



## Note to the File

**Date:** 08/10/2013

**Project title:** Support to Rule of Law and Access to Justice Project

**Project Number :** 00083175

**Subject:** Project LPAC.

End of 2011, a project formulation mission was carried out by UNDP CO supported by BCPR to draft a full-fledged project document to support RoL institutions in Libya in addition to formulating a Project Initiation Plan aiming at strengthening the office capacities to finalize the design of PRODOC.

The first Draft of the PRODOC was shared on 27<sup>th</sup> of February 2012 with the Ministry of Justice, High judicial Council and other stakeholders such as MoP and High Judicial Institute, however the project document was since then subject to several amendments in order to respond to the comments of different stakeholders (attached some minutes of those meetings and related correspondences). The PRODOC has been also shared with the UNDP programme team for comments.

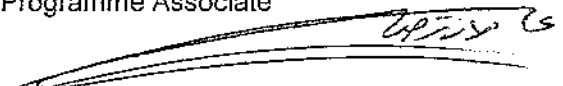

Annexed to this note , a matrix of major comments that was included in the PRODOC,

This note to the file was prepared to document that the PRODOC was properly discussed with all stakeholders and their comments and observations were considered, the final project document was signed on 06 of August 2013.

Presenter Name/Title:	Signature/ Date
Ali M. Montasser Programme Associate 	
Approver Name/Title	Signature/ Date
Eric Overvest Country Director UNDP_Libya	

Annex:

Comment or Observation	Source of Comment	Final Result of Discussions
- Keeping the old justice project document separately from the new RoL project document.	MoJ	- This issue was discussed deeply with MoJ, in order to avoid duplication and overlapping, also for more synergized programmatic approach there should be one project, the MoJ team was convinced and the one project option was carried on.
- Deleting activities related to building capacities of the HJI, given that there is a comprehensive project concluded with UNODC to build capacities of the High Judicial Institute	MoJ	- This comment was discussed with UNODC, there is no project to build the capacities of HJI, this was a result of confusion by MoJ with an old UNDP project (dates back to 2008).
- Activities related to surveying the conditions of the women in prisons, criminal investigations, anti-corruption and legislative reform to be deleted, UNODC has a full project on prison reform, criminal justice and Anti-corruption.	MoJ	- Activities deleted, but for those related to legislative reform to be coordinated with UNODC where UNDP will not focus on penal code but civil code.( commercial law, family law.
- Activities related to training civil society in transitional justice to be reformulated into engaging civil society in dialogue on transitional justice and national reconciliation.	MoJ	- Activities reformulated accordingly.
- Establishment of two pilot courts, the courts to be civil given that UNODC is working on automating criminal courts under the criminal justice reform project.	UNODC	- The work on automation to be coordinated with UNODC, given that it is hard to separate criminal from civil courts in the Libyan judicial system.

<b>Presenter Name/Title:</b> Ali M. Montasser Programme Associate 	<b>Signature/ Date</b>  
<b>Approver Name/Title</b> Eric Overvest Country Director UNDP_Libya	<b>Signature/ Date</b>  8/16/2013

# Support to strengthening the rule of law and access to justice in Libya during the transition to democracy

## Meeting with MOJ

TUESDAY 11<sup>TH</sup> OF JUNE, 2013

12:00 – 14:20

INT. COOP. DEP. MOJ, TRIPOLI

### ATTENDEES

UNDP: Norul Rashid - Aly Mokhtar - Ali Montaser  
Int. Coop. Dep. MOJ Committee: Salem - Ahmed

## Agenda topics

TOPIC ONE: PROJECT DOCUMENT MODIFICATIONS

UNDP

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### DISCUSSION

- I- The discussion centered upon the requests of the MOJ team on the following:
  - 1- points requiring clarification:
    - a- Meaning of "Reform of legal profession initiated with draft action plan". UNDP explained and MOJ accepted the clarification.
    - b- Difference between "IT and communication" and "communications support". UNDP explained and MOJ accepted with slight amendments.
    - c- Exit strategy and sustainability to be included in the project document. UNDP re-drafted this section which was accepted by MOJ.
  - 2- Parts to be omitted:
    - a- "Identify key areas of relevant civil and administrative legislation which require drafting and/or review consistent with international human rights standards (in coordination with UNODC)." Both UNDP and MOJ agreed to omit this component as UNODC has already formed 6 committees to review all legislations.
    - b- UNDP and MOJ agreed to retain UNDP's inclusion of possible legislation review due to relevant recommendation from the pilot courts' assessments.
  - 3- Parts to be included/considered in the project document:
    - a- Both sides agreed to include a component to support MOJ to establish electronic archiving system and ERP.
    - b- Adding a national team to the organigram to report directly to the MOJ. UNDP explained that this will create confusion and double reporting. It was agreed that this should not be added.
    - c- UNDP will consider the full time secondment of MOJ employee to the project team, who will be paid by MOJ. UNDP explained that the seconded staff will be under the direction of the Project Manager and will not be reporting to the MOJ.
    - d- Training of MOJ staff seconded to the project. UNDP explained that this should not come out of the project budget. MOJ agreed to remove it from the PRODOC.
- II- MOJ requested clarification regarding the fact that some activities were deleted from the original project proposal but this was not reflected in the budget. UNDP explained that we have reallocated the budget lines to other activities, which was accepted by MOJ.
- III- MOJ highlighted that there is \$2,100,000 remaining in the budget of the old project but UNDP Program staff explained that this remaining budget is not to be included in the new project.
- IV- UNDP requested to be provided an office space for the project in the MOJ premises after signing of the project document. MOJ will revert.

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### CONCLUSIONS

All issues raised were resolved with the MOJ except the potential secondment of the MOJ employee to the project.

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ACHIEVEMENTS	Once the issue of secondment is resolved by 12 June 2013, the project document is likely to be finalized for signing.
ACTION TO BE TAKEN	<ol style="list-style-type: none"><li>1- A discussion with the management regarding the secondment of the MOJ employee to be scheduled on <b>12-06-2013</b>.</li><li>2- Project document to be modified according to the results of the meeting</li><li>3- Final draft of Project document shared with MOJ on 12-06-2013.</li><li>4- Follow up with MOJ regarding the date and procedures for signing the project document.</li><li>5- Close follow up regarding the 2,100,000 remaining funds from the old project budget and to re- allocate them to the new project.</li></ol>

## Minutes of Meeting

**Subject:** Meeting with the UNODC  
**Date & place of meeting:** 14 June, 2012 – UNDP premises

**UNDP Representatives:** Ibrahim Abu-Shammalah & Ali Al Montasser

**Interlocutors:** Ahmed Ghanem, UNODC- Rule of Law Officer  
Khalid Al- Boishi, UNODC consultant

**Number of pages:** 3

Text

### Background

- UNCT particularly UNSMIL, UNDP and UNODC are working together to implement the Supporting the Rule of Law project in Libya.
- In principle there is an agreement among the three parties on having a clear division of labor, speaking on one voice and acting as one UN in order to gain the confidence of the national authorities and make the project yield the expected results.
- UNDP and UNODC are fully committed for creating synergies and providing complementarities in their mutual implementation of the different activities.
- In February, the prodoc outline was discussed in a broad sense by BCPR mission members who were involved in drafting the project document ( Moh'd Ghanam and Stacy) with UNSMIL and UNODC; and agreement was made that each party would pursue its usual activities but there was no agreement on how to reflect this on the prodoc.
- The project document is quite ambiguous in terms of specific roles and responsibilities distribution between the different UN agencies.
- MoJ representatives raised several concerns -during our last meeting- regarding possible duplication and overlapping which would ultimately create a chaos, hamper realization of any achievement and waste resources.
- UNDP and UNODC recognize the need to have in-house discussions and agreements on the detailed roles and responsibilities under the project before sharing with MoJ.
- To facilitate the coordination process a P4 staff will be recruited under the project and will be embodied at UNSMIL.
- The shortfall in coordination is due to miscommunication, lack of institutional memory where people are excluded from the loop of correspondences and discussions and the physical location, where UNDP and UNODC are no longer share the same place as before.

### Issues addressed

- Both parties agreed on the need to reflect the image of one UN and dispel any ambiguity or misconceptions pertinent to roles and responsibilities of UN agencies.

- It is very crucial to have a clear division of labor reflected in the prodoc to avoid confusion and misunderstanding.
- The following division of labor was discussed and agreed:
  1. UNSMIL is holding the coordination role, providing technical advice and takes the lead on Transitional Justice TJ. UNDP will act as the operational arm for UNSMIL.
  2. UNODC and based on its mandate is focusing on (a) Criminal Justice (b) Prison Reform (c) Combating Corruption
  3. UNDP - under the project will be involved in civil, commercial and family law issues
- Notwithstanding the mentioned division of labor outline, still there are other considerable cross-cutting issues which entail intensive collaboration and implantation of mutual activities.
- In order to operationalize the coordination among UNDP and UNODC; an actionable mechanisms should be set up. The main objective of such mechanism is to bridge the gap in coordination and develop a systematic communication among partners which eventually would prevent disputes.
- Broadly speaking both parties have agreed to hold regular and periodic in-house meetings in a bi- weekly basis to discuss detailed action plans, procedures, exchange information and agree on one calendar.
- All project activities under the three components were explored and roles and responsibilities of each partner were thoroughly discussed. ( Detailed division of labor scheme attached below)
- UNODC representative expressed willingness to attend the meeting scheduled for Saturday with the MoJ committee to present the project activities, respond to the national authorities inquires, listen to their feedback and most importantly to reflect a one UN image.

#### **Action Points:**

1. Agreed division of labor scheme will be documented and shared with UNODC
2. Both parties need to set up an actionable coordination mechanism before July, 2012.
3. UNODC will share project documents of its ongoing activities.

#### **Annex:**

##### **Division of Work Scheme:**

1.1 UNODC will target the prosecutors in terms of developing their capacity on criminal investigations.

1.1.2 UNODC will focus on the criminal justice aspects of judicial police training including human rights and international standers on administration of prisons.

Ref: UNODC mandate include criminal justice, prisons reform and compacting corruption.

1.2 UNODC will focus on the legislative review and publication from criminal justice perspective. Some cross-cutting activities will be jointly implemented by UNDP and UNODC.

1.3 UNODC will support the High Judicial Institute HJI on criminal justice

Ref: UNODC has a project proposal on "Promoting Integrity, Transparency and Combating Corruption in Judiciary"

2.3.1 UNODC will focus on the performance appraisal within the judicial inspection.

Ref: A bench Code has been drafted throughout support of UNODC

Ref: UNODC has a project proposal on "Promoting Integrity, Transparency and Combating Corruption in Judiciary"

2.4.1 UNODC will work with Police given its exclusive mandate in criminal justice.

1.5 UNODC will focus on penal case management at the two pilot courts.

Ref: UNODC is implementing a project on supporting criminal justice reform.

2.1 UNOC will support UNDPs efforts with regard the criminal justice part of the access to Justice component

Ref: UNODC has supported the popular lawyering administration before the revolution.

3.3 UNODC will work on the criminal Justice issues pertinent to Transitional Justice ; specifically on building the capacity of judges and lawyers.

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## Ali M Montasser

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**From:** Ali M Montasser  
**Sent:** Thursday, February 28, 2013 5:38 PM  
**To:** Eric Overvest  
**Cc:** Dima Al-Khatib  
**Attachments:** Report on Modernization of the Justice Sector Project.docx; RRF - MoJ comments.docx

Dear Eric,

I just wanted to summaries the result of our meeting with MoJ team yesterday:

- The comitte has shared with us their report on the MoJS project based on their review of the documents we submitted (attached a translated version of the report).
- The comitte has also reviwed the last version of the proposed PRODOC, suggested that components from the new proposal (RoL) and the old project (MoJS) should be included in a new document in the form of "revision to the old project document" and shared with us the following:
  - o The Goals of the MoJ plan wich our proposal relats to (attached).
  - o The outputs from the MoJS project which they want to include:
    - Institutional and human resources capacity of the judicial sector increased and court operations enhanced through establishemnt of two pilot courts.
    - A new mechanisim for introducing for the allocation of a percentage of the judicial fees to be used for the sustainability of development and training.
  - o Targets/Activities from the new proposal to be deleted from the new proposal due to its overlap with other projects (UNODC):
    - Prisons.
    - Invistigations.
    - Legislative reform.
    - Anti-corruption.
    - Development of HJI.

Attached is their comments on the RRF, Norul will work on a primary revision during the weekend so that we sit with them again next week to discuss further.

On another note they advised that it will be difficult to mobalise funds from the libyan government this year, given the budget already presented to the GNC, only remainking 227 K USD which remained from MoJS can be used in 2013.

This might raise a challenge given that they are eager to start working on the pilot courts and this cannot be funded by either Japan and Denemark funds.

The meeting was positive in general, and we hope that next week we will have more clarity.



Best Reagrds,

Ali

Intended Outputs	Output Targets (by year)	Indicative Activities	Responsible Parties	Inputs
<p><b>OUTPUT 1: Strengthened capacity of Libyan rule of law institutions to provide services in a way which supports the transition to democracy.</b></p> <p><b>Baseline(s):</b></p> <ul style="list-style-type: none"> <li>Distribution of justice services remains uneven, infrastructure is damaged, security is inadequate and court administration is weak.</li> <li>Nationally identified need for judicial law reform to harmonise legislation and ensure compliance with international standards.</li> <li>Lack of an up-to-date institutional capacity assessment of the judiciary; absence of continuing legal and judicial education and training programme.</li> <li>Sparse availability of information / data on current judicial performance; lack of</li> </ul>	<p><b>Targets (year 1):</b></p> <ul style="list-style-type: none"> <li>Capacity assessments of the judiciary undertaken.</li> <li>Capacity development plans generated and initiated.</li> <li>Material support / equipment provided and in place.</li> <li>Assessment of relevant judicial legislation in need of review.</li> </ul> <p><b>Targets (year 2):</b></p> <ul style="list-style-type: none"> <li>Capacity development plans fully implemented, reviewed and adjusted accordingly.</li> <li>Exit strategy developed.</li> </ul>	<p><b>Court infrastructure and administration</b></p> <ul style="list-style-type: none"> <li>Conduct rapid assessment of infrastructure needs for priority court and justice facilities (will require collection of court data).</li> <li>Procure emergency materials and infrastructure for priority court and justice facility rehabilitation.</li> <li>Assist judicial services to identify strategies to process priority cases to address case backlog.</li> <li>Ensure gender mainstreaming in policy development and training activities.</li> <li>Conduct a capacity needs assessment (organisational and individual levels) of principal justice institutions, such as MOJ and HEC.</li> <li>Examine relevant data and generate capacity development plans based on the needs assessments for the institutions.</li> <li>Implement capacity development plans (e.g. staff training to enhance capacities, material assistance, organisational development, etc.).</li> <li>Conduct periodic reviews of the implementation of the plans and revise accordingly, advising the MOJ on updating its justice sector strategy.</li> <li>Take measures to enhance women's participation in the justice sector and gender sensitivity in provision of judicial services.</li> <li>Conduct an assessment of the reasons why women are sent to prison – types of cases/length of terms – using the results to better inform judicial reform.</li> </ul> <p><b>Law reform and dissemination</b></p>	<p>UNDP, MOJ, HEC, courts, HJI, CSOs, NGOs and other relevant legal and judicial entities (all efforts will be made to compliment activities being undertaken by UNSMIL and UNCT in this area)</p>	<ul style="list-style-type: none"> <li>Technical expertise.</li> <li>Procurement / material support.</li> <li>Basic and technical trainings.</li> <li>Capacity assessments.</li> <li>Legislative drafting expert.</li> <li>Workshops and with civil society.</li> <li>Judicial sector and information exchange.</li> <li>South-South, su</li> </ul>
<p><b>Comment [AMM1]:</b> OK</p>				
<p><b>Comment [AMM2]:</b> OK, in line with MoJ call (3)</p>				
<p><b>Comment [AMM3]:</b> Not clear</p>				
<p><b>Comment [AMM4]:</b> Ok, in line with MoJ goal 2</p>				
<p><b>Comment [AMM5]:</b> Ok</p>				
<p><b>Comment [AMM6]:</b> Not available on the version submitted to MoJ</p>				
<p><b>Comment [AMM7]:</b> To be deleted, overlap with ODC project on prisons</p>				

<sup>1</sup> Ensure all of the above are informed by a gender analysis.

Intended Outputs	Output Targets (by year)	Indicative Activities	Responsible Parties	Inputs
<ul style="list-style-type: none"> <li>capacity within the JID for statistical and data analysis.</li> <li>Limited capacities within the MOJ for management, operations and strategic planning.</li> </ul>		<ul style="list-style-type: none"> <li>Identify key areas of relevant legislation which require drafting and/or review.</li> <li>Provide technical advice on legal and legislative drafting, including with regard to gender sensitivity.</li> <li>Provide expertise on particular subject areas, for example on reform of the civil procedure code, in line with international human rights standards.</li> <li>Support civil society organisations and women's groups to provide legal reviews and technical advice on law reform.</li> <li>Support dialogue and consultations among civil society regarding law reform, and to support advocacy.</li> </ul>		<p>Comment [AMM8]: To be deleted, overlap with ODC project on legislative reform</p>
<p>Indicator(s):</p> <ul style="list-style-type: none"> <li>Increased court functioning and increased efficiency in processing cases.</li> <li>Agenda for judicial reform process articulated and underway, with involvement by civil society.</li> </ul>		<p>Judicial competence and independence</p> <ul style="list-style-type: none"> <li>Update and validate existing assessments of HJI's capacity development plans, methodology, and training needs of the judiciary in legal areas.<sup>2</sup></li> <li>Develop and implement a pilot curriculum for continuing legal education at the HJI.</li> <li>Identify experts to enhance training programmes on areas of identified gaps in legal knowledge.</li> <li>Develop a toolkit for trainers.</li> <li>Support the HJI to engage with other national, regional and international organisations.</li> </ul>		<p>Comment [AMM9]: Ok, goal 5</p>
<ul style="list-style-type: none"> <li>Areas for capacity development identified, institutional linkages with other national and international organisations established; capacity development plan for MOJ finalised and under implementation.</li> </ul>		<p>Technical and administrative capabilities of the Judicial Inspection Department (JID)</p> <ul style="list-style-type: none"> <li>Provide advisory support and training for the JID for</li> </ul>		<p>Comment [AMM10]: Ok, in line with MoJ Goal</p>
<ul style="list-style-type: none"> <li>JID undertakes more regular inspections and deeper analysis and</li> </ul>				<p>Comment [AMM11]: To be deleted, overlap with ODC project on HJI capacity building, however, MoJ will check and see if the Judiciary assistants (Court admin staff) are included in the ODC project, if not, their capacity, training, evaluation of performance should be targeted by UNDP.</p>

<sup>2</sup> N.B. A preliminary assessment was conducted in 2008 with the assistance of the UNDP project 'Strengthening the Institutional Capacity of the High Judicial Institute' (project 090416).

Intended Outputs	Output Targets (by year)	Indicative Activities	Responsible Parties	Inputs
<p>produces regular reports.</p>		<p>policies, mechanisms and criteria to be used for judicial inspection, for example: codes of conduct, complaints procedures, internal governance structure, case processing, awareness-raising of general public, and reporting.</p> <p>MOJ capacities for management, operations and strategic planning improved.</p> <ul style="list-style-type: none"> <li>▪ Assess capacities and reform priorities in the MOJ.</li> <li>▪ Develop and implement an action plan for capacity development of MOJ.</li> <li>▪ Provide training and capacity development support to MOJ staff on areas identified as gaps in by the assessment.</li> </ul>		<p>Comment [AMM12]: Ok , in line with Goal 3</p> <p>Comment [AMM13]: Ok, Goal 3</p>
<p>Subtotal Output 1:</p> <p>OUTPUT 2: Improved access to justice for conflict-affected populations, especially survivors of SGBV, women</p>	<p>Targets (6 to 8 months):</p> <ul style="list-style-type: none"> <li>- Baseline assessment on access to justice</li> </ul>	<ul style="list-style-type: none"> <li>▪ Support the provision of urgent legal aid, assistance and counselling services in target areas.</li> <li>▪ Conduct a baseline analysis on access to justice, including institutional, legal and procedural obstacles.</li> </ul>	<p>UNDP, MOJ, CSOs / NGOs, lawyers' associations.</p>	<p>8,000,000</p> <ul style="list-style-type: none"> <li>• Technical expertise drafting.</li> <li>• Baseline assessments.</li> </ul> <p>Comment [AMM14]: All activities needs to be clarified and explained.</p>

Intended Outputs	Output Targets (by year)	Initiative Activities	Responsible Parties	Inputs
<p><b>and the displaced.</b></p> <p><u>Baseline:</u></p> <ul style="list-style-type: none"> <li>Geographical distribution of availability of legal aid for those in need of assistance is unknown; number of victims of SCBY not clear; Justice service quality weak; Legal and/or procedural barriers still exist for many seeking to access justice; No national strategy in place to ensure equitable access to justice services.</li> <li>The extent to which networks of legal professionals are presently engaged in free legal assistance provision is unclear, as are the degree of institutional arrangements in place to facilitate this.</li> <li>Civil society in Libya is nascent and not yet well organised.</li> </ul> <p><u>Indicator:</u></p>	<ul style="list-style-type: none"> <li>conducted.</li> <li>Training and funds provided to CSOs to initiate assessment of citizen's access to justice in selected geographical areas</li> <li>Public information strategy formulated and adopted.</li> <li>Production of assessment results with key recommendations on a national strategy on improving access to justice, with special focus on vulnerable groups and institutional development.</li> </ul> <p><b>Targets (year 2):</b></p> <ul style="list-style-type: none"> <li>Key recommendations reviewed by relevant authorities and implemented.</li> </ul>	<ul style="list-style-type: none"> <li>and specifically addressing barriers to women and vulnerable groups in accessing justice.</li> <li>The baseline assessment includes the capacities of judicial institutions and other service providers, lawyers and lawyers' associations (for instance numbers, competency, geographical spread) to provide justice.</li> <li>Support available measures for enhancing access to justice, especially for women and vulnerable groups (e.g. work with the Libyan Bar Association to establish legal aid clinics; micro-capital grants to CSOs, NGOs and associations of women lawyers to conduct legal aid services, training, public outreach activities and a community of practice meeting).</li> <li>Support legal measures for improving access to justice, including a nationally agreed framework for legal aid and assistance.</li> <li>Contribute to the development and effective functioning of a civil society capacity development facility (linked with Output 1 of the UNDP project, 'Support to Civic Engagement in Libya's Transition, 2011-2012') encouraging its use as a resource for women's groups and CSOs concerned with access to justice.</li> <li>Capacity development support to lawyers' and bar associations regarding professional conduct issues and the provision of free legal aid and assistance.</li> <li>Link justice services with other support areas for victims, such as psycho-social help and livelihoods opportunities.</li> <li>Support the establishment of specialised help-desks in police stations (to facilitate link with legal, medical and psycho-social assistance).</li> </ul>		<ul style="list-style-type: none"> <li>Grants to CSOs and NGOs.</li> <li>Infrastructure for help desks.</li> <li>Outreach, publication and dissemination.</li> </ul>

Intended Outputs	Output Targets (by year)	Indicative Activities	Responsible Parties	Inputs
<ul style="list-style-type: none"> <li>Number of individuals receiving legal advice or having a case adjudicated.</li> <li>NGOs engaged on legal aid and access to justice.</li> <li>Civil society networks / NGOs engaged in advocacy and awareness-raising activities on women's rights and SGBV.</li> <li>Lawyers functioning according to an agreed code of conduct and engaged in provision of free legal aid and assistance.</li> <li>Specific institutional barriers to access to justice removed (such as court fees for certain types of cases).</li> <li>Greater linkages established between services to survivors of SGBV.</li> </ul>	<ul style="list-style-type: none"> <li>Legal assistance clinics established.</li> <li>Trained 'Help Desks' with gender equality expertise established in police stations.</li> <li>Review of legal assistance strategy and progress of recommendations.</li> </ul>	<ul style="list-style-type: none"> <li>Formulate and ensure adoption of an information strategy on legal awareness.</li> <li>Develop a pilot Legal Clinic in collaboration with the law faculty of the University of Tripoli.</li> <li>Support NGOs/CSOs to conduct awareness-raising, legal sensitisation, dialogue on justice and security issues and issues of gender equality.</li> <li>Use written and electronic media to disseminate information regarding legal rights and access to justice issues.</li> <li>Support capacity development for lawyers' and bar associations regarding professional conduct issues and the provision of free legal aid and assistance.</li> </ul>		
<b>Subtotal Output 2</b>				
<b>OUTPUT 3: Progress achieved in implementation of transitional justice process including contributing to</b>	<b>Targets (Year 1):</b> <ul style="list-style-type: none"> <li>Trainings conducted and forums for</li> </ul>	Training, dialogue and awareness-raising. <ul style="list-style-type: none"> <li>Contribute to the development of a civil society capacity development facility (linked with Output 1 of</li> </ul>	UNDP (in close coordination with UNSMIL and UNODC).	(350,000) <ul style="list-style-type: none"> <li>Workshop and working group consults</li> <li>Background material printing, translation</li> </ul>

**Comment [AMM15]:** To be reformulated, the MoJ is not mandated to train or develop the CSOs but still eager to have them participated in TJ activities, MoJ said.

Intended Outputs	Output Targets (by year)	Indicative Activities	Responsible Parties	Inputs
<p>national consensus on TJ.</p> <p>Baseline:</p> <ul style="list-style-type: none"> <li>While a handful of awareness-raising activities have already taken place (targeting particular groups, knowledge of different mechanisms remains relatively limited), Civil society, community based organisations and NGOs are expressing a desire to engage in this area, however their participation has so far been very minimal.</li> <li>The Truth Seeking and Reconciliation Commission is a nascent entity with, as yet, only limited capacity or experience to engage fully in its mandated task.</li> <li>There is little technical expertise among judges and prosecutors in the country on the specific aspects of international criminal justice and transitional</li> </ul>	<ul style="list-style-type: none"> <li>dialogue established.</li> <li>Information relevant to the transitional justice process disseminated.</li> <li>Truth and Reconciliation Commission conducts truth-seeking missions and relevant activities in accordance with its mandate.</li> </ul> <p><u>Targets (year 2):</u></p> <ul style="list-style-type: none"> <li>Trainings and dialogue on-going and dissemination of information.</li> </ul>	<p>the UNDP project, 'Support to Civic Engagement in Libya's Transition, 2011-2012' encouraging its use as a resource for women's groups and CSOs concerned with transitional justice.</p> <ul style="list-style-type: none"> <li>Support to training and exposure of civil society groups to models of transitional justice approaches in other contexts.</li> <li>Support to the TSRC's outreach and media campaigns and to facilitate public dialogue on reconciliation and the work of the TSRC</li> <li>Support national and community-level dissemination of information activities related to the transitional justice process in Libya through different media platforms and approaches.</li> </ul> <p><u>Truth Seeking and Reconciliation Commission:</u></p> <ul style="list-style-type: none"> <li>Support the TSRC to function in accordance with the international standards of Transitional Justice.</li> <li>Assist with procurement of essential equipment to ensure that the TSRC is fully operational.</li> <li>Support the TSRC to conduct truth seeking missions and national reconciliation activities.</li> <li>Support consultative workshops on the implementation of TSRC's mandate.</li> <li>Provide support to develop the capacities of the TSRC.</li> </ul> <p><u>Capacity development of courts to manage cases associated with the former regime and conflict:</u></p> <ul style="list-style-type: none"> <li>Support capacity development activities for the judiciary</li> <li>Support to ensure availability of relevant legal</li> </ul>	<p>etc.</p> <ul style="list-style-type: none"> <li>Training of CSOs/NGOs.</li> <li>Infrastructure and material support.</li> <li>National works group consultations.</li> <li>Publication and dissemination of information at community level</li> </ul>	<p>Comment [AMM16]: Same as above</p> <p>Comment [AMM17]: To go under (TSRC) community level below.</p> <p>Comment [AMM18]: Adding the support to dialogue platforms on TJ to this activity., Goal 1 of MoJ</p> <p>Comment [AMM19]: Ok, in line with Goal 1, but language needs to be further clarified</p>

Intended Outputs	Output Targets (by year)	Indicative Activities	Responsible Parties	Inputs
<p>justice procedures.</p> <p><u>Indicator:</u></p> <ul style="list-style-type: none"> <li>National investigations underway into crimes associated with the former regime and conflict.</li> <li>Relevant actors, including civil society, actively engaged with the transitional justice process and outreach / information campaign underway.</li> <li>The TSRC is operational and implementing different national reconciliation mechanisms.</li> </ul>		<p>resources and reference material.</p> <ul style="list-style-type: none"> <li>Support to strengthen measures required to provide support and protection to victims and witnesses, outreach and communication.</li> </ul> <p>MoJ requested to include activities that clarifies the project exit strategy</p>		<p><b>Comment [AMM 20]:</b> To be put on hold, for checking given that ODC has presented a proposal on this issue to the H.U.C.</p>
<p><b>Subtotal Output 3:</b></p> <p><b>TOTAL OUTPUTS 1-3:</b></p>				<p>(050,000)</p> <p>4,700,000</p>



## **Objectives of the Previous Project Included in the Mew Project**

- 1. Increase institutional capacities at the Justice Sector and develop courts performance through two model courts.**
- 2. Develop new mechanism for the allocation of a percentage of the judicial charges to be used for the sustainability of development and training.**

**State of Libya**  
**Interim Libyan Government – Ministry of**  
**Justice**

**Report on Modernization of Justice Sector in**  
**Libya Project**

**Executing Agency: United Nations Development Program**

**Implementing Agency: Ministry of Justice (ex General  
People's Committee for Justice)**

**United Nations Development Program**

**Period: from 2007 – 2011**

**After review of the available documents of the project to  
identify shortcomings which led to the failure of the project,  
we concluded the following:**

- **Instability of management and its poor delivery in some periods of the project implementation, entailing dispersal of efforts of the work team and partners.**
- **Poor planning for objectives implementation and lack of indicators clarity, resulting in difficulty of follow-up of implementation of the work plans set up by the project management and duly approved by UNDP.**
- **Ignoring some of the project objectives implementation thereof could have been initiated in parallel with the objectives for which there are work plans, without clarification of reasons.**
- **Lack of accuracy and objectivity of the submitted progress reports resulting in the difficulty to identify rates of delivery of the set objectives under implementation.**
- **Lack of transparency in some contractual procedures with branch agencies and service companies such as in training, information systems and some of the job recruitments.**
- **Poor mechanism of documentation in respect of the project such as periodical reports, briefs of the field visits results, minutes reports and other important documents, in addition to failure to activate an emergency plan to preserve as much as possible of the project assets and**

archives after the start of the 17 February revolution, resulting in the loss of a large part of the archives.

- UNDP officials have not clarified the intent of using Microsoft software and whether the intent thereof was application of MS Project in its most modern versions at the time to plan and follow-up project implementation or whether it is Microsoft applications such as Office Software package.

The item relative to monitoring and evaluation in the project document makes UNDP a partner and responsible for the project progress and the outcomes reached and also responsible for the shortcomings as indicated in the aforementioned points.

## **Ministry of Justice Plan objectives Relative to the Project Document**

- 1) Activate the role of courts and prosecution departments and support them to perform their roles in establishment of the state of law independently and efficiently, and activate transitional justice and national reconciliation system.**
- 2) Train and qualify national judicial staff inclusive of legal, administrative and technical staff.**
- 3) Develop performance at the Ministry Diwan/headquarters and the bodies affiliated thereto.**
- 4) Develop fully decentralized technical administrative system.**
- 5) Stop human rights violations and refer any human rights violator to accountability before the courts.**

## **Activities Omitted from the Project Due to Being Linked to Other projects**

### **Prisons:**

**There is a comprehensive program for prisons signed by the Ministry and UNODC and referred to the Ministry of Planning for allocation of funds to start project implementation.**

### **Investigations:**

**Provide expertise in the field of investigation related to the ex regime officials. There is cooperation between UNODC and the Prosecutor General Office to develop a strategy for this end.**

### **Legislations:**

**There is a program for the development and reform of criminal justice concluded with UNODC in 2007, the program**

**activities include review of the Penal Code, Drugs Law and Illegal Immigration Law, and also include review of the Criminal Procedures Code, legislations and measures related to Human Rights, and enhance judicial integrity and independence.**

### **Anti-Corruption:**

**There is a project concluded between National Economic Development Council and UNODC that addresses integrity and transparency, and the Ministry of Justice is a party to this project.**

### **Judicial Institute**

**There is a comprehensive project concluded with UNODC to build capacities of the High Judicial Institute.**

## Ali M Montasser

---

**From:** Ali M Montasser  
**Sent:** Sunday, June 24, 2012 11:31 AM  
**To:** esam garba  
**Subject:** أعضاء اللجنة التي تم تشكيلها من وزارة العدل لدراسة وثيقة المشروع

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

المسيد / عصام قربع

احيل اليكم ادناه ، اسماء أعضاء اللجنة التي تم تشكيلها من وزارة العدل لدراسة وثيقة المشروع.

- م / نوري عبد العاطي : مدير ادارة العلاقات و التعاون الدولي
- م / مصطفى الدويب : مدير ادارة التدريب.
- م / علي بكار : مدير المعهد العالي للقضاء.
- م / عبد الرحمن العلام : مدير مركز التوثيق و المعلومات بالوزارة

تحياتي،

علي محمد المنتصر

مسؤول برامج

العدل و سيادة القانون

نقال: 00218925022967

مكتب برنامج الامم المتحدة الانماني – ليبيا

[www.undp-libya.org](http://www.undp-libya.org)



## Ali M Montasser

**From:** Ali M Montasser  
**Sent:** Sunday, April 14, 2013 4:55 PM  
**To:** etiab\_2007@yahoo.com; relations@aladel.gov.ly; 'ahmed\_t\_j@hotmail.com'  
**Cc:** Eric Overvest; Dima Al-Khatib; Norul Mohamed Rashid  
**Subject:** وثيقة المشروع المنقحة - برنامج الأمم المتحدة الإنمائي  
**Attachments:** Support to Rule of Law & Access to Justice Project.docx

السادة الأعزاء،  
سالم الطيب، إدارة التعاون الدولي و العلاقات، وزارة العدل الليبية.  
أحمد جمهور، إدارة التدريب، وزارة العدل الليبية.  
أنيس البوعزي، مكتب المتابعة، وزارة العدل الليبية.

تحية طيبة،

نحيل اليكم وثيقة المشروع المنقحة إستجابة لملاحظاتكم التي أديتموها خلال الإجتماع السابق، كما قمنا بإعادة صياغة الوثيقة لإختصار ما يمكن إختصاره.  
نتطلع قدما للقاء بسيادتكم لإستكمال النقاشات خلال هذا الأسبوع في الوقت الذي ترونه مناسباً.

تحياتي،

علي محمد المنتصر

مشارك برامج

برنامج الأمم المتحدة الإنمائي - ليبيا

هاتف: +218213403466

نقال: +218925022967

فاكس: +218213406492

سكيب: ali.undplibya



## Ali M Montasser

**From:** Ali M Montasser  
**Sent:** Tuesday, May 15, 2012 4:09 PM  
**To:** kamaldhan@yahoo.com; kamaldhan@hotmail.com  
**Cc:** azdeen2012@yahoo.com  
**Subject:** البرنامج المقترح للدعم من أجل تعزيز سيادة القانون والوصول الي العدالة في ليبيا خلال الفترة الانتقالية  
**Attachments:** DRAFT ProDoc Rule of Law in Libya 3rd with tabels-translation AR4-3-2012.docx; arabic summury of RoL PRODOC (2).docx; PD-AR.pdf; ملخص نشاط المشروع

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

الى مكتب معالي رئيس المجلس الأعلى للقضاء،  
رئيس المحكمة العليا،  
سعادة المستشار / كمال بشير دهان،

بالإشارة الى الإجتماع الذي عقد بمكتب سعادة المستشار يوم أمس الإثنين، وبناء على طلب معاليه، احبل اليكم طيه،  
مسودة البرنامج المقترح من قبلنا للدعم من أجل تعزيز سيادة القانون والوصول الي العدالة في ليبيا خلال الفترة الانتقالية، كذلك ملخص وثيقة المشروع،  
ووثيقة المشروع السابق وتقرير انجاز ملخص.  
لا تزال هذه المسودة قيد النقاش طرف ادارة العلاقات و التعاون الدولي بوزارة العدل.

كما سيتم تنقيحها وفقا لنتائج المشاورات و الإجتماعات التي تم و سيتم عقدها مع الجهات المعنية، بما فيها المجلس الأعلى للقضاء و وزارة العدل الليبية .  
و نحيطكم علما بأننا نعمل لتنظيم اجتماع بضيافة المعهد العالي للقضاء يجمع مختلف الأطراف لمناقشة هذه الوثيقة و اثراتها، وسيكون من دواعي سرورنا  
تشریفنا بحضور سعادة المستشار،

نأمل عدم التردد في الإتصال حال وجود ما يستوجب التوضيح.

وتفضلوا بقبول فائق احترامنا.

تحياتي،  
علي محمد المنتصر  
مسؤول برامج  
العدل و سيادة القانون  
نقال: 00218925022967  
مكتب برنامج الامم المتحدة الانماني - ليبيا  
[www.undp-libya.org](http://www.undp-libya.org)

## Ali M Montasser

**From:** Ali M Montasser  
**Sent:** Thursday, May 24, 2012 2:21 PM  
**To:** abdo\_ali@yahoo.com  
**Cc:** Ibrahim Abu-shammalah  
**Subject:** تعزيز حكم القانون و عمليات العدالة الانتقالية

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

الأستاذ / عبد الرؤوف علي قنبيج  
نقيب محامي طرابلس

تحية طيبة و بعد،

يشرف مكتبنا بأن يعلمكم بأن السيد/ ابراهيم ابو شمالة، خبير حكم القانون ببرنامج الأمم المتحدة الإنمائي، ونائب مدير برنامج حكم القانون بمكتب برنامج الأمم المتحدة الإنمائي في غزة، موجود حالياً في ليبيا للعمل على دعم جهود المكتب في تعزيز حكم القانون و عمليات العدالة الانتقالية تحت مظلة مسودة وثيقة المشروع المقترحة من مكتبنا و التي لا تزال قيد المشاورات طرف وزارة العدل. من هذا المنطلق يأمل مكتبنا تحديد موعد للقاء السيد ابو شمالة مع سيادتكم وذلك للتعارف و تبادل الاراء حول اطار التعاون المشترك لتعزيز سيادة القانون في ليبيا.

انتبهز هذه الفرصة لأعرب من لشخصكم الكريم وزارة العدل عن فائق تقديري و احترامي.

تحياتي،  
علي محمد المنتصر  
مسؤول برامج  
العدل و سيادة القانون  
نقال: 00218925022967  
مكتب برنامج الامم المتحدة الانمائي – ليبيا  
[www.undp-libya.org](http://www.undp-libya.org)

## Ali M Montasser

---

**From:** Ali M Montasser  
**Sent:** Wednesday, June 19, 2013 10:18 AM  
**To:** Amal Elmoghrabi; Dima Al-Khatib; Eric Overvest; Farah Ogbi; Lily Habash; Nabil Shaibani; Osama Matri; Randa Gritli  
**Subject:** RoL Project E-PAC  
**Attachments:** RoL Project Doc. Arabic Revised 18-06-2013.doc; RoL Project Doc. English 18-06-2013 final.doc

Hello Colleagues,

Here is the Final Draft of the RoL & TJ project Document,  
Please review and advise if any input or comments.

Best regards,  
Ali

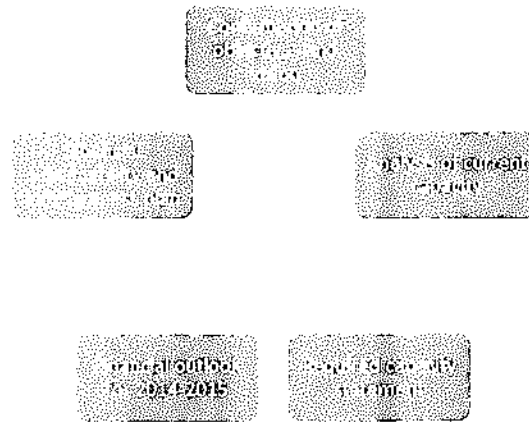
---

**From:** aly mokhtar [<mailto:aly23egy@hotmail.com>]  
**Sent:** Tuesday, June 18, 2013 1:52 PM  
**To:** Ali M Montasser  
**Cc:** Norul Mohamed Rashid  
**Subject:** final Project documents Arabic and English

Dear Ali,  
Please find attached to the current email, the project documents both in Arabic and English. Kindly revise the budget sections for both numbers and Arabic language.  
best regards

Chief Judge/ Aly Mokhtar  
Cairo High Court of Appeals, Egypt  
LL.M. International Law (National University of Ireland)  
LL.B Cairo, Egypt  
Baccalaureate of Criminal Justice and Police Sciences, Cairo, Egypt  
Email: [Aly23egy@hotmail.com](mailto:Aly23egy@hotmail.com)  
Mobile Egypt: +20127750000

8. Based on the above, the financial sustainability and effectiveness plans will have to be developed and approved by the RBs by the end of September. The Regional Bureaus will then consolidate Country Office plans and submit consolidated regional plans in time for the review of UNDP's overall financial outlook during the first week of October.
9. In implementing the financial sustainability and effectiveness exercise, the change management process presented below is recommended:



***Interim Measures Governing Human Resources Alignment in the Context of Change Management***

10. The financial sustainability and effectiveness exercise envisages a capacity analysis. It aims to recommend capacity development responses to transform each CO into a sustainable, highly efficient and effective system. The analysis should define the desired capacity – as captured in a functional structure and organigramme – and suggest capacity development measures to bridge identified capacity gaps. The new/revised functional structure and organigramme should be reflective of both the 'demand' side of UNDP's presence and activities while also responding to the internal need for substantive focus and financial sustainability.
11. The capacity analysis is expected to result in the following outputs:
  - a. Definition of a baseline (i.e., current functions and capacities) and desired functions and capacities required to achieve the office's mission and deliver its priority service lines and results;
  - b. Identification of functions (e.g., in the areas of finance, procurement, or HR) that are best serviced from an outsourced location, including an analysis of the implications that such shifts/changes will have in terms of functional and capacity requirements. *See Annex 1 for details;*
  - c. Review of the programme portfolio, with a focus on project pipeline, and of the financial outlook with a view to ascertaining the financial envelope required to maintain the staffing structure and deliver on the commitments made in the country programme;

- d. Preparation of a new or revised functional structure and organigramme and analysis of capacity and/or funding gaps; and
- e. Preparation of a financial sustainability and effectiveness plan. This may entail either: (1) a **limited re-alignment of unit or section of an office** (*in situations where the total number of positions/functions and the total number of staff/contingent personnel need to be reduced in a single unit or section of the office, a review of skills required and gaps should be conducted through which the most suitable skills required for the remaining positions are retained and displaced staff are off-boarded, as appropriate*), or (2) a **full re-alignment of an office or major section of an office** (*in situations where the total number of positions/functions and the total number of staff/contingent personnel need to be reduced in the entire or major part of an office, a review of skills required and gaps should be conducted through which the most suitable skills required for the remaining positions are retained and displaced staff are off-boarded, as appropriate*).

12. While implementing re-alignment, the following measures could be considered<sup>1</sup>:

- a. Matching existing staff to positions in the new structure through position matching/incumbent matching;
- b. Filling vacant positions through lateral moves; and
- c. Competitive recruitment or selection for positions with material change in functions or new positions.

13. Interested long-serving staff members (at least 5 years of uninterrupted service on permanent appointments & fixed-term appointments) governed by the Staff Regulations and Rules (SRR) can apply for a voluntary early retirement or voluntary separation<sup>2</sup> even if their positions are not being abolished or functionally reclassified. In these cases they can qualify for Agreed Separation Type II (up to 12 months).

14. Long-serving staff members whose positions are abolished will no longer be required to apply to other positions in order to justify eligibility to Agreed Separation Type I (up to 18 months).

15. Long-serving staff members whose positions are reclassified, requiring a different profile and set of competencies and who will become displaced following a capacity analysis could also qualify for Agreed Separation Type I (up to 18 months). These staff will no longer be required to apply for other positions in order to justify eligibility for Agreed Separation Type I. See Agreed Separation Arrangements.

16. Long-serving international professional staff members whose positions have been abolished or re-purposed but who wish to continue being employed by UNDP are considered to be 'between assignments' and will become part of the Business Solutions Exchange (BSE) talent pool. The BSE mechanism allows such staff to get productively engaged and continue contributing to UNDP results in situations where there is demand for their services.

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<sup>1</sup> For further details and guidance on implementing a partial or full re-alignment, please see Annex 3.

<sup>2</sup> The agreed separation package is being revised to ensure appropriateness and suitability for diverse needs of staff.

17. The process for applying for an Agreed Separation Package remains the same, i.e., through the HR Business Advisors with the support of the Career Transitions Unit (CTU) in OHR/BoM.
18. With regard to non-long-serving staff members or contingent personnel, for positions and/or functions that will no longer be needed and/or will need to be reclassified or adjusted, decisions can be made following a capacity analysis to allow such contracts to lapse upon expiration or to foreshorten contracts and pay out the applicable termination indemnities. *See Annex 2. Termination Indemnities for Non-Long-Serving Staff and Non-Staff.*
19. Going forward, the capacity analysis is recommended as a permanent feature of talent management anchored in the People Capability Strategy under the Agenda for Organizational Change. Additional details will be provided by OHR/BoM.

***Support***

20. A variety of tools to assist managers with the preparation and implementation of financial sustainability and effectiveness exercise will be made available shortly on a dedicated Intranet workspace, the details of which will be shared shortly. Requests for advice and support should be directed to the Regional Bureau or Bureau of Management (BoM) through the Regional Bureau.

## Clustering of Operational Services

### Clustering of Operational Services

**What:** As per discussion in the OPG on 9 January 2013 and at the EG Retreat on 16 January, a decision was taken to prepare an implementation plan for key elements of the CO Business Model, including the proposed efforts to cluster select services related to **finance, procurement and human resources**.

**Why:** The rationale for clustering is articulated in the pilot report prepared based on collaboration with UNDP Papua New Guinea: *"The majority of back-office functions related to finance and procurement, as well as some functions related to human resources and administration, can be clustered and provided to offices from elsewhere, to increase efficiency and quality of services, whilst reducing the burden on field activities. Some functions would still remain to support operations on the ground, the extent of which would vary from location to location depending on the country context and development activities."*

While the business case for clustering functions will vary from office to office, and depend upon their cost structure, salary scales and levels of operational effectiveness, the benefits of improved quality of operational services, effectiveness and efficiency should make a compelling case for clustering services in all but the most efficient offices. Savings and efficiency gains will contribute towards enabling UNDP to retain its universal presence, where possible, while concentrating resources on development activities.

In practical terms this means that if an office as a consequence of its overall financial situation and/or outlook cannot afford to have the *in situ* finance, procurement and human resources capacities (right levels and number of positions) required to deliver successfully, clustering of these functions is required. Similarly, if an office cannot attract and retain the right capacities to perform these functions, due to local conditions, clustering of these functions is also required. Capacities to continue providing local common services will remain in situ, with a focus on seeking opportunities for efficiencies within the UN country team.

**How:** Locations of the hubs are under consideration, and subject to cost/benefit analysis. Questions with regards to pursuing clustering should be discussed with respective regional bureaux. A detailed clustered operating model for all three functional areas is under development.

**When:** Implementation models and plans for the regional hubs as well as the global finance hub are under preparation. It is expected that initial service provision will start during Q4 2013 for the early adopters.



**Matrix of Termination Indemnities or Termination Compensation Policies  
Currently applicable to Non-Long Serving Staff and Contingent Personnel**

<b>Appointment Contract Type</b>	<b>or</b>	<b>Years of Uninterrupted Service</b>	<b>Termination Indemnity or Compensation</b>
Fixed-Term Appointment		Less than 5 years	None if appointment expires automatically on the expiration date (SR 9.4).
Fixed-Term Appointment		Less than 5 years	In cases where the "necessities of service require abolition of the post or reduction of the staff" (SR 9.6 (c) (i)), termination indemnity is paid according to Annex III of the Staff Rules (SR 9.8). Notice of termination will be issued (SR 9.7[b]).
Temporary Appointment		364 days or less	None if appointment expires automatically on expiration date (SR 9.4).
Temporary Appointment		364 days or less	In cases where the "necessities of service require abolition of the post or reduction of the staff" (SR 9.6 (c) (i)), termination indemnity is paid according to Annex III of the Staff Rules below (SR 9.8). Notice of termination will be issued (SR 9.7[c]).
Service Contract		Not Applicable	None if formal notice sent at least one month before contract expiration.
Service Contract		Not Applicable	In cases where the organization has to foreshorten the contract, a minimum period of notice shall be 14 calendar days. If circumstances do not allow for the minimum period of notice, the SC holder will be entitled to compensation equivalent to one-week gross remuneration for each month of uncompleted service.
Individual Contract		Not Applicable	None if formal notice sent 5 days before the expiry date in the case of contracts of less than two months and 14 days in the case of contracts for a longer period.
UN Volunteers		Not Applicable	UNV Programme HQ may terminate the assignment of a volunteer before the expiry date in case of a premature termination of a project and may decide whether paragraph 15.1.1 of the Conditions of Service applies.

**Annex III of the Staff Rules. Termination indemnity**

Staff members whose appointments are terminated shall be paid an indemnity in accordance with the following provisions:

(a) Except as provided in paragraphs (b), (c), (d) and (e) below and in regulation 9.3, the termination indemnity shall be paid in accordance with the following schedule:

<i>Completed years of service</i>	<i>Months of gross salary, less staff assessment, where applicable</i>		
	<i>Temporary appointments exceeding six months</i>	<i>Fixed-term appointments</i>	<i>Continuing appointment</i>
Less than 1 . . . . .	One week for each month	One week for each month	Not applicable
1 . . . . .	uncompleted service of	subject to a minimum of six weeks' and a maximum of three months' indemnity pay	Not applicable
2 . . . . .		3	3
3 . . . . .		subject to a minimum of six weeks' and a maximum of three months' indemnity pay	3
4 . . . . .		3	4
5 . . . . .		5	5
6 . . . . .		6	6
7 . . . . .		7	7
8 . . . . .		8	8
9 . . . . .	Not applicable	9	9
10 . . . . .		9.5	9.5
11 . . . . .		10	10
12 . . . . .		10.5	10.5
13 . . . . .		11	11
14 . . . . .		11.5	11.5
15 or more . . . . .		12	12

Note that the provisions regarding Continuing Appointments in the above Table also apply to Permanent Appointments and long-serving staff on FTAs, as defined in the Agreed Separation Arrangements. Eligibility for the UNDP Agreed Separation arrangements is dependent on the fulfillment of the eligibility requirements, i.e. staff members with a "permanent appointment and staff members with a fixed-term appointment who, prior to his/her conversion to FTA on 1 July 2009 held a 100 series appointment and has completed at least 5 years of continuous service either on a 100 series appointment prior to 1 July 2009 or on a 100 series appointment converted to an FTA. Service accrued on a 200 and 300 series appointment and on non-staff contracts does not count for the purposes of continuous service towards eligibility for agreed separation."

### Additional Guidance on Implementation of Partial and Full Realignment of a Unit or Office

UNDP's procedures for implementing the human resources aspects of partial and full realignment processes are designed to ensure transparency, fairness, objectivity, and expediency in reconciling changes in positions in an office/unit's organigramme and the existing staff members affected by these changes. These procedures vary depending upon the degree of change envisioned, and as such all procedures are initiated through a job design and evaluation/classification process to determine degrees of change<sup>3</sup>. These procedures include lateral moves, position matching, and competitive recruitment or selection processes:

#### Lateral moves

Management may decide, in the interest of the Organization, to assign a UNDP staff member to another post in the same field of work with similar functions at the same grade without competitive process. While a staff member may express his/her interest in moving laterally to another position in the same business unit (Country Office, Regional Service Center, Liaison Office, or HQ Bureau/Unit), the final decision for a lateral move of that staff member is at the discretion of management.

Lateral moves without a competitive process may only apply to similar posts in the same field of work with similar functions as documented in the job descriptions of both posts (the post encumbered by the staff member and the post considered for lateral move), at the same grade requiring the same or a similar set of competencies and in the same business unit.

While management has the authority to reassign staff members to similar posts with similar functions at the same grade, the decision for a lateral move must be made in consultation with the staff member and, as far as possible, mutual consent should be secured.

A lateral move for the General Service (GS) or National Officer (NO) category may involve a change of duty station in the same country. Such lateral moves must be in the interest of the Organization and with the consent of the staff members concerned. However, since GS and NO staff are not subject to international reassignment, a lateral move for these categories must not entail a change of country.

The process leading to lateral moves must be fully documented, including the relevant job descriptions, evidence of staff consultation and consent, and be subject to signed approval with the relevant documentation and clearance must be provided for implementation of the necessary action (to OHR/BoM for international professionals at the P and D levels, as well as HQ GS staff members; Or to the HR focal point in the relevant business unit for other GS and NO staff members).

The lateral move option does not apply to staff on Temporary Appointment, Individual Consultants, UNV Volunteers and Service Contract holders.

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<sup>3</sup> While job design is delegated to the business unit in accordance with guidance provided through a job description template and competency requirements derived from UNDP's Competency Framework, the job evaluation/classification review does not fall under the authority delegated to Country Offices / Units, and is conducted through the relevant BAS HR Advisor and Organization Design Unit of OHR. These offices may be consulted for additional procedural guidance.

## Position matching

Position matching provides the basis for staff members whose positions have not materially changed to potentially be offered reclassified positions without having to undergo a competitive process for that position, but instead be matched through an objective review process.

Position matching exercises commence with the establishment of a Review Committee, which compares newly established job descriptions against existing job descriptions to determine if the job description / position has or has not materially changed. These determinations are captured in a report and submitted for approval to the Head of Office<sup>4</sup>.

**Positions are matched** - A job description or position is not considered to have materially changed and the positions are matched if all of the following conditions are met: (1) The position does not change categories or contractual modality; (2) The position remains at the same grade level; (3) A change in 2 or less functions in the new job description has taken place vis-à-vis the old job description; and (4) There are no new functions from another technical area added to the position.

**Positions are not matched** - A job description or position is considered to have materially changed and the positions are not matched if: (1) The position changes categories or contractual modality (e.g. from G to P, G to NO, P to NO categories or from TA to FTA, SC to FTA, etc.); (2) The position is re-classified upwards or downwards; (3) A significant change in more than 2 functions in the new job description has taken place vis-à-vis the old job description even though the grade level remains the same. *Significant changes must occur in the main functions and levels of accountability and responsibility of the position and not in the specific results expected or specific duties/tasks*; (4) New functions from another technical area have been added or functions from another technical area have completely replaced the original functions of the position even though the grade level remains the same. Based on this there are revisions of the job competencies and/or qualifications; and (5) There are fewer positions with identical functions and grades in an occupational group.

Positions matched during the position matching exercise must not be advertised. The current incumbent is matched against the new position and job description (incumbent to position matching).

After the position matching exercise the following positions must be advertised for competitive selection: (1) All positions that have materially changed and are not position matched; (2) All newly established positions for which there are no prior equivalents; and (3) Positions facing a reduction in force.

Additional, detailed procedural guidance for position matching exercises is available through OHR BAS Advisors.

## Competitive recruitment or selection processes

Competitive recruitment or selection processes are transparent, competency-based assessment of

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<sup>4</sup> Detailed guidance on the constitution of Review Committees and required documentation for the position matching exercise can be provided through OHR BAS Advisors and the Organizational Design Unit.

candidates where priority is given to the affected staff of the respective entity, following the order of retention. These competitive recruitment or selection processes represent the last stage of the HR alignment process, which serves to provide objectivity and transparency in the effort to recruit individuals to fill positions under the following circumstances: (1) All positions that have materially changed and have not been matched during the position matching exercise; (2) All newly established positions for which there are no prior equivalents; and (3) Positions facing a reduction in force (i.e. fewer positions with identical functions and grades in an occupational group).

**Competitive Recruitment or Selection Processes are appropriate where there are structural/staffing changes, e.g. functional, contractual, classification. These processes are implemented where the structural/staffing changes affect all main office units/teams or where they affect only a limited number of posts/units within the office.**

In all cases, irrespective of the type of competitive recruitment or selection process, to be consistent with UNDP's HR policies and to minimize the likelihood of displaced staff and disruption to business continuity, managers should only organize competitive recruitment or selection processes for the positions that are new, have materially changed, have not been matched, and belong to groups of positions (with identical functions) with reduction in force. The relevant BAS HR Advisor, BAS/OHR/BoM provides advisory services to the Country Office throughout this process.

All mechanisms outlined above (lateral moves, position matching, and competitive recruitment processes) shall not be used to address staff under performance, which is managed through the RCA mechanism.

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United Nations Development Programme  
INTERIM CHANGE MANAGEMENT MEASURES



Empowered lives.  
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ENSURING FINANCIAL SUSTAINABILITY AND EFFECTIVENESS  
21 June 2013

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*Purpose and rationale*

1. The objective of the Country Office financial sustainability and effectiveness exercise is to ensure that Country Offices are: a) well equipped to operate effectively and efficiently within the available budget envelope, and b) “fit for purpose” in terms of capacity.
2. The financial sustainability and effectiveness exercise will follow and build on an initial set of immediate measures (*e.g., freeze on recruitments against core funding, etc.*) taken during the first three months of 2013 to address the 2013 core institutional budget reduction and captured in the action plans to reduce core institutional budget expenditure. They will also take into account the findings of the capacity analysis and can result in capacity increases, outsourcing of functions, or reductions, depending on sustainability and business outlook.
3. Country Office financial sustainability and effectiveness exercise is complemented by a separate structural review process covering HQs Bureaus and offices.

*Implementation*

4. To support the implementation of the financial sustainability and effectiveness exercise, *the Policy on Change Management Clearance and the Policy Governing Human Resources Alignment in the Context of Change Management* have been suspended, and this document constitutes a set of *Interim Change Management Measures*. The main objective of these measures is to provide COs with necessary flexibility within a transparent, fair and accountable process, and to empower management to drive timely implementation of required changes with minimal disruption to staff and to ongoing work.
5. The Interim Measures that enable COs to make immediate progress while minimizing risks and potential liabilities, and to respond to eventual future contingencies, will be replaced by a new policy on the subject in 2014.
6. In accordance with the Interim Measures, as the first step in the implementation of changes to ensure financial sustainability and effectiveness, an organization-wide *rationale for change is declared* through the message dated 21 June 2013 from the Assistant Administrator and Director of BoM. With this no additional clearance is needed for Country Offices to proceed with the planning of their change efforts (*currently this step is to be approved by respective Regional Bureaus*).
7. All Country Offices are then requested to analyze their capacity requirements and financial outlook for the planning period of 2014-2015, and to plan and implement – in close consultation with the Regional Bureaux – changes required to ensure that they operate within current and projected budgets.