

Annex I – Description of the Action LESOTHO

PROJECT TITLE: SUPPORT TO IMPLEMENTATION OF THE JUSTICE SECTOR REFORMS PROJECT

PROJECT NUMBER: ICSP/2020/415-769

START DATE: 01 May 2020 End Date: 30 April 2021

Brief Description

Since independence, the Kingdom of Lesotho has had a history of cyclic instability, security disturbances, volatile political environment, worsening socio-economic indicators and generalised governance inadequacies. These challenges are compounded by piecemeal interventions that have failed to fully address fundamental governance issues. The justice sector is often singled out as a critical area requiring transformation due to inefficiency, underperformance and inability to meet the justice needs of the Basotho. The justice sector limitations are predicated on three factors that impede the independence of the Judiciary, namely: 1) separation of powers and resource constrains, 2) weak internal institutional safeguards leading to negative public perception and, 3) lack of external institutional support exacerbated by a hostile political environment. Following recommendations by the Southern African Development Community (SADC), the Government of Lesotho with support from, the UN, the Delegation of the European Union and other stakeholders instantiated a national dialogue and reforms process to address these underlying weaknesses with a view to transform and stabilise Lesotho. The national dialogue and reforms process generated consensus on the reforms content as well as an institutional framework for their implementation. A major immediate intervention to end impunity and stabilise the security sector was the process of expeditious execution of impartial investigations and fair trial of security sector related crimes, where foreign Judges have been deployed to support the speedy resolution of criminal trials.

The national consensus on reforms content with institutional framework for implementation, the on-going investigations and trials of security sector related crimes present an immense opportunity for Lesotho to transform, stabilize and achieve sustained peace for prosperity. The proposed programming action is part of the overall support to broader Lesotho national reforms agenda by addressing:

- i) Impartial, efficient and expeditious disposal of high-profile security related criminal cases for enhance stability in Lesotho and;
- ii) Efficient and effective project management

Contributing Outcome (UNDAF/CPD, RPD or GPD):

UNDAF Outcome 1: By 2023, government and non-governmental institutions deliver their mandates and uphold good governance, rule of law, and human rights, with all people having improved access to justice and participating in social and political decision-making processes in a peaceful environment.

CPD Output 1.5: Rule of law and national human rights institutions and systems have strengthened technical capacities to promote inclusion, transparency and accountability **Indicative Output(s) with gender marker²:**

Output 3: The most vulnerable people have increased access to fair and effective formal and informal justice systems

Total cost of the Action	€ 743,345.92	
Total resources allocated:	UNDP TRAC	€ 93,136.00
	Donor: European Union	€616,101.00
	Others:	
	Sub-Total	€ 709,237.00
Unfunded:	€34,108.92	



I. DEVELOPMENT CHALLENGE

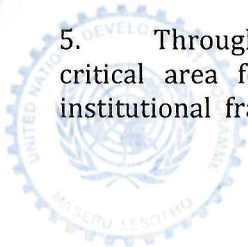
1. Since independence, the Kingdom of Lesotho has had a chequered history of cyclic instability, security disturbance, unpredictable politics, and challenges in the judiciary. The population of Lesotho remains overwhelmingly rural-agrarian and despite some economic growth, gains in GNI per capita have been small. Healthy life expectancy dropped by 10 years between 1990 and 2013. In 2011, Lesotho was placed below average for countries classified by the United Nations as 'low human development'. Economic growth and development were slowed amidst stagnated poverty in the rural settings and worsening socio-economic indicators. The country's ranking under the Mo Ibrahim Index of African Governance (2018) was lowered from 15 out of 54 countries in Africa in 2016 to 16. The 2019 Global Peace Index (GPI) places Lesotho as the 63rd least peaceful country worldwide, and at risk of deteriorating should the level of instability have no sustainable resolution.

2. These above challenges are compounded by piecemeal interventions to address governance capacity weakness such as the relationship between traditional institutions and the state alongside de-politicisation of the public sector notably, the civil, judiciary and security services. Further, the Kingdom has not been able to establish a robust governance systems and sustainable peace. The collapse of two successive coalition governments leading to three national elections within five years demonstrate the extent of Lesotho's political volatility. In 2014, the power struggles in the security sector led to the collapse of the government and assassination of high-profile security chiefs. In addition, a stand-off between the President of the Court of Appeal and the Chief Justice resulted in the near paralysis of the Court of Appeal. These have had negative implications on the Kingdom's economic performance and overall development because critical resources get diverted from longer-term development to funding urgent short-term peace, mediation, and negotiation actions.

3. In response to the cyclical political instability, insecurity and the geopolitical importance of Lesotho in the region, SADC intervened by deploying an Observer Mission in 2014 and an Oversight Committee in 2016 to monitor and stabilise the security and political situation in the Kingdom. The Mission recommended *inter alia*, undertaking of comprehensive reforms covering constitutional, security, judiciary, public service and economic sectors in order to create long-lasting peace and stability. As part of the immediate/short term measures, a SADC Commission of Inquiry into the killing of high-profile military leaders, proposed execution of impartial and expeditious criminal investigations followed by transparent course of justice to deter impunity. Pursuant to these recommendations, the Government of Lesotho in partnership with SADC and financial support of the European Union initiated recruitment and placement of foreign Judges from the SADC region to start trials against persons indicted for the assassinations.

4. The SADC engagement, mobilisation of the Basotho and support of Development Partners encouraged the current government to commit to carrying out reforms. These reforms are viewed as necessary for Lesotho's long-term stability and economic transformation. In 2018, UNDP in collaboration with SADC with the EU support, organised a national and inclusive dialogue process on the reforms and national reconciliation. The process was guided by a roadmap outlining the comprehensive sectoral, institutional, and constitutional changes required. Under the headship of the National Leaders' Forum, the National Dialogue Planning Committee (NDPC) collected views on the reforms from multiple stakeholders nationally and in diaspora. The consultations resulted in increased awareness of the scale of reforms needed to ensure stability, reconciliation, and prevent further relapse into crises. These views were distilled into reforms content and options for implementation, publicly validated through six National Leaders Forums and adopted at the Multi-stakeholders National Dialogue Plenary II held on 25 – 27 November 2019. In tandem, with the adoption of the reforms content and options for implementation was enactment of the National Reforms Authority Act, 2019. The Act established the National Reforms Authority as legal instrument to oversee reforms implementation, safeguard and insulate the reforms process from possible interference.

5. Throughout the national dialogue and consultations, the justice sector was singled out as a critical area for urgent reforms. The sector operates within several international, legal and institutional frameworks with uneven history of being a paramount defender of the rule of law.



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Despite being infused with a set of institutional protections and qualified personnel, the judiciary continues to face several shortcomings. For a long time, the justice sector has been distinguished by inefficiency, underperformance and inability to meet the justice needs of the Basotho. The national dialogue process reiterated these long-standing weaknesses. It highlighted the structural deficiencies of the justice system, how they contribute to the social tensions as well as political crisis in the country and consequently called for immediate reforms. These deficits relate to three major substantive areas that affect the independence of the Judiciary, namely: 1) compromised separation of powers coupled with resource constraints, 2) weak internal institutional safeguards leading to negative public perception and, 3) lack of external institutional support exacerbated by a hostile and unstable political environment.

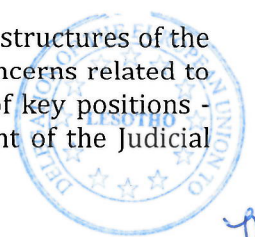
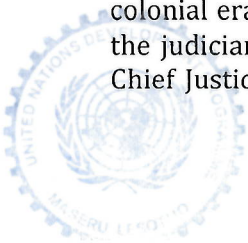
6. Shortfalls that undermine the separation of powers are illustrated by chronic underfunding which continues to be a serious drag on the performance of the judiciary. The underfunding further destabilizes the judiciary's legitimacy in the eyes of the public and weakens the morale of the judicial officers. The lack of respect for supremacy of the Judiciary and separation of powers further weakens the rule of law in the country. The situation is further worsened by fragile administrative and budgetary capacity. Specifically, lack of budgetary separation from the Ministry of Justice and Correctional Services constricts Judiciary's financial autonomy thereby undermining judicial independence.

7. A key problem in the judiciary as expressed by stakeholders is the inordinate delays in dispensing of cases in courts. Court officials and lawyers are not efficient in their function to deliver justice, causing high backlog of cases and prison overcrowding. Because justice is delayed, suspects of crime face mob violence in communities thereby triggering social unrest. Many people, especially vulnerable groups, are unable to access the highly centralised justice system, or understand the proceedings. This leaves many Basotho feeling discriminated before the law amplifying the perception that the law protects the more privileged and affluent of society.

8. Deficiencies in internal institutional safeguards has resulted in perceived weaknesses and entrenched structural problems within the judiciary. Central to these structural problems are the appointment processes of judicial officers and the ongoing dispute regarding the leadership of the Court of Appeal and High Court. The leadership crisis is further compounded by Lesotho's Constitution. It does not explicitly state which, between the Office of the Chief Justice and the Office of the President of the Court of Appeal is the substantive head of the Judiciary. This lack of clarity has resulted in conflicting claims to judicial leadership by the individuals occupying the offices of the Chief Justice and the President of the Court of Appeal and thus the final determination in adjudication of cases. There are inefficiencies in case management, dissatisfaction with assignment of cases coupled with distribution of cases among judges and magistrates that undermines institutional safeguards of the judiciary.

9. The other negative impact on the judiciary emanate from lack of external institutional support alongside political distortions. There has been notable increase in politicization of the judiciary since 2007. Areas of concern include highly scrutinized decision-making around intra-political party disputes as witnessed in 2019. Political interest in the delivery of justice generates a hostile environment that frustrates independence of judicial officers. The absence of a professional judges' association hinders communications and is likely to weaken the position of individual judges among peers and professional community. Perceptions of judicial independence in Lesotho are weak. Yet, judicial accountability and independence underpin public confidence in the judiciary as one of the three pillars upon which responsible government rest. This is punctuated with perceived high levels of malfeasance and corruption in the judiciary. The hostile external environment is also perpetrated by sensationalized media coverage of the judiciary proceedings with implications for impartial delivery of justice.

10. Most of the challenges mentioned above arise from the inherited system and structures of the colonial era that no longer serve the justice needs of *Basotho* today. Some of the concerns related to the judiciary are anchored in the Constitution. For instance, appointment process of key positions - Chief Justice, President Court of Appeal - by the executive with limited involvement of the Judicial



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Service Commission, as well as impeachment and removal of judicial officers undermine judicial independence.

11. At the operational level, the delivery of justice is negatively impacted by lack of clarity in the hierarchy of the court structure; inadequate funding allocated by government to help meet peoples everyday justice needs in an accessible and affordable way; disappearance of police dockets; selective application of the law on bail; wrongful sentencing; reports of violations of rights of suspects who are in police and prison custody, corruption and bribery that go unchecked. All these have affected justice delivery, tainted the reputation of the sector and reduced public confidence.

12. Under this Emergency Support for Judicial Assistance in the Kingdom of Lesotho from the European Union, a total of 8 (eight) high profile matters involving 42 (forty-two) accused persons have commenced. The pre-trials are likely to result in further criminal investigations and additional indictment. The high-profile nature of these cases necessitates an expeditious, independent and impartial process which was highly unlikely to be achieved under the prevailing challenges in the Judiciary compounded by a volatile political environment. This realisation informed the Government of Lesotho to request SADC for the recruitment and deployment of experienced and impartial judges to lead the trial process. This has been widely viewed by stakeholders as a critical step to accelerate justice and restore confidence in Lesotho's justice sector.

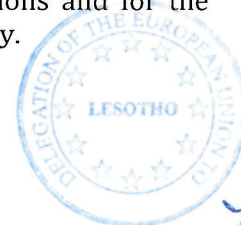
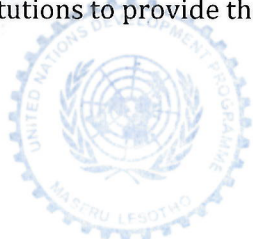
13. There is a critical need to address an outstanding caseload of unresolved and politically sensitive criminal cases which present an obstacle to durable reconciliation. There is a consensus among political actors and civil society in Lesotho that any steps to accelerate the justice process in respect of these cases can have a positive impact on the urgently needed national dialogue process. The "Double Troika" Heads of State meeting of 24 April 2018 – SADC determined that security sector reform and constitutional reform should be completed by May 2019.

II. STRATEGY

14. The benefits of access to justice have become ever more apparent. It is a common thread across the 2030 Agenda for Sustainable Development. The global pledge presents opportunities to transform the lives of the *Basotho* especially those who are vulnerable. Focusing on the country's justice gap, the cost of injustice and making the case for investing in the justice sector, the national dialogue recommended urgent reforms to ensure meaningful access to justice for the people.

15. UNDP's Strategic Plan (2018 to 2021) places justice at the heart of crisis prevention and inclusive development. UNDP's longstanding experience in access to justice programming, is a unique added value and dedicated expertise on the rule of law gives it the opportunity to contribute to Lesotho's reforms, in close partnership with Development Partners, Civil Society Organizations and other UN entities with whom various forms of cooperation agreements and joint programming at country level exists. UNDP works to promote access to justice by ensuring that all key institutions are strong, inclusive and accountable by placing people's needs at their core. UNDP supports these institutions to facilitate access to justice for the most marginalized groups as part of advancing both sustainable peace and inclusive development.

16. The project actions aim to support the impartial, efficient, and expeditious disposal of high-profile criminal cases for security sector stabilization and strengthen the justice sector by improving and expanding the availability, accessibility of quality justice service delivery. The Project contributes to the implementation of broader justice sector reforms. These measures shall include enhancing separation of powers through strengthening judiciary institutions, streamlining traditional justice system, removing bias and discriminating in justice deliver, and improving external support to judiciary. The approach adopts a people-centered, rights-based and gender responsive support to justice in which the project empowers individuals and communities to seek solutions and for the institutions to provide them with high quality services throughout their justice journey.



17. To address the challenges of shortages of judges and the perceived biases of local judges, the project shall avail three (3) experienced foreign judges from SADC Member States to adjudicate on these sensitive criminal matters. The EU financial assistance would leverage the commitment by SADC Member States to second the required judicial resources and the desire by the Government of Lesotho to employ the seconded judges to impartially adjudicate over the sensitive criminal cases.

18. A critical risk that could forestall or delay efficient, and expeditious disposal of the high-profile criminal cases thereby compromising fair trial is unprepared of the prosecution, investigators and defense lawyers. Capacity and readiness of these parties to proceed will determine the pace and duration of the trial process. To ensure that the prosecutors, investigators and defense lawyers are adequately prepared, the project will provide essential logistical support and documentation as a preemptive measure.

19. Aligned to Outcome 1 of the UNDP Country Programme Document, the programmable actions focus on three interrelated outputs to strengthen rule of law, improve access to fair, timely and equitable justice services, and advocate for a strong law establishing the National Human Rights Commission for greater independence and human rights promotion and protection. Through this action the following outputs shall be realized:

Output 1: Impartial, efficient and expeditious disposal of high-profile security related criminal cases for enhanced stability in Lesotho;

Output 2: Efficient and effective project management.

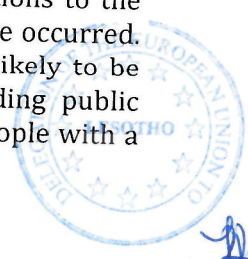
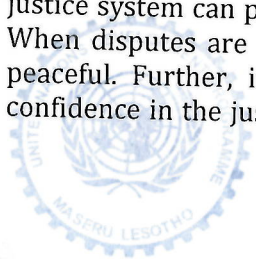
20. At the national level, the programme actions are fully aligned with the national and justice sector reform agenda of Lesotho. By anchoring it within the national framework and engaging national ownership at the political, civil society and grassroots level, the proposed project document is designed to be a key instrument by which development partners can both influence and contribute to the realization of national priorities in the justice sector.

21. The project builds on a wide range of established partnerships and capitalizes on the extensive reach of UNDP, the European Union and other partners in the country. Aware of the range of different actors and stakeholders in promoting justice, UNDP will involve UN entities including OHCHR, UN Women and UN DPPA through direct engagement and where appropriate, strategic partnerships. Moreover, UNDP will nurture relations with key donors and international partners including the EU, South Africa and the SADC.

22. The project will also work closely with government partners in the Judiciary; Ministry of Justice and Correctional Services; the Ministry of Law, Constitutional Affairs and Human Rights; Lesotho Mounted Police; Lesotho Correctional Service; Law Reform Commission; and civil society. All interventions will build upon existing institutions to enable government to better deliver a policy framework and justice services at the community level and create a foundation from which the government and other national actors can carry forward initiatives in a sustainable and ever-improving fashion beyond the lifecycle of the project.

23. UNDP will capitalize on its relationships with government institutions and civil society actors to encourage a participatory and bottom-up approach to the development of policy, strategy and law that will be supported through this project. Civil society will be engaged to provide their perspectives. Of equal importance will be the engagement with civil society actors to provide their perspectives to the upstream policy instruments. Together with traditional leaders, they shall effect community-level change in the public's understanding of and interaction with justice service providers.

24. The project will advance conflict sensitive approaches, ensuring that support actions to the justice system can prevent problems as much as in supporting it to resolve those that have occurred. When disputes are fewer, and people have proper legal protection, societies are more likely to be peaceful. Further, it is expected that significant progress can be made towards building public confidence in the justice system that have long been a source of mistrust by providing people with a



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reasonable expectation that their rights will be protected, their disputes managed peacefully and timely, and marginalized groups empowered to realize their rights and overcome unfairness.

Theory for Change

25. The theory of change is based on the fundamental logic that: If the impartial and expedient adjudication of the criminal cases involving high profile security personnel is carried out; and If qualified judges from SADC countries are deployed to facilitate the judicial process; Then, the potential to enhance stability in the security service sector in Lesotho can be realised; and Then, there will be progress in the on-going national multi-stakeholder dialogue. The key assumptions in the theory of change are the provision of high quality prosecution services by the Department of Public Prosecution of Lesotho, and the ability of the judges to adjudicate the criminal cases.

26. The impartial and expedient adjudication of the criminal cases involving high profile security personnel has the actual potential to enhance stability in the security services sector. The resolution of the sensitive trials can bring stability to the country and improve the situation in terms of security and good governance. The action will also contribute to progress in the on-going national multi-stakeholder dialogue whose focus is the substance, pace and context of the proposed comprehensive reforms programme.

27. This theory of change envisages a set of assumptions that are crucial for the successful realization of the proposed interventions. The internal assumptions are that: i) the actions will continue to be relevant amidst a changing political and security context; ii) donor appetite and capacity to support the justice sector will remain to the extent that meaningful engagements can be undertaken. External assumptions include: i) major causes of insecurity can be counteracted; ii) continued political will to advance the National Reforms Agenda iii) basic budgetary needs of justice sector institutions will be provided by government; and, iv) policies and legal frameworks are revised/developed and implemented in line with international norms and standards.

III. RESULTS AND PARTNERSHIPS

28. The proposed intervention contributes to UNDP Regional Bureau for Africa's renewed strategic offer in Africa on peace and security that seeks to strengthen capacities of justice institutions including Ministry of Justice, Judiciary, Police, Prosecution and Correctional Services and legal systems to enhance rights and legal aid mechanisms. It contributes to Outcome 1 of the UNDP Country Programme Document, through strengthening rule of law, improving access to fair, timely and equitable justice services.

Expected Results

29. The overall impact of the proposed intervention is as spelt out in Outcome 1 of the UNDP Country Programme Document, of strengthened rule of law, improved access to fair, timely and equitable justice services, and establishment of the National Human Rights Commission for greater independence and human rights promotion and protection. Specific outputs shall be:

30. **Output 1:** Impartial, efficient and expeditious disposal of high-profile security related criminal cases for enhance stability in Lesotho.

31. The proposed action will enable SADC, the EU and UNDP supported by local and regional stakeholders make a major contribution to the speedy disposal of high-profile security sector related criminal cases. The action will include provision of high-quality prosecution services by the Department of Public Prosecution and efficient adjudication of criminal cases by experienced impartial judges including foreign recruited judges.



32. The proposed action will lead to expeditious and efficient adjudication of criminal cases and reduce backlog in the high court in order to enhance stability in the security sector and contribute to implementation of the nationally agreed reforms. The specific activities shall include the following:

Activity 1.1: *Recruitment and deployment of three (3) independent and impartial foreign judges who will objectively try criminal matters involving high profile former security service accused persons;*

Activity 1.2: *Support to trial of criminal cases through case allocation and management system, conduct of the criminal trials, monitoring of trial proceedings to enhance transparency and;*

Activity 1.3: *Technical and operation support to judges, prosecution, investigators, defence lawyers and litigants through provision of logistical support, research and stenographic services.*

33 **Output 2:** Effective and efficient project management

UNDP will ensure the project moves toward its goals, implementing activities within time and available resources. This shall be through acquisition and deployment of the necessary tools and resources, generating and managing knowledge, adequate preparation, and installing right personnel. To achieve this, the project is aligned to the global development Agenda 2030, UNDP's global strategic plan, UNDP Regional Bureau for Africa's renewed strategic offer in Africa on peace and security, UNDAF outcomes and UNDP CPD outputs. This alignment clearly defines the development challenge to be addressed, making the project management to be precise on what to accomplish. In so doing the stakeholders to be impacted by changes have been defined, the scope of the tasks and resources involved delineated, and the specific objectives the team must fulfil to reach completion determined.

34. Part of the project management will entail development of internal communication strategy to reach out to project partners and effectively communicate results. The Project Management shall also provide policy advise to UNDP the UN and other Development Partners on coordination and consolidation of policy advisory in support of the reforms process. This will be complimented by an external communication strategy to ensure that all stakeholders – the EU, Government and other partners are effectively informed, and their in-puts sought on a timely basis. Robust tools will be developed to monitor and evaluate project progress. This will include defining project timelines, production of real-time reports on specific activities, drawing on analytics to assess performance and plan future steps and, customizing project workflows for more effective project management.

35. Activities to be carried out under this output shall entail:

Activity 2.1: *Mobilisation and deployment of strategic project personnel and staffing;*

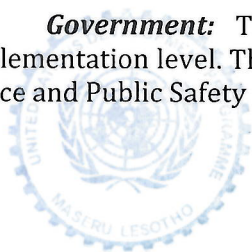
Activity 2.2: *Effective communication, regular monitoring, reporting and evaluation and;*

Activity 2.4: *Operational support to project implementation.*

Partnerships

36. The project will strengthen partnerships and establish new ones with a broad range of national, sub-national, regional and international stakeholders to maximize the impact and scope of the project. Key actors include government institutions, SADC, the Delegation of the European Union to Lesotho and the European Union's Service for Foreign Policy Instrument's Regional Hub in Nairobi (FPI Nairobi).

37. **Government:** The project will work with government institutions at the policy and implementation level. These will include the Judiciary, the Ministry of Justice and Law, the Ministry of Police and Public Safety ;and Directorate of Public Prosecution.



Risks and Assumptions

38. The project is accompanied by **risks** that could undermine its potential for transformative impact. These include: a) changing political environment, particularly around the national reform agenda which may delay or prevent implementation; b) lack of experienced foreign judges willing to take up the assignment; c) weak capacity and lack of readiness of the prosecution, investigation and defence team's leading to delay in the trial, and d) the emergence of the COVID-19 pandemic that can disrupt the trial process.

39 To mitigate: a) the political risks, UNDP, the EU and implementing partners will build relationships with local and community level actors, and with technical focal points in ministries, judiciary and departments to develop partnerships with key stakeholders to support the trial process and sustain the reforms implementation beyond any political or other changes; b) UNDP will engage the EU and other partners to build a cache of resources to support not only the judges but entire justice sector and build an environment for their work which is resilient to backlash; c) negotiations on improved terms of service for judges and head hunting of suitable judges to fill gaps as well as improved case management system and redistribution of caseload among available judges to enhance efficiency; d) support will also be provided to counter resistance to reform-oriented changes and ensure that government staff have access to the necessary knowledge to facilitate their participation in the reforms; e) With the pool of UNDP experts available at its Regional Hub and HQ, ensure adequate expertise on justice and human rights is available to provide continued support and; f) alternative trial mechanisms including deploying of technology to contact the trial process

40. The **key assumptions** underlying the project are that: a) there is political will to oversee the implementation of the reforms process, and adequate foresight thinking to build and capacitate institutions of governance so they can reach their full potential and exercise their constitutional mandate and; b) there are adequate resources - financial and technical to support the trial process and broader implementation of identified reforms and; c) UNDP and partners will continuously engage in resources mobilization to support implementation of the project.

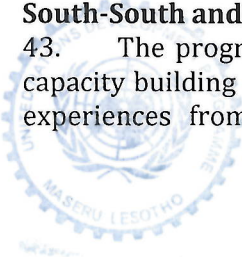
41. The programme is premised on the assumption that there is a demand from the Basotho to access fair independent, effective and accountable justice institutions/services and that the call for support in assisting vulnerable groups particularly to enhance their access to justice will continue. It also presumes that the government of Lesotho and other justice stakeholders will engage in the reform processes and that the necessary space will be available for civil society and traditional leaders to advocate for and engage in them.

Stakeholder Engagement

42 .The programme is targeted at the following stakeholders: The Judiciary shall be the key actor in the implementation of the project. The Project will work with the Judicial Service Commission and the Registrar of the High Court on speedy conclusion of high-profile security related criminal cases and coordination of support to judiciary aimed at enhancing its independence. The Office of the Director of Public Prosecution, the Ministry of Police and Public Safety, and the Ministry of Justice and Correctional Services will be key interlocutors.

South-South and Triangular Cooperation (SSC/TrC)

43. The programme will utilise opportunities for South - South and Triangular Cooperation for capacity building and to share lessons and best practices generated within the project. Expertise and experiences from other countries and project will be constantly referred to enhance project



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effectiveness and sustainability. The project will also develop a strategy to identify good practices and document strategies mature for South – South and Triangular Cooperation.

Knowledge Management – Communication and visibility

44. As part of project implementation, UNDP will implement the Communication and Visibility Plan detailed in Annex VI. The project will produce the following publications and products on the project: a) Policy briefs, b) Print and electronic media products on major project outputs, c) Research products, d) Data and statistical publications; e) Information, Communication and Education materials on need basis.

45. In line with Article 8 of the General Conditions and with the Joint Visibility guidelines for EC-UN actions in the field, the project has developed a visibility and communication plan to guide publicity and media engagement. Furthermore, UNDP platforms such as website, social media and newsletters will be utilised to spread project information and results. The project will also promote reporting and communication for results among partners, to build ownership for results and anticipated advocacy on results.

Sustainability and Scaling Up

46. The project is aimed at contributing to UNDP's results and commitments made through the UNDAF and CPD. UNDP will work closely with the national counterparts to ensure alignment to national development priorities to build sustainability and continuity. Lessons learnt and experiences from the implementation of the project will feed into the overall Justice Sector Reforms, as articulated in the Lesotho National Reforms.

47. UNDP will develop and support stakeholder capacities for reporting, utilising, where possible, technological innovations to enhance transparency.

IV. PROJECT MANAGEMENT

Cost Efficiency and Effectiveness

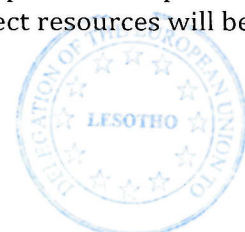
48. Cost efficiency and effectiveness shall be achieved through planning, systematic approach to implementation, deploying technology and resource management software. UNDP's planning tools will be deployed to achieve resource efficiency.

49. A systematic approach to project implementation will be adopted as the most effective way of using resources and eliminating waste. This shall be through: setting a baseline by using previous performance as a base for improvement to pave the path for productivity; benchmarking performance by comparing project performance against other projects within UNDP.

Project Management

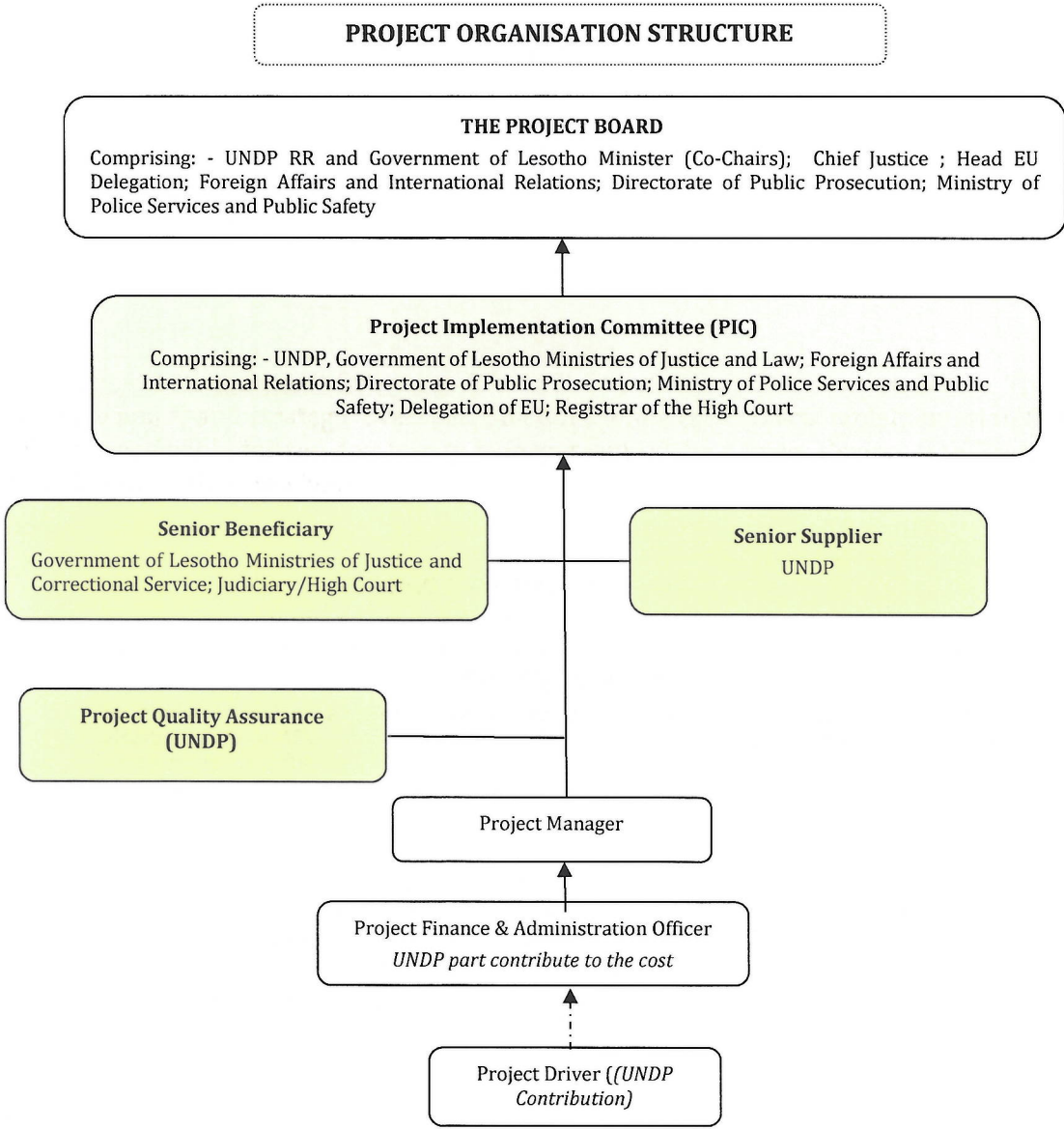
50. UNDP will implement this project pursuant to a Direct Implementation Modality (DIM). UNDP has the technical and administrative capacity to assume the responsibility for mobilizing and applying effectively the required inputs in order to reach the expected outputs. UNDP shall therefore assume overall management responsibility and accountability for project implementation and follow its rules, policies and procedures. The responsibility for the execution of the projects rests with UNDP and shall be as reflected in the Standard Basic Assistance Agreement (SBAA) signed by UNDP with the Government.

51. The Judiciary represented by the Registrar of the High Court of Lesotho shall be the Responsible Party to carry out activities within the project. The Responsible Party may manage the use of goods and services procured by UNDP to carry out project activities and produce outputs in accordance with the signed Project Document. All assets procured with the project resources will be transferred to the Judiciary Service and the end of the Project.



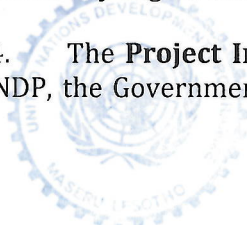
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52. **Project Management Structure** - The project will adopt a two-tier structure. The Project Board shall have policy and strategic oversight functions while the Project Implementation Committee (PIC) shall be responsible for the day-to-day management of the project through the Project Management Unit (PMU) as elaborated below:



53. **The Project Board** shall serve as the overall policy and decision-making mechanism, ensuring that the project is achieving its overall strategic objectives and delivers results as intended. Specifically, the board approves the Annual Work Plans (AWP), and provides strategic direction for implementation of the project. The Project Board will be co-chaired by the assigned Government Minister and the UNDP-Resident Representative. Other members of the Board are Representative of the Chief Justice, Ministries of Foreign Affairs and International Relations, Justice and Law Head of Delegation of the European Union; Registrar of High Court of Lesotho and the UNDP Deputy Resident Representative ,The Board shall meet biannually to review progress and give strategic direction to the project whilst providing guidance and ensuring accountable and responsible implementation. UNDP will serve as the Secretariat for the Project Board. The Board may summon a **Special Meeting** to discuss any urgent matters that could strategically influence the project outcomes.

54. The **Project Implementation Committee (PIC)** will consists of technical representatives of UNDP, the Government of Lesotho, the Registrar of the High Court, the Delegation of the European



Union The PIC will be chaired by UNDP and will have responsibility of reviewing and validating the AWP for approval by the board, review progress with recommendations, provide implementation oversight and monitoring, oversee internal and external evaluation. It shall meet quarterly review and track progress. Other stakeholders may be co-opted by the PIC as appropriate. The Project Management Unit (PMU) will serve as the Secretariat for the Project Board and PIC.

Project Office

55. The **Project Management Unit (PMU)** will be responsible for the coordination of the implementation of all project activities. It will work closely with the PIC and report directly to the Project Board and the UNDP Deputy Resident Representative. The PMU will be the custodian of the approved Annual Work Plan and will ensure that implementing partners' activities are in line with the IAWP and that the project produces the outputs and results specified in this Description of the Action in compliance with the required standards of quality, within the specified limits of time and cost and in line with UNDP rules and regulations. The PMU will be headed by the Project Manager who can escalate issues and risks to the project board through the PIC

56. The **Project Team** will include the Project Manager/Team Leader who will have the overall responsibility of project implementation including providing strategic advice, content, oversight, coordination, management of the team project and engaging with donors and Implementing Partners to ensure timely and value-based project delivery. The Project Manager will be supported by the Project Finance and Administrative Officer, who will ensure finance and administrative efficiency and effectively of the project including ensuring timely financial reporting by implementing partners, contractual matters and preparation of financial report to donors. The Project Manager will also have the responsibility of project monitoring in order to track progress against outputs and targets. The project driver will ensure mobility of the project team. The project involves different layers and levels of consultations and movement, hence the need for a project driver.

57. In accordance with article 18 of the General Conditions and in line with Article 7.1.x of the Special Conditions, a **Project Office** will be set up to facilitate efficient operation and implementation of the project activities. The specific office costs that will be incurred for the operations of the project office include office rent and maintenance, including security charges and cleaning costs; costs related to IT and telecommunication; Cost of Utilities (Electricity, water, heating, etc); consumables and stationery supplies for operation; IT/Computer and office equipment purchase and maintenance; vehicle costs (maintenance, insurance, fuel and depreciation); costs of travel and field trips for the project activities and; costs of project communication and visibility activities as spelled out in the communication and visibility plan.

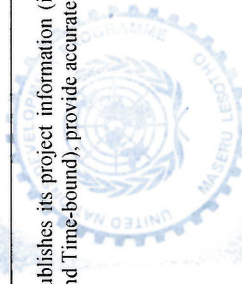
58. **Project Quality Assurance** - UNDP will provide overall project quality assurance on behalf of the Project Board. The Project Manager will ensure that quality assurance processes are set up in ATLAS and monitored and updated regularly.



V. RESULTS FRAMEWORK¹

EXPECTED OUTPUTS / ACTIVITIES	OUTPUT INDICATORS	DATA SOURCE	BASELINE		TARGETS (by frequency of data collection)		DATA COLLECTION METHODS
			Value	Year	FINAL		
<p>Output 1: Impartial, efficient and expeditious disposal of high-profile security related criminal cases for enhance stability in Lesotho.</p> <p>Activity Results: Activity 1.1: Recruitment and deployment of three (3) independent and impartial foreign judges who will objectively try criminal matters involving high profile former security service accused persons;</p> <p>Activity 1.2: Support to trial of criminal cases through case allocation and management system, conduct of the criminal trials, monitoring of trial proceedings to enhance transparency and;</p> <p>Activity 1.3: Technical and operation support to judges through provision of logistical support, research and stenographic services.</p> <p>Output 2: Effective and efficient project management</p> <p>Activity Results: Activity 2.1: Mobilisation and deployment of strategic project personnel and staffing;</p>	<p>1.1.1 Percentage of judges: a) recruited and b) deployed As a proportion of judges committed under SADC/EU Emergence Support to Lesotho's Judiciary</p> <p>1.2.1 Proportion of high-profile security sector related cases: a) investigated and tried b) concluded/resolved.</p> <p>1.3.1 Proportion of operational resources: a) secured b) availed to judges</p> <p>Number of staff (a) Recruited (b) Deployed (c) Maintained at post</p>	<p>Judiciary reports, SADC Reports Project reports</p> <p>Judiciary reports, SADC reports, Media reports, Project reports</p> <p>Judiciary reports, SADC reports, Media reports Project reports</p> <p>Project reports; Country Office Reports</p>	<p>(a) 50%; (b) 50%</p> <p>2019</p> <p>(a) 30% (b) 20%</p> <p>2019</p> <p>2019</p>	<p>(a) 80%; (b) 40%</p> <p>(a) 80% (b) 80%</p> <p>(a) 3 (b) 3 (c) 3</p>	<p>Qualitative data methods: observations, reports, surveys</p> <p><i>Risks: a) Lack of experienced foreign judges willing to take up the assignment; b) inadequate personal safety guarantees for the judges; c) the emergence of COVID-19 pandemic could delay implementation.</i></p> <p>Qualitative data methods: observations, reports, register, surveys,</p> <p><i>Risks: Incomplete or inadequately investigated dockets from LMPS for effective prosecution uptake; b) weak, compromised or inexperienced prosecutors; c) accused persons objecting to trial by foreign judges; d) lack of preparedness in the prosecution, investigation and defense teams.</i></p> <p>Qualitative data methods: observations, case studies, legislation record, reports</p> <p><i>Risks: a) Protracted trial process outstretching resources; b) lack of preparedness in the prosecution, investigation and defense teams.</i></p> <p>Qualitative and quantitative data methods: observations, case studies, project reports</p> <p><i>Risks: a) politicisation of the project implementation process; b) weak development partner coordination mechanism; c) lack of financial resources</i></p>		

¹ UNDP publishes its project information (indicators, baselines, targets and results) to meet the International Aid Transparency Initiative (IATI) standards. Make sure that indicators are S.M.A.R.T. (Specific, Measurable, Attainable, Relevant and Time-bound), provide accurate baselines and targets underpinned by reliable evidence and data, and avoid acronyms so that external audience clearly understand the results of the project.



EXPECTED OUTPUTS / ACTIVITIES	OUTPUT INDICATORS	DATA SOURCE	BASELINE		TARGETS (by frequency of data collection)		DATA COLLECTION METHODS
			Value	Year	FINAL		
Activity 2.2: Effective communication, regular monitoring, reporting and evaluation; Activity 2.3: Operational support to project implementation.	Number of monitoring and evaluations completed (a) Actionable Briefs implemented (b) Progress Reports produced (c) Project report produced (d) Project Evaluation Report	Project reports; Country Office reports; Corporate reports	(a) 0 (b) 0 (c) 0	2019	(a) 2 (b) 2 (c) 1 (d) 1	Qualitative and quantitative data methods: observations, case studies, project reports <i>Risks: a) politicisation of the project implementation process; b) weak capacity of implementing partners to generate data; c) lack of financial resources</i>	
	% of budget financial resources and equipment secured	Project reports; Country Office reports; Corporate reports	0%	2019	100%	Qualitative and quantitative data methods: observations, case studies, project reports <i>a) weak capacity of implementing partners to generate data; b) lack of financial resources</i>	



VI. MONITORING AND EVALUATION

59. *Monitoring Framework and Evaluation* - All project activities will be closely monitored by UNDP. In terms of monitoring and evaluation, the project will be subject to UNDP's current monitoring and evaluation procedures. The Project will be monitored throughout its duration, and evaluated at the end of the project. The focus of M&E will be at the level to determine the impact that the project has had on the speedy resolution of the security sector related criminal trials in Lesotho.

60. The Project will be guided by the following documents, which will be produced within the first three months for endorsement and approval by the Project Board. a) A Monitoring and Evaluation Framework, which finalizes the baselines, impact, outcomes and outputs with associated indicators and means of verification as based on the Project's Results Framework; b) A Monitoring and Evaluation Plan, which schedules all major M&E activities and A Monitoring & Evaluation System that contains tools and templates (e.g. assets and inventory control, financial and narrative reports formats, risk logs and field monitoring forms, and a common system for generating feedback and lessons).

61. The project shall be subject to the internal and external auditing procedures laid down in the Financial Regulations, Rules and the Programme Operations Policies and Procedures of UNDP.

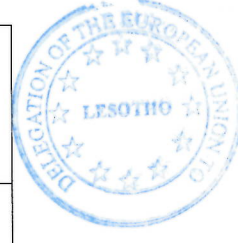
62. A final evaluation of the project will be undertaken at the end of its period of implementation to draw lessons and apply these to possible follow-on assistance activities.



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.	Annually	Slower than expected progress will be addressed by project management.	Government of Lesotho; Judiciary; European Union;	1% of Project Budget
Monitor and Manage Risk	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.	Audits will be conducted in accordance with UNDP's Rules and Procedures	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.	Government of Lesotho; Judiciary; European Union;	1% of Project Budget
Learn	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.	Annually	Relevant lessons are captured by the project team and used to inform management decisions.	Government of Lesotho; Judiciary; European Union;	1% of Project Budget
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	Areas of strength and weakness will be reviewed by project management and used to inform decisions to improve project performance.	Government of Lesotho; Judiciary; European Union;	1% of Project Budget
Review and Make Course Corrections	Internal review of data and evidence from all monitoring actions to inform decision making.	Annually	Performance data, risks, lessons and quality will be discussed by the project board and used to make course corrections.	Government of Lesotho; Judiciary; European Union;	1% of Project Budget
Project Report	A progress report will be presented to the Project Board and key stakeholders, consisting of progress data showing the results achieved against pre-defined annual targets at the output level, the annual project quality rating summary, an updated risk log with mitigation measures, and any evaluation or review reports prepared over the period. A donor's report shall be submitted to the EU on annual basis as per the EU requirements	At the end of the project (final report)	Any quality concerns or slower than expected progress should be discussed by the project board and management actions agreed to address the issues identified.	Government of Lesotho; Judiciary; European Union;	
Project Review (Project Board)	The project's governance mechanism (i.e., project board) will biannual project reviews to assess the performance of the project and review the Annual Work Plan to ensure realistic budgeting over the life of the project.. The Project Implementation Committee will oversee project implementation through quarterly meetings	Project Board Meetings Biannually; Project Implementation Committee Meetings, Quarterly	Any quality concerns or slower than expected progress should be discussed by the project board and management actions agreed to address the issues identified.	Government of Lesotho; Judiciary; European Union;	1% of Project Budget

EVALUATION PLAN



Evaluation Title	Partners (if joint)	Related Strategic Plan Output	UNDAF/CPD Outcome	Planned Completion Date	Key Evaluation Stakeholders	Cost and Source of Funding
End of Project Evaluation				June 2021	Ministry of Justice and Correctional Services; Judiciary; EU;	25,000



VII. WORK PLAN

OUTPUT	ACTIVITIES	DELIVERABLES	YEAR 1 - 2020	Year 2 - 2021

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		QTR 1	QTR 2	QTR 3	QTR 4	QTR 1	QTR 2	QTR 3	QTR 4	QTR 1	QTR 2	QTR 3	QTR 4
Output 1: Impartial, efficient and expeditious disposal of high-profile security related criminal cases for enhance stability in Lesotho.	Activity 1.1: Recruitment and deployment of three (3) independent and impartial foreign judges who will objectively try criminal matters involving high profile former security service accused persons;	3 Judges recruited and deployed as per the SADC/Government of Lesotho and EU agreement											
	Activity 1.2: Support to trial of criminal cases through case allocation and management system, conduct of the criminal trials, monitoring of trial proceedings to enhance transparency and;	Investigation and trial of 80% of high-profile security sector related criminal cases initiated.											
	Activity 1.3: Technical and operation support to judges through provision of logistical support, research, and stenographic services.	40% of high-profile security sector related criminal cases concluded resolved											
	Activity 2.1: Mobilisation and deployment of strategic project personnel and staffing;	Operational resources procured and deployed in the trial process											
WOutput 2: Effective and efficient project management	Activity 2.2: Effective communication, regular monitoring, reporting and evaluation;	Recruitment, deployment and maintaining of Project Manager; Finance and Administration Officer; Driver											
	Activity 2.3: Operational support to project implementation.	Monitoring Reports											
		Reporting Progress and End of Project Reports Evaluation Report											
		Delivery of planned budget/ financial resources delivered											
		Procurement and deployment of equipment											

