Support to strenghtening the rule of law and access to justice in libya during the transition to democracy

### March 2013

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# project summary

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| Project title: | Support to strengthening the rule of law and access to justice on Libya during the transition to democracy (2012-2014)  |
| Award ID and project number: | 00067343, 00082787 |
| Project duration: | One year Jan 2012 –Dec 2012 |
| Extension(s) (if applicable):  | By six months till 30 June 2013 |
| Executive agency:  | UNDP |
| Implementing partner(s):  | None |
| Total budget:  | $USD 400,000 |
| Contribution from donor:  | None |
| Contribution from other donors: | None |
| Related CPR outcome(s): | Outcome 3 of CPD – Libya successfully manages its transition to a state founded on the rule of law  |
| Date of report:  | 31 March 2013 |

# description of the project

### Overall guidance:

Between February and October 2011, Libya was embroiled in an armed liberation struggle between the autocratic regime of Colonel Moammer Al Qaddafi, and revolutionary forces determined to put an end to the dictator’s 42 year rule. This conflict had a weakening effect on the rule of law architecture and institutions, especially with regard to the provision of justice and security.

The overall objective of the present programme is to assist the restoration of justice and security in Libya in support of the country’s transition to democracy. The programme seeks to develop the capacities of key institutions to deliver equitable and efficient services to the Libyan people, facilitate recovery and promote development. Simultaneously, it aims to empower civil society and the Libyan people to access justice, resolve disputes and build peace. Accordingly, the programme is designed to contribute to three important outcomes for the country: (1) Strengthened capacity of Libyan rule of law institutions to provide services in a way which supports the transition to democracy; (2) Improved access to justice for conflict affected populations especially survivors of sexual and gender-based violence (SGBV), women and the displaced; and (3) Progress achieved in implementation of Transitional Justice process to promote national reconciliation, including contributing to national consensus on Transitional Justice.

In striving for these outcomes, UNDP will work over the next 2 years in close collaboration with the relevant Libyan authorities, and within the context of broader international support to strengthening the rule of law in Libya.

Rule of law institutions (police, judiciary and corrections) in Libya remain weak and are non-functioning in many key operational aspects due to uncertain security situation, weak institutional capacities and lack of strategic planning by the Libyan Government which has led to *ad hoc* delivery of support and assistance from the international community. The Libyan government has commenced drafting national strategies on rule of law and security sector reforms, and the international community, including the United Nations in Libya, has recently agreed with the government on specific priorities and forms of assistance to strengthen the rule of law in Libya.

# project results and achievements

### Overall guidance:

1. **Project results and impact**

**Output 1 - Strengthened capacity of Libyan rule of law institutions to provide services in a way which supports the transition to democracy**

**Indicator 1- MOJ’s areas for capacity development identified; institutional development plan for MOJ finalized and under implementation.** UNDP collaborated with UNSMIL and UNODC to organize a workshop (06 March 2013) for the Ministry of Justice and various relevant Ministries and government bodies on strategies to mainstream rule of law principles and standards in governance, and to encourage coordination with the Ministry of Justice on rule of law initiatives. Rule of law experts from the United Nations (including UNDP) provided the training and facilitated the discussions .The discussion and questions raised illustrated the lack of understanding on the part of participants in understanding and integrating rule of law in the various mandates of the Ministries. The workshop offered a relevant and timely introduction to the subject-matter, addressed rule of law challenges and priorities of the government, and is likely to facilitate coordination and implementation of future rule of law activities with the Ministry of Justice and other line Ministries.

**Output 2 – Improved access to justice for conflict-affected populations, especially survivors of SGBV, women and the displaced** – UNDP has completed the recruitment of an Access to Justice expert from the region to support the implementation of an assessment initiative in Benghazi of the situation and the needs of conflict-affected populations.The Rule of Law team has also planned a scoping mission in Benghazi to initiate the assessment.

**Output 3- that progress is achieved in implementation of transitional justice process including contributing to national consensus on TJ.**

**Indicator 1 - relevant actors including civil society actively engaged with the TJ process**. UNDP collaborated with UNSMIL to organize a two-day conference (11-12 December) for civil society and government authorities to explore models of truth commissions and agree on a national agenda on the types of truth commissions that could contribute to achieving national reconciliation.Participants produced a set of working guidelines and recommendations for the national agenda and for CSOs to utilize for their own future TJ events.

**Indicator 2 -The Truth-Seeking and Reconciliation Commission is operational and implementing national reconciliation mechanisms.** UNDP collaborated with UNSMIL to organize a two-day workshop (09-10 Dec 2012) for the Commissioners and their support/secretariat staff on implementation of the mandate of the TSRC, amendments to the TJ law and establishing a workplan to commence the work of the TSRC. The Ministry of Justice has since implemented the recommendations from the workshop in relation to amending and improving provisions of the TJ law and changing the membership of the Commission to reflect a more multi-disciplinary approach and composition.The TSRC has started to function on key aspects of its mandate after the workshop, establishing an information /outreach plan, and making public calls for information pertaining to past human rights abuses and are currently examining several cases received from the public. The workshop has contributed to enhancing the understanding of the TSRC on effective operationalization of its mandate and to assist the Government to integrate international standards and best practices in the TJ law.

# Lessons learned and implementation challenges

 **Overall guidance:**

The project was implemented after a delay in recruitment of its Project Manager who commenced duties in mid October 2012. UNDP was also engaged in extensive drafting and reviewing of the project document and consultations with the Ministry of Justice and other UN partners to coordinate provision of rule of law assistance.Recent coordination strategies have also led to delays in implementation as the UN and the Ministry of Justice struggled to identity priorities and remove overlaps among various actors working on rule of law projects.

Implementation has been affected by operational deficits within UNDP CO as the CO tries to meet turn-around deadlines in procurement of services and goods and to provide effective support to ongoing and emerging projects with its limited operations staff and capacity. There are also delays in recruitment of support staff for the Rule of law project team, which have led to temporary solutions of recruiting less than qualified temporary project assistants who are not familiar with UNDP rules and operations.

The start-up activities – recruitment of Project Manager and organization of activities in collaboration with UN partners have had a positive impact on improving relations with the Ministry of Justice and UN partners. It was imperative that the UN presents a “One UN” approach to its rule of law activities which will facilitate the acceptance of UNDP’s rule of law project document by the Ministry of Justice, as the MOJ is keen to resolve overlapping projects and coordinate rule of law activities among international actors.

# Next steps

 **Overall guidance:**

The project is currently being implemented in accordance with an integrated workplan that reflects three separate funding sources, including from BCPR. The remaining BCPR funds will be utilized to recruit the Access to Justice consultant who will implement this project component with civil society organizations and NGOs in the eastern city of Benghazi. Depending on the security situation in the east, the training of NGOs will either be conducted over the course of 4-6 weeks in Benghazi or partly in Tripoli, as part of a mitigation strategy in the event of heightened security risks

Remaining funds will also be use to partly fund a team of international and national expert consultants to be embedded with the TSRC to provide ongoing support and advice on the implementation of its mandate in accordance with the amended law on TJ and international standards. The delay in passing the amended law will be taken into consideration, however UNDP and UNSMIL will strategize a form of start-up assistance that will be critical for the current priories and activities of the TSRC.

# financial summary

 **Overall guidance:**

Indicate the total amount provided by donor and provide breakdown of programmable amount and the GMS amount. Provide detailed financial expenditures by objectives and activities. Ensure that the figures provided match with those in Atlas.

Details of Expenses up to 31/03/2013:

Account Code Expenses (USD)

61305 - Salaries - IP Staff 19,061.81

61310 - Post Adjustment - IP Staff 6,981.75

62310 - Contrib to Jt Staff Pens Fd-IP 6,485.26

62315 - Contrib. to medical, social in 60.3

62320 - Mobility, Hardship, Non-remova 2,557.76

62340 - Annual Leave Expense – IP 3,172.22

63335 - Home Leave Trvl & Allow-IP Stf 154.17

63365 - Special Oper Living Allow-IP 1,728.97

63530 - Contribution to EOS Benefits 651.09

63535 - Contribution to Security 1,041.74

63545 - Contribution to ICT 390.65

63550 - Contributions to MAIP 52.09

63555 - Contribution to UN JFA 468.78

63560 - Contributions to Appendix D 78.13

64307 - Appointment-Subsistence Allow 16,974.89

64308 - Appointments-Lump Sum 16,974.89

64309 - Appointment-Shipments 6,255.33

64340 - Staff related Cost-Others 6,000.00

65115 - Contributions to ASHI Reserve 1,692.83

65135 - Payroll Mgt Cost Recovery ATLA 64.38

71205 - Intl Consultants-Sht Term-Tech 2,000.00

71405 - Service Contracts-Individuals 1,634.92

71605 - Travel Tickets-International 2,600.83

71615 - Daily Subsistence Allow-Intl 1,499.10

71620 - Daily Subsistence Allow-Local 2,862.64

71635 - Travel – Other 13,019.19

72120 - Svc Co-Trade and Business Serv 83.60

72425 -Mobile Telephone Charges 198.07

72715 - Hospitality Catering 793.65

73105 – Rent 1,560.00

74220 - Translation Costs 5,225.20

74525 - Sundry 1,549.40

Total 123,873.64

N.B: due to incorrect vCOA given for classification of the post, part of the P5 post cost was charged to the old NIM justice project (55447), this needs to be corrected at HQ level by transferring USD 71,734.23 back to above project.

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