms at federal level; less supportive parliamentary environment at regional level.</p>	<p>2020</p>	<p>a) 2 initiatives implemented for federal Council of Representatives and regional Council of Representatives; (Establish a joint working group to take action on integrity and corruption challenges composed of legislative and integrity committee, civil society, Col and Board of Supreme Audit; information campaign on New York Convention.)</p>	<p>a) 4 initiatives implemented for federal Council of Representatives and regional Council of Representatives (Design and conduct information campaign on Doha Declaration for parliamentarians)</p>	<p>a) 5 initiatives implemented for federal Council of Representatives and regional Council of Representatives (Design and conduct information campaign on UNCAC and arbitration law)</p>	<p>a) 6 initiatives implemented for federal Council of Representatives and regional Council of Representatives (reviewed rule of conduct of parliamentarians; and develop and disseminate information material on the topic to parliamentarians.)</p>	<p>Questionnaires, interviews, focus group, observation</p>
<p>Output 5: Increased transparency and public accountability</p>	<p>A) # of public institutions enhanced in strategic outreach capacity to communicate better about their anticorruption efforts (disaggregated by type)</p>	<p>Communication strategies or plans; press releases; social media communication; minutes of meetings</p>	<p>a) Insufficient communication of Col and Judiciary towards the media and Parliament</p>	<p>2020</p>	<p>a) N/A</p>	<p>a) 1 public institution enhanced in its strategic outreach capacity to communicate better about its anticorruption efforts (Col's outreach towards Parliament and the public)</p>	<p>a) 2 public institutions enhanced in their strategic outreach capacity to communicate better about their anticorruption efforts (HJC outreach towards the public on adjudication)</p>	<p>a) 2 public institutions enhanced in their strategic outreach capacity to communicate better about their anticorruption efforts (HJC outreach towards the public on adjudication)</p>	<p>Interviews, Questionnaires; Observation and review of project documents including quarterly project progress and activity implementation reports, Action Plan</p>
<p>Output 5: Increased transparency and public accountability</p>	<p>B) # of civil society and media organizations trained in responsible reporting on corruption cases (disaggregated by type)</p>	<p>Training concept note; training reports including participants attendance record, photos and pre participants</p>	<p>b) Poor skills of media and civil society organizations resulting in inaccurate reporting</p>	<p>2020</p>	<p>b) N/A</p>	<p>b) 15 civil society and media organizations trained in responsible reporting on corruption cases</p>	<p>b) N/A</p>	<p>b) 30 civil society and media organizations trained in responsible reporting on corruption cases</p>	<p>Interviews; Questionnaires; Observation and review of project documents including quarterly project progress and activity</p>

	<p>C) # of initiatives supported to enhance citizen's access to information with Col. HJC, Parliament and the upcoming Access to Information Commission or its alternative (disaggregated by type)</p>	<p>and post training score</p> <p>Draft by-laws and SOPs; information and complaint databases; Training concept note; training reports including participants attendance record, photos and pre and post training score</p>	<p>c) no access to information legislation exist and no organized mechanism to enable citizens to access public information is in place</p>	<p>2020</p>	<p>c) 1 initiative supported to enhance citizen's access to information (by-law or standard operating procedure)</p>	<p>c) 3 initiative supported to enhance citizen's access to information (by-law or standard operating procedures)</p>	<p>c) 5 initiative supported to enhance citizen's access to information (establish and train information desks)</p>	<p>c) 6 initiative supported to enhance citizen's access to information (establish and train mechanism to appeal/complain)</p>	<p>implementation reports, Action Plan</p> <p>Interviews; Questionnaires; Observation and review of project documents including quarterly project progress and activity implementation reports, Action Plan</p>
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Appendix II: Risk Log

Project Title: Support to justice initiatives curbing corruption and promoting commercial dispute resolution							Project Number: TBC		Date: 1 February 2021	
#	Description	Date Identified	Risk Category	Impact & Probability scale from 1 (low) to 5 (high)	Risk Treatment / Management Measures	Risk Owner	Submitted, updated by	Last Update	Status	
1	Risk of global Pandemics that can impact Iraq and the project's overall operational environment (e.g. COVID-19)	September 2020	Operational	<p>Lock down measures and movement restrictions for UN Personnel in Iraq continue and it may result in a delayed start to activity implementation and delays to the overall project implementation.</p> <p>Recruitment of new programme personnel (staff and IC 5) may also subject to delays including arrival to the duty station.</p> <p>Majority of programme staff (national and international) personnel may have to telecommute from home leading to a minimal or total</p>	<p>- Follow UNDP/ UNAMI and WHO guidelines and start activity implementation and field activities when advised to do so.</p> <p>- Identify risk averse alternatives to implement activities where possible.</p>	Project Manager	Project Manager	February 2021	Probability -4 Impact- 5	

2	Inconclusive Parliamentary elections and prolonged formation of the new government.	September 2020	Political	absence of their filed presence. <i>Probability -4 Impact- 5</i>	<p>Political instability and the political vacuum result in a lack of political will and commitment by the project partners (anti -corruption institutions and the judiciary) to peruse legislative and policy reforms leading to delays/ temporary pause of project activities.</p> <p><i>Probability -4 Impact- 5</i></p>	<ul style="list-style-type: none"> - Assess and analyse political developments on a regular basis and implement activities that can be implemented during this period such as trainings and assessments. - Resume legislative and policy reform activities following the formation of a new government. - The Project Board will be responsible for assessing and deciding on substantive changes where necessary. (such as project principles, strategy, outputs and activity results). 	Project Manager	Project Manager	Project Manager	February 2021	<i>Probability -4 Impact- 5</i>
3	Highly volatile security conditions	September 2020	Security	Potential temporary pause or delays to		<ul style="list-style-type: none"> - UNDP project team and the 	Project Manager	Project Manager	Project Manager	February 2021	<i>Probability -4 Impact-4</i>

4	prevail and travel within and outside Baghdad with restricted movements leading to delay in implementation of some project activities.	September 2020	Security	Project staff movements are contained / restricted resulting from personnel safety and security risks. Thus leading to project implementation delays /and or	<p>overall project implementation. <i>Probability - 4 Impact -4</i></p> <p>security team will closely monitor changes in the security environment to be able to foresee changes as best as possible and decide on how to adjust activities as appropriate.</p> <p>- UNDP will keep the donors informed throughout implementation.</p> <p>- Consider alternative venues within and outside Iraq for project activities where the operational context remains stable/ relatively stable.</p> <p>- UNDP project team and the security team will closely monitor potential risks and keep senior management informed. Where applicable decide on how to adjust activities to mitigate such risks.</p>	UNDP Senior Management	UNDP Senior Management	February 2021	<i>Probability - 2 Impact -5</i>
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					<ul style="list-style-type: none"> - UNDP will keep the donors informed. The Project Board will be responsible for assessing and deciding on substantive changes where necessary. (such as project principles, strategy, outputs and activity results). 						
5	Coordination challenges between, UNDP and other development partners, as well as UNDP and the key Government Partners. Specifically, insufficient development partner harmonization that will result in duplication of actions.	September 2020	Institutional/ Strategic	<p>temporary postponement of some project activities</p> <p><i>Probability - 2 Impact -5</i></p>	<ul style="list-style-type: none"> - UNDP will continue to play a lead role in coordinating among the relevant development partners, and other stakeholders. - Hold frequent coordination meetings with respect to specific actions. 	Project Manager	Project Manager	February 2021	February 2021	<i>Probability- 2 Impact- 1</i>	
6	Difficulty in identifying/ attracting qualified National and International technical experts and/or service	September 2020	Operational	<p>Quality of project/ programme deliverables may be affected due to lack of well qualified technical experts/ service providers to</p>	<ul style="list-style-type: none"> - Inclusion of 2-3 month preparatory / project inception period to hire the core project team. 	Project Manager	Project Manager	February 2021	February 2021	<i>Probability 3 Impact -5</i>	

	<p>providers (organizers) to assist the implementation of activities that require a high level of technical expertise in the anti-corruption and related fields.</p>		<p>assist with project implementation.</p> <p><i>Probability- 3</i> <i>Impact- 5</i></p>	<p>- Ensure that recruitment processes commence well before the start of relevant activities, and procurement notices are disseminated extensively.</p> <p>- In the absence of national expertise secure international experts as an alternative. and remote assistance,</p> <p>- Rely on the UNDP Rosters, which enable quick deployment of highly qualified Technical Experts, with expertise relevant and required for Iraq.</p> <p>- Country Office vendors database expanded to include new/additional vendors.</p> <p>- Long Term Agreements (LTA) in place recurring procurement priorities with multiple LTA vendors.</p>				
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7	Being unable to attract and retain high calibre national and international staff/consultants resulting in high staff turn-over. Operational delays in staff/ consultant/ service provider hiring leading to project implementation delays.	September 2020	Operational	May affect overall quality of programme deliverables and programme team motivation. Additional it may also create an unhelpful staggered institutional memory/ knowledge within the programme. <i>Probability-2 Impact-4</i>	<ul style="list-style-type: none"> - Competitive remuneration and overall incentive packages are in place to attract high calibre national and international staff. - Established human resources procedures and process in place to ensure good working conditions for all UNDP staff. 	Project Manager	Project Manager	February 2021	<i>Probability- 2 Impact -4</i>
8	Lack of buy-in from Iraqi judicial, political and government stakeholders and they are unwilling to genuinely commit to/ engage in advancing anti-corruption work.	September 2020	Political	Lack of political will and commitment by political and government stakeholders will result in delays/ temporary postponements to the project activities. - Inability of the Council of Ministers to adopt/approve the post-2020 national anti-corruption strategies. <i>Probability -4 Impact- 5</i>	<ul style="list-style-type: none"> - Assess and analyse political willingness of key project partners to engage in project activities on a regular basis. - Coordinate with UNAMI OPA to engage with high level political and government interlocutors to secure buy-in. - Regularly engage with all government and political stakeholders to develop collaborative partnerships. 	Project Manager	Project Manager	February 2021	<i>Probability- 4 Impact -5</i>

	9	Maintain UNDP status as an impartial partner / an honest broker.	September 2020	Political	<ul style="list-style-type: none"> - Potentially being drawn into Iraqi internal politics. - Perceived as being 'partial' or 'taking sides' on activities related to investigations on high profile corruption cases. 	<p style="text-align: center;"><i>Probability- 2 Impact -4</i></p>	<ul style="list-style-type: none"> - The Project Board will be responsible for assessing and deciding on substantive changes where necessary. (such as project principles, strategy, outputs and activity results). - Regularly assess and analyse how the project is perceived by internal and external actors/ environments. Have in place a robust project communication plan. Ensure all project related communication material convey messages to reinforce UNDP role as an impartial / honest broker. 	Project Manager	Project Manager	February 2021	<i>Probability- 2 Impact -4</i>
		Inability to understand, analyse and monitor informal dynamics and incentives that regulate anti-corruption		Political/operational	<ul style="list-style-type: none"> - It may block / obstruct project implementation due to not having evidenced based analysis to underpin 	<p style="text-align: center;"><i>Probability- 2 Impact -4</i></p>	<ul style="list-style-type: none"> - UNDP project team will continue to carry out regular analysis of the political economy in the operational context to inform 	Project Manager	Project Manager	February 2021	<i>Probability- 3 Impact -2</i>

	measures/policies. absence of political economy analysis to underpin project activities		project activities. <i>Probability- 3 Impact -2</i>	project activities and also conduct regular meetings with Iraqi interlocutors/ implementation partners of the project on key issues/ topics stemming from therein and how best to utilise this information to better inform project implementation.	Project Manager	Project Manager	February 2021	<i>Probability- 1 Impact -2</i>
	Political/policies. Potential negative effects targeted institutions SJC, CoR, PM office) regarding willingness to cooperate with the project.	Political/operational Political	- Priority focus on one or two of the targeted entities could lead to rest of project's targeted institutions feeling excluded. - This could potentially result in these entities unwilling to cooperate and pro-actively engage in advancing the project. <i>Probability- 1 Impact -2</i>	- The project has been designed to ensure a balanced focus and engagement approach with all targeted institutions - The project activities also facilitates / allows opportunities for joint cooperation and collaboration between and amongst the target institutions. - The project team will also remain sensitive to this risk throughout the project implementation.	Project Manager	Project Manager	February 2021	<i>Probability- 1 Impact -2</i>

					that in turn will allow timely action for trouble shooting in this regard.					
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APPENDIX III: WORK PLAN

#	Activity	YEAR 1				YEAR 2				YEAR 3				YEAR 4			
		Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
	Recruitment and inception phase																
O.1	Improved Legislative and Strategic Framework for Anti-Corruption Reforms																
1.1	Create and convene a multi-disciplinary anti-corruption reform working group																
1.2	Develop regulations and Standard Operating Procedures (SOPs) for the implementation of the witness protection law																
1.3	Develop a mechanism to oversee the implementation of the Anti-Corruption Strategies																
1.4	Develop CoIs' capacity to conduct impact assessments of corruption legislation and corruption risk assessments																
1.5	Support Gol in entering into bilateral agreements to recover corruption-related assets																
1.6	Convene bi-monthly International Partner Coordination forum on anti-corruption reform and integrity projects and programmes																
O.2	The justice sector, lawyers and Col are better equipped to process corruption offences due to (2.1.) improved technical skills relevant for corruption investigation, prosecution, adjudication and (2.2.) improved integrity rules of the justice sector																
2.1.1	Develop a trial monitoring programme in close cooperation with UNAMI Human Rights Office for all cases before the Central Anti-corruption Court																
2.1.2	Conduct training and capacity building activities with focus on investigations for investigating judges, prosecutors and Col investigators																
2.1.3	Provide mentors to Col to deliver advice on diversifying investigative techniques																
2.1.4	Support the development of standard operating procedures (SOPs) for specific challenges arising out of corruption investigations																
2.1.5	Conduct capacity building for the asset recovery office in Col																
2.2.1	Undertake a comprehensive assessment on the current judicial integrity standards in Iraq, namely, to review the compiled norms on conduct (from 2007) and update them to meet contemporary challenges																
2.2.2	Develop comprehensive training materials for ToT courses (both initial courses and refresher courses)																

2.2.3	Develop a comprehensive SOP for ensuring a system of background checks and vetting upon entry into the service of the judiciary and promotion or assignment to specialized courts																					
2.2.4	Strengthen ethics and integrity frameworks for independent lawyers registered to practice before a court of law and develop a training program																					
0.3	Improved capacity and legal framework to conduct commercial litigation through (3.1.) better legal framework and capacity building for arbitration and (3.2.) further development of the commercial court																					
3.1.1	Draft legislation adopting the New York Convention and a new, modern arbitration law																					
3.1.2	Promote Iraqi's accession to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards																					
3.1.3	Build the capacity of judges on arbitration including the importance of recognition and enforcement of arbitral awards																					
3.1.4	Set up a training and certification system for specialized arbitrators and attorneys in international commercial disputes																					
3.2.1	Draft a special law identifying the jurisdictions and capacities of commercial courts to include modern transactions disputes and technology transfer																					
3.2.2	Develop standard operating procedures aimed at creating a modern system for hearing commercial disputes																					
3.2.3	Conduct courses for judges on commercial disputes procedural issues with emphasis on issuing timely and efficient judgments																					
0.4	Create a climate of support in Parliament for anti-corruption reforms																					
4.1	conduct an information campaign on UNCAC and the Doha Declaration for parliamentarians of both houses to sensitize them on Iraq's international obligations																					
4.2	Conduct a review of rules of conduct for parliamentarians and create info materials for parliamentarians																					
4.3	Create an anti-corruption forum comprised of representatives of the legislative and integrity committees, civil society, Col and the Board of Supreme Audit to meet quarterly to discuss corruption and integrity challenges																					
4.4	Collaborate with the legal committee of the Council of Representatives to promote understanding and information of the importance of commercial arbitration in Parliament																					
0.5	Increased transparency and public accountability																					
5.1	Support the Col in strategic communications and outreach on anti-corruption issues aimed at Parliament and the public																					
5.2	Support the Higher Judicial Council in developing a communication strategy for corruption prosecutions and adjudications building on existing outreach efforts																					
5.3	Enable civil society and the media to conduct responsible reporting on corruption cases																					

5.4	Improve citizen's access to information and support the implementation of access to information legislation									
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APPENDIX IV: Activity implementation by federal and regional levels

#	Activity	Federal	Regional
O. 1	Improved Legislative and Strategic Framework for Anti-Corruption Reforms		
1.1	Create and convene a multi-disciplinary anti-corruption reform working group	Yes	To be determined during inception. For now, the activity (review of legislation) is carried out by engaging with Legal Consultation Centre (PMO) and Col
1.2	Develop regulations and Standard Operating Procedures (SOPs) for the implementation of the witness protection law	Yes	Yes
1.3	Develop a mechanism to oversee the implementation of the Anti-Corruption Strategies	Yes	Yes
1.4	Develop Cols' capacity to conduct impact assessments of corruption legislation and corruption risk assessments	Yes	Yes
1.5	Support Gol in entering into bilateral agreements to recover corruption-related assets	Yes	N/A
1.6	Convene bi-monthly International Partner Coordination forum on anti-corruption reform and integrity projects and programmes	Yes	No
O.2	The justice sector, lawyers and Col are better equipped to process corruption offences due to (2.1.) improved technical skills relevant for corruption investigation, prosecution, adjudication and (2.2.) improved integrity rules of the justice sector		
2.1.1	Develop a trial monitoring programme in close cooperation with UNAMI Human Rights Office for all cases before the Central Anti-corruption Court	Yes	Yes
2.1.2	Conduct training and capacity building activities with focus on investigations for investigating judges, prosecutors and Col investigators	Yes	Yes
2.1.3	Provide mentors to Col to deliver advice on diversifying investigative techniques	Yes	Yes
2.1.4	Support the development of standard operating procedures (SOPs) for specific challenges arising out of corruption investigations	Yes	Yes
2.1.5	Conduct capacity building for the asset recovery office in Col	Yes	Yes
2.2.1	Undertake a comprehensive assessment on the current judicial integrity standards in Iraq, namely, to review the compiled norms on conduct (from 2007) and update them to meet contemporary challenges	Yes	Yes
2.2.2	Develop comprehensive training materials for ToT courses (both initial courses and refresher courses)	Yes	Yes

2.2.3	Develop a comprehensive SOP for ensuring a system of background checks and vetting upon entry into the service of the judiciary and promotion or assignment to specialized courts	Yes	Yes
2.2.4	Strengthen ethics and integrity frameworks for independent lawyers registered to practice before a court of law and develop a training program	Yes	Yes
O.3	Improved capacity and legal framework to conduct commercial litigation through (3.1.) better legal framework and capacity building for arbitration and (3.2.) further development of the commercial court		
3.1.1	Draft legislation adopting the New York Convention and a new, modern arbitration law	Yes	N/A
3.1.2	Promote Iraq's accession to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards	Yes	N/A
3.1.3	Build the capacity of judges on arbitration including the importance of recognition and enforcement of arbitral awards	Yes	Yes
3.1.4	Set up a training and certification system for specialized arbitrators and attorneys in international commercial disputes	Yes	Yes
3.2.1	Draft a special law identifying the jurisdictions and capacities of commercial courts to include modern transactions disputes and technology transfer	Yes	Yes
3.2.2	Develop standard operating procedures aimed at creating a modern system for hearing commercial disputes	Yes	Yes
3.2.3	Conduct courses for judges on commercial disputes procedural issues with emphasis on issuing timely and efficient judgments	Yes	Yes
O.4	Create a climate of support in Parliament for anti-corruption reforms		
4.1	conduct an information campaign on UNCAC and the Doha Declaration for parliamentarians of both houses to sensitize them on Iraq's international obligations	Yes	Yes
4.2	Conduct a review of rules of conduct for parliamentarians and create info materials for parliamentarians	Yes	Yes
4.3	Create an anti-corruption forum comprised of representatives of the legislative and integrity committees, civil society, Col and the Board of Supreme Audit to meet quarterly to discuss corruption and integrity challenges	Yes	Yes
4.4	Collaborate with the legal committee of the Council of Representatives to promote understanding and information of the importance of commercial arbitration in Parliament	Yes	Yes
O.5	Increased transparency and public accountability		
5.1	Support the Col in strategic communications and outreach on anti-corruption issues aimed at Parliament and the public	Yes	Yes
5.2	Support the Higher Judicial Council in developing a communication strategy for corruption prosecutions and adjudications building on existing outreach efforts	Yes	Yes
5.3	Enable civil society and the media to conduct responsible reporting on corruption cases	Yes	Yes

5.4	Improve citizen's access to information and support the implementation of access to information legislation	Yes	Yes
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APPENDIX V: Indicative Output-Based Budget⁴⁷ for information sharing

<p>Indicative budget per outputs</p> <p>Implementing Partner: United Nations Development Programme (UNDP) Iraq</p> <p>Project title: Support to Justice Initiatives Curbing Corruption</p> <p>Project duration: 48 months</p>	<p>Exchange rate against the Euro</p> <p>date: 01-Feb-21</p> <p>source: https://ec.europa.eu/info/funding-tenders/how-eu-funding-works/information-contractors-and-beneficiaries/exchange-rate-infoeuro_en</p>	<p>1 EUR = USD 1.2091</p>	
Indicative budget per output			
Total Project in USD			
	Unit	Number of units	indicative budget
Output 1 : Improved Legislative and Strategic Framework for Anti-Corruption Reforms	Month	48	2 656 614
Output 2: The justice sector, lawyers and Col are better equipped to process corruption offences due to (2.1.) improved technical skills relevant for corruption investigation, prosecution, adjudication and (2.2.) improved integrity rules of the justice sector	Month	48	5 489 355
			Indicative budget in €
			2 197 183
			4 540 034

⁴⁷ The actual budget as per the Special Conditions is the Annex III Budget. Please note that the Indicative Output-based budget shall not be used for reporting purposes.

Output 3: Improved capacity and legal framework to conduct commercial litigation through (3.1.) better legal and institutional infrastructure for alternative dispute resolution and (3.2.) further development of the commercial court	Month	48	2 784 599	2 303 034
Output 4: Create a climate of support in Parliament anti corruption reforms	Month	48	2 784 599	2 303 034
Output 5: Increased transparency and public accountability	Month	48	3 234 833	2 675 406
Total Indicative Project Budget			16 950 000	14 018 692

Note: Please note that the indirect eligible cost (GMS) of 7% which amounts to \$1,186,500 (€981,308) is not included in total indicative budget.

