

V. IMPLEMENTATION & MANAGEMENT ARRANGEMENTS

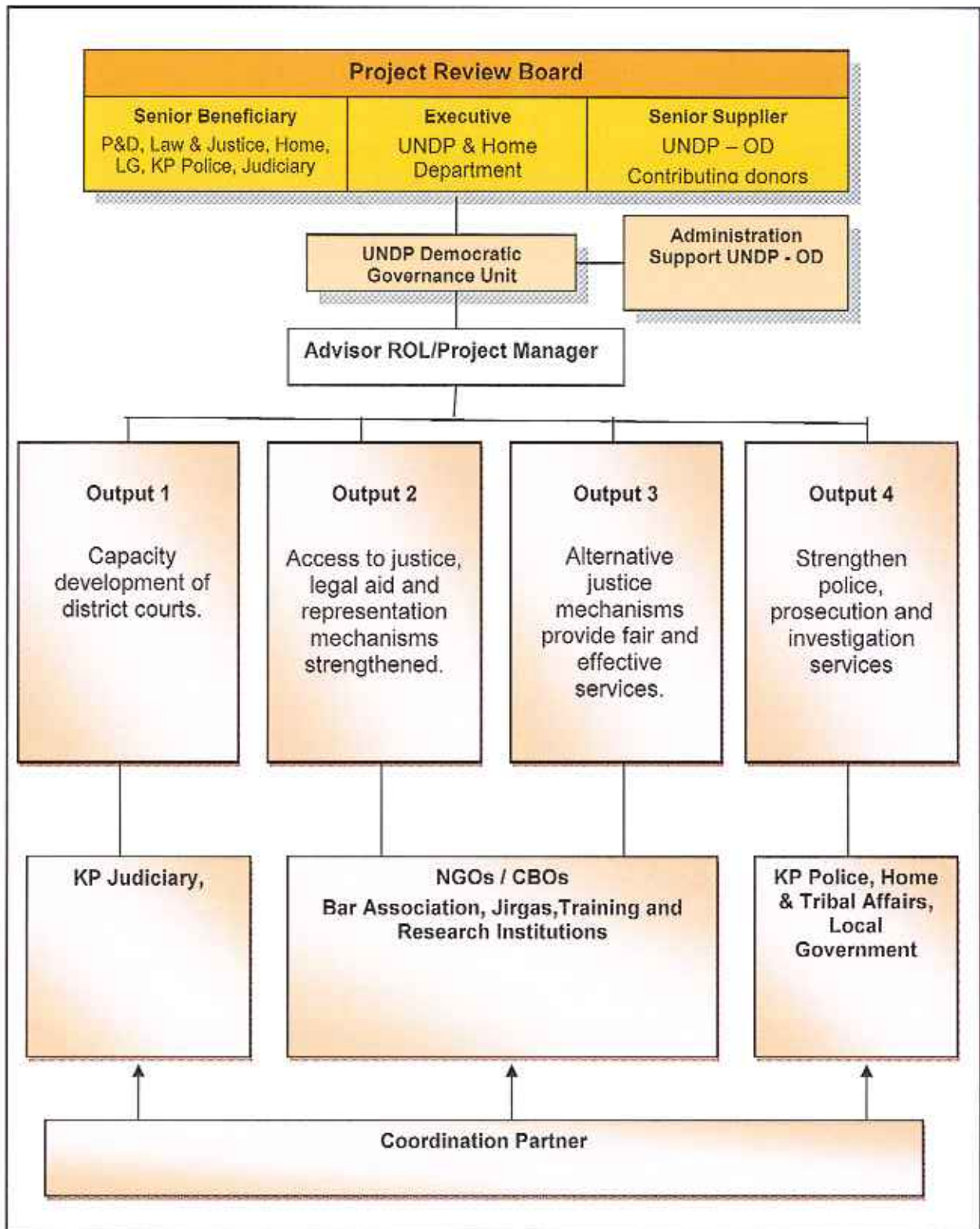
72. The Rule of Law project will be executed by the UNDP CO through the Directly Implementation Modality (DIM). UNDP adopts the directly implementation modality in circumstances when the proposed programme or project requires to be implemented in an atmosphere where; speed in terms of delivery and decision-making is needed; national authorities lack capacity to carry out the project; when the project could not be carried out by another UN agency; and the UNDP country office has adequate capacity to manage. Particularly for SRLM, DIM is best suited as the range of proposed outputs of the project entails working with several government institutions and departments. It is envisaged that each of the identified government counter parts will have to play an equal role and share equal responsibilities at the implementation stage. Thus it is difficult to house the project in one single government organization. Further since the project is designed to take an integrated approach covering an extensive area of the justice sector, it requires to maintain an effective and extensive coordination with all stakeholders including the bar associations and civil society organizations. The use of DIM execution would prevent trespass on organizational integrity; viz the Judiciary. Hence DIM is reiterated as the most suited mode of implementation for the SLRM.
73. To ensure the national ownership of the activities, the project will be well coordinated with KP counterparts and stakeholders. The proposed implementation arrangements take into consideration the current security and operational environment in KP, which is currently under security phase 4. Considering the complexity and diversity of programmatic objectives in the different areas of Rule of Law – training, action research, legal support, court/office rehabilitation – and also considering the general deprivation of the target area and the lack of physical and institutional infrastructure there aggravated by the recent conflict, the careful and deliberate design of the implementation arrangements is of paramount importance to the overall success of the programme. Selection of partners/responsible parties will be done through available instruments such as LOA, PCA and other competitive processes where required. Corporate functions such as oversight and quality assurance will remain with UNDP CO under DCD supervision.
74. A Project Review Board (PRB) will provide overall strategic guidance and oversight for the project. The Board, to be co-chaired by Additional Chief Secretary Home department, UNDP Deputy Country Director and Secretary, would meet quarterly at Peshawar to review the project work plans and provide policy guidance and assistance in resolution of any difficulties experienced during implementation. The PRB would also be responsible for overseeing project reviews on an annual basis and at other designated decision points during the course of execution. Moreover, the PRB will act as a coordination mechanism to ensure that discrete project initiatives are harmonized and able to achieve the maximum level of complementarity and synergy with related UNDP interventions. This PRB will present a unique opportunity to discuss various RoL challenges and apply sustainable solutions with broad stakeholder support. Composition of the PRB will be as follows:

- Executive: representing project ownership, and acting as chair of the group, in this case, the UNDP Country Director and Additional Chief Secretary Home Department.
 - Senior supplier: to provide services for implementation of the project, in this case the UNDP OD;
 - Senior Beneficiary: to ensure the realization of the intervention benefits, in this case, representative/s of the relevant institutions Judiciary, Police, Prosecutor as well as EAD, GoKP/PPD (TORs of the PRB are attached in ANNEX 3D)
75. Senior Partner Representatives may be invited as ex officio members to the PRB meetings. These may include representatives of bilateral contributing donors and other senior Partner Representatives may also include the institutions entrusted with direct implementation of some project activities. Additional ex officio members may be added to guarantee adequate representation of Pakistani communities.
76. Under DIM, the UNDP CO would conduct open, transparent, competitive processes to engage NGOs, local training institutions, local governments and private firms (as applicable to the particular set of activities at hand). Due to present security situation in Malakand and to ensure smooth and coordinated implementation of and reporting on this wide array of activities UNDP will engage a local NGO or firm to conduct field coordination. The NGO or firm will recruit the desired number and quality of people (preferably people with a solid UN background and experience) who will be made available to the UNDP and EAD for respective assignments. The solicitation documents will clearly specify the preference for UN and UNDP experience of the proposed staff. There will be dedicated UNDP staff members to manage the project viz; Rule of Law Specialist /Advisor and a Project Manager. The UNDP project team will be primarily responsible for effective monitoring of and the performance of all implementing partners. Mechanisms for outsourcing effective field monitoring may also be developed.
77. UNDP financial rules and regulations will be applied to manage the allocated funds based on the work-plan and the detailed budget. The country office will bear the full responsibility of reporting to donors and resource allocations. UNDP shall keep EAD informed about the details of resources raised from various development partners for financing of this project. The Project shall not pre-empt any resource meant for MDTF by donors/development partners. All trainings and conferences/workshops will be conducted in Pakistan and no expenditure to finance foreign travel of any officer / consultant / UNDP staff will be financed. Workshops/Conferences shall be held only when these are explicitly required by the Provincial Government and that too specific themes and discernable outcomes/deliverables.
78. The technical quality assurance role performed by the ROL Advisor who will support the PRB in carrying out its objectives and independent oversight and monitoring functions. She/he will ensure that appropriate output and management milestones are designated and achieved. She/he will have technical advisory responsibility as well as provide an overall supervision of the implementation of activities and ensure that they contribute to the achievement of the outcomes.
79. Guided by standard practice, the Rule of Law project will be under the overall supervision of the **Head of Governance Unit**, UNDP CO within the Governance portfolio, supported by the **Project Manager** who will be based in Peshawar and will have the responsibility to manage the implementation of all project activities on a day-to-day basis. S/he will be responsible for day-

to-day management and decision-making for the work-plan and will ensure that all implementing partners are achieving results in line with the required corporate standards and within the planned timeframe and cost. The PM will as well have a coordination role with other UNDP Programmes and Units to avoid duplications and overlapping of activities. UNDP Rule of Law Officers may be deployed in the future based on the security situation, and the availability of funds.

80. **A Coordination NGO/firm** will provide field coordination and management support to the PM. It will ensure effective field coordination, assist in monitoring missions and other tasks assign by UNDP. The NGO/firm will coordinate regularly with the PM to report on implementation of the activities as set out in work-plan. The NGO/ firm will comprise:
 - *A Field Coordinator* will bear the responsibility of coordinating the work of all sub-contracted implementing partners; NGOs, local training institutes, construction firms and local governments;
 - *A Finance Manager* will be responsible for the management of the financial aspects of the work-plan as well as the sub-contractors. She/he will ensure that expenditure of the planned activities is inline with allocated budget;
 - *Rule of Law Officers* will provide a technical support and advisory role towards all partners in the field to ensure that substantive results are achieved;
 - *An Engineer* to follow up and report back on the renovation work of the court houses, police stations and prosecution offices.
81. **NGOs and Training institutes.** The project will sign a sub-contracts of needed with NGO's and training institutes and construction firms to conduct training, technical support and construction activities as set out in the Results & Resources Framework. UNDP will as well work very closely with the existing training facilities of the Judiciary and the Police to conduct sets of specialized trainings. Selection of NGO/CBOS/Consultants would be done of competitive transparent process as per UNDP policies and procedures for DIM.
82. UNDP will deploy and recruit short-term national and international consultants to provide technical advisory support and produce a set of studies and surveys listed in the RRF with the consultation of the provincial governments.
83. The complete organizational structure looks as is depicted on the next page:

Management and Implementation Arrangements



VI. MONITORING & EVALUATION

85. The UNDP Deputy Country Director (Programme) and Head of Governance Unit will be in charge of overall project monitoring and project assurance. The PRB will hold regular meetings to discuss the implementation of the work-plan and assess its progress. The Results and Resources Framework (RRF) incorporated into this document will be the touchstone for performance monitoring and reporting. Further monitoring will be performed on the basis of work plans prepared by the RoL Advisor and Project Manager, who will submit **monthly and quarterly reports to UNDP CO and donors** as deem to be required, enabling stakeholders to benchmark and assess progress on rollout of activities. Further UNDP, will take steps to submit quarterly progress reports both narrative and finance (indicating activity wise expenditure and budgetary allocations) to EAD within 15 days following the completion of each quarter. In case reports are not delivered on a regular basis, EAD may consider withdrawal of its approval. The Coordination Firm will be responsible for the direct monitoring of the respective programme components. Monitoring and evaluation of the project will be ensured by the RoL Specialist / Advisor following relevant UNDP results management guidelines. Day to day management of the implementation of the work-plan will be ensured by the Project Manager under the overall guidance of the RoL Advisor. Implementing partners will be responsible for the direct monitoring of the respective project activities. In detail:

- RoL Advisor will oversee the overall monitoring in terms of activities quality, issues, risks, lessons learned, and finances. Respective logs will be maintained and quarterly progress reports will be produced.
- PM will be managing the daily implementation of the work-plan and report on monthly bases to both Head of Governance Unit and the RoL Advisor.
- The Field Coordination Firm will ensure coordination and implementation of activities by implementing partners, report on agreed regular bases to the PM.
- Implementing partners will be responsible for the monitoring of their respective activities and will present quarterly progress reports to PM/UNDP and Field Coordination Firm.

86. The BCPR/RoLJS unit will conduct a three stage evaluation of the project producing:

Stage 1: Strategy Review Report

This review will be an internal process conducted at the end of the first year in partnership with BCPR. It will be an opportunity to review the progress to date and strategize with the country office to address the challenges impacting the Rule of Law activities. The team will interview all relevant stakeholders in order to ensure a full range of perspectives are included.

Stage 2: Interim Review Report

The interim report will be an external review that will take place at the end of the 2nd year. This will be an opportunity to highlight the progress of the Results & Resources Framework and the initial impact of the intervention. It will be a more detailed evaluation focusing more on impact and progress than strategy. While recommendations will cover all aspects of the implementation process, it will be focused on capturing lessons learned and best practice.

Stage 3: Final Review Report

The production of the Final Review Report will be conducted with the assistance of external evaluation agency. The reporting will involve all stakeholders and implementing partners, to assess the achievement of expected outputs and alignment with appropriate outcomes. The review will serve to assess performance and thus allow corrective and/or follow-up action to ensure all outputs and desired achievements are met.

ID	Deliverables	Description	Schedule	Internal/External
1	Progress Report	Narrative reporting to review progress in rolling out the programme and policy guidance	1 st Year	BCPR/RoLJS/Donors
2	Interim Review Report	Mid-term reporting to assess progress towards programme results articulated in the RRF and provide recommendations	2 nd Year	BCPR/RoLJS/Donors
3	Final Review Report	Final project evaluation to assess achievement of programme results articulated in the RRF and document lessons learned	100% programme completion	BCPR/RoLJS External Evaluation Agency

VII. LEGAL CONTEXT

87. This document together with the CPAP signed by the Government and UNDP which is incorporated by reference constitute together the instrument envisaged in the Supplemental Provisions to the Project Document, attached hereto.
88. Consistent with the above Supplemental Provisions, the responsibility for the safety and security of the implementing partner and its personnel and property, and of UNDP's property in the implementing partner's custody, rests with the implementing partner.
89. The implementing partner shall:
- a) put in place an appropriate security plan and maintain the security plan, taking into account the security situation in the country where the project is being carried;
 - b) Assume all risks and liabilities related to the implementing partner's security, and the full implementation of the security plan.
90. UNDP reserves the right to verify whether such a plan is in place, and to suggest modifications to the plan when necessary. Failure to maintain and implement an appropriate security plan as required hereunder shall be deemed a breach of this agreement.
91. The implementing partner agrees to undertake all reasonable efforts to ensure that none of the UNDP funds received pursuant to the Project Document are used to provide support to individuals or entities associated with terrorism and that the recipients of any amounts provided by UNDP hereunder do not appear on the list maintained by the Security Council Committee

established pursuant to resolution 1267 (1999). The list can be accessed via <http://www.un.org/Docs/sc/committees/1267/1267ListEng.htm>. This provision must be included in all sub-contracts or sub-agreements entered into under this Project Document.

Annexes

- ANNEX 1: BUDGET - OUTPUT AND UNIT COST
- ANNEX 2: RISK ANALYSIS
- ANNEX 3: TERMS OF REFERENCES
- ANNEX 4: REQUIREMENTS IDENTIFIED BY EAD FOR PROJECT IMPLEMENTATION

Strengthening of Rule of Law, Malakand Project
Project Budget

Output	Budget Description	Planned Budget (Amount in US\$)						Total	
		Unit	Price	Year 1 (1st 6 months)	Year 1 (2nd 6 months)	Year 2	Year 3		
1. The capacity of courts to provide effective and timely justice services to the people in Malakand built and strengthened	Rehabilitation and Renovation	14	55,714	200,000	200,000	400,000	400,000	1,200,000	
	Consultancies	7	24,286	25,000	25,000	70,000	50,000	170,000	
	Furniture and IT Equipment	14	15,357	37,500	37,500	70,000	70,000	215,000	
	Professional services (Research, development of learning materials & translation)	5	58,333	50,000	50,000	125,000	125,000	350,000	
	Professional services (support to Amicus Curiae)	5	30,000	25,000	25,000	50,000	50,000	150,000	
	Trainings	9	58,915	108,750	108,750	235,116	187,559	621,237	
	Workshops and Conferences	6	10,833	10,833	10,833	21,666	21,666	65,000	
	Equipment (transport equipment)	15	1,000	15,000	15,000			15,000	
	Misc. Supplies			12,500	12,500	25,000	25,000	75,000	
	Sub-total Output 1			484,613	469,613	996,785	909,225	2,860,237	
	2. Access to Justice legal aid and representation mechanism for men and women and other vulnerable groups (Ratun-see& children) in Malakand developed	Sub-contracting (CS Grants)	10	45,000	75,000	75,000	150,000	150,000	450,000
		Training	12	44,187	95,000	95,000	170,000	170,000	500,000
		Consultancies	5	39,000	30,000	30,000	75,000	60,000	195,000
		Professional Services (development of training & outreach material)	8	64,375	100,000	100,000	175,000	140,000	615,000
Support to Research and legal professionals		10	22,000	25,000	25,000	100,000	70,000	220,000	
Workshops & conferences		6	28,333	35,000	35,000	50,000	50,000	170,000	
Renovation and rehabilitation (legal aid offices)		7	85,714	100,000	100,000	200,000	200,000	600,000	
Misc. Supplies				12,500	12,500	25,000	25,000	75,000	
Sub-total Output 2				472,500	472,500	945,000	865,000	2,755,000	
3. Informal justice mechanism provide fair and effective justice services, according to Pakistan Constitution and human rights standards		Training	18	35,667	100,000	100,000	250,000	210,000	660,000
	NGO small grants	10	32,000	60,000	60,000	100,000	100,000	320,000	
	Consultancies	5	30,000	25,000	25,000	50,000	50,000	150,000	
	Professional services (Dev. of brg. & info. material)	5	36,000	20,000	20,000	70,000	70,000	180,000	
	Workshop and Conferences	5	13,333	10,000	10,000	30,000	30,000	80,000	
	Research and studies implementation of strategies (linkages between formal and informal system & implementation of study recommendations)	5	40,000	25,000	25,000	75,000	75,000	200,000	
	Professional services (support to female legal professionals)	10	15,000	25,000	25,000	50,000	50,000	150,000	
	Sub-total Output 3			277,500	277,500	650,000	610,000	1,815,000	

Output	Planned Budget (Amount in US\$)							Total	
	Budget Description	Unit	Price	Year 1 (1st 6 months)	Year 1 (2nd 6 months)	Year 2	Year 3		
4. The Police provides effective security and protection to the Malakand people; citizen's trust and confidence is enhanced; criminal investigation and prosecution are improved and civilian oversight mechanisms are in place.	Rehabilitation & renovations (model police station, prosecution offices and training facilities).	15	80,000	250,000	250,000	400,000	300,000	1,200,000	
	Equipment and Furniture	15	23,333	50,000	50,000	150,000	100,000	350,000	
	Consultancies	7	31,429	30,000	30,000	80,000	80,000	220,000	
	Training (police, prosecution and community policing)	15	140,000	300,000	300,000	750,000	750,000	2,100,000	
	Research, assessments and studies	5	36,667	30,000	30,000	80,000	80,000	220,000	
	Workshop & Conferences	5	15,000	12,500	12,500	25,000	25,000	75,000	
	Professional services (mgt. and reporting and audit fee)	4	57,500	25,000	25,000	100,000	80,000	230,000	
	(establishment of monitoring cell, oversight mechanism and community policing)	5	90,000	50,000	50,000	200,000	150,000	450,000	
	Misc. Sundries			12,500	12,500	25,000	25,000	75,000	
	Sub-total Output 4			760,000	760,000	1,810,000	1,590,000	4,920,000	
	5. Programme Management cost.	CTA for 36 person months	36	15,055	90,327	90,327	180,554	150,654	541,952
		Project Manager for 36 person months	36	3,133	18,800	18,800	37,500	37,500	112,800
		Admin. & Finance Assistant: 36 person months	36	1,389	8,333	8,333	16,667	16,667	50,000
		Subcontracting coordination consultancy firm	1	430,000	71,667	71,667	143,333	143,333	430,000
Consultancies		4	10,000	0	0	20,000	20,000	40,000	
Monitoring & Evaluation		3	13,333	0	0	13,333	26,667	40,000	
Rental of Office building for 36 months		36	2,500	15,000	15,000	30,000	30,000	90,000	
Operation and maintenance of vehicle for 36 months		36	1,722	10,333	10,333	20,667	20,667	62,000	
Driver for 36 months		36	500	3,000	3,000	6,000	6,000	18,000	
Communication Equipment:		30	3,000	15,000	15,000	30,000	30,000	90,000	
IT Equipment		30	4,333	21,667	21,667	43,333	43,333	130,000	
Misc. Sundries				12,500	12,500	25,000	25,000	75,000	
Sub-total Output 5				266,627	266,627	566,687	579,921	1,679,762	
Total				2,261,240	2,246,240	4,968,372	4,554,146	14,029,999	
GMS							980,100		
Grand Total							15,010,099		

ANNEX -2

Risk Analysis

Given the complex security and social context in the KP, there are some risk factors that may restrain the implementation of the Rule of Law project. Some of the threats identified below do repeat the general factors listed in the situation analysis. However, they still appear to be threats directly linked to the successful implementation of the work-plan, since they are the main factors for establishing environment that is conducive for peace and stability in KP.

	Risk Factors
Security	<ul style="list-style-type: none">• Taliban insurgents• Capacity of the Military and the Police to provide adequate protection• Attacks targeting UN operations and staff• Terrorism activities
Legal	<ul style="list-style-type: none">• Continued lack of clarity of legal framework that governs FATA• Continued lack of institutionalized linkages between formal and informal justice system• Different and unclear applications of Sharia'a and Islamic Laws at community levels
Social	<ul style="list-style-type: none">• Lack of motivation at provincial and district level due to security and safety issues• Lack of confidence and trust in the Rule of Law institutions• Continued discriminatory practices based on tribe, families, financial and political status and gender.