United Nations Development Programme Country: UKRAINE Project Document

Legal Empowerment of the Poor (LEP): Fostering Full Enjoyment of Land and Property Rights

UNDAF Outcome (s): UNDAF Outcome 2. All individuals in Ukraine are empowered to claim and

enjoy their rights consistent with international standards through the strengthening of civil society, with a focus on protection of women and other

disadvantaged groups.

Expected CP Outcome(s): CPAP 1.2. Access to justice and human rights improved;

CPAP 2.1 Civil society organisations protect and advocate for human rights

and justice.

Expected Output(s): 1. Institutional arrangements and capacities of the Parliament, and other state

bodies as well as civil society organizations (CSOs) developed for citizen access to human rights and for monitoring of human rights through disaggregated

and reliable data.

2. Access to equal opportunities and justice, with focus on women and disadvantages groups, increased through capacity building of nongovernment and civil society organizations and strengthening their

partnership with local authorities and government institutions

3. Capacity of the Government and NGOs strengthened to provide legal and

social aid to vulnerable groups

Executing Entity: UNDP

Implementing Agencies: UNDP

Narrative

Access to land defines the existence of many poor people. The ownership right not only fosters economic development, but also generates a sense of dignity, identity and social belonging. The enjoyment of property rights by the poorest part of the population living in rural areas of Ukraine is hampered not only by insufficient legislation (e.g. moratorium on the land sale, lack of legislation to launch the land market) but also by legal illiteracy of the rural population. The current project will therefore make a direct contribution to the rights awareness and rights enablement of the poor within the existing regulatory framework. The objective of the project is to legally empower poor rural population by providing them with sufficient knowledge and understanding of their property and land rights. It is envisaged that the project will initially be piloted in 3 oblasts of Ukraine, with a potential for scaling up. The lessons learnt from the implementation phase will feed in the policy debate on land and property rights in Ukraine.

Programme Period: 2006-2011____CPAP Programme Component: Democratic

governance and access to justice

Project Title:

LEP Project

Atlas Award ID: Start date:

15 March, 2011

End Date

15 Sept, 2012

PAC Meeting Date

Estimated annualized budget: USD 300,000

Total resources required

USD 300,000

Total allocated resources:

USD 300,000

RegularOther:

(Government)

Unfunded budget:

USD 300,000

In-kind Contributions

Premises

Agreed by (Executing Entity):

Ricarda Rieger, UNDP RR a.i.

Agreed by (UNDP):

Ricarda Rieger, UNDP RR a.i.

I. SITUATION ANALYSIS

Upon achieving independence on August 24, 1991, Ukraine began the massive task of privatizing land ownership. A major component in Ukraine's overall land privatization and land market development process was the subdivision of former collective farm land and the transfer of ownership of individual parcels of this land to 6.8 million former collective farm members. The agricultural land reform was legally mandated by Ukraine's 1992 Land Code, which introduced private and collective ownership of land. In 1994-95, the President issued decrees to provide for the issuance of an agricultural land share certificate to each eligible former collective farm member when the collective farm was disbanded. Under those decrees, each land share holder is entitled to convert a land share into ownership of a specific land parcel, which the owner may farm individually or lease to others. A State Act is issued to each recipient certifying his or her ownership of a specific land parcel at the conclusion of this process.

The new Land Code (2001) provided valuable objective and performance measure for opening a land market but only in its non-agricultural part. The free market economy for agricultural land was banned by the moratorium, extended recently until 2012.

The moratorium has a clear negative impact on the establishment of an efficient and profitable agricultural sector in Ukraine. From a rights perspective, it significantly limits land owners from exercising their lawful right to use the property for economic and profit generating purposes, such as to sell, lease, or use the land as a collateral to access credit. It results in low capitalization of small agricultural businesses as well as in unavailability of credit for small landowners/farmers. This system is particularly damaging for the owners of "personal peasant farms" (4.7 mln in the country): even if they cannot dispose of their land or invest in it properly, they are considered as "employed" and do not have rights to any social benefits, yet when living in the real poverty.

However, absence of the clear national strategy to establish the land market and the moratorium on the farmland are not the only obstacles to the enjoyment of the property rights in the rural areas.

Other obstacles facing landowners include the lack of knowledge, know-how and personal experience in disposing land as well as the lack of access to affordable legal services. Lease agreements are the main form of land transactions, and rural land owners remain vulnerable to abuses by former collective farm managers and others who historically had held direct power over rural citizens throughout Ukraine. Numerous cases have been documented when small land owners entered into unreasonably long and unfavourably priced lease agreements in favour of the heads of former collective farms or big agro industrial businesses.

The creation of the transparent market for agricultural land is included into the Presidential Programme of Economic Reforms for 2010-2014. In 2010 the President of Ukraine stressed the need to lift moratorium and establish a full-fledged land market through the development of relevant new legislation. As per the Presidential Administration the moratorium on agricultural land sale may be cancelled earlier than 01 January 2012 in case of positive voting on two important draft laws - Law on Land Market and Law on State Land Cadastre to be considered by the Parliament in the autumn 2011.

Thus, during this transition period, the Legal Empowerment Project will fulfil two important interrelated functions: will engage with stakeholders to I enable landowners in rural areas to exercise their legal rights in the most economically beneficial way and will assist policy makers in land policy formulation by feeding in the information and lessons learnt into the upcoming land reform in Ukraine.

II. STRATEGY

The project objective is to ensure that all landowners know their rights and understand the economic benefit of land/property ownership to ensure they can enjoy fully the benefits of their property and land rights.

The Project will draw on the lessons learnt and the results achieved within the EU-UNDP Blue Ribbon Analytical and Advisory Centre project and the EU-UNDP Community-based Approach to Local Development project implemented through 2006 – 2011.

The project will use a three-pronged approach and will:

1) conduct a forward-looking and solution oriented assessment of legal needs - both addressed and unaddressed - to determine the most pressing legal problems faced by the rural low-income population and prepare recommendations on how best to address those needs;

- 2) promote dissemination of land and property rights related legal information amongst landowners and legal aid providers at community and village level. It will also inform and provide legal counselling to the population (rights holders) about existing options to either obtain land titles or/and profitably use them (such as different types of contractual clauses on lease market, types of lease agreements, different set of conditions etc.), in the context of current regulatory framework. It will also support the capacity of legal aid centres (duty bearers) to effectively respond to the needs and demands of the population;
- 3) use the findings of the Project to advocate for comprehensive, pro-poor land market and legislative reforms, , feeding the "voice of rural communities" into the ongoing policy debates in the area of land reform and rural development.

In the course of the project implementation the activities may have a different focus according to evolution of the policy and regulatory framework: in case of continuing moratorium on land sale, information and legal aid will be mostly targeted to protect landowners' rights in the context of lease agreements, in case of lifting the moratorium the project will provide comprehensive advice on new regulations to the landowners.

Project Activities:

The project will be structured as follows:

<u>Component 1 – Identification of up to 3 pilot regions (oblasts) based on up-to-date legal empowerment needs of poor farmers/landowners in Ukraine</u>.

This component entails the following activities:

- Participatory community-based assessment of the awareness and legal needs of small farmers/landowners (employing UNDP local development nation-wide network) and the existing capacity of the legal aid centres to provide services; desk research, consultation with national/local authorities and legal aid centers; data collection on most pressing issues with a particular focus on regional trends, gender and age disaggregation;
- Selection of up to 3 pilot regions (oblasts) for project implementation.

The selection of the pilot regions will be conducted in close consultation with the Ministry of Justice – Senior Beneficiary of the project. It will be based on two key criteria:

- (a) demand-driven and focused particularly on the needs in agrarian regions of Ukraine, and
- (b) existing capacity and infrastructure (e.g. availability of state legal advice centres ("gromadski pryjmalni"), cooperation with CSOs-based legal aid clinics, participation of local government and community, etc.).

Component 2 – Legal literacy campaign and legal aid.

The project will conduct a number of targeted community-based legal literacy campaigns on farmers/landowners property rights, and will offer support to state and non-state legal aid providers in establishing or strengthening of the legal aid services and facilitate creation of legal aid networks. It is envisaged to develop a number of handouts/guides for both land/property owners and legal services providers under this component.

The campaign will be conducted with and through the existing network of free legal aid centres of the Ministry of Justice, CSOs networks, community-based organizations, and as well as through regional media and accessible communication channels. The campaign's content and strategy as well as the modality of the support to legal aid networks will vary across the oblasts and rayons according to the needs identified during the assessment phase.

Component 3 - Documenting good practices and developing relevant policy recommendations

The project will document the achievements and existing challenges to be addressed in the field of land and property rights protection in Ukraine. The lessons and specific policy recommendations will be presented at the final Policy Advocacy Workshop, involving representatives of the national and regional level policy-makers and executives, representatives of Ministry of Justice, civil society, academia as well as the of the UNDP Regional Service Centre. Final recommendations of the Workshop will contribute to the national policy debate in Ukraine and will inform the formulation of the UNDP regional legal empowerment strategy.

000'09	65,000	30,000	10,000	10,000	10,000	5,000	8,000				300,000
72100 Contr services comp	71300 Local Consultants	71600 Travel	74200 Audio Visual&Print Prod Costs	71300 Local Consultants	72100 Contr services comp	74200 Audio Visual&Print Prod	Costs 74500 Miscellaneous Expenses				
:		UNDP						UNDP			
		UNDP						UNDP			
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	×	×	.,					-			
2. Legal advisory services network for	farmers/landowners established and operational in pilot regions	conduct a local pub awareness campaign land/property rights	b) provide support in establishing (if new) or strengthening (if existent) legal counselling services In line with the findings of the activity 1.1 in all the rayons	3. Good practices and	for further scale-up and feeding into the national	policy discourse and UNDP regional LEP strategy	a) document good practices and lessons learnt	b) based on lessons learnt develop policy	recommendations c) organize a policy advocacy workshop on the results and recommendations of the project with the	participation of the representatives of the national and local policy makers	
Indicators: 1) Number of rayons	Sul		iteracy campaign literacy campaign property/land rights; 4) Number of legal aid centers whose capacities are developed	5) Number of high-level advocacy event	d at evel	Targets:	 At least 5 per oblast At least 1,000 during the life of the project 	3) At least 1,000 of rural inhabitants	4) At least 20 per region (oblast)5) At least 1 high-level advocacy event organised	Related CP outcome: Access to justice and human	TOTAL

IV. MANAGEMENT ARRANGEMENTS

The Legal Empowerment of Poor Project shall be implemented through Direct Execution (DEX) modality. Providing UNDP with direct control over project inputs and resources, and the DEX modality will enhance the delivery of the output and cost-effective results, while ensuring national ownership and capacity development of national capacities/partners. The implementation of the Project will be underpinned by in-country presence of the UNDP Community-Based Approach (DEX) Project and supported by the UNDP country office management and operational capacities. The DEX modality will also create an enabling environment for seeking and applying innovative solutions and approaches, with some risk-taking and programmatic/operational experimentation.

The Project Board shall consist of the following roles:

- Executive role (UNDP) representing the project ownership to chair the group;
- Senior Supplier (UNDP) to provide guidance regarding the technical feasibility and implementation of the project;
- Senior Beneficiary role (Ministry of Justice) to ensure the realization of project benefits from the perspective of project beneficiaries.

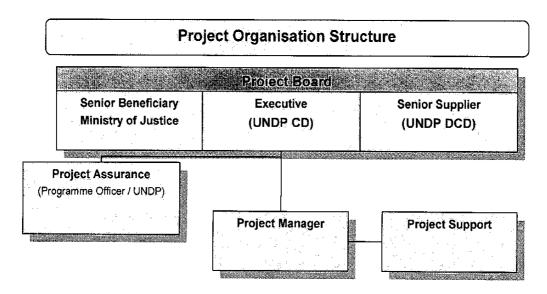
The Project Board shall be responsible for making management decisions on a consensus basis during project assurance reviews. These reviews will be made at designated decision points at least twice a year during the running of the project, and at any other times, as and when raised by the Project Manager (PM). The Project Board is consulted by the PM for decisions when project management tolerances, in terms of budget and time, have been exceeded.

Accountability for and final decision making on project activities rests with UNDP in accordance with its applicable regulations, rules, policies and procedures.

Project Assurance role to support the Project Board by carrying out objective and independent project oversight and monitoring functions shall be assumed by a UNDP Programme Manager.

Project Manager has the authority to run the project on a day-to-day basis on behalf of the Project Board within the constraints laid down by the Project Board. The PM's prime responsibility is to ensure that the project produces the results specified in the project document, to the requested standard of quality and within the specified constraints of time and cost. The PM will be hired through a transparent selection process in accordance with the UNDP rules and procedures.

Project Support role shall provide project administration and management support to PM as required by the needs of the project. This role shall be assumed by the Project Assistant.



V. MONITORING FRAMEWORK AND EVALUATION

In accordance with the programming policies and procedures outlined in the UNDP User Guide, the project will be monitored through the following:

Within the annual cycle

- > On a quarterly basis, a quality assessment shall record progress towards the completion of key results, based on quality criteria and methods captured in the Quality Management table below.
- An Issue Log shall be activated in Atlas and updated by the Project Manager to facilitate tracking and resolution of potential problems or requests for change.
- Based on the initial risk analysis submitted (see annex 1), a risk log shall be activated in Atlas and regularly updated by reviewing the external environment that may affect the project implementation.
- ➤ Based on the above information recorded in Atlas, a Quarterly Progress Reports (QPR) shall be submitted by the Project Manager to the Project Board through Project Assurance, using the standard report format available in the Executive Snapshot.
- a project Lesson-learned log shall be activated and regularly updated to ensure on-going learning and adaptation within the organization, and to facilitate the preparation of the Lessons-learned Report at the end of the project
- > a Monitoring Schedule Plan shall be activated in Atlas and updated to track key management actions/events

<u>Annually</u>

- Annual Review Report. An Annual Review Report shall be prepared by the Project Manager and shared with the Project Board and the Outcome Board. As minimum requirement, the Annual Review Report shall consist of the Atlas standard format for the QPR covering the whole year with updated information for each above element of the QPR as well as a summary of results achieved against pre-defined annual targets at the output level.
- Annual Project Review. Based on the above report, an annual project review shall be conducted during the fourth quarter of the year or soon after, to assess the performance of the project and appraise the Annual Work Plan (AWP) for the following year. In the last year, this review will be a final assessment. This review is driven by the Project Board and may involve other stakeholders as required. It shall focus on the extent to which progress is being made towards outputs, and that these remain aligned to appropriate outcomes.

In case a project evaluation is required, please indicate the justification and proposed timing for the evaluation. A project evaluation is required only when mandated by partnership protocols such as GEF. However, a project evaluation may be required due to the complexity or innovative aspects of the project.

Quality Management for Project Activity Results

Activity Result 1 (Atlas Activity ID)	3 pilot programme	regions selected	Start Date: 1 March 2011 End Date: 1 May 2011
Purpose		ts of Ukraine for project implementation s of the project results	<u> </u>
Description	property ar - complete o legal advice	eds assessment of the legal needs of the rod land verview of capacities of existing communit e (property and land) of regions taking into consideration a) and b	y organisations in the area of
Quality Criteria		Quality Method	Date of Assessment
how/with what indica activity result will be me	tors the quality of the casured?	Means of verification, what method will be used to determine if quality criteria has been met?	When will the assessment of quality be performed?
relevance and repre	sentativeness	The list of regions (oblasts) approved by the Project Board	1 May 2011
Activity Result 2		Legal advisory services established	Start Date: 1 May 2011
(Atlas Activity ID)		and operational in 3 regions	End Date: 1 January 2012
Purpose	legal counselling to rights	ent) and/or focus (if existing) the legal se the rural poor, especially in the area of	heir property and land
Description	- provide su	ocal public awareness campaign on land/proport in establishing (if new) or streng units in all the rayons	operty rights gthening (if existent) legal
	<u> </u>	Quality Method	Date of Assessment
Quality Criteria			
•	tors the quality of the assured?	Means of verification. what method will be used to determine if quality criteria has been met?	When will the assessment of quality be performed?
how/with what indica activity result will be me Relevance of the ser		Means of verification. what method will be used to determine if quality criteria has been	
how/with what indica activity result will be me Relevance of the ser beneficiaries (poor a rural areas)	vices provided to the	Means of verification. what method will be used to determine if quality criteria has been met? Interviews with the selected	
how/with what indica activity result will be me Relevance of the ser beneficiaries (poor a rural areas) Sustainability	vices provided to the	Means of verification. what method will be used to determine if quality criteria has been met? Interviews with the selected beneficiaries Interviews with the local authorities and community organisations Good practices/lessons learnt	
how/with what indica activity result will be me Relevance of the ser- beneficiaries (poor a rural areas) Sustainability	vices provided to the	Means of verification. what method will be used to determine if quality criteria has been met? Interviews with the selected beneficiaries Interviews with the local authorities and community organisations	quality be performed? Start Date: 1 January 2012
how/with what indica activity result will be me Relevance of the service beneficiaries (poor a	vices provided to the nd disadvantaged in	Means of verification. what method will be used to determine if quality criteria has been met? Interviews with the selected beneficiaries Interviews with the local authorities and community organisations Good practices/lessons learnt documented and disseminated	Start Date: 1 January 2012 End Date: 1 September 2012

participatio	n of the representatives of the national and	local policy makers
Quality Criteria	Quality Method	Date of Assessment
how/with what indicators the quality of the activity result will be measured?	Means of verification. what method will be used to determine if quality criteria has been met?	When will the assessment of quality be performed?
Relevance of the recommendations	Review of the project's knowledge products; Final project report	

VI. LEGAL CONTEXT

If the country has signed the <u>Standard Basic Assistance Agreement (SBAA)</u>, the following standard text must be quoted:

This project document shall be the instrument referred to as such in Article 1 of the SBAA between the Government of (country) and UNDP, signed on (date).

Consistent with the Article III of the Standard Basic Assistance Agreement, the responsibility for the safety and security of the executing agency and its personnel and property, and of UNDP's property in the executing agency's custody, rests with the implementing partner.

The executing agency 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 executing agency's security, and the full implementation of the security plan.

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.

The executing agency 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.

If the country has not signed the SBAA, the following standard text is quoted:

The project document shall be the instrument envisaged in the <u>Supplemental Provisions</u> to the Project Document, attached hereto.

Consistent with the above Supplemental Provisions, the responsibility for the safety and security of the executing agency and its personnel and property, and of UNDP's property in the executing agency's custody, rests with the executing agency.

The executing agency 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 executing agency's security, and the full implementation of the security plan.

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.

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provision must be included in all sub-contracts or sub-agreements entered into under this Project Document.

VII. ANNEXES

ANNEX 1: RISK ANALYSIS

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OFFLINE RISK LOG

Project Title: 1	egal Empow	Project Title: Legal Empowerment of Poor Project		Award ID:		Date:		
Description	Date	Type	Impact &	Countermeasures	Owner	Submitted	Last	Status
	Identified		Probability	/ Mngt response		, updated	Update	
						by		
Changing political environment and	February 2011	Environmental	Enter probability on a scale from 1 (low) to 5	Continuous monitoring of the	Project Manager	YS	February 2011	no
priorities at the national and local levels,		(In Atlas, select from list)		political environment) n 1		- - - - -	, n
undermining the implementation of the project	(In Atlas, select date. Note: date cannot be modified after initial entry)		Enter impact on a scale from 1 (low) to 5 (high) 1 = 3 (in Atlas, use the Management Response box. Check "critical" if the impact and probability are high)	(in Atlas, use the Management Response box. This field can be modified at any time. Create separate boxes as necessary using "+", for instance to record updates at different	(in Atlas, use the Managemen t Response box)	(In Atlas, automatical) y recorded)	(In Atlas, automaticall y recorded)	(in Atlas, use the Manage ment Response box)
				times)				
Challenges in identifying committed and reliable local partners	February 2011	Operational	P = 2 I = 4	Engagement with the CBA project staff to identify reliable and strong local partners	Project Manager	X-S		

2.

ANNEX 2: ToRs

Job Description for National Project Manager

Organisational setting

The Project Manager (PM), under supervision of the UNDP Programme Officer, will be responsible for achieving the outputs and, hence, objectives of the project, and ensuring the co-operation and support from the project partners.

The PM will be responsible for managing the implementation of the project, which includes personnel, subcontracts, training, equipment, administrative support and financial reporting, and keeping UNDP aware of all relevant factors which could impact on project implementation.

Job content

The specific responsibilities of the NPM will be to:

- 1. Set up and manage the project office, including staff facilities and services, in accordance with the project work plan;
- 2. Prepare and update project work plans, and submit these to the UNDP CO for clearance and ensure their implementation consistent with the provisions of the project document.
- 3. Act as a principal representative of the project during assurance review meetings, evaluations and in discussions and, hence, be responsible for preparation of review and evaluation reports such as the Annual Project Report (APR) for the consideration of the UNDP.
- 4. Ensure the timely mobilization and utilization of project personnel, subcontracts, training and equipment inputs:
- 5. Assume direct responsibility for managing the project budget, ensuring that:
 - a) project funds are made available when needed, and are disbursed properly;
 - b) accounting records and supporting documents are kept;
 - c) required financial reports are prepared;
 - d) financial operations are transparent and financial procedures/regulations for NEX projects are applied; and
 - e) the project is ready to stand up to audit at any time.
- 6. Assure proper operational, financial and administrative management in the project, as well as adherence to all UNDP rules and procedures;
- 7. Monitor project inventory, attendance records, filling system. Assure correct personnel management and procurement of goods/services;
- 8. Lead project team and provide professional opinions in areas of expertise.
- 9. Coordinate program's objectives and activities with other local partners, assuring the projects are efficiently integrated with other development efforts;
- 10. Report regularly to and keeps the UNDP CO up-to-date on project progress and problems, if any.

- 11. Participate in PR and media activities. Assure project web-site update. Coordinate distribution of the project related information.
- 12. Establish and maintain dialogue with government officials, both local and national, NGOs, partners, donors and communities to provide knowledge and understanding, ensuring an accurate interpretation of the project's mission;
- 13. Perform others coordinating tasks as appropriate for the successful implementation of the project in accordance with the project document.

Qualifications

Education:

University degree in business administration, law, political science, development studies, or other relevant field

Experience:

At least 5 years work experience in project management (including in public

administration), law and development, or other relevant area;

Demonstrated management experience and organizational capacity;

Previous experience/familiarity with UNDP (or other international development

organization) an asset.

Skills:

Good analytical skill

Good interpersonal and communication skills

Good computer skill

Strong organizational and time management skills,

Language:

Excellent communication in writing and speaking, both Ukrainian and English

Job Description for Project Assistant

Organizational setting

The Project Assistant will work under the direct supervision of the Project Manager and provide assistance to project implementation in the mobilization of inputs, the organization of project activities, financial management and reporting.

Job content

The Project Assistant will be responsible of the following duties:

- Prepare all payment requests, financial record-keeping and preparation of financial reports required in line with DEX financial rules and procedures
- Assistance to the recruitment and procurement processes, checking the conformity with UNDP rules and procedures
- Assistance to the organization of project activities, ensuring logistical arrangements
- Preparation of internal and external travel arrangements for project personnel
- Maintenance of equipment ledgers and other data base for the project
- Routine translation/interpretation during projects meetings and drafting of correspondence as required
- Act as a Petty Cash custodian
- Maintain project filing
- Other duties which may be required

Qualifications

Education:

University degree in business administration, finance or accounting

Experience:

At least three years of administrative experience

Previous experience/familiarity with UNDP (or other international development

organization) is a strong asset

Skills:

Good organizational skills

Good computer skills, including spread-sheets, work planning and database

Languages:

Excellent communication in writing and speaking Ukrainian/Russian

Working knowledge of English