



Country: Seychelles

Expected Outcome : STRENGTHENING THE MONITORING AND OVERSIGHT CAPACITY OF THE JUDICIAL SYSTEM IN SEYCHELLES

Expected Outcome	
1	Judges and prosecutors' skills in justice administration are strengthened in compliance with the international norms and standards of criminal justice
2	Monitoring and evaluation capacity of Master and Registrar's senior staff is established
3	A functional and efficient case management and monitoring system is designed and implemented
4	Enhance legal awareness of the population especially the poor, vulnerable sections to enable them to seek and obtain justice.
5	Designing an appropriate IT Infrastructure and elaboration of an Operational Manual for court administration.

Implementing agency: Master and Registrar's Office

Programme Period: Country Programme 2007- 2010 Project Title: Enhancing the Rule of Law in Seychelles through strengthening of monitoring and oversight capacity of the Judiciary Award ID: 00057752 Project ID: 00071456 Project Duration: 2 years Management Arrangement: National Execution with Country Office Support to NEX	Total Budget: USD 275,000 DG-TTF USD 275,000 <u>Allocated resources:</u> Government of Seychelles: USD 100,000 Cash Contribution: USD 50,000 In-Kind Contribution: USD 50,000 <u>TOTAL PROJECT COSTS USD 375,000</u>
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Agreed by:

<u>On behalf of:</u>	<u>Signature</u>	<u>Date</u>	<u>Name/Title</u>
Executing Agency			Judge Bernadin Renaud, Acting Chief Justice
Government of Seychelles			Mr. Melchior Vidot, Master and Registrar of the Supreme Court
UNDP			Mr. Claudio Caldarone UN Resident Coordinator, UNDP Resident Representative



GOVERNMENT OF THE REPUBLIC OF SEYCHELLES

**UNITED NATIONS DEVELOPMENT PROGRAMME (UNDP)
UNITED NATIONS OFFICE ON DRUGS AND CRIME (UNODC)**

**ENHANCING THE RULE OF LAW IN SEYCHELLES THROUGH THE
STRENGTHENING OF MONITORING AND OVERSIGHT CAPACITY OF THE
JUDICIARY**

June 2009

ENHANCING THE RULE OF LAW IN SEYCHELLES THROUGH THE STRENGTHENING OF
THE CAPACITY, THE MONITORING AND THE OVERSIGHT OF THE JUDICIARY

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Brief description

The project will seek to increase the democratic governance and the rule of law in Seychelles by strengthening the capacity of the judicial system. Particularly, it will aim to increase efficiency, transparency and integrity and thus enhance accountability within the justice administration by supporting the development and promotion of efficient and fair trials in compliance with the international norms and standards of criminal justice. The project will improve the overall justice administration system through capacity building for judges, prosecutors and court staff and the establishment of monitoring and evaluation mechanisms

I. Situation Analysis**I. Situation Analysis****Background**

Seychelles is a middle-income Small Island Development State (SIDS) with a population of 82,800 inhabitants (49.4% men and 50.6% women). The archipelago covers a vast tract of the western Indian Ocean in an Exclusive Economic Zone of over 1.3m km², a total landmass of 445 km² distributed on 115 islands, of which the largest are Mahe, Praslin and La Digue.

President René resigned in April 2004 after more than 35 years in power, and Vice President James Michel was sworn into office. The incumbent President Michel won the Presidential elections in July 2006 for a five-year term. The President has pledged to use his five-year mandate to facilitate a strong economy while safeguarding the social gains. The assembly elections took place in May 2007 and the SPPF won a 23 out of the 34 seats.

Since independence in 1976, Seychelles has increased its GDP per capita has expanded to roughly seven times the pre-independence, near-subsistence level, moving the island into the upper-middle income group of countries. Growth has been led by the tourist sector, which employs about 30% of the labour force and provides more than 70% of hard currency earnings, and by tuna fishing. At the same time, the government has moved to reduce the dependence on tourism by promoting the development of farming, fishing, and small-scale manufacturing. Sharp drops illustrated the vulnerability of the tourist sector in 1991-92 due largely to the Gulf War and once again following the 11 September 2001 terrorist attacks on the US. The Seychelles rupee was allowed to depreciate in 2006 after being overvalued for years and fell by 10% in the first 9 months of 2007.

Despite these actions, the Seychelles economy is struggling to maintain its gains and in 2008 suffered from food and oil price shocks, a foreign exchange shortage, high debt repayments, high inflation and large financing gaps. In July 2008 the government defaulted on a Euro amortizing note worth roughly US\$80 million, leading to a downgrading of Seychelles credit rating by Standard and

Poors to “SD”(selective default) category. Seychelles requested an IMF Stand-By Agreement in December 2008 and embarked on wide range structural economic reforms.

Judicial System

Article 119 of the Constitution of the Third Republic vests the judicial powers of Seychelles in the Judiciary. Article 119(2) provides for a Judiciary that is independent and that is subject only to the Constitution and other laws of Seychelles. As one of the pillars of Government, its sound and efficient functioning ensures that the rights of citizens are upheld and preserved. It is also pertinent for the Judiciary to uphold the rule of law. Seychelles has a “mixed” legal system which evolved from its colonial rulers. The Civil Law is French based derived from the Napoleonic Code and the Criminal law is based on English Common Law.

The Judiciary has a three tier court set up with the Court of Appeal being the highest court of the jurisdiction. Below the Court of Appeal is Supreme Court, the Magistrate Court and other subordinate courts and Tribunals such as the Juvenile Court and the Rent Board. Magistrates' courts are normally the courts of the first instance. Constitutional cases are brought before the Constitutional Court. The Supreme Court hears appeals and takes original jurisdiction of some cases and it also sits as the Constitutional Court in which case it sits with a panel of 3 Judges. The Constitutional Court convenes once weekly or as needed to consider constitutional and civil liberties issues. The Court of Appeal hears appeals from the Supreme Court. The Court of Appeal convenes thrice a year and considers appeals from the Supreme Court and Constitutional Court only. In addition, an Employment Tribunal, a Family Tribunal and a Rent Board exist.

The President of Seychelles appoints the Chief Justice, President of the Court of Appeal, Justices of Appeal and Puisne Judges from candidates proposed by the Constitutional Appointments Authority. Section 5 of the Courts Act vests the Supreme Court with full original jurisdiction to hear and determine all suits, causes and matters under all laws and in exercising such jurisdiction it is vested with all the powers, privileges, authority and power exercised by the High Court in England. It also sits as appellate court on decisions of lower courts. The other Courts have limited jurisdiction as established by Law.

Justification/Issues to be addressed

Over the recent years the Judiciary has been under a lot of pressure in that its operation has not been effective and efficient. Long delays in dispensing justice have been a cause of much criticism and lack of modern equipment, limited manpower weak/non existent case management system; weak capacities of judicial personnel; inadequate numbers of judges and prosecutors; lack of understanding /awareness by the public of their legal rights and court processes, and high cost of litigations are some of the factors contributing towards delays encountered in administering justice. In a move to address such concerns a consultant was recently commissioned to evaluate the challenges faced by the criminal justice system and provide recommendations on steps to be adopted to improve the criminal justice system. Following the review by the consultant, a Steering Committee has been established by the President to follow up on the recommendations. The committee had its first meeting in March 2009.

However, as the review was dealing with only the aspect of criminal justice system, it is necessary that a comprehensive review is undertaken on the entire operations of the Courts in Seychelles in order to address the management as well as administrative bottlenecks and the human and technological shortcomings. According to the Constitution of Seychelles, the judicial system of

the Seychelles is independent, yet its operational quality is lacking in effectiveness and efficiency. Consequently, the government of Seychelles is committed to undertake a comprehensive review of the courts and associated law enforcement institutions to improve operational efficiency through capacity development at all levels (individual, institutional and systemic) as well as through the adoption of new management practices and new technological improvements.

PART II. STRATEGY / PROJECT COMPONENTS

The project is expected to provide a timely strategic response to the need to improve access to justice in Seychelles, foster a trust-based relationship between judiciary and society while increasing the efficiency, transparency and accountability of the court system. It will capitalize upon an increasing self-awareness on the part of the Judiciary regarding institutional deficiencies/capacity gaps in this area and on the commitment to improve its delivery of services in this crucial area. The measures envisaged are expected to contribute in a sustainable and nationally-owned fashion to the Seychelles' judiciary while being complemented by the government's commitment towards the project.

Expected Outcomes

The overall objective to strengthening the capacity of the judicial system and improving access to justice in the Seychelles will be attained through the concerted achievements of the following outcomes:

1. Judges and prosecutors' skills in justice administration are strengthened in compliance with the international norms and standards of criminal justice
2. Monitoring and evaluation capacity of the Master and Registrar's senior staff is established.
3. A functional and efficient case management and monitoring system is designed and implemented.
4. Enhancing legal awareness of the public especially vulnerable and disadvantaged groups to enable them to seek and obtain justice.
5. Designing an appropriate IT Infrastructure and elaboration of an Operational Manual for court administration.

PART III: RESULTS AND RESPOURCES FRAMEWORK- PROJECT IMPLEMENTATION SCHEDULE AND KEY ACTIVITIES

Intended Outcome: STRENGTHENING THE MONITORING AND OVERSIGHT CAPACITY OF THE JUDICIAL SYSTEM IN SEYCHELLES.										
Project Title: Enhancing the Rule of Law in Seychelles through the Strengthening of Monitoring and Oversight Capacity of the Judiciary										
ATLAS Award ID: 00057752										
ATLAS Project ID: 00071456										
Outcomes	Key Activities	Time Frame								Inputs (\$) (DGTTF and Govt Contb.)
		2009				2010				
		Q 1	Q 2	Q 3	Q 4	Q 1	Q 2	Q 3	Q 4	
Judges and prosecutors' skills in justice administration are strengthened in compliance with the international norms and standards of criminal justice	Organize a workshop for operators and policy makers within the judiciary with the aim of strengthening their participation in the assessment exercise, followed up by a comprehensive assessment to stand on the basic judicial needs for assistance			X	X	X	X			83750 (DGTTF) 30,000 (GOS in cash and in-kind)
	Disseminate the relevant international standards (i.e. the Bangalore Principles of Judicial Conduct, the Commentary on the Bangalore Principles of Judicial Conduct, the Training Manual on Judicial Ethics, the UNODC Manual on Anti-Corruption Measures for Prosecutors and Investigators) as appropriate				X	X				
	Train judges and prosecutors to familiarize them with the international norms and standards related to justice administration and fair trials				X	X	X	X		
	Train court staff on efficiency, transparency and accountability in the administration of justice			X	X			X	X	
	Establish a working group of national experts from the two main Court of Appeal and the Supreme Court and other relevant judicial bodies to review the existing staff regulations, disciplinary measures and code of conduct with the aim of making its standards compliant with the international relevant norms and standards for the purpose of training of trainers.			X	X	X	X	X		
	Disseminate the amended court regulations and code of conduct as a part of a public awareness event with the aim to enhance communication and establish trust-based relations between the courts and civil society					X	X	X	X	
	Provide, as appropriate, essential modernized tools and equipment for the justice administration mechanism					X	X	X	X	
	Establish a basis for a court precedent library, building on the existing library with the aim of ensuring sustainable enhanced professional knowledge and access to information for judicial staff			X	X	X	X	X	X	
Monitoring and evaluation capacity of Master and Registrar's senior staff is established	Organize and conduct a workshop for policy makers in the judiciary and international experts to exchange views on various good practices of judicial monitoring and performances evaluation, including evaluation criteria, methodologies for performance appraisal, as well as models for linking judicial monitoring and evaluation to incentives and disincentives			X	X	X	X	X	X	88575 (DGTTF) 30,000 (GOS in cash and
	Organize and facilitate the study tour to a neighboring country to gain insights on the functioning of such			X	X		X	X		

	country's system of judicial monitoring and evaluation										in kind)
	Conduct, in partnership with the designated department of the high court, an assessment to the current system of judicial monitoring and performances evaluation with the aim of developing a functioning judicial monitoring and evaluation system in compliance with international norms and standards			X	X	X	X	X	X		
	Organize Workshop to validate the new judicial monitoring and evaluation system by key stakeholders and counterparts						X	X			
	Development and distribution forms for the evaluation of individual judges pending the approval to be used by the Master and Registrar's senior staff					X	X	X	X		
	Design IT application to manage judicial monitoring and evaluation system										
	Training of trainers for senior staff within the Master and Registrar's senior staff on the use of the monitoring and evaluation mechanism			X		X		X	X		
	Train judges with managerial responsibilities and relevant administrative court staff on the functioning of the monitoring and evaluation mechanism					X		X	X		
A functional and efficient case management and monitoring system is designed and implemented	Support the working group of judges and court staff, in partnership with the Court of Appeal and the Supreme Court , to develop a national-based case management system					X		X	X	64000 (DGTTF)	
	Comprehensive assessment of the existing case managements system by the working group and related identification of gaps and needs			X	X	X	X	X	X	15000(GOS in cash and in-kind)	
	Development of a proposal for a renewed mechanism for case managements tailored to the needs identified above				X	X	X	X	X		
	Targeted training of judicial operators to ensure appropriate empowerment to utilize the newly developed case management system			X		X	X	X	X		
Legal Awareness of Vulnerable segments of the population enhanced	Assessing obstacles faced by the poor, disadvantaged and vulnerable to accessing justice					X	X	X	X	15000 (DGTTF) 15,000 GOS (in cash and in Kind)	
	Designing legal awareness strategy including development of key messages, media, target audiences and deliver awareness programme						X	X			
	Monitoring and Evaluation of legal awareness programme						X	X	X		
	Codification of Lessons and experience							X	X		
Designing an appropriate IT Infrastructure, & Elaboration of an Operational Manual	Development of an Operational Manual for Court Administration				X	X	X	X	X	15,756 (DG TTF) 10,000 (GOS in cash and in-kind)	
	Designing an appropriate proposal for more efficient IT Infrastructure for Court Administration					X	X	X	X		
Programme Support Costs											10,744 (DG TTF)
Evaluation	Evaluation of Project										6000 (GOS)
GRAND TOTAL											\$ 375,000

PART IV: PROJECT BUDGET – ANNUAL WORK PLAN

Award ID: 0057752 - Project ID: 00071456

Project Title: Enhancing the Rule of Law in Seychelles through the Strengthening of Monitoring and Oversight Capacity of the Judiciary

Expected Outcome	Key Outputs	Impl Agent	Fund	Donor	Account	Description	2009	2010	Total
Enhancing the Rule of Law in Seychelles through the Strengthening of Monitoring and Oversight Capacity of the Judiciary	Judges and prosecutors' skills in justice administration are strengthened in compliance with the international norms and standards of criminal justice		20006	00012	71200	Int. Consultants	10000	17000	27000
			20006	00012	71300	Local Consultants	6000	8000	14000
			20006	00012	71400	Contractual Individual	6000	8000	14000
			20006	00012	71600	Travel	7000	11000	18000
			20006	00012	72500	Supplies	4000	4000	8000
			20006	00012	74500	Mis Expenses	3000	3832	6832
	A functional and efficient case management and monitoring system is designed and implemented		20006	00012	71200	Int. Consultants	10000	15000	25000
			20006	00012	71300	Local Consultants	5000	6000	11000
			20006	00012	71400	Contractual Individual	6000	8000	14000
			20006	00012	71600	Travel	4000	13000	17000
			20006	00012	72200	Equipment	4000	6000	10000
			20006	00012	72500	Supplies	3000	3510	6510
	A functional and efficient case management and monitoring system is designed and implemented		20006	00012	74500	Mis Expenses	3000	3000	6000
			20006	00012	71200	Int. Consultants	8000	14000	22000
			20006	00012	71300	Local Consultants	4000	8000	12000
			20006	00012	71400	Contractual Individual	4000	8000	12000
			20006	00012	71600	Travel	4000	8000	12000
			20006	00012	72500	Supplies	2000	3000	5000
	Enhancing legal awareness		20006	00012	74500	Mis Expenses	1500	2402	3902
			20006	00012	71300	Local Consultants		5000	5000
		20006	00012	71400	Contractual Individual		5000	5000	
		20006	00012	72500	Supplies		2000	2000	
	20006	00012	74500	Mis Expenses		3000	3000		

Designing an appropriate IT Infrastructure, & Elaboration of an Operational Manual		20006	00012	71200	Int. Consultants		7000	7000
		20006	00012	71300	Local Consultants		6000	6000
		20006	00012	71400	Contractual Individual		1500	1500
		20006	00012	74500	Mis Expenses		1256	1256
Project Evaluation	GOS							
GRAND TOTAL								275,000

Time-frame

The actual timeframe will be determined in the light of the absorption capacity of the beneficiary. The right sequencing of the activities will also be tailored as appropriate and reviewed according to needs that may emerge. In principle the overall duration of each component of the project should not be less than 12 months

PART V. MANAGEMENT ARRANGEMENTS

The project will be financed by the UNDP Democratic Governance Thematic Trust Fund (DGTTF). The project will be executed jointly by UNDP/UNODC, according to the work plan detailed here below and the Letter of Agreement (Annex II) to be signed by the two Organizations. Planning and execution will be conducted in close partnership and in coordination with the main judicial bodies as designated by the high court (Master and Registrar's Office), so to ensure the host government's full support and commitment to the project.

UNODC will be implementing partner, whereas UNDP will retain the overall management relating to the administration/ logistics of the project. UNDP CO will monitor the project through its Offices in Mauritius and Seychelles whereas substantive backstopping will be provided by Justice and Integrity Unit in UNODC Headquarters' in Vienna, with the UNODC Regional Office for East Africa Eastern Africa based in Nairobi providing support to the overall management of the project

In addition, the UNDP Country Office (CO) will provide advisory and monitoring services throughout the project implementation as well as specific country office support to National Execution both through the UNDP sub-office based in Seychelles as well as the Country Office based in Port Louis, Mauritius.

The UNDP country office will monitor the project through its Offices in Mauritius and Seychelles. Regular Meetings will be held to review progress with the Project Management Unit during periodic monitoring mission of the Programme Manager from the Mauritius Country Office. UNDP will oversee the recruitment of national and international technical experts for the implementation of the project through identification of consultants and evaluation of proposals and CVs.

UNDP will advance funds to the project on a quarterly basis based on agreed quarterly work plan which will be prepared by the National Project Coordinator in consultation with the Project Steering Committee and certified by the National Project Director. All contracting under the project will be by undertaken by the Supreme Court.

The National Implementing Agency will be Master and Registrar of Supreme Court of Seychelles, which will coordinate project activities. The Project Steering Committee recently established for the Criminal Justice Reform Project will be enlarged and will constitute the Steering Committee for the project. An additional member from the NGOs and from the Attorney General's Office and UNDP will be co-opted as member for of the enlarged group. The National Project Director will be the Chair of the Steering Committee. The terms of reference and composition and of the Project Steering Committee is provided in Annex Ia.

The Acting Chief Justice will be the National Project Director and the Master and Registrar of the Supreme Court will be the Alternate National Project Director and /National Coordinator of the Project.. A Programme/Finance Assistant will be recruited to manage the day-to-day project implementation activities. The terms of reference of the National Project Director, the National Project Coordinator and the Programme/Finance Assistant are provided in the Annex I (b-d).

PART VI: MONITORING AND EVALUATION

Monitoring and Evaluation will be undertaken according to UNDP's monitoring, evaluation and reporting requirements. The UNDP CO will monitor activities to ensure that they are carried out appropriately and in a timely manner as per the work plan. Quarterly progress reports, including financial reports, will be submitted to UNDP by the implementing Agency, providing a brief summary of the status of activities and output delivery, explaining any variance from the pre-agreed work plan, and presenting work plans for each successive quarter for review and endorsement.

A Mid-Term Report will be prepared in December 2009 be prepared upon project completion by the implementing Agency and reviewed by UNDP CO before submission to the DGTTF as per the schedule for 2009 allocations. A second mid-term evaluation will be prepared in 2010 during the second year of implementation. A Final Completion Report (APR) will be prepared following the completion of the project.

PART VII: Legal Context

This project shall be the instrument referred to as such in Article 1 of the Standard Basic Assistance Agreement between the Government of Seychelles and the United Nations Development Programme, signed by both parties on 18th November 1977. The host country-implementing agency shall, for the purpose of the standard Basic Assistance Agreement, refer to the government co-operating agency described in that Agreement.

The following types of revisions may be made to this project document with the signature of the UNDP Resident Representative only, provided he is assured that the other signatories of the project have no objections to the proposed changes:

- Revisions in, or additions of, any of the annexes of the project document (with the exception of the Standard legal text of non-SBAA countries which may not be altered and the agreement which is a pre-condition for UNDP assistance);
- Revisions which do not involve significant changes in the immediate objectives, outputs or activities of a project, but are caused by rearrangements of inputs agreed to or by costs increases due to inflation; and

Mandatory annual revisions, which re-phase delivery of agreed inputs or increased expert or other costs due to inflation or take into account agency expenditure flexibility

Reference is to be made to the Memorandum of Understanding signed in December 2008 by UNODC and UNDP on cooperation in the area of criminal justice reform and to the subsequent Letter of Agreement (Annex II) to be signed between UNDP Mauritius Country Office and UNODC in July 2009 on cooperation to support the implementation of the project, within the broader framework of delivery as one.

ANNEXES

Annex 1. TORs for the Project Management Team

Ia. TOR for the Project Steering Committee (PSC)

The Project Steering Committee shall be established by the Master and Registrar's Office. The National Project Coordinator shall be the Secretary to the PSC. The PSC will hold meetings at least every two months and additional meetings as deemed necessary by the Chairperson. The PSC shall consist of representatives of the following institutions:

Mr. Barry Galvin Chairman
Chief Justice R. Perera- Judiciary
President of Court of Appeal, Justice Macgreggor-Judiciary
Melchior Vidot- Master & Registrar-Judiciary
Mr. Ronny Govinden- Attorney General-Department of Legal Affairs
Mr. Ernest Quatre – Commissioner of Police (Ag)- Police Department
Mr. Jean-Paul Adam – Principal Secretary – President's Office
Mr. Basil Hoareau – Bar Association
Mrs. Nicole Tirant- Gerardhi- Bar Association
Ms. Audrey Annette- Secretary to the Committee
UNDP Representative

The PSC will perform the following duties:

- Provide overall strategic policy guidance for the execution, management, implementation (including quality assurance), supervision, monitoring and evaluation of the project.
- Approve the selection of short-term consultants to be recruited under the project.
- Monitor and validate the work of the consultants recruited under the project
- Advise on the format for the various training workshops, as well as information sharing with the general public and media about the project
- Monitor the progress made in the implementation of the project and the results achieved. In this context, receive relevant reports prepared by the project management team
- Review and endorse the quarterly work plan and quarterly progress report, mid-term report as well as financial reports of the project management team
- Perform any other duty that would contribute to the successful delivery of the project.

Ib. Terms of Reference of the National Project Director

1. The National Project Director shall have overall responsibility for the implementation of the Project. He/she shall oversee the work of the National Project Coordinator on a daily basis.
2. The NPD will be responsible for certifying the Work plan, Financial Reports and Request for advance of funds under the project, ensuring their accuracy and in accordance with the project document
3. The NPD shall be the authorized person who shall certify all payments to be effected under the project after consultation with the UNDP country office

4. The NPD shall be the authorized signatory for contracting services under the project following endorsement by the PSC

Ic. TOR for National Project Coordinator.

Under the direct supervision of the National Project Director, and in close collaboration with the Governance Focal Point in the UNDP Mauritius/ Seychelles office, the National Project Coordinator will guide the implementation of the activities outlined in the project document and the Work plan. The work will be carried out with the assistance of a Project/Finance Assistant. The National Project Coordinator will play a key role in successful management of the project and will ensure the involvement of all stakeholders in the implementation of the key activities. Specifically the NPC will:

1. Oversee the implementation of the overall project work plan and ensure timely completion of all activities and timely monitoring and evaluation of the project. In doing so, the NPC should work closely with the NPD, the PSC, the UNDP CO, and UNODC, to mutually agree upon any adjustments that have to be made to the work plan;
2. Collaborate and provide the necessary support to key personnel (consultants) recruited under the project to carry out the specific activities;
3. Plan, organize and attend meetings of the PSC, and provide them with necessary documentation on time. Also serve as secretary to the PSC;
4. Draft TORs and participate in the selection/shortlisting and recruitment of consultant(s) to conduct the activities under the project and manage the schedule of events;
5. In consultation with the PSC, the UNDP office and UNODC, as well as the consultants recruited, produce and manage the schedule of events;
6. Exercise quality control over the consultancies, and stakeholder consultations, ensuring that documents and reports for the PSC are in adequate form;
7. Serve as the main channel of communications with the selected consultant(s), the UNDP/UNODC and the project beneficiaries;
8. Identify and contact a core group of key multi- sectoral stakeholders from all relevant agencies and organizations to participate in the project as and when required;
9. Identify national expertise and resources that can be drawn upon and assist in the process;
10. Keep detailed records of all proceedings of the consultative process and PSC meetings;
11. Oversee the administrative and financial performance of the project in collaboration with the National Project Director and the Programme/Finance Assistant;
12. Coordinate all project activities (e.g. workshop and logistical support), logistics and related disbursements and administrative requirements necessary for the smooth running of the project in partnership with the National Project Director and under the administrative oversight of the Project Steering Committee;
13. Develop and implement the yearly workplan and subsequent quarterly work plans submitted to the Project Steering Committee for comment, approval and advance of funds; in close partnership with the National Project Director;
14. Assist the National Project Director and Programme/Finance Assistant in preparing timely the quarterly Financial Report in accordance with UNDP rules and procedures;
15. Review the performance of project activities, monitor key indicators of progress in fulfilment of targets established;
16. Establish an effective project information strategy including provision of relevant information materials to UNDO CO as well as local media as required;

17. Supervise the work of the Programme/Finance Assistant
18. Perform any other duties assigned by the National Project Director or the PSC within the scope of the management, coordination and logistical arrangements of the project.

Id. TOR for Project Programme/Finance Assistant.

The Project Accountant will support the National Project Coordinator in administering the project. He/ She will work under the direct supervision of the National Project Coordinator, supporting him/her in the timely implementation of all activities as specified in the project document as per the agreed work plan. He/ She will perform the following specific duties:

1. To perform all financial functions relating to the project;
2. Assist the National Project Coordinator in the coordination, monitoring and close follow-up of the activities of all experts, consultants and project support staff to ensure timely provision of inputs and achievement of outputs and deliverables;
3. Undertake day-to-day financial duties necessary for the efficient delivery of the project under the Guidance of the National Project Coordinator;
4. Assist in the consultative process as required under the project;
5. Draft financial reports under guidance of the National Project Coordinator;
6. Assist the National Project Coordinator in the organizations of the various meetings, workshops, seminars and consultations, getting quotations and effecting payments;
7. Perform any other duties as may be assigned by the National Project Coordinator.

**LETTER OF AGREEMENT
BETWEEN**

The United Nations Development Programme(UNDP) – Mauritius and Seychelles
AND
The United Nations Office on Drugs and Crime
(UNODC)

**ON COOPERATION TO SUPPORT THE IMPLEMENTATION OF ENHANCING THE
RULE OF LAW IN SEYCHELLES THROUGH THE STRENGTHENING OF MONITORING
AND OVERSIGHT CAPACITY OF THE JUDICIARY**

1. Reference is made to the signed overall Memorandum of Understanding (MoU) between UNDP and UNODC which forms a working level group tasked with the monitoring of the implementation of the MoU in four to five pilot areas of joint common interest. Reference is also made to the consultations between officials of UNDP-Mauritius and Seychelles and officials of the UNODC with respect to the provision of services by UNODC in the implementation of the Project to “*Enhance the Rule of Law in Seychelles through the Strengthening of Monitoring and Oversight capacity of the Judiciary*” (hereinafter referred to as “**Reform of the Judiciary**”), as specified in Attachments 1.1, entitled “Schedule of Services, Facilities and Payments”.
2. In accordance with the Project Document and with the following terms and conditions, we confirm our acceptance of the services to be provided by UNODC towards the project, as specified in Attachment 1, entitled “Description of Services” (hereinafter referred to as “Services”). Close consultations will be held between UNODC and UNDP-Mauritius and Seychelles on all aspects of the Services. This shall be made through the designation of one primary focal point in each organization.
3. UNODC shall use its best efforts to ensure that personnel recruited for the project are of the highest standards of efficiency, competence, and integrity.
4. UNODC shall be fully responsible for the provision, with due diligence and efficiency, of all services performed by its personnel and for ensuring that all relevant *UN regulations and rules* are complied with and that the principles of competitive bidding are observed.
5. The personnel and sub-contractors of UNODC shall not be considered in any respect as being the employees or agents of UNDP. UNDP shall not be liable for claims arising out of acts or omissions of UNODC or its personnel, or of its contractors or their personnel, in performing the

Services under the project or any claims for death, bodily injury, disability, damage to property or other hazards that may be suffered by UNODC, and its personnel as a result of their work pertaining to the project.

6. UNDP-Mauritius and Seychelles shall retain overall responsibility for the project. UNDP-Mauritius and Seychelles shall designate a programme/project coordinator for the “Reform of the Judiciary” project.

7. The personnel assigned by UNODC to the project, and under contract with UNODC shall work under the supervision of the programme/project coordinator. The supervisory arrangements shall be determined in mutual consultation between UNDP-Mauritius and Seychelles and UNODC and described in the relevant terms of reference of the personnel. These personnel shall remain accountable to UNODC for the manner in which assigned functions are discharged under *UN regulations and rules*.

8. In the event of disagreement between the programme/project coordinator and the project personnel of UNODC, the programme/project coordinator shall refer the matter under dispute to UNODC for the purpose of finding a satisfactory solution. In the interim, the decisions of the programme/project coordinator shall prevail.

9. Upon signature of this Letter and pursuant to the budget and the work plan of the Project Document, UNDP-Mauritius and Seychelles will make payments to UNODC, according to the schedule of payments specified in Attachment 1.1, entitled “Schedule of Services, Facilities and Payments.”

10. UNODC shall not make any financial commitments or incur any expenses which would exceed the budget for implementing the project as set forth in the Project Document and specific agreed schedule of activities. UNODC shall regularly consult with UNDP-Mauritius and Seychelles concerning the status and use of funds and shall promptly advise UNDP-Mauritius and Seychelles whenever UNODC is aware that the budget to carry out these Services is insufficient to fully implement the project in the manner set out in the Project Document. UNDP-Mauritius and Seychelles shall have no obligation to provide UNODC with any funds or to make any reimbursement for expenses incurred by UNODC in excess of the total budget as set forth in the Project Document or as agreed to in the schedule of activities.

11. UNODC shall maintain separate accounts, records and supporting documentation relating to the programme/project, including funds received and disbursed by UNODC.

12. UNODC shall submit quarterly financial reports in line with UNDP Mauritius and Seychelles reporting cycles. The report will be submitted to UNDP-Mauritius and Seychelles 30 days after the end of the quarter. The format will follow the UNDP-Mauritius and Seychelles expenditure report, model copy of which is provided as Attachments 1.2. UNDP-Mauritius and Seychelles will include the financial report by UNODC in the financial report for the “Reform of the Judiciary” project.

13. UNODC shall submit such quarterly progress reports relating to the project to UNDP.

14. UNODC shall submit annually to UNDP-Mauritius and Seychelles audited or certified statement of accounts showing the status of the funds provided to it by UNDP-Mauritius and Seychelles.

15. UNODC shall furnish a final report within 6 month after the completion or termination of the project, including all relevant audited or certified financial statements and records related to such project.

16. Any changes which would affect the work being performed by UNODC in accordance with Attachment 1.1 shall be recommended only after consultation between UNDP-Mauritius and Seychelles and UNODC.

17. The arrangements described in this Letter will remain in effect until the end of the project, or the completion of activities of UNODC according to Attachments 1.1 and the schedule of activities to be developed and agreed for 2009/10 or until terminated in writing (with 30 days notice) by either party. The schedule of payments specified and annexed to this document remains in effect based on continued performance by UNODC unless it receives written indication to the contrary from UNDP-Mauritius and Seychelles.

18. Any balance of funds that is not dispersed and is uncommitted after the conclusion of the project shall be returned to UNDP-Mauritius and Seychelles.

19. Any amendment to this Letter shall be effected by mutual agreement, in writing.

20. All further correspondence regarding this Letter, other than signed letters of agreement or amendments thereto should be addressed to Mr. Claudio Caldarone (UN Resident Coordinator/UNDP Resident Representative) for UNDP Mauritius and Seychelles; to Mr. Sandeep Chawla, Director Policy Analysis and Public Affairs division, with copy to Hatem Aly and Karolina Gudmundsson.

21. UNODC shall keep the focal point designated as per article 2 of this letter fully informed of all actions undertaken by them in carrying out this Letter.

22. Except as provided in paragraph 8 above, any dispute arising out of or relating to this Letter which is not settled by negotiation or other agreed mode of settlement, shall, at the request of either party, be submitted to a Tribunal of three arbitrators. Each party shall appoint one arbitrator, and the two arbitrators so appointed shall appoint a third arbitrator, who shall be the chairperson of the Tribunal. If, within 15 days of the appointment of two arbitrators, the third arbitrator has not been appointed, either party may request the President of the International Court of Justice to appoint the arbitrator referred to. The Tribunal shall determine its own procedures, provided that any two arbitrators shall constitute a quorum for all purposes, and all decisions shall require the agreement of any two arbitrators. The expenses of the Tribunal shall be borne by the parties as assessed by the Tribunal. The arbitral award shall contain a statement of the reasons on which it is based and shall be final and binding on the parties.

23. If you are in agreement with the provisions set forth above, please sign and return to this office two copies of this Letter. Your acceptance shall thereby constitute the basis for UNODC's participation in the implementation of the "Reform of the Judiciary" project.

Yours sincerely,

Signed on behalf of UNODC

Signed on behalf of UNDP-
Mauritius and Seychelles

Sandeep Chawla
Director
Division for Policy Analysis and Public Affairs,
UNODC

Claudio Caldarone
UN Resident Coordinator/
UNDP Resident Representative

July 2009

Attachment 1

DESCRIPTION OF SERVICES

Atlas Project ID : 00071456

Project title: **ENHANCING THE RULE OF LAW IN SEYCHELLES THROUGH THE STRENGTHENING OF MONITORING AND OVERSIGHT CAPACITY OF THE JUDICIARY**

Expected Outcome- STRENGTHENING THE MONITORING AND OVERSIGHT CAPACITY OF THE JUDICIAL SYSTEM IN SEYCHELLES

Expected Outputs - Judges and prosecutors' skills in justice administration are strengthened in compliance with the international norms and standards of criminal justice; Monitoring and evaluation capacity of the Master and Registrar's senior staff is established; A functional and efficient case management and monitoring system is designed and implemented and; Designing an appropriate IT Infrastructure and elaboration of an Operational Manual for court administration.

Work to be performed by UNODC

Description of Activity - Result 1

“Judges and prosecutors’ skills in justice administration are strengthened in compliance with the international norms and standards of criminal justice”

1. UNODC expert(s) To organize a workshop for operators and policy makers within the judiciary with the aim of strengthening their participation in the assessment exercise, followed up by a comprehensive assessment to stand on the basic judicial needs for assistance
2. UNODC expert(s) To help disseminating the relevant international standards (i.e. the Bangalore Principles of Judicial Conduct, the Commentary on the Bangalore Principles of Judicial Conduct, the Training Manual on Judicial Ethics, the UNODC Manual on Anti-Corruption Measures for Prosecutors and Investigators) as appropriate
3. UNODC expert(s) To provide training for judges and prosecutors to familiarize them with the international norms and standards related to justice administration and fair trials. Train court staff on efficiency, transparency and accountability in the administration of justice
4. UNODC expert(s) To Establish a working group of national experts from the two main departments of the High Court and other relevant judicial bodies to review the existing staff regulations, disciplinary measures and code of conduct with the aim of making its standards compliant with the international relevant norms and standards for the purpose of training of trainers. Disseminate the amended court regulations and code of conduct as a part of a public

awareness event with the aim to enhance communication and establish trust-based relations between the courts and civil society

5. UNODC expert(s) To help Establishing basis for a court precedent library, building on the existing library with the aim of ensuring sustainable enhanced professional knowledge and access to information for judicial staff

Description of Activity - Result 2

Monitoring and evaluation capacity of Master and Registrar's senior staff is established

1. UNODC expert(s) To organize and conduct a workshop for policy makers in the judiciary and international experts to exchange views on various good practices of judicial monitoring and performances evaluation, including evaluation criteria, methodologies for performance appraisal, as well as models for linking judicial monitoring and evaluation to incentives and disincentives
2. UNODC experts(s) To help organize and facilitate the study tour to a neighboring country to gain insights on the functioning of such country's system of judicial monitoring and evaluation
3. UNODC experts(s) To Conduct, in partnership with the designated department of the high court, an assessment to the current system of judicial monitoring and performances evaluation with the aim of developing a functioning judicial monitoring and evaluation system in compliance with international norms and standards
4. UNODC experts(s) To Organize Workshop to validate the new judicial monitoring and evaluation system by key stakeholders and counterparts
5. UNODC experts(s) To propose the appropriate IT application to manage judicial monitoring and evaluation system
6. UNODC experts(s) To Provide training of trainers for senior staff within the Master and Registrar's senior staff on the use of the monitoring and evaluation mechanism
7. UNODC experts(s) To Train judges with managerial responsibilities and relevant administrative court staff on the functioning of the monitoring and evaluation mechanism

Description of Activity - Result 3

A functional and efficient case management and monitoring system is designed and implemented

1. UNODC expert(s) To support the working group of judges and court staff, in partnership with the two main departments of the High Court, to develop a national-based case management system
1. UNODC expert(s) To facilitate the conduct of comprehensive assessment of the existing case managements system by the working group and related identification of gaps and needs
2. UNODC expert(s) To develop a proposal for a renewed mechanism for case managements tailored to the needs identified above
3. UNODC expert(s) To help providing targeted training of judicial operators to ensure appropriate empowerment to utilize the newly developed case management system

Description of Activity – Result 4

- . UNODC expert(s) To help Enhance legal awareness of the population especially the poor, vulnerable sections to enable them to seek and obtain justice.

Attachment 1.1

Schedule of Services, Facilities and Payments

Year 2009/10

EXPECTED CP OUTPUTS and indicators including annual targets	PLANNED ACTIVITIES <i>List all activities to be undertaken during the year towards stated outputs</i>	Timeframe								Planned Budget UNDP		Planned Budget UNODC	
		2009				2010				Budget Description	Amount US \$	Budget Description	Amount US \$
		Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4				
1. Judges and prosecutors' skills in justice administration are strengthened in compliance with the international norms and standards of criminal justice	Organize a workshop for operators and policy makers within the judiciary with the aim of strengthening their participation in the assessment exercise, followed up by a comprehensive assessment to stand on the basic judicial needs for assistance									Overall support (1 ww)	3750\$	Overall support (2 ww)	5,500\$
	Disseminate the relevant international standards (i.e. the Bangalore Principles of Judicial Conduct, the Commentary on the Bangalore Principles of Judicial Conduct, the Training Manual on Judicial Ethics, the UNODC Manual on Anti-Corruption Measures for Prosecutors and Investigators) as appropriate									Overall support (1ww)	3750\$	Overall support (1ww)	2,750\$

Train judges and prosecutors to familiarize them with the international norms and standards related to justice administration and fair trials								Overall support (1ww)	3750\$	Overall support (5ww)	15,000\$
Train court staff on efficiency, transparency and accountability in the administration of justice								Overall support (2 ww)		Overall support ()	
Establish a working group of national experts from the two main departments of the High Court and other relevant judicial bodies to review the existing staff regulations, disciplinary measures and code of conduct with the aim of making its standards compliant with the international relevant norms and standards for the purpose of training of trainers								Overall support (2ww)	7500\$	Overall support (6ww)	18,000\$
Disseminate the amended court regulations and code of conduct as a part of a public awareness event with the aim to enhance communication and establish trust-based relations between the courts and civil society								Overall support (2ww)	7500\$	Overall support (2ww)	5,500\$
Provide, as appropriate, essential modernized design for the justice administration mechanism in close consultation with the established working group.								Overall support (1ww)	3750\$	Overall support (3ww)	9,500\$

	Establish basis for a court precedent library, building on the existing library with the aim of ensuring sustainable enhanced professional knowledge and access to information for judicial staff												
2. Monitoring and evaluation capacity of Master and Registrar's senior staff is established	Organize and conduct a workshop for policy makers in the judiciary and international experts to exchange views on various good practices of judicial monitoring and performances evaluation , including evaluation criteria, methodologies for performance appraisal, as well as models for linking judicial monitoring and evaluation to incentives and disincentives								Overall support (1ww)	3750\$	Overall support (3ww)	9.500\$	
	Organize and facilitate the study tour to a neighboring country to gain insights on the functioning of such country's system of judicial monitoring and evaluation								Overall support (2ww full amount)	7,500\$	Overall support (0ww)	0\$	
	Conduct, in partnership with the designated department of the high court, an assessment to the current system of judicial monitoring and performances evaluation with the aim of developing a functioning judicial monitoring and evaluation system in compliance with international norms and standards								Overall support (2ww)	7,500\$	Overall support (4ww)	13,000\$	
	Organize Workshop to validate the new judicial monitoring and evaluation system by key stakeholders and counterparts								Overall support (1ww)	3,750\$	Overall support (1ww)	2,500\$	
	Development and distribution forms for the evaluation of individual judges pending the approval to be used by the Master and Registrar's senior staff								Overall support (1ww)	3,750\$	Overall support (3ww)	9.500\$	

	Design IT application to manage judicial monitoring and evaluation system			←						Overall support		Overall support	
	Training of trainers for senior staff within the Master and Registrar's senior staff on the use of the monitoring and evaluation mechanism									Overall support (2ww)	5,250\$	Overall support (4ww)	10,750\$
	Train judges with managerial responsibilities and relevant administrative court staff on the functioning of the monitoring and evaluation mechanism			←						Overall support (1ww)	3,750\$	Overall support (2ww)	5,250\$
3. A functional and efficient case management and monitoring system is designed and implemented	Support the working group of judges and court staff, in partnership with the two main departments of the High Court, to develop a national-based case management system									Overall support (2ww)	5,250\$	Overall support (6ww)	15,750\$
	Comprehensive assessment of the existing case managements system by the working group and related identification of gaps and needs			←						Overall support (1ww)	3,750\$	Overall support (2ww)	5,250\$

	Development of a proposal for a renewed mechanism for case managements tailored to the needs identified above									Overall support (3ww)	10,750\$	Overall support (ww)	
	Targeted training of judicial operators to ensure appropriate empowerment to utilize the newly developed case management system									Overall support (2ww)	5,250\$	Overall support (6ww)	18,000\$
4. Enhance legal awareness of the population especially the poor, vulnerable sections to enable them to seek and obtain justice.										Overall support (3ww full amount)	15,000\$	Overall support (0ww)	0\$
Designing an appropriate IT Infrastructure, & Elaboration of an Operational Manual	Development of an Operational Manual for Court Administration									Overall support (6ww full amount)	7500\$	Overall support (0ww)	
	Designing an appropriate proposal for more efficient IT Infrastructure for Court Administration									Overall support (6ww full amount)	8,256\$	Overall support (0ww)	
										Total Overall support	38 ww	Total Overall support	50 ww
										Total Travel and Accommodation		Total Travel and Accommodation	
										TOTAL	121,236	TOTAL	143,250
												PSC (7.5%)	10,744
										GRAND TOTAL	121,236	GRAND TOTAL	153,944
										Total cost of workplan			\$275,000

Attachment 1.2

MODEL EXPENDITURE REPORT

Period _____

EXPECTED CP OUTPUTS and indicators including annual targets	PLANNED ACTIVITIES <i>List all activities to be undertaken during the year towards stated outputs</i>	Planned Budget		Payments and Expenditures		
		Budget Description	Amount	Payments received	Expenditures	Balance
		Total				