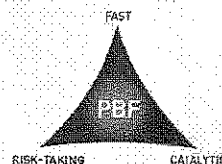


IRF – PROJECT DOCUMENT

TEMPLATE 2.1



United Nations Peacebuilding Support Office (PBSO)/ Peacebuilding Fund (PBF)

Project Title: Somalia Joint Rule of Law Programme – Justice and Corrections support	Recipient UN Organization(s): UNDP, UNICEF, UNOPS, UNODC. <i>(IOM and UN WOMEN will receive funds through inter-agency agreements).</i>	
Project Contact: Franco Sanchez Address: Rule of Law and Security Institutions Group (ROLSIG) United Nations Development Programme (UNDP) Mogadishu, Somalia Telephone: cell: +252 (0) 699 390 295 Somalia +252 (0) 619 988 109 Somalia E-mail: franco.sanchez@undp.org	Implementing Partner(s) – name & type (Government, CSO, etc): <i>Recipient UN Organizations:</i> <ul style="list-style-type: none"> • UNDP • UNICEF • UNOPS • UNODC <i>Implementing Partners:</i> <ul style="list-style-type: none"> • Ministry of Justice • Supreme Court 	Project Location: Somalia
Project Description: <i>One sentence describing the project's scope and focus.</i> The Somalia Joint Rule of Law Programme aims at enhancing capacity of Somalia's Rule of Law System through targeted support for the justice and corrections institutions to ensure that areas components to cater to the needs of all, and especially vulnerable groups.	Total Project Cost: \$29,829,011 Peacebuilding Fund: \$2,143,821 Government Contribution: in kind Other: Other: \$20,000,000 have been pledged by donors to the Somalia UN MPF	
Gender Marker Score²: 2 <i>Score 3 for projects that have gender equality as a principal objective.</i> <i>Score 2 for projects that have gender equality as a significant objective.</i> <i>Score 1 for projects that will contribute in some way to gender equality, but not significantly.</i> <i>Score 0 for projects that are not expected to contribute noticeably to gender equality.</i>		
Proposed Project Start Date: 1.07.2015 Proposed Project End Date: 31.12.2015 Total duration (in months)¹: 6 months* <i>(*PBF components)</i>		

¹ The maximum duration of an IRF project is 18 months.

² PBSO monitors the inclusion of gender equality and women's empowerment all PBF projects, in line with SC Resolutions 1325, 1888, 1889, 1960 and 2122, and as mandated by the Secretary-General in his Seven-Point Action Plan on Gender Responsive Peacebuilding.

Project Outcomes:

This IRF proposal will aim to contribute to outcome 1 of the Somalia Joint Rule of Law Programme and will focus on four out of five of its sub-outcomes (cf. IRF and Joint RoL RFs respectively in Annex B and C):

- Outcome 1 (Sub-Outcome 1.1): Key Justice Sector Institutions and departments that are capable of taking on their responsibilities have been established at the Federal and Puntland level by the end of the project
- Outcome 2 (Sub-Outcome 1.2): Enhanced capacity of the justice system stakeholders to operate effectively, through further professionalization of laws, policies and procedures, improved facilities and enhanced knowledge management
- Outcome 3 (Sub-Outcome 1.3): Increased capacity of the corrections system to safeguard the rights of detainees and operate effectively and in accordance with national and international standards through targeted activities to enhance facilities, rehabilitation possibilities, management systems and staff training.
- Outcome 4 (Sub-Outcome 1.5): Overall functioning of the Justice Sector enhanced through increased access to justice, improved legal education and awareness as well as the establishment of a functioning youth justice system

PBF Focus Areas³ which best summarizes the focus of the project: 1.2 Rule of Law

³ PBF Focus Areas are:

1: Support the implementation of peace agreements and political dialogue (Priority Area 1):

(1.1) SSR; (1.2) RoL; (1.3) DDR; (1.4) Political Dialogue;

2: Promote coexistence and peaceful resolution of conflicts (Priority Area 2):

(2.1) National reconciliation; (2.2) Democratic Governance; (2.3) Conflict prevention/management;







3: Revitalize the economy and generate immediate peace dividends (Priority Area 3):

(3.1) Employment; (3.2) Equitable access to social services

4) (Re)-establish essential administrative services (Priority Area 4)

(4.1) Strengthening of essential national state capacity; (4.2) extension of state authority/local administration; (4.3) Governance of peacebuilding resources (including JSC/ PBF Secretariats)

IRF PROJECT DOCUMENT

(for IRF-funded projects)	
Recipient UN Organization(s)⁴  Georges Conway Country Director UNDP Date & Seal	Representative of National Authorities H.E. Abdullahi Ahmed Jama Minister of Justice Federal Government of Somalia Date & Seal
Recipient UN Organization(s)  Steven Lauwerier Head UNICEF Somalia Date & Seal	Recipient UN Organization(s)  Rainer Frauenfeld Head UNOPS Somalia Date & Seal
Recipient UN Organization(s)  Jose Vila Head UNODC Date & Seal 21/8/15	Deputy Special Representative of the Secretary General (SRSG)  Peter de Clercq DSRSG, RC, HC Mogadishu, Somalia Date & Seal 21/8/2015
Peacebuilding Support Office (PBSO)  Oscar Fernandez-Taranco Assistant Secretary-General Peacebuilding Support Peacebuilding Support Office, UN, New York Date & Seal 27-8-15	

⁴ Please include signature block for each RUNO receiving funds under this IRF.

Table of contents:

I. Peacebuilding Context and Rationale for PBF support

- a) Peacebuilding context
 - i. Statement of the problem
 - ii. Critical current needs
 - iii. Peacebuilding strategies
- b) Mapping of existing peacebuilding activities and gaps
- c) Rationale for this IRF and project strategy

II. Objectives of PBF support and proposed implementation

- a) Project outcomes, theory of change, activities, targets and sequencing
- b) Budget
- c) Capacity of RUNO(s) and implementing partners

III. Management and coordination

- a) Project management
- b) Risk management
- c) Monitoring and evaluation
- d) Administrative arrangements (standard wording)

Annex A: Project Summary (to be submitted as a word document to MPTF-Office)

Annex B: Project Results Framework

Annex C: Somalia Joint Rule of Law Results Framework

Annex D: Somalia Joint Rule of Law Justice and Corrections Work Plan

Annex E: Somalia Joint Rule of Law Programme Programme Document

Annex F: FGS - Structure of the Justice Sector Action Plan

Annex G: Sequencing/Prioritization Somalia Joint Rule of Law Programme 2015-2016

Annex H: Letter of Agreement Template for non-UN implementing partners

United Nations Nations Unies

OFFICE OF THE DEPUTY SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL,
RESIDENT AND HUMANITARIAN COORDINATOR FOR SOMALIA

DATE: 10 August 2015
REFERENCE: RCHC/LT/015/051

Oscar
Dear Mr Fernández-Taranco,

In support of the two funding proposals to the Immediate Response Facility (IRF) of the Peacebuilding Fund, one to co-fund the *Somalia Joint Rule of Law Programme* and the other for the *Baidoa Rehabilitation Project*, please find enclosed the signature page of the Joint Rule of Law Programme document, which is co-funded through the UN Multi-Partner Trust Fund for Somalia (UN MPTF). This document attests to an endorsement by the Federal Government of Somalia for both programmes.

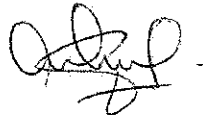
The UN MPTF is the mechanism through which donors channel their funding for UN programmes that have been endorsed by the Steering Committee of the Somalia Development and Reconstruction Facility (SDRF). In August 2014, the Committee endorsed the Joint Rule of Law Programme in principle. It approved the full programme document, covering both sets of activities contained in the aforementioned IRF proposals, in March 2015. This culminated in a signing ceremony held in Mogadishu on 17 June 2015, in the presence of the Minister of Justice, H.E. Abdullahi Ahmed Jama, the heads of UN implementing agencies (FAO, ILO, UNDP, UN-Habitat, UNICEF, UNODC, UNOPS, UNSOM and UN Women), and my predecessor, DSRSG Philippe Lazzarini, each of whom signed the programme document.

I am pleased that the Peacebuilding Fund is considering support to these two rule of law interventions in Somalia, a sector that is the cornerstone for our collective efforts to rebuild peace and foster stability. Both programmes are key components of UN support to Peacebuilding and State-building Goals 2 and 3 (on security and justice, respectively), of the New Deal Compact for Somalia.

I look forward to a positive response from the Peacebuilding Fund. In the meantime, my office is available to answer questions on either funding proposal.

Yours sincerely,

*With my
Kind Regards*



Peter de Clercq

Deputy Special Representative of the Secretary-General
Resident and Humanitarian Coordinator for Somalia

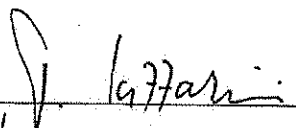

Mr Oscar Fernández-Taranco
Assistant Secretary-General for Peacebuilding Support



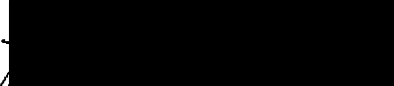
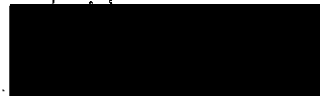

Short description of the Somalia Joint Rule of Law Programme

The Somalia Joint Rule of Law Programme is designed to support the Federal Government of Somalia (FGS) in achieving the Somali Compact Peace-building and State-building Goals (PSGs) 2 Security (Policing component) and 3 Justice. The Programme is founded on the Somalia Rule of Law Programme Priorities which were developed by the PSG 2 and 3 Working Groups and endorsed by the Somali Development and Reconstruction Facility (SDRF) Steering Committee on 31 August 2014 as a thematic priority for part of the initial funding pipeline for the UN Multi Partner Trust Fund (UN MPTF). The Programme adopts the thematic approach of rule of law support to police, justice and corrections and builds on previous support provided to rule of law, including the ongoing support to the payment of police stipends. In accordance with the United Nations Somalia Integrated Strategic Framework 2014 – 2016 signed on 29 October 2014 the programme also represents a joint approach by the United Nations Mission in Somalia (UNSOM) and the UN Country Team to strengthen collaboration, focus and coherence to support the implementation of the Somalia Rule of Law Programme Priorities. There Programme involves nine UN partners, four participating UN Agencies in the Programme directly receiving funds (UNDP, UNICEF, UNODC, UNOPS); UNSOM involved in joint implementation and management, and joint implementation for specific activities (UNWOMEN, IOM, UNFPA and UN-HCR). In accordance with the Compact's Special Arrangement for Somaliland separate work-plans for Police and Justice & Corrections and the associated results framework are included.

Programme Duration: 18 months Start Date: 1 July 2015 End Date: 31 December 2016	Total amount: USD 66,716,763 (Including stipends) Sources of funding: 1. Somalia UN MPTF USD 39,751,700
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Names and signatures of national counterparts and Participating UN Organizations

Participating UN Organizations:	National Coordinating Authorities:
UN Philippe Lazzarini, Deputy SRSG / UN Resident Coordinator / UNDP Resident Representative Signature:  Date and Seal: 17/06/15	Ministry of Justice Abdullahi Ahmed Jama, Minister Signature:  Date and Seal: 17/06/015

<p>UNSOM <i>Raisedon Zenenga, Deputy SRSG</i></p> <p></p> <p>Signature: _____ Date and Seal: _____</p> <p>17/6/2015</p>	<p>Ministry of Internal Security <i>Abdirisak Omar Mohamed, Minister</i></p> <p></p> <p>Signature: _____ Date and Seal: _____</p> <p>17/06/2015</p>
<p>UNICEF <i>Steven Lauwerier, Representative</i></p> <p></p> <p>Signature: _____ Date and Seal: _____</p> <p>2/7/2015</p>	
<p>UNODC <i>José Vila del Castillo, Regional Representative</i></p> <p></p> <p>Signature: _____ Date and Seal: _____</p> <p>2/7/15</p>	
<p>UNOPS <i>Rainer Frauenfeld, Director</i></p> <p></p> <p>Signature: _____ Date and Seal: _____</p> <p>17/6/15</p>	

PROJECT COMPONENTS:

I. Peacebuilding Context and Rationale for PBF support

a) Peacebuilding context:

i. *Statement of the problem:*

After 20 years of civil war, Somalia remains in the grip of a major human security crisis, where violence and widespread poverty threaten the lives and well-being of its population. Building the rule of law, including strengthening the justice sector institutions, is an essential step in rebuilding the Somali state and re-establishing peace and security in the country. In 2012, with the establishment of permanent political institutions and important military offensives, Somalia entered into a new period of opportunity for peace. The Federal Government of Somalia (FGS) was established, built through national dialogue and consensus, and unanimously recognised by the international community with President Mr Hassan Sheikh Mohamud elected. Somalia faces significant challenge of simultaneously building frameworks and institutions, whilst needing to immediately deliver tangible benefits to the Somali people. September 2013 marked the beginning of a new partnership between Somalia and its international partners, with the endorsement of the Somali Compact. The Compact established a partnership based on mutual accountability and shared risk and responsibilities, between the Federal Government, Parliament, regions and people of Somalia, and international partners. The Somali Compact highlights the importance of Somali owned and Somali led planning based on joint priorities, reached through dialogue, and sustained through reconciliation.

The success of the FGS, assisted by the international community, in combating and defeating terrorism and armed militias has produced new and pressing justice needs that need to be tackled immediately. Success on the battlefield and in the fight against terrorism has led to a sharp increase in the number of detainees held by the armed forces of Somalia and its international partners, the African Union Mission. Somalia's justice system is not capable of addressing the legality of these detentions, or of providing fair and speedy trials for the detainees. Military courts have filled this vacuum without meeting the basic requirements and standards of a fair trial required under the Provisional Constitution. There is a growing number of suspects detained by the armed forces whose detentions have not been reviewed by any tribunal at all. Building justice institutions and procedures that can handle this new and pressing challenge is a high priority in the country's return to peace and stability.

The civil war and the successful counter insurgency have also displaced a large number of people who are now living in camps set up to house internally displaced people. Without access to an effective state justice system, internally displaced people are particularly vulnerable to violence, human rights violations and insecurity. The political instability and the ongoing armed conflict have weakened the rule of law, whether it be through formal, Sharia'a or traditional courts, which negatively impacts the lives of the population with particular repercussions for vulnerable groups, including women and children and those displaced who are often not able to afforded basic physical and legal protection.

The absence of an effective justice system has disproportionately affected marginalized and vulnerable groups, in particular women and children, who have suffered violations of their rights. Sexual violence and the violations of the rights of children, for instance by detaining them alongside adults, remain unaddressed by the justice system. In rural areas, where there has not been any functioning justice institution for many years, the absence of formal courts and the challenges of distance has meant that the state's legal and security apparatus has remained largely absent or if present then unaccountable. In these remote rural parts of Somalia the rule of law has been delivered by the traditional justice system, based on the customary law "*Xeer*", and religious justice system, based on the Sharia'a law. Both of these are subject to the interpretation, most commonly of the male elders

who are there custodians, and verdicts are often therefore male biased. For instance under the *Xeer* system, compensation for the murder of a man is worth 100 camels, while for a woman it is only 50 camels.

Justice is an intrinsic part of stability, security and peace. Justice also provides the foundation for the development and alleviation of poverty because an effective and functioning justice system empowers the poor by protecting them against crimes and violence, provides them legal gateways to enforce their rights, and to holding state institutions accountable. The continued corruption, impunity and lack of Government activity to curb gross human rights violations are negatively impacting Somalis in a number of ways: crimes and violence cause injuries, death and loss of property, and persecution and discrimination allows more powerful groups and individuals to mistreat vulnerable groups, such as women and children.

Somalia is in need of new and credible Justice Institutions and bodies that are legally or constitutionally charged with the administration and delivery of justice. Presently, the most important institutions for the delivery of justice are the Judiciary, the Bar Association, the Attorney General's Office and the Ministry of Justice, in particular its corrections' service. Other justice institutions are constitutionally mandated but have not been created as of yet.

The United Nations in Somalia has made efforts to establish independent and accountable justice institutions capable of addressing the justice needs of the people of Somalia. Up until now, these efforts have primarily focused on institutional strengthening at the Federal Level. A number of priority laws have been reviewed and passed by parliament, capacity support was provided to key justice institutions and the provision of legal aid to citizens increased. Somalia continues faces tremendous challenges in the Justice and Corrections sector, at all levels and particularly in the regions. The UN Joint Rule of Law Programme aims to tackle the highest priorities identified by the FGS in the Justice Sector Action Plan, and reflected in the New Deal Compact and Integrated Strategic Framework. This IRF proposal focuses on the priority activities set to be implemented over the next six months.

ii. Critical current needs:

One of the top priorities identified by the FGS is the need to re-establish the rule of law in Somalia. The justice and corrections sector in particular is unable to realize and protect the rights and needs of Somali citizens and provide services to the population, particularly vulnerable groups. This in turn is hampering efforts to create the "social contract" and further develop conditions for the establishment of a viable Somali State based on the Rule of Law.

The FGS has limited institutional capacity to ensure the provision of basic security and justice services in general, and particularly few resources outside of Mogadishu. This is due among others to the lack of fully functioning human resources and financial systems exacerbated by the low number of trained and equipped police, judicial and corrections staff, weak or inexistent oversight bodies as well inadequate police, justice and prisons infrastructures. Additionally, continued corruption and impunity and the absence of institutions in remote areas make it very difficult for the State to assert its authority over the country.

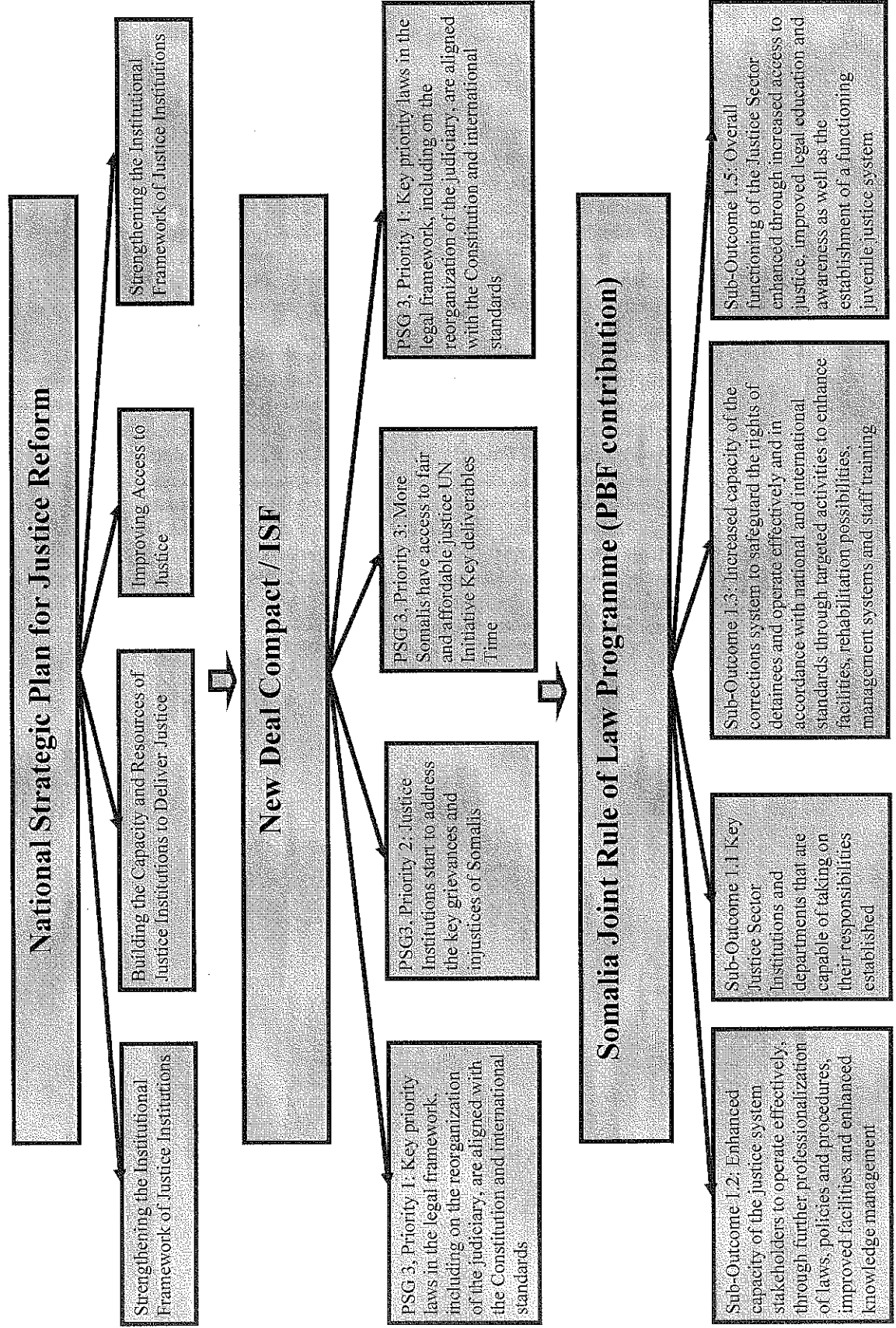
The specific problems to be addressed are the following:

1. Key institutions at federal level like the Judicial Service Commission, the Judicial Training Centre, the Anti-Corruption Commission and the Independent Human Rights Commission, which are critical to the establishment of an independent and accountable judiciary have not been established yet. Other departments within the Ministry of Justice at Federal level (JISU, PLDU, and Traditional Justice Unit) or organizations such as the Bar Association in

Mogadishu have been established and are functioning. However, they still lack the organizational, technical and operational capacities to function efficiently.

2. Courts, Attorney General Offices in Banadir region, IJA and ISWA are lacking the basic equipment and infrastructure to be able to function. Additionally, it is very difficult for the population living outside the regional centres to have access to court and judicial services do not have the capacities to reach out to the remote areas. There are some gaps in the legal framework. Most of the laws date back to the sixties and need to be revised. Traditional justice mechanisms function in isolation from the formal justice system without any oversight. Customary and traditional laws often fail to protect the human rights of members of minority groups, women and children, including survivors of sexual abuse, perpetuating injustices that can lead to further grievances and possibly revenge crimes.
3. Additionally, judges, prosecutors, traditional justice actors and lawyers as well as legal service providers at the federal and regional levels (IJA, ISWA and Puntland) do not have sufficient technical capacities. Consequently, the criminal justice chain is not functioning effectively which is negatively impacting on the stabilization process at the sub-national level.
4. Prison infrastructures in Mogadishu, Kismayo and Baidoa are dilapidated and do not comply with international standards related to the treatment of prisoners nor offer adequate security. The custodial corps in Mogadishu, Kismayo, Baidoa lack sufficient organizational and technical capacities. No efficient prison management system is in place.
5. The population in Mogadishu, IJA, ISWA and Puntland does not have access to legal aid as no legal aid system exists. Additionally, the population is not aware of its rights nor the legal remedies available and risk reverting to violence to solve conflict thus endangering the stabilization efforts. Victims and witnesses do not benefit from measures of protection that enable them to testify without fear of reprisals and make it difficult for perpetrators to be brought to justice and thus fight impunity. This contributes to deep-seated mistrust in the state and can foster instability, particularly where there has also been a breakdown in traditional or customary justice.

iii. *Peacebuilding strategies*



The Somali Compact lays out five Peace-building and State-building Goals (PSGs) which focus on 1) inclusive political processes, 2) security, 3) justice, 4) economic foundation and 5) revenue and services. The Somalia Joint Rule of Law Programme contributes to Somalia's national priorities and is engaged at national and sub-national levels identified under PSG 2 and PSG 3.

The Somali Compact 2014-2016, and the UN's contribution to it outlined in the Integrated Strategic Framework, as well as the FGS National Strategic Plan for Justice Reform 2013-2015 aim to address the aforementioned issues.

- **FGS National Strategic Plan for Justice Reform**

The FGS developed a two-year National Strategic Plan for Justice Reform lays out a number of urgent actions to address the most pressing justice needs of the people in order to start the building of the foundations of a justice system that is sustainable and effective.

- **Somalia Joint Rule of Law Programme**

The Somalia Joint Rule of Law Programme is designed to support the Federal Government of Somalia (FGS) in achieving the Somali Compact Peace-building and State-building Goals (PSGs) - PSG 2 - Security (Policing component) and PSG 3 - Justice. This IRF proposal aims at funding parts of the justice and corrections component of the Somalia Rule of Law Programme Priorities which were developed by the PSG 3 Working Groups and endorsed by the Somali Development and Reconstruction Facility (SDRF) Steering Committee on 31 August 2014 as a thematic priority for part of the initial funding pipeline for the UN Multi Partner Trust Fund (UN MPTF). The programme adopts the thematic approach of rule of law for support to the criminal justice chain and the police, justice and corrections sectors and builds on previous support provided to rule of law, and in particular the progress already under the Somali Compact as reported by PSG 2 and 3 Working Groups and discussed in Copenhagen in November 2014.

- **UN Integrated Strategic Framework (ISF) 2014 – 2016**, signed on 29 October 2014, the Programme represents a joint approach by the United Nations Mission in Somalia (UNSOM) and the UN Country Team to strengthen collaboration, focus and coherence to support the implementation of the Somalia Joint Rule of Law Programme Priorities. In this regard, the ISF responds to the needs in this area. In accordance with the UN's commitment to the New Deal principle of "One Vision, One Plan," the ISF mirrors the Somalia Compact, and sets out the UN's contribution to each of the five PSGs and cross cutting issues. It is also the basis for the programmatic development of UN interventions in Somalia, and represents the UN's programme pipeline for the UN Somalia Multi Partner Trust Fund (MPTF) based on the UN's strategic comparative advantages: UNSOM's presence in Mogadishu and increasingly throughout the country (supported by UNSOA's logistical capability); UNSOM's mandate to help the FGS coordinate international assistance; and a long history of direct and ongoing programmatic engagement by AFPs. Human rights and gender are mainstreamed throughout the Results Framework.

b) Mapping of existing peacebuilding activities and gaps:

The Somalia Rule of Law Programme draws on piloted projects including the "bridging" UNDP Access to Justice and Civilian Police (include funding and coverage here) projects as well as other UNDP led bridging projects which supported the implementation of activities throughout Year 1 of the Compact.

Overall objective

Enhancing capacity of Somalia's Rule of Law System to cater to the specific needs of All, and especially vulnerable groups

Outcomes per WP

Justice and Corrections WP:
Establish independent and accountable justice institutions capable of addressing the needs of the people of Somalia by delivering justice for all

Police WP:
Establish unified, capable, accountable and rights-based Somali Police Force providing safety and order for all the people in Somalia

Sub-outcomes

Key Justice Sector Institutions and departments capable of taking on their responsibilities established

A baseline Somali Police Force is built to preserve stability and order through custom and institutional rule of law: Police Capability – the human and physical capabilities of police are shaped to support the needs of the

Enhanced capacity of the justice system stakeholders to operate effectively, through further professionalization of laws, policies and procedures, improved facilities and enhanced knowledge management

A baseline Somali Police Force is built to preserve stability and order through custom and institutional rule of law: Police Reform – the conduct, behavior and values of police are shaped to support the needs of the people

PBF funded Sub-outcomes

Increased capacity of the corrections system to safeguard the rights of detainees and operate effectively and in accordance with national and international standards through targeted activities to enhance facilities, rehabilitation possibilities, management systems and staff training

Oversight and accountability mechanisms for Justice stakeholders developed and strengthened

Overall functioning of the Justice Sector enhanced through increased access to justice, improved legal education and awareness as well as the establishment of a functioning youth justice system

The different ongoing and planned interventions in the Rule of Law sector providing support to Justice and Corrections in Somalia are listed in the table below. Through this IRF proposal, the PBF would contribute to four out of five of the sub-outcomes of the Justice and Corrections activities that form part of the larger Somalia Joint Rule of Law Programme which is partially funded through the UN Multi-Partner Trust Fund for Somalia. A pilot project for the rehabilitation of high risk Al-Shabab detainees in Baidoa prison is also being proposed to the PBF. Besides the UN, only the International Development Law Organization and the Somalia Stabilization Fund are supporting the FGS and some state and interim regional administrations with small scale interventions to build the capacity of the Ministry of Justice and rehabilitate a few police stations.

Table 1 – Mapping of peacebuilding activities and gaps

Project outcome	Source of funding (Government / development partner)	Key Projects/ Activities	Duration of projects/activities	Budget in \$	Description of major gaps in the Outcome Area, programmatic or financial
PSG 3 : Establish independent and accountable justice institutions capable of addressing the justice needs of the people of Somalia by delivering justice for all	UN MPTF Somalia	Sub-Outcome 1.1: Key justice sector institutions and departments that are capable of taking their responsibilities are established	(UN RoL) July 2015 to December 2016	2,313,476 USD	Some of the activities of this sub-outcome of the Joint RoL Programme are still unfunded namely the organization of consultations on the judicial structure within the constitutional review process, provision and logistics support to the Judicial Service Commission, technical support to the Bar association, technical support for the review of key laws, technical support to the traditional dispute resolution mechanisms (development of clear policy and training of traditional justice actors)
	UN MPTF Somalia	Sub-Outcome 1.2: Enhanced capacity of the justice system stakeholders to operate effectively, through further professionalization of laws, policies and procedures, improved facilities and enhanced knowledge management	(UN RoL) July 2015 to December 2016	6,106,258 USD	The following activities of this outcome are unfunded: Inventory of infrastructure assets of the judiciary as well as the MOJ, provision of basic transportation assistance for judges, prosecutors and MOJ staff, provision of basic equipment and logistics for AGO offices in the regions, part of the operational, equipment and logistics support to mobile courts, part of the provision of health and psychosocial assistance to beneficiaries of mobile courts, training of mobile court actors, newly appointed judges and prosecutors development and implementation of a court protection strategy, Support establishment of a plan and protocol for setting up offices in newly recovered areas, financial support to legal interns in

					judicial institution and scholarship for law students
	UN MPTF Somalia	Sub-Outcome 1.3: Increased capacity of the corrections system to safeguard the rights of detainees and operate effectively and in accordance with national and international standards through targeted activities to enhance facilities, rehabilitation possibilities, management systems and staff training	(UN RoL) July 2015 to December 2016	1,709,400 USD	Gaps in the funding of the following activities have been identified: Equipment to corrections services, establishment of registration services
	UNMPTF Somalia	Sub-outcome 1.4: Oversight and accountability mechanisms for Justice stakeholders developed and strengthened	(UN RoL) July 2015 to December 2016	366,000 USD	No gap. This sub-outcome is fully funded.
	UN MPTF Somalia	Sub-Outcome 1.5: Enhanced overall functioning of the Justice Sector through increased access to justice, improved legal education and awareness as well as the establishment of a functioning youth justice system	(UN RoL) July 2015 to December 2016	2,479,692 USD	The following funding gaps have been identified: capacity assessment of the MOJ in the field of legal awareness, support to NGOs to raise legal awareness,
	UN PBF (IRF)	Providing ideological rehabilitation for AS prisoners in Baidoa (ISWA) in order to promote disengagement/de-radicalization and facilitate reintegration into the community.	N/A	N/A	There are no other partners working on supporting the de-radicalization of convicted AS prisoners at the moment in ISWA. This is a clear programmatic and funding gap under PSG 3.
	(International Development Law Organization)	<ul style="list-style-type: none"> Supporting the Ministry of Justice to design and implement the Justice Action Plan which was presented at the London conference in 2013. Conference on linking the formal and informal (Xeer) justice system 	N/A	N/A	IDLO are supporting the Ministry of Justice through sporadic, ad hoc interventions. They have no presence in Somalia and their interventions are not sector wide, structured and not on the same scale as the Somalia Joint Rule of Law Programme.
	Somalia Stability Fund	<ul style="list-style-type: none"> Build police stations Rehabilitation of court houses in South Central Study on local justice/xeer/formal justice integration 	N/A	N/A	Working only in Puntland complementing the strategy of the UN in Puntland and South Central

c) Rationale for this IRF and project strategy:

This IRF proposal responds to one of the two the strategic objectives of the Somalia Joint Rule of Law Programme articulated within the Somali Compact, namely: PSG 3 “Establishing independent and accountable justice institutions capable of addressing the justice needs of the people of Somalia by delivering justice for all, and the critical needs identified in the ISF”. In this regard, the Rule of Law Programme’s Justice and Corrections component responds to the FGS Action Plan for the Justice Sector and aims to help deliver urgent actions to address the most pressing justice needs identified in Section I) a) ii). Its actions address immediate justice needs in order to start building the foundations of a justice system that is sustainable and effective.

With PBF financial contribution, the project would be able to implement the activities listed under the results framework in Annex B within the first six months of the programme complementing other activities agreed in the results framework of the Joint Rule of Law Programme as shown in the overall Joint Programme Work Plan in Annex D. The PBF funded activities aim at strengthening national capacity and also supporting the establishment of relevant institutions from scratch (including the recently established Judicial Service Commission which is yet to become fully operational). The responsibility to implement of the planned activities lie with the UN. The Ministry of Justice and the Supreme Court receive direct capacity building support and will be responsible for developing and carrying out the new policies, laws and legal reforms in accordance with the New Deal Compact. While the Recipient UN Organizations are the main implementing agencies, participatory approaches and on the job coaching will ensure national counterparts take ownership of and are a key part of the realization of the planned activities.

[Why and what] As a fast and catalytic instrument, the PBF is considered the right mechanism to fund activities of the justice and corrections sector because it provides the right combination of a rapid response mechanism that can support the re-establishment of the rule of law as a fundamental pillar of a state formation process in fragile state like Somalia. Within the framework of the New Deal Compact for Somalia 2014-2016, 2015 is the midway point and therefore a pivotal year for the Somali population to start seeing tangible benefits of the international assistance pledged by donors and delivered by their new State in the making. The Somali State has, indeed, to quickly demonstrate its capacity to provide effective and accountable justice for all its citizens if it is to succeed in establishing its legitimacy. Somali citizens need to rebuild trust in each other and in their institutions if they are to rekindle the basis of their social contract as a nation.

[Catalytic effect] The SDRF Steering Committee (SC) approved the Somalia Joint Rule of Law Programme on May 7th and the project was signed by the FGS on June 17th 2015. The original funding request that was submitted to the SDRF SC was only partially funded however. This has left key areas of the justice and corrections outcome of the joint programme without financial provisions. The joint programme was designed as part of a comprehensive and participatory process with the federal and sub-federal authorities. The PBF can provide the catalytic financial support needed to kick start the implementation key activities without which the Somalia Joint Rule of Law Programme would not be able to respond to the clear and urgent needs for capacity building, technical assistance, and infrastructure and equipment provision across the Ministry of Justice as well as key justice and corrections institutions at the Federal, Puntland, IJA and ISWA levels. The IRF support from the PBF would provide strategic and timely leverage for the justice and corrections sector activities in the Somalia Joint Rule of Law Programme and enable synergies with other ongoing stabilization efforts undertaken by the UN, the Somalia Stabilization Fund and other actors (e.g. Adam Smith International) in the regions by extending the coverage of basic justice services to newly recovered areas, building the capacity of mobile courts and integrating the traditional justice mechanisms with the formal ones.

UNSOM PAMG and UNDP are submitting another IRF proposal requesting the support of the PBF to fund regional reconciliation conferences. A key aspect of the current state formation process in

Somalia and an important step towards re-building the trust among Somalis is reconciliation amongst the different conflict actors. At the federal level between the major clans, this is for the most part materializing inside and on the margins of the political dialogue that is taking place in the State institutions. At the sub-federal level, the interim regional administrations are gradually forming themselves through a series of conferences. Parallel reconciliation dialogues are accompanying the political process of regional state formation between the major clans and their sub-clans.

The Somalia Risk Management Unit is submitting another IRF proposal to allow for the recruitment of a Trust Fund Risk Manager, who would provide risk management expertise to UNMPTF funded joint programmes, support the development and implementation of the National Funding Stream modality, and represent the UN on the Risk Management Team for the SDRF.

[IRF project strategy and approach] Although this IRF proposal is presented as a stand-alone project, it is an integral part of the Somalia Joint Rule of Law Programme. The Somalia Joint Rule of Law Programme is partially funded through the UN MPTF for Somalia. This IRF proposal is seeking to fund parts of this larger joint programme that remain unfunded by the UN MPTF. In that respect, this IRF project document and results framework must be read in conjunction with the Results Framework and the Work Plan of the Somalia Joint Rule of Law Programme are attached in Annex C and Annex D respectively with the activities the PBF would fund clearly marked in red in the work plan. The IRF project results framework in Annex B outlines the PBF contribution for the first six months of implementation of the Somalia Joint Rule of Law Programme.

II. Objectives of PBF support and proposed implementation

a) Project outcomes, theory of change, activities, targets and sequencing:

Outcome Statement

The project's expected outcome is to establish independent and accountable justice institutions capable of addressing the needs of the people of Somalia by delivering justice for all.

Theory of Change

Solid institutions capable of delivering basic services and the national and sub-national levels, people's trust in the formal justice and law enforcement actors, professional and diplomatic international relations based on mutual respect are pivotal elements to strengthen the "social contract" and ensure a rule of law system which is resilient, fair and accountable to the rights and needs of all Somalis.

Action

The Justice and Corrections Work Plan for the Somalia Joint Rule of Law Programme identifies five sub-outcomes (with twenty one outputs) as the essential building blocks contributing to the expected outcome. This IRF proposal will contribute to nine of the twenty one outputs under four of the five Sub-outcomes, namely:

- **Outcome 1 (Sub-Outcome 1.1):**

Key justice sector institutions and departments that are capable of taking their responsibilities are established: The strengthening of the justice system is contingent on the existence of key institutions that are able to fulfill their mandate. The Programme will provide technical assistance to the Judicial service commission, the constitutional court, the Ombudsman Office and the National Human Rights Commission. Specific departments in the Ministry of Justice such as the Policy and Legislative Drafting Unit or the Joint Implementation Support Unit that play a critical role in the judicial reform process will also be bolstered.

- Outcome 2 (Sub-Outcome 1.2):

Enhanced capacity of the justice system stakeholders to operate effectively, through further professionalization of laws, policies and procedures, improved facilities and enhanced knowledge management: This sub-outcome will focus on extending the provision of judicial quality services in the country through the development of adequate judicial infrastructures, including courts and attorney general offices, the provision of equipment, the organization of mobile courts in remote areas. Furthermore, introducing new court management procedures, reviewing or developing the legislative framework for example on legal aid as well as building judicial actors capacities will ensure that court litigants benefit from adequate services that conform with international standards which in turn will contribute to increase public confidence and people's trust in the formal judicial system.

- Outcome 3 (Sub-Outcome 1.3):

Increased capacity of the corrections system to safeguard the rights of detainees and operate effectively and in accordance with national and international standards through targeted activities to enhance facilities, rehabilitation possibilities, management systems and staff training: In addition to support the reform of judicial institutions, the Programme will seek to increase the capacity of the corrections system to enable it to respond to a more efficient justice system and improve its compliance with international standards. This will be achieved through the development of a prison reform strategy as well as operational plan to modernize the prison system, construction/refurbishment and equipment of prisons facilities, as well as training of corrections personnel and introduction of reliable registration mechanism for detainees. Additionally, partnership with civil society organizations will play a key role in implementing reinsertion programmes.

- Outcome 4 (Sub-Outcome 1.5):

Enhanced overall functioning of the Justice Sector through increased access to justice, improved legal education and awareness as well as the establishment of a functioning juvenile justice system: The Programme will adopt a two-fold approach aiming at 1) building capacities of justice institutions in providing legal aid and in systematically producing and socializing legal knowledgeable products; 2) continues its support to non-state actors to provide legal aid and enhancing their capacities to undertake civic awareness campaigns, especially for vulnerable communities.

Target Groups

The primary target group of this IRF proposal are judicial and corrections staffs in the Federal Ministry of Justice, the Judicial Service Commission, the Somali Bar Association, the Office of the Attorney General, the Correctional Corps, as well as Mobile Justice and Traditional Justice actors, Judges and Prosecutors (including 6 women prosecutors in Mogadishu), legal aid providers and also Graduate Law Students. During the design of the programme, the implementing UN Agencies engaged with the beneficiary groups in order to ensure that specific gender targets were included and indicators would account for progress made in policy design processes, training curricula, codes of conduct, HR plans, and awareness raising campaigns. For specific gender mainstreaming measures and activities targeting women please refer to the below section on Conflict and Gender Sensitivity.

The project's secondary target group is the population, including women and girls, of Benadir, IJA, ISWA, and Puntland who will receive legal education and information about the legal system through a communication campaign in order to help them better know and claim their rights.

Geographical Scope

The target locations of this IRF proposal are Mogadishu, Kismayo, Baidoa and Garowe. Some of the activities, such as mobile courts, will be implemented outside the main regional centers in Puntland, IJA, ISWA and Banadir.

Implementation Approach

The priorities and implementation approach for the Somalia Joint Rule of Law Programme in 2015-2016 are the following:

- 1) Expanding basic rule of law services in the justice chain - Policing-Justice-Corrections - to the population in the sub-national entities (e.g. Puntland, Somaliland, IJA and ISWA) through:
 - a) Capacity development and institution building directed at justice chain actors (police, judiciary, lawyers and legal aid providers);
 - b) Mobile courts in remote areas and provision of legal aid;
 - c) Basic infrastructure and equipment for police stations, courts and prisons;
 - d) Legal awareness and public outreach;
 - e) Strengthening traditional justice mechanisms in conformity with international human rights standards and the linkage with the formal justice system.
- 2) Strengthen key judicial institutions at the Federal level to assert its legitimacy and support the development of rule of law institutions in the sub-national entities;
- 3) Enhance capacity and security of justice providers in trying the high risk caseload (e.g. Al Shabaab) in conformity with international human rights standards;
- 4) Providing a secure environment for court personnel, survivors and witnesses.

Under this IRF proposal, the PBF funded activities would only contribute to priorities 2 and 3.

In its implementation, this approach will take into account several lessons learnt from previous Rule of Law interventions (UNDP Access to Justice, and bridging and inception projects in 2014) in Somalia:

- **Increased Inclusivity and Building on Strengths:** The Programme is a UN inclusive and dynamic endeavour that benefits from the participation of rule of law institutions, national actors and civil society groups. It provides a framework for greater coordination among different UN actors when engaging in development cooperation with different Rule of Law actors. The Programme also looks to the comparative advantages of the UN actors for implementation of activities and introduces changes from past modalities, two most notably examples being UNOPS to manage the payment police stipends and to take the lead for the implementation of large infrastructure works.
- **Focus on Capacity development versus Capacity substitution:** The Programme will invest in enhancing capacity of state institutions and non-state actors to form and train a qualified pool of justice and police actors, rather than providing international technical advisors to undertake the work. Capacity development interventions in the justice and security sectors will thus be channelled respectively through the Judicial Training Centre and the Police academy. International technical advisors will be recruited only to perform on-the-job training and mentoring functions to their national counterparts in order to ensure sustainability of results.
- **Extension to regions and recovered areas:** The Programme will provide technical, advisory and financial assistance to justice, corrections and police institutions to reach out to regions and extend their services to Somalis living in remote areas through mobile courts, construction of premises and deployment of justice actors on a full time basis to the regions. The Programme will also advise and provide technical assistance to the Somali Police Force in affirming control and presence over recovered territories and engaging with local leaders

including clan elders, religious leaders and others as part of the spread of government back into these territories.

Conflict & Gender Sensitivity

Conflict sensitivity and Gender issues were taken into account while designing the Somalia Joint Rule of Law Programme through the following measures:

- The use of mobile courts is an important element of conflict management. The mobile courts have fostered positive changes for the population including facilitating access to justice or reducing conflict in the communities, reduced economic burden of travelling to courts. Good cooperation with the *Xeer* system overseen by the elders has contributed to the enforcement of mobile court decisions.
- Prior to the development of the Joint Rule of Law Programme, consultations took place with all stakeholders at federal and regional levels to ensure that all their view are taken into account and that the project benefit all the components of the society so as to reduce the risk of tensions between clans during the implementation phase of the programme.
- Specific activities in the Somalia Joint Rule of Law Programme aim at increasing the number of women in Justice and Corrections institutions, namely through the: Provision of technical and advisory support to the establishment and staffing of the Office of the Ombudsman, including a mandate to monitor gender equality in the justice and security sectors; Provision of technical assistance in the formulation of gender-based human resources policies and procedures for the staffing of the Human Rights Commission; Provision of technical advisory support for the formulation of a gender sensitive Human Resource Strategy in the custodial corps; and by ensuring the JSC human resources procedures are gender sensitive and include affirmative actions for the recruitment of women justice actors.
- The Programme mainstreams issues of gender equality and gender empowerment, human rights, including IDP protection, and capacity building. UN Women as part of the Rule of Law Global Focal Point and the Joint Rule of Law Programme provided relevant assessment on gender issues in the police, justice and corrections sectors and made sure that on one hand activities do take into account gender mainstreaming and on the other that gender specific activities be included in the programme.
- The Somalia Joint Rule of Law programme will build the capacity of the justice system to address access to justice for women and other vulnerable groups, such as displaced persons; and to scale up efforts to institutionalize gender responsiveness through the inclusion of women in justice institutions, further development of specialized services and policies to advance women's access to justice and rights.
- Encourage women's empowerment with the Programme to monitor whether the results reflect the interests and rights of vulnerable groups, such as women. A way to do this will be through the generation of disaggregated data for monitoring and evaluation purposes and also the use of gender markers in the work plans.

The project will also enhance capacity of the justice institutions to address access to justice for women and other vulnerable groups including displaced persons and disabled. It will scale up efforts to institutionalize gender responsiveness through the further development of specialized services to advance women's access to justice and rights. In this regard, capacity development activities for justice officials will always mainstream gender-related issues and will be monitored against sex-disaggregated data generated by the implementers. Quantifiable targets of women who will benefit from these activities will be set once the baseline has been carried out and consultations with relevant national and regional authorities have taken place.

In sum, gender mainstreaming will be ensured at the: policy level through the formulation of specific policies and regulations to advance women's economic, social and cultural rights; legislative level by

ensuring that legislation is compliant with national and international instruments such as the Convention on the Elimination of all forms of Discrimination against Women (CEDAW); institutional level through the establishment of specialized units including the Gender Unit in the Ministry of Justice.

b) Budget:

The Somalia Joint Rule of Law Programme was signed on June 17th 2015 by the UN, donors and the FGS. It received financial support from the EU, UK, Denmark and Sweden through the UN MPTF. As aforementioned these contributions have left some key activities of the overall programme underfunded. The implementing partners have identified catalytic activities that could be supported by the UN Peacebuilding Fund in the first six months of implementation. These activities and targets to be achieved by December 2015 have been listed in the Annex B: Results Framework. An overview of the unfunded activities and the sequencing of the priorities can be found in Annex G.

The total amount of the project amounts to \$2,143,821 which will be funded by the PBF. Staff costs amount to less than 4% of the total budget and include national consultants, national staff under Letter of Agreements (LOAS) to work within the Ministry of Justice, diaspora advisors to work with the MOJ and the AGO and international consultants, particularly on traditional justice resolution, training of judges and corrections since it was not possible to find the adequate expertise in Somalia. None of the RUNOs staff will be funded by the PBSO as all the professional posts (P-5, P-4 and P-3) will be funded by the UNMPTF. Additionally, the effective programme management costs which include initial capacity assessment, public perception survey, third party monitoring will be also supported by the UNMPTF. The large majority of the budget (40%) is allocated to transfer of grants since some significant activities such as the provision of legal aid, health and psychosocial services, grants and scholarship as well as mobile courts will be implemented by partners. Around 16% of the budget will be earmarked for equipment particularly transport. It is meant to support the judicial institutions to function and reach out to the regions. The general operating and other direct costs amount to 15% of the budget, this is warranted by the situation in Somalia and the need to provide for security of the staff. The additional security costs comprise armed escorts (700\$ per day), compound security, security equipment for staff (PPE), Special Protection Unit costs (for activities implemented in Puntland and Somaliland), and programmatic contributions to the budget of UNDSS Somalia. In total the direct and indirect operating costs represents less than 25 % of the overall budget.

Table 2: Project Activity Budget

Outcome/ Output number	Output name	Output budget (Total)	Output budget (UNDP)	Output budget (UNICEF)	Output budget (UNOPS)	Output budget (UNODC)	UN budget category	Remarks
Outcome 1: Key Justice Sector Institutions and departments that are capable of taking on their responsibilities established								
Output 1.1	Provide training, technical assistance, and infrastructure to key justice institutions	\$20,000					<ul style="list-style-type: none"> · Staff and other personnel · Supplies, Commodities, Materials · Equipment, Contractual services · Travel 	
Output 1.2	Provide technical assistance, training and awareness campaigns in support of lawyers and legal aid service providers	\$16,000					<ul style="list-style-type: none"> · Supplies, Commodities, Materials · Contractual services 	
Output 1.3	Provide technical assistance, training and awareness campaigns in support of Ministry of Justice priority units or departments	\$ 210,008					<ul style="list-style-type: none"> · Staff and other personnel · Supplies, Commodities, Materials · Equipment, Vehicles and Furniture including Depreciation · Contractual services · Travel · Transfers and 	

							Grants to Counterparts	
Outcome 2: Enhanced capacity of the justice system stakeholders to operate effectively, through further professionalization of laws, policies and procedures, improved facilities and enhanced knowledge management								
Output 2.1	Provide infrastructure, equipment, and training to permanent and mobile courts	\$ 718,028	\$513.000	\$100.000	\$105.028		<ul style="list-style-type: none"> · Staff and other personnel · Supplies, Commodities, Materials · Equipment, Vehicles and Furniture including Depreciation · Contractual services · Travel · Transfers and Grants to Counterparts 	
Output 2.2	Provide technical assistance to establish the Attorney General's Office (AGO)	\$100,000					<ul style="list-style-type: none"> · Equipment, Vehicles and Furniture including Depreciation · Contractual services 	

Output 2.3	Provide training and technical assistance to judges, prosecutors, and legal aid providers	\$483,200	\$305,200	\$150,000		\$28,000	<ul style="list-style-type: none"> · Staff and other personnel · Supplies, Commodities, Materials · Equipment, Vehicles and Furniture including Depreciation · Contractual services · Travel · Transfers and Grants to Counterparts 	
Outcome 3: Increased capacity of the corrections system to safeguard the rights of detainees and operate effectively and in accordance with national and international standards through targeted activities to enhance facilities, rehabilitation possibilities, management systems and staff training.								
Output 3.1	Build, refurbish, or equip corrections service structures	\$100,000				\$100,000	<ul style="list-style-type: none"> · Staff and other personnel · Supplies, Commodities, Materials · Equipment, Vehicles and Furniture including Depreciation · Travel 	

Output 3.2	Train and provide technical assistance to Correctional Corps staff on organizational reforms	\$50,000				\$50,000	<ul style="list-style-type: none"> · Staff and other personnel · Supplies, Commodities, Materials · Equipment, Vehicles and Furniture including Depreciation · Contractual services · Travel 	
Outcome 4: Overall functioning of the Justice Sector enhanced through increased access to justice, improved legal education and awareness as well as the establishment of a functioning youth justice system								
Output 4.1	Conduct awareness raising campaigns on justice services and legal rights, with a particular focus on reaching women, children, IDPs, and other vulnerable persons	\$45,000	45,000				<ul style="list-style-type: none"> · Contractual services · Transfers and Grants to Counterparts 	
Sub-Total		\$1,742,236	\$1,209,208	\$250,000	\$105,028	\$178,000		
General Operating and other Direct Costs		\$261,335	\$181,381	\$37,500	\$15,754	\$26,700		
Sub-Total project		\$2,003,571	\$1,390,589	\$287,500	\$120,782	\$204,700		
Indirect Support Costs		\$140,250	\$97,341	\$20,125	\$8,455	\$14,329		
TOTAL		\$2,143,821	\$1,487,930	\$307,625	\$129,237	\$219,029		

Table 3: Project budget by UN categories

PBF PROJECT BUDGET							
CATEGORIES	UNDP	UNWOMEN**	UNICEF	UNOPS	UNODC	IOM**	TOTAL
1. Staff and other personnel	\$43,008			\$20,000	\$21,000		\$84,008
2. Supplies, Commodities, Materials	\$30,500			\$10,000	\$43,000		\$83,500
3. Equipment, Vehicles, and Furniture (including Depreciation)	\$270,000				\$81,000		\$351,000
4. Contractual services	\$150,600		\$50,000	\$62,000	\$11,000		\$273,600
5. Travel	\$53,100		\$6,000	\$13,028	\$22,000		\$94,128
6. Transfers and Grants to Counterparts	\$662,000		\$194,000		\$0		\$856,000
7. General Operating and other Direct Costs	\$181,381		\$37,500	\$15,754	\$26,700		\$261,335
Sub-Total Project Costs	\$1,390,589		\$287,500	\$120,782	\$204,700		\$2,003,571
8. Indirect Support Costs*	\$97,341		\$20,125	\$8,455	\$14,329		\$140,250
TOTAL	\$1,487,930		\$307,625	\$129,237	\$219,029		\$2,143,821

* The rate shall not exceed 7% of the total of categories 1-7, as specified in the PBF MOU and should follow the rules and guidelines of each recipient organization. Note that Agency-incurred direct project implementation costs should be charged to the relevant budget line, according to the Agency's regulations, rules and procedures.

** (UN Women and IOM) will receive funds from RUNOs through inter-agency agreements.

c) Capacity of RUNO(s) and implementing partners:

The Somalia Joint Rule of Law Programme involves nine UN partners, four Recipient UN Organizations (RUNOs) in the Programme directly receiving funds (UNDP, UNICEF, UNODC, UNOPS). UNSOM is involved in joint implementation and management. Four other UN partners will provide technical support in the implementation for specific activities (UNWOMEN and IOM).

RUNOs capacity in Somalia

<i>RUNOs/Capacity</i>	<i>Staff</i>	<i>Peacebuilding Expertise</i>	<i>Experience in Joint Programming</i>	<i>M&E Capacity</i>
UNDP	Project Manager, at the P 5 level will ensure the results UNDP is responsible for reflected in the Work Plan Production of the quarterly narrative reports will be the responsibility of the Project Management Specialist (PMS), at the P 3 level The PMS will produce annual financial reports and submit them, through the PM, to the Administrative Agent for consolidation and distribution to each donor contributing to the Joint Programme and the SDRF Steering Committee.	UNDP has played a key role in supporting the Government in undertaking participatory processes that resulted in the formulation and current implementation of the Somali Compact and the Partnership principles. In the area of RoL, UNDP and DPKO are also Global Focal Points for Justice, Corrections and Police and in this capacity they have provided strategic guidance and coordinated the formulation of the Somalia Joint RoL Programme.	UNDP is currently the lead implementing agency for the Joint Programme for Local Governance in Somalia. Besides the Somalia Joint Rule of Law Programme, UNDP will also be the lead agency for the Joint Programmes on Capacity Development, the Elections, Constitutional Review and Youth Employment.	UNDP has an M&E within the Rule of Law Programme (P-2 position and national officer) and an M&E section (P-3 position and contractors as needed) for all UNDP projects. The M&E section will follow upon all the outcomes through survey, third party verification. It will ensure the implantation of the M&E plan in the corporate outcomes, and coordinate M&E functions of the project.
UNICEF	Programme management and decision-making for UNICEF activities in the framework of the UN Joint Rule of Law Programme will be the responsibility of the Chief, Child Protection Programme, at the P 5 level. The J4C Specialist will produce annual financial reports and submit them, through the Chief, CP, to the	UNICEF focuses on resilience in its peacebuilding interventions. Resilience is an approach that supports better, longer term and more sustainable results for children in the face of shocks related particularly to conflict. UNICEF also engages at the community level to build	UNICEF is currently the lead agency for the Joint Health and Nutrition Programme in Somalia. UNICEF also partners with other UN AFPs, INGOs and local NGOs through the Child Protection Working Group, and on the issue of FGM with UNFPA	UNICEF has full-time staff presence in Mogadishu and Garowe. UNICEF staff monitor activities being implemented in accessible areas within the constraints of the prevailing security situation. UNICEF also employs third-party partners to

	Administrative Agent for consolidation and distribution to each donor contributing to the Joint Programme and the SDRF Steering Committee.	peacebuilding capacity of communities. Peacebuilding helps individuals, communities, and systems become more resilient to conflict and other shocks through strengthening local capacities for managing conflict, building peace and promoting social cohesion.	and other partners. UNICEF is partnering with UNDP and ILO on the Youth for Change Programme, Furthermore, UNICEF is one of five partner UN agencies implementing the Joint Programme on Local Governance and Decentralized Service Delivery. This programme has been ongoing since 2008/9.	conduct monitoring in areas not accessible to staff. Additionally UNICEF has a full-time Social Policy & Planning Monitoring & Evaluation section that coordinates, and oversees monitoring activities. Risk and Monitoring plans are required to be approved, as part of partnership cooperation agreements, in a review committee exercise prior to any programme being implemented, or agreements with partners being signed.
UNOPS	UNOPS programming within the framework of the Programme will fall under the overall strategic direction of the Country Director.	UNOPS has the skills and experience to design and manage construction in post-conflict settings. For example, UNOPS has been involved in the construction of rule of law infrastructure in several countries such as Afghanistan, Guatemala, Liberia, Palestine, Somalia and South Sudan.	N/A	N/A
UNODC	UNODC programming within the framework of the Programme will fall under the overall strategic direction of the Representative of the Regional Office for Eastern Africa (ROEA).	N/A	N/A	N/A
Additional Implementing Partners	Role	Experience	RUNO quality assurance	

IOM	Implement some of the activities related to the provision of diaspora experts	IOM Somalia through the MIDA programme has been providing diaspora experts to Somali Institutions including	IOM will work under the reporting and M&E responsibility and financial accountability of UNDP
UNWOMEN	In the framework of the ROL joint programme, UN Women provides strategic and technical support for the effective mainstreaming of gender across all project activities and directly implements initiatives related to the promotion of gender equality in security and justice sectors at policy, legal and capacity level.	In Somalia, UN Women supports capacity and institutional development of Government, CSOs and UN for Gender Equality and Women's Empowerment. UN Women is present on the ground in Somalia since 2013. UN Women has been effective and gathered experience in partnership building and collective processes for peacebuilding and state-building at global level, including in developing joint programmes.	UNWOMEN will work under the reporting and M&E responsibility and financial accountability of UNDP
Ministry of Justice	The Ministry of Justice will receive the technical support of RUNOs to build its institutional capacity, review and produce legislation and legal awareness products. Its staff will ultimately be responsible for moving these processes forward and carrying out the reforms at the national and regional level.	The Ministry of Justice has been created under the current Federal Government for Somalia in 2012. The frequent political changes since then have not only affected the Minister but also often see the entire top echelon of the Ministry turn over (Director General level). Technical capacity below the DG level is very low.	The Ministry of Justice's progress will be monitored by the UNDP.
Supreme Court	The Supreme Court will receive the technical support of RUNOs to build its institutional capacity, review and produce legislation. Its staff will ultimately be responsible for moving these processes forward and carrying out the reforms at	The Supreme Court has yet to be established.	The Supreme Court's progress will be monitored by the UNDP.

	the national level.		
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Table 4: Overview of RUNO funding in the country			
	Key Source of Funding (government, donor etc)	Annual Regular Budget in \$	Annual emergency budget (e.g. CAP)
UNDP			
Previous calendar year	Norway, DFID, SIDA, Denmark, Switzerland, GEF, Netherlands	\$71.618.797	\$828.157
Current calendar year	Norway, DFID, SIDA, Denmark, Switzerland, GEF	\$49.524.587	\$828.157
UNICEF			
Previous calendar year	Finland, USAID, EU, DFID, Netherlands, Japan, Germany, Ausaid	\$74.344.592	\$26.580.374
Current calendar year	Finland, USAID, EU, DFID, Netherlands, Japan, Germany, Ausaid	\$83.055.003	\$27.925.925
UNOPS			
Previous calendar year	Italy, EU	\$16.810.747	\$260.852
Current calendar year	Italy, EU	\$22.721.789	\$260.852
UNODC			
Previous calendar year	Australia, Denmark, EU, Finland, Germany, Netherlands, Norway, UK and USA	\$1.375.000	N/A
Current calendar year	Australia, Denmark, EU, Finland, Germany, Netherlands, Norway, UK and USA	\$5.015.000	N/A

III. Management and coordination

This IRF proposal is part of the larger Somalia Joint Rule of Law Programme, as such the project management and coordination structures for this intervention will be the same as the larger programme.

a) Project management:

The Programme will align its governance and coordination arrangements with the Compact Somalia Development and Reconstruction Facility (SDRF) Governance Structure and also with the UNDG Guidelines on UN Joint Programming (2014).

The SDRF is the centrepiece of the New Deal partnership and is established to enhance the delivery of effective assistance to all Somalis. Closely aligned with the Somalia Compact principles, the SDRF serves as a mechanism for the FGS to oversee and guide the diverse activities of partners. The SDRF Steering Committee is responsible for providing oversight and exercising overall accountability of the Somalia UN MPTF.

The Programme governance structure will consist of:

- Programme Steering Committee (PSC) - oversight and strategic direction.

- Programme Secretariat (PS) - operational and programmatic coordination.
- Administrative Agent (AA) - funds administration.
- Participating UN Organizations (RUNOs) - implementation.

Programme Steering Committee

The Programme Steering Committee is co-chaired by the Minister of Justice and the Minister of Internal Security and include the Director of UNSOM ROLSIG, the Country Director of UNDP and representatives from the contributing donors, namely the European Union, United Kingdom, Denmark and Sweden. It is mandated to provide strategic direction and oversight. As the decision-making authority and the highest body for strategic guidance, the PSC will be entrusted with the following specific responsibilities:

- Serve as resource allocation body and undertake management oversight and coordination;
- Facilitate collaboration between participating UN organizations and FGS for the implementation of the Programme;
- Review and approve the annual work plans, including budget allocation decisions;
- Request funds disbursements from the AA, in line with the Annual Work Plan and the Steering Committee budget;
- Review implementation progress and address problems;
- Review and approve progress reports, evaluation reports, budget revisions, and audit reports (published in accordance with each Participating UN Organizations' (RUNOs) disclosure policy);
- Share information with the PSG 2 and PSG 3 which, in turn, will update the SDRF / MPTF.

The PSC will include Government High Level Officials, representatives of the donors to the Programme and UN Senior Management. It will be co-chaired by the UN and the FGS. The PSC will meet quarterly. The PSC will be supported by the Programme Secretariat.

Programme Secretariat: Global Focal Point Chairs

The Programme Secretariat is composed of the two heads of sections, Justice and Police within ROLSIG (D-1 level), the programme manager for Governance and Rule of Law within UNDP (D-1) as well as the AMISOM Police Commissioner. They are the highest technical level staff in all these institutions. The programme secretariat will be accompanied by two P-5, one for justice and one for police to play the role of oversight and coordination of the rule of law programme (no staff salaries will be paid for from PBF funds). The Programme Secretariat (PS) will report to the PSC and will be the body responsible for day-to-day operational and programmatic coordination. More specifically its functions include:

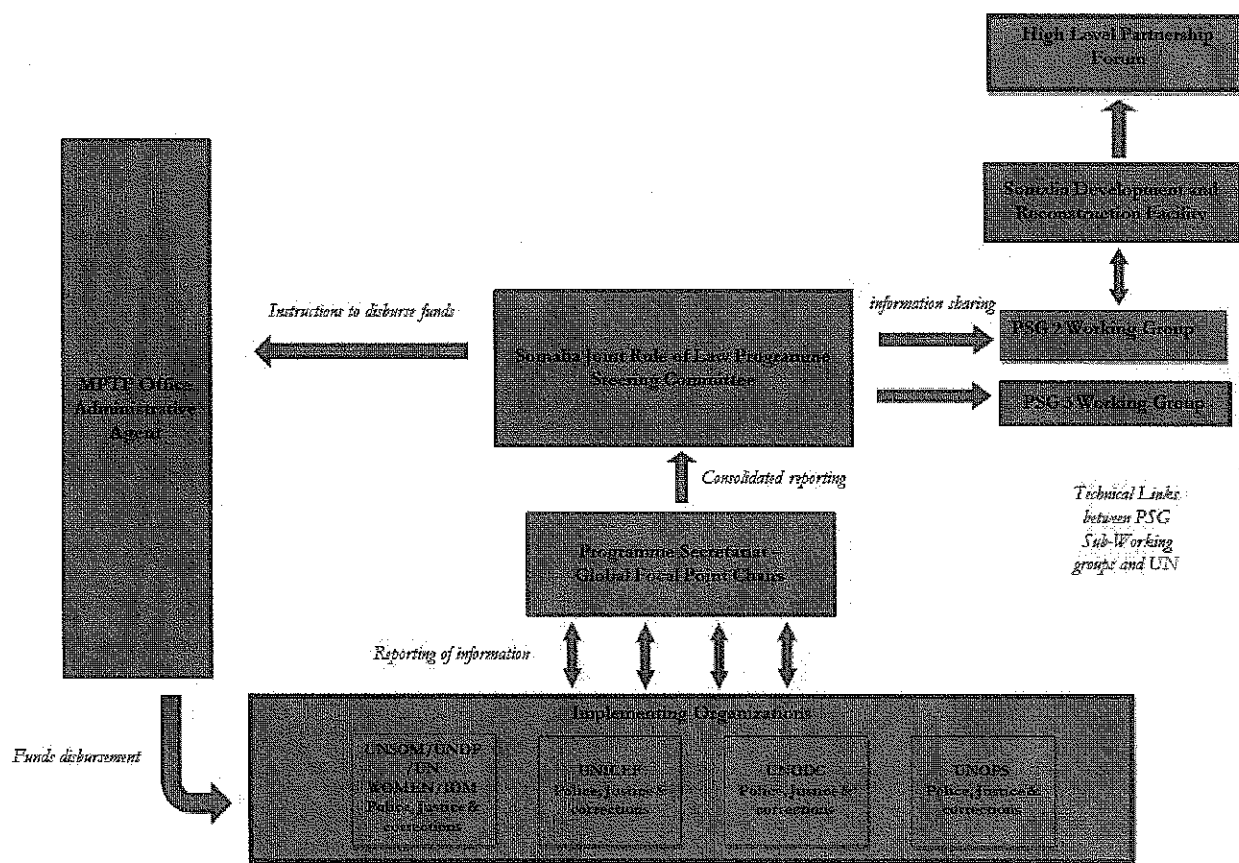
- Ensure effective coordination of all the Programme partners;
- Ensure relevant approvals are given by the PSC to the Programme activities;
- Refer to the RUNOs the decisions taken by the PSC;
- Ensure continued alignment of the Programme interventions to the endorsed Somalia Joint Rule of Law Programme Priorities, National Plans, the Ministry of Justice and Constitutional Affairs ' Implementation plan, strategies as well as the Compact (PSG 2 and PSG 3);
- Coordinate and compile annual work plans;
- Coordinate monitoring of annual targets;
- Coordinate and compile narrative reports received from RUNOs, and report back to the Programme Steering Committee for review and approval (see section 6 below for details on reporting);
- Facilitate audits and evaluations, and report back to the Programme Steering Committee.

The PS will not hold any financial or programmatic accountability. The PS will be comprised of the UN Global Focal Point for Rule of Law Chairs.

Links to PSG Working Groups

The role of the PSG Working Groups (WG) is essentially coordination, policy guidance, and monitoring and reporting against the Compact priorities. It needs to be noted that for each PSG there may be other programmes or projects in operation that are contributing to the Compact priorities. The Programme will share information with the PSG WG. For technical discussions, the RUNOs will be participating either at the PSG WG level or at the PSG Sub-Working Group level.

Programme Governance Structure and its alignment to the SDRF Governance Structure



b) Risk management:

Table 5 – Risk management matrix

Risks to the achievement of PBF outcomes	Likelihood of occurrence (high, medium, low)	Severity of risk impact (high, medium, low)	Mitigating Strategy (and Person/Unit responsible)
<u>Elections:</u> Potential of dramatic changes to the political landscape can impact the Joint Programme implementation. Depending on the election outcome, the Joint Programme may have to realign its priorities with the ones of the newly elected state actors.	Medium	High	Depending on the outcome of the elections and the new priorities/needs voiced by the new Government, the Joint Programme may have to re-prioritize activities. Possible mitigation measures include a committed focus on technical capacity development of institutional counterparts while support to non-state actors (civil society) is likely to continue
<u>Tensions and conflicts in South-Central:</u> All activities in South-Central might be affected if the Joint Programme is forced to	Medium	High	Through making extensive use of national coordination mechanisms under the Compact, empowering national programme staff and continuing to build capacity with all

suspend implementation due to increased security risks. The risk of this is greater in relation to liberated areas where state institutions need to ascertain and consolidate their presence.			programme counterparts, the Joint Programme will be able to continue implementation of activities under adverse circumstance.
<u>Increase in internal political divisions:</u> An increase in internal political divisions will have detrimental effect on all activities and interventions under the Joint Programme. Internal political divisions are likely to further deepen the autonomist/independent movements	Medium	High	While keeping track of all political developments, the Joint Programme will continue to build strong relationships with all local and regional partners, with a focus to support a harmonized approach to rule of law development across Somalia.
<u>Difficulty in securing international expertise to come to Somalia:</u> Delayed recruitment processes may impact on the implementation pace of the Programme.	Medium	High	Review agencies policies and streamline processes for eliminating delays. Recruitment of diaspora advisors is not as difficult as recruiting international people for several reasons. Recruitment of diaspora expertise for some positions represents a sustainable and quick solution avoiding unnecessary waste of time.
<u>Limited commitment by RoL institutions for long-term mechanisms or priorities:</u> In the event that sustainable mechanisms and priorities are not implemented by RoL institutions, the Joint Programme may be undermined in its scope	Medium	High	Regular follow up with RoL institutions on implementation of their strategic plans/action plans
<u>Limited engagement with vulnerable groups:</u> A limited engagement with vulnerable groups may undermine the rights-based approach the Joint Programme should abide by	Medium	High	Redesign activities with a strong focus on vulnerable groups and explore innovative ways of engaging with them
<u>Corruption in the public sector:</u> UN Rule of Law activities undermined as a result of corruption	Medium	High	Support accountability and transparency programmes and strengthen oversight mechanisms
<u>Capacity needs outlast the Programme timelines:</u> Programme fails in the long run to ensure that sustainable mechanisms and improved capacities are in place with the Government	Medium	High	Ensure programme and activities are in accordance to the need of the government in terms of resources and timeline. Provide further support to the RoL institutions to develop a realistic capacity development strategy
<u>Insecurity at the regional and district levels leading to inability for the Programme</u>	Medium	High	Develop alternative interventions jointly with other local stakeholders

to deliver services and implement activities: The planned activities in the regions and districts are delayed or interrupted			
Justice Institutions not established: The Programme intends to provide support to Justice Institutions that are not yet established by legislation.	Medium	Medium	The Programme is designed to provide support to enable the Justice Institutions to be established and will coordinate closely with justice sector stakeholders to monitor the progress. The Judicial Service Commission is already functioning and key legislation (laws on judicial organization and constitutional court) are currently being reviewed by the Parliament. These developments give greater confidence that the project will be able to make progress and deliver its planned outcomes if additional delays occur in the establishment of other judicial institutions.

c) Monitoring & evaluation:

Monitoring

Effective monitoring will ensure that the Programme learns from RUNO's past successes and challenges and apply them to current interventions. Monitoring process of the Programme will also ensure that challenges or constraints are identified and corrective measures are proposed for the Programme's delivery to stay on track. The results frameworks which provide indicators, baselines, targets and means of verification for the monitoring of the programme. Results framework is consistent with the Somali Compact and will be an integral part of the broader SDRF M&E Framework. Importantly the results frameworks will enable progress of the Programme's contribution towards the PSG 3 milestones to be clearly measured and articulated.

The Programme will adopt the following elements as part of its monitoring strategy:

- Promote and enhance national ownership: The Programme will ensure that all its monitoring interventions are co-led by national counterparts and feed the monitoring and evaluation activities within the Somali Compact.
- Multiple approaches: The Programme will make use of numerous monitoring approaches, including perception surveys, third party monitoring, academic assessments, institutional statistics, user surveys, etc. These approaches will also contribute to the formulation of the Programme quarterly progress reports.
- Encourage women's empowerment with the Programme to monitor whether the results reflect the interests and rights of vulnerable groups, such as women. A way to do this will be through the generation of disaggregated data for monitoring and evaluation purposes and also the use of gender markers in the work plans.

Evaluation

The activities funded by the PBF and implemented under this IRF proposal will be evaluated at the same time with the other activities funded by other donors through the UNMPTF during the evaluation of the Somalia Joint Rule of Law Programme. The timing of these evaluations will be decided by the Programme Steering Committee. Representatives from the UN Peacebuilding Support

Office will be consulted by the Programme Steering Committee to review the Terms of Reference and the reports of the external evaluation. The evaluation will determine the relevance and fulfilment of objectives, as well as the efficiency, effectiveness and sustainability of the Programme. It will be undertaken in accordance with the guidance from the United Nations Evaluation Group (UNEG) and will assess relevance, efficiency, effectiveness, impact and sustainability with an emphasis on results and on the Programme process. Findings from the evaluation will also support the Programme Steering Committee in advising corrective actions for the Programme to undertake, if the Programme continues. Evaluation of the Programme may also form part of overall SDRF annual review.

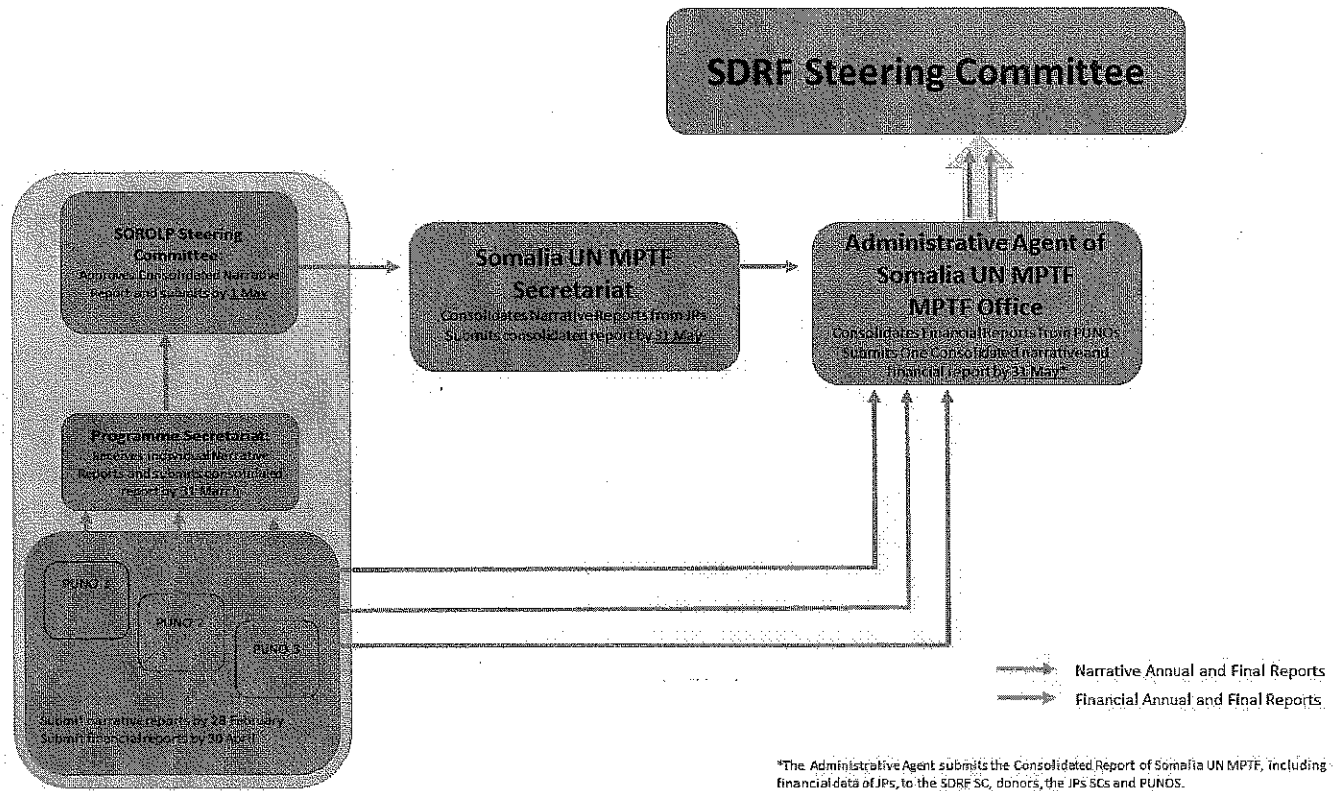
Reporting

The Rule of Law Programme will have one annual narrative report consolidated by the Programme Secretariat. All RUNOs will use the same UNMPTF reporting format to report on the PBF funds. This report will have to be endorsed by the Programme Steering Committee which, in turn, will submit them to the PSG 3 WG. In addition, no later than three months after the end of the first six months of implementation, the Programme Secretariat will submit a report to the PBSO to account for the PBF funds. The report will be composed of a narrative and a financial part.

The Programme Secretariat shall prepare the annual and final consolidated narrative progress reports based on the reports submitted by each participating UN organization, and shall provide those consolidated reports to the Programme Steering Committee for further submission to the SDRF SC. The narrative reports should describe in a coherent manner what is being done jointly by the RUNOs at the outcome, sub-outcome and output level.

In addition to the annual and final reports, the Programme will produce quarterly narrative progress reports. These reports will be succinct and not official (i.e. not certified by agency headquarters) and may involve a level of detail not meant to be captured in official annual reports. The Programme Secretariat will be responsible for consolidation of the quarterly reports based on the individual quarterly reports provided by each RUNO, and will submit the consolidated quarterly report to the Programme Steering Committee. The report will then be shared by the PSC with the UN Somalia MPTF Secretariat for providing periodic updates to the SDRF Steering Committee. The following figure shows the Programme reporting flow with dates that will allow a timely report submission.

Programme Reporting Flow



d) Administrative arrangements (This section uses standard wording – please do not remove)

The UNDP MPTF Office serves as the Administrative Agent (AA) of the PBF and is responsible for the receipt of donor contributions, the transfer of funds to Recipient UN Organizations, the consolidation of narrative and financial reports and the submission of these to the PBSO and the PBF donors. As the Administrative Agent of the PBF, MPTF Office transfers funds to RUNOs on the basis of the signed Memorandum of Understanding between each RUNO and the MPTF Office.

RUNOs who will transfer grants to non-UN implementing agencies, either Federal Government of Somalia ministries or Non-Governmental Organizations, to implement part of the activities financed under the Somalia Joint Rule of Law Programme will sign contractual arrangements in line with the respective contracting rules and regulations of their agencies and in compliance with UN MPTF regulations. At the time of writing, these agreements are in the process of being concluded. A standard template of the type of Letters of Agreement and Micro Capital Grants that UNDP will use are provided in Annex H.

AA Functions

On behalf of the Recipient Organizations, and in accordance with the UNGD-approved “Protocol on the Administrative Agent for Multi Donor Trust Funds and Joint Programmes, and One UN funds” (2008), the MPTF Office as the AA of the PBF will:

- Disburse funds to each of the RUNO in accordance with instructions from the PBSO. The AA will normally make each disbursement within three (3) to five (5) business days after having received instructions from the PBSO along with the relevant Submission form and Project document signed by all participants concerned;
- Consolidate narrative reports and financial statements (Annual and Final), based on submissions provided to the AA by RUNOS and provide the PBF consolidated progress reports to the donors and the PBSO;
- Proceed with the operational and financial closure of the project in the MPTF Office system once the completion is notified by the RUNO (accompanied by the final narrative report, the final certified financial statement and the balance refund);
- Disburse funds to any RUNO for any costs extension that the PBSO may decide in accordance with the PBF rules & regulations.

Accountability, transparency and reporting of the Recipient United Nations Organizations

Recipient United Nations Organizations will assume full programmatic and financial accountability for the funds disbursed to them by the Administrative Agent. Such funds will be administered by each RUNO in accordance with its own regulations, rules, directives and procedures.

Each RUNO shall establish a separate ledger account for the receipt and administration of the funds disbursed to it by the Administrative Agent from the PBF account. This separate ledger account shall be administered by each RUNO in accordance with its own regulations, rules, directives and procedures, including those relating to interest. The separate ledger account shall be subject exclusively to the internal and external auditing procedures laid down in the financial regulations, rules, directives and procedures applicable to the RUNO.

Each RUNO will provide the Administrative Agent and the PBSO (for narrative reports only) with:

- Bi-annual progress reports to be provide no later than 15 July;
- Annual and final narrative reports, to be provided no later than three months (31 March) after the end of the calendar year;
- Annual financial statements as of 31 December with respect to the funds disbursed to it from the PBF, to be provided no later than four months (30 April) after the end of the calendar year;
- Certified final financial statements after the completion of the activities in the approved programmatic document, to be provided no later than six months (30 June) of the year following the completion of the activities.
- Unspent Balance at the closure of the project would have to been refunded and a notification sent to the MPTF Office, no later than six months (30 June) of the year following the completion of the activities.

Ownership of Equipment, Supplies and Other Property

Ownership of equipment, supplies and other property financed from the PBF shall vest in the RUNO undertaking the activities. Matters relating to the transfer of ownership by the RUNO shall be determined in accordance with its own applicable policies and procedures.

Public Disclosure

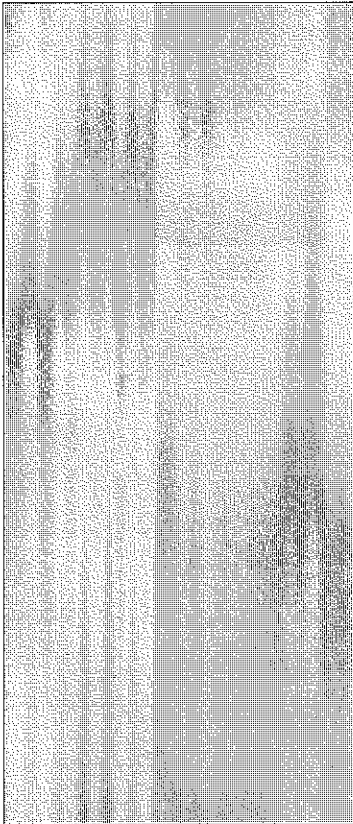
The PBSO and Administrative Agent will ensure that operations of the PBF are publicly disclosed on the PBF website (<http://unpbf.org>) and the Administrative Agent's website (<http://mptf.undp.org>).

Annex A: Project Summary (to be submitted as a word document to MPTF-Office)



**PEACEBUILDING FUND
PROJECT SUMMARY**

Project Number & Title:	PBF/	
Recipient UN Organization:	UNDP, UNOPS, UNODC, UNICEF	
Implementing Partner(s):	Ministry of Justice, Supreme Court	
Location:	Somalia (Banadir, Puntland, ISWA, IJA)	
Approved Project Budget:	\$2,143,821	
Duration:	Planned Start Date: 1.07.2015	Planned Completion: 31.12.2015
Project Description:	The Somalia Joint Rule of Law Programme aims at enhancing capacity of Somalia's Rule of Law System through targeted support for the justice and corrections institutions to ensure that areas components to cater to the needs of all, and especially vulnerable groups.	
PBF Focus Area:	1.2: Rule of Law	
Project Outcome:	<ul style="list-style-type: none"> • Outcome 1 (Sub-Outcome 1.1): Key Justice Sector Institutions and departments that are capable of taking on their responsibilities have been established at the Federal and Puntland level by the end of the project • Outcome 2 (Sub-Outcome 1.2): Enhanced capacity of the justice system stakeholders to operate effectively, through further professionalization of laws, policies and procedures, improved facilities and enhanced knowledge management • Outcome 3 (Sub-Outcome 1.3): Increased capacity of the corrections system to safeguard the rights of detainees and operate effectively and in accordance with national and international standards through targeted activities to enhance facilities, rehabilitation possibilities, management systems and staff training. • Outcome 4 (Sub-Outcome 1.5): Overall functioning of the Justice Sector enhanced through increased access to justice, improved legal education and awareness as well as the establishment of a functioning youth justice system 	
Key Project Activities:	<ul style="list-style-type: none"> • Provide technical and advisory support to the: judicial institutions structure within the constitutional review process; Somali Bar Association; Judges in criminal justice, in Sharia Law and customary justice; MoJ; MoJ's Traditional Dispute Resolution Unit; traditional 	



justice actors; Mobile Courts and develop capacity of justice actors on handling gender justice in civil and criminal cases (including GBV cases) in mobile courts; for Court and Justice Personnel Protection Strategy; Office of the Attorney General

- Provide logistic, transportation support and equipment facilities and transportation to MoJ; to prosecutors for serious crimes; to mobile justice actors, which include the Supreme Court and advance team, to travel to remote areas
- Develop capacity of judges, prosecutors, defenders and police officers in handling criminal cases, including GBV, when undertaking mobile courts duties
- Facilitate linkages between mobile justice services and other support areas for: survivors such as psycho-social help; for child survivors such as psycho-social help; for survivors such as health and psycho-social assistance by developing guidelines on a system of referrals and providing training on implementing the system.
- Support establishment of a plan and protocol for setting up offices in newly recovered areas, which includes protocols with the police on protection and cooperation with judges and lawyers; and support to operational costs and vehicles
- Provision of full scholarships for legal studies for rule of law sector, with a focus on female students and provision made for disabled students + technical and financial support to the graduate students deployed in justice institutions
- Provide equipment support to Corrections
- Provide technical and financial support to selected NGOs mandated to raise legal awareness among people living in urban, rural and remote areas

Annex B: IRF Results Framework*(corresponding numbering to the Somalia Joint Programme on Rule of Law Results Framework in between brackets)

Country Name: Somalia												
Project Effective Dates: 1.06.2015 to 31.12.2015												
PBF Focus Area: 1.2 Rule of Law												
IRF Theory of Change: Solid institutions capable of delivering basic services and the national and sub-national levels, people's trust in the formal justice and law enforcement actors, professional and diplomatic international relations based on mutual respect are pivotal elements to strengthen the "social contract" and ensure a rule of law system which is resilient, fair and accountable to the rights and needs of all Somalis.												
Impact (Outcome 1): PSG 3: Establish independent and accountable justice institutions capable of addressing the justice needs of the people of Somalia by delivering justice for all												
Outcomes	Outputs	Indicators	Means of Verification	Year 1				Year 2				Milestones
Outcome 1 (Sub-Outcome 1.1): Key Justice Sector Institutions and departments that are capable of taking on their responsibilities have been established at the Federal and Puntland level by the end of the project		Outcome Indicator 1 a: % Of justice actors (judges, prosecutors, public defenders) undertake training (Initial or refresher) with UN support Baseline: Not available Target: 20%	Training reports, list of participants. Reports will be compiled on a quarterly basis by the RUNOs.									
	Output 1.1 (Output 1.1.1): Provide training, technical assistance, and infrastructure to key justice institutions (Key judicial institutions (Judicial Service Commission and Justice Training Institute and the capacity of the staff to take on their responsibilities established)	Output Indicator 1.1.1: Number of gender-responsive justice sector institutions or internal units established with UN support at Federal level by the end of the project Baseline: 0 Target: 2 Judicial Service Commission and Judicial Training Institute	Establishment documentation Data will be collected on a monthly basis and progress will be reported on a quarterly basis by the RUNOs.		X	X	X	X				
		Output Indicator 1.1.2: Number of strategies, SOPs, Code of Conduct, or systems that are gender-responsive and meet human rights standards developed or revised in support of justice sector institutions (disaggregated by: institution, and type) at Federal, Puntland level by the end of the project Baseline: 0	Copy of strategy, SOPs, Code of Conduct or systems documents, and proof of submission to the next relevant stage. Data will be collected on a monthly basis and progress will be reported on a		X	X						

Enhanced capacity of the justice system stakeholders to operate effectively, through further professionalization of laws, policies and procedures, improved facilities and enhanced knowledge management		cases fully adjudicated in the formal permanent courts (disaggregated by criminal [rape and SGBV and other] and civil cases [women's socio-economic rights and other], and dismissals and convictions, and district), and sex, youth/adult in Puntland by the end of the project Baseline: 5,786 (12 months) Target: 3,000 (6 months)	six monthly reports from the Supreme Court. Data will be collected on a monthly basis and progress will be reported on a quarterly basis by the RUNOs.															
	Output 2.1 (Output 1.2.1): Provide infrastructure, equipment, and training to permanent and mobile courts (Enhanced effective justice procedures through provision of suitable and adequate infrastructure, equipment and tools)	Output Indicator 2.1.1: Number of institutions or units that receive procured equipment (disaggregated by district, type and recipient) at Federal, Puntland, IJA, and ISWA level by the end of the project. Baseline: 2 Target: 3 (MoJ: transportation assets, equipment assistance, AGO in IJA and ISWA: basic equipment and transportation, Judiciary: support to mobile court)	Procurement documentation and handover certification. Data will be collected on a monthly basis and progress will be reported on a quarterly basis by the RUNOs.			X	X	X	X									
		Output Indicator 2.1.2: Number of participants in justice sector trainings (disaggregated by sex, topic, districts and type of professional such as: prosecutors, judges, MoJ, traditional justice actors, Custodial Corps) at Federal, Puntland, IJA, and ISWA level by the end of the project. Baseline: 0 Target: 300 judges, prosecutors, lawyers in processing criminal cases, gender justice including GBV, mobile court duties, security training	Curriculum / training guide, agenda, participant sign-in sheet, pre-/post tests, and photos of training. Data will be collected on a monthly basis and progress will be reported on a quarterly basis by the RUNOs.			X	X	X	X									
		Output Indicator 2.1.3: Number of strategies, SOPs, Code of Conduct, or systems that are gender-responsive and meet human rights	Copy of strategy, SOPs, Code of Conduct or systems documents, and proof			X	X	X	X									

		standards developed or revised in support of justice sector institutions (disaggregated by: institution, and type) at the Federal level by the end of the project. Baseline: 0 Target: 1 (guideline on mobile courts)	of submission to the next relevant stage. Data will be collected on a monthly basis and progress will be reported on a quarterly basis by the RUNOs.										
	Output 2.2 (Output 1.2.4): Provide technical assistance to establish the Attorney General's Office (AGO) (Enhanced effective justice procedures through capacity building of the professionals within justice sector stakeholders)	Output Indicator 2.2.1: Number of strategies, SOPs, Code of Conduct, or systems that are gender-responsive and meet human rights standards developed or revised in support of justice sector institutions (disaggregated by: institution, and type) at the Federal, Puntland, IJA and ISWA level by the end of the project Baseline: 0 Target: 3 by the Attorney General Offices (organizational plan, structures, procedures)	Copy of strategy, SOPs, Code of Conduct or systems documents, and proof of submission to the next relevant stage. Data will be collected on a monthly basis and progress will be reported on a quarterly basis by the RUNOs.			X	X	X	X				
	Output 2.3 (Output 1.2.5): Provide training and technical assistance to judges, prosecutors, and legal aid providers (Increased capacity of judges, prosecutors and their staff through the development of a legal education programme)	Output Indicator 2.3.1: Number of participants in justice sector trainings (disaggregated by sex, topic, districts and type of professional such as: prosecutors, judges, MoJ, traditional justice actors, Custodial Corps) Baseline: 0 Target: 25 Judges on criminal and civil law, court procedures, sharia law, customary justice, human rights, gender justice, 25 Prosecutors on serious crimes, gender based investigations techniques, criminal law, prosecution, indictment and extradition and justice chain 10 prosecutors, 15 judges, 15 legal providers on juvenile justice and children's rights in Banadir, Garowe,	Curriculum / training guide, agenda, participant sign-in sheet, pre-/post tests, and photos of training. Data will be collected on a monthly basis and progress will be reported on a quarterly basis by the RUNOs.			X	X	X	X				

		Bossaso, Baidoa, Gedo 40 Legal aid providers trained on due process, gender justice, criminal justice 9 AGO staff trained by the diaspora expert on Court Procedures and legal documents preparation															
		Output Indicator 2.3.2: Number of individuals that have received legal internship / graduate placement (disaggregated by sex, institution and district) in Federal, Puntland, IJA and ISWA by the end of the project Baseline: 28 Target: 50	Internship documentation, Interns/graduate placement profiles and timesheets. Data will be collected on a monthly basis and progress will be reported on a quarterly basis by the RUNOs.			X	X	X	X								
		Output Indicator 2.3.3: Number of individuals that have received legal scholarships (disaggregated by sex and district of University) at the Federal, Puntland, IJA and ISWA level by the end of the project Baseline: 110 Target 120	Scholarship documentation, University records. Data will be collected on a monthly basis and progress will be reported on a quarterly basis by the RUNOs.			X	X	X	X								
Outcome 3 (Sub-Outcome 1.3): Increased capacity of the corrections system to safeguard the rights of detainees and operate effectively and in accordance with national and international standards through targeted activities to enhance facilities, rehabilitation possibilities, management systems and staff training.		Outcome Indicator 3a: Number of districts that are provided with corrections services or structures in Federal, Puntland by the end of the project Baseline: 14 Target: 14	Ministry of Justice reports, verified by monitoring missions, including reports and photographs. Data will be collected on a monthly basis and progress will be reported on a quarterly basis by the RUNOs.			X	X	X									

	Output 3.1 (Output 1.3.1): Build, refurbish, or equip corrections service structures (Enhanced infrastructure and logistics of Corrections Service)	Output Indicator 3.1.1: Number of participants in corrections sector trainings (disaggregated by sex, topic, districts and type of professional such as: prosecutors, judges, MoJ, traditional justice actors, Custodial Corps) Baseline: 0 Target: 1	Record keeping system Data will be collected on a monthly basis and progress will be reported on a quarterly basis by the RUNOs.		X	X	X				
	Output 3.2 (Output 1.3.3): Train and provide technical assistance to Correctional Corps staff on organizational reforms (Enhanced organisational capacity of Corrections Corps to deliver professional and efficient services)	Output Indicator: Number of prisons in which a prison record keeping system is in place at Federal and IJA level by the end of the project Baseline: 0 Target: 2	Record keeping system Data will be collected on a monthly basis and progress will be reported on a quarterly basis by the RUNOs.		X	X	X				
Outcome 4 (Sub-Outcome 1.5): Overall functioning of the Justice Sector enhanced through increased access to justice, improved legal education and awareness as well as the establishment of a functioning juvenile justice system		Outcome Indicator 4a: Number of districts that are provided with justice services at Federal level by the end of the project Baseline: 32 Target: 40	Ministry of Justice reports, verified by monitoring missions, including reports and photographs Data will be collected on a monthly basis and progress will be reported on a quarterly basis by the RUNOs.		X	X	X	X			
	Output 4.1 (1.5.3) Conduct awareness raising campaigns on justice services and legal rights, with a particular focus on reaching women, children, IDPs, and other vulnerable persons (Increased citizen's awareness of justice matters, with a particular focus on women, children and vulnerable groups, including IDPs and displaced persons)	Output Indicator 4.1.1: Number of people reached by awareness campaigns (disaggregated by provider, topic, sex and district) at the Federal, Puntland, IJA and ISVVA level by the end of the project Baseline: 0 Target: 500 people are aware of the legal rights, role of formal justice system and customary justice system	Numbers reported by legal aid providers and for radio listenership numbers method of verification to be determined (radio station listenership data) Data will be collected on a monthly basis and progress will be reported on a quarterly basis by the RUNOs.		X	X	X	X			

Annex F

FGS - Structure of the Justice Sector Action Plan

This Action Plan is in three parts:

- A list identifying the sequenced priorities over the next two years;
- A framework laying out the justice needs and main objectives that need to be addressed in the next two years;
- A development plan that is aligned to four thematic groups: Strengthening Trust in and Democratic Oversight of State Institutions; Increasing Access to Justice; Building the Capacity and Resources of Justice Institutions to Deliver Justice; Strengthening the Institutional Framework of Justice Institutions.

Indicative costing: This Action Plan seeks to set out the costs of implementing its provisions. These are indicative costs based on comparative experiences from completed projects, or projects being undertaken in Somalia, and from costs for justice sector development in comparative contexts in other countries. The costs are designed to give a guide to the expected costs and are not intended to be definitive. The amounts are in US Dollar. The provisional total cost of funding this Justice Sector Action Plan is USD 29,071,000.

Process of the Planning

Somalia's key justice sector actors, including representatives from civil society organizations and legal professionals, met over two months in consultative workshops, and a conference titled: "National Dialogue on Justice Reform" was held in Mogadishu from 1 to 5 April 2013. The purpose and aim of these workshops, discussions and consultations was to identify and agree on a set of actions that, if implemented, would address the most urgent justice needs of the people of Somalia whilst at the same time laying the foundation for a sustainable and effective re-building of the justice system. This Action Plan is the outcome of that consultative process. It has been endorsed by the justice institutions and the Government of Somalia. The process is also provided in greater detail as Appendix 1 of this Action Plan.

Broad Goals of the Action Plan

The consultative process established broad goals for this plan:

- The rapid establishment of an integrated justice sector reform process in which the judiciary, the prosecution, corrections officials and legal representatives work effectively together, in order to provide for speedy and just criminal trials, a reduction of the number of detainees and better access to criminal justice for vulnerable groups, women and children
- A legislative framework that promotes and protects human rights while supporting justice and security reform initiatives designed to hold state institutions and authorities accountable

- Justice sector institutions that support the rule of law and gain public confidence by being effective, efficient, impartial and accountable
- Timely, equitable access to justice and effective enforcement of laws, legal rights and judgments
- Stronger cooperation between state and non-state institutions

Understanding the Justice Needs of the People

Vision Statement for the Justice Sector in Somalia

Safety, Security and Equal Access to Justice

Objectives

Justice Institutions capable to deliver justice to the people and address the justice needs of the people

Strengthening Trust in and Democratic Oversight of Justice Institutions:

Justice institutions are aware of their duties and obligations in the delivery of justice and are made accountable to these duties and obligations

Justice institutions serve the needs of women, children and other vulnerable groups, including internally displaced persons

Justice institutions are free of corruption and accountable to all

Increased public confidence and awareness of the role of the justice institutions

Improving Access to Justice:

Citizens have access to competent and affordable legal representation

Citizens are aware of their legal rights and remedies

Citizens have their human rights guaranteed in all justice systems including the right to fair trial and due process

Building the Capacity and Resources of Justice Institutions to Deliver Justice:

The knowledge, skills and professionalism of justice service professionals are strengthened so that they can carry out their duties in accordance with legal, ethical and professional standards

The justice institutions are equipped with adequate physical infrastructure, equipment and logistical resources in order to professionally perform their duties

Strengthening the Institutional Framework of Justice Institutions:

The role and mandate of all justice institutions are clearly defined by law in conformity with the Provisional Constitution of Somalia 2012

Coordination among all justice institutions are enhanced, taking into account regional and other differences

A judicial system is developed which is independent, accountable, efficient, accessible, and transparent

Immediate Actions

One purpose of this Action Plan is to identify the most pressing needs of the justice sector and to address them immediately.

The following activities are deemed critical in order to meet the most urgent justice needs:

Very Critical (0-6 months)

1. Stop human rights abuses – set up the Independent Human Rights Commission, survey of prisons to stop human rights abuses, stop abuse by state and non-state actors, provide legal aid
2. Mitigate conflict – investigate and prosecute serious crimes (laws to prosecute – Penal Code, piracy, terrorism, human trafficking; capacity to investigate, prosecute and adjudicate)
3. Increase detention capacity – to hold serious offenders
4. Define institutional mandates – draft laws, pass through legislative procedure, set up Judicial Service Commission

Critical (6-12 months)

1. Drafting of substantive and procedural laws (child law, police law, prison law etc.)
2. Training of key personnel in priority areas
3. Emergency physical infrastructure development
4. Institutional reform – reform of the Judiciary, Ministry of Justice, Attorney General, Bar Association (lawyers) (i.e. skills assessments, ethics, vetting)

Medium term (12-24 months)

1. Legal awareness programs developed
2. Strengthening civil society
3. Institutional strengthening (physical and human capacity)
4. Traditional dispute resolution assessed
5. Transitional justice mechanisms operational

Annex H – Letter of Agreement Template for non-UN implementing partners

RUNOs, such as UNDP, may enter into agreements with state counterparts or non-state actors for the implementation of activities as agreed in the signed Rule of Law Work Plan. When engaging with state institutions, UNDP will sign a Letter of Agreement (LOA) which details responsibilities for both UNDP and the counterpart in the implementation of activities as well as payment modalities. The latter include cash advance to the national institutions, reimbursement and/or direct payment to vendors.

The LOA spells out the requirements to be met by the counterpart as well as supporting documentation to be submitted by the counterparts for the UNDP funds to be processed. Decision on the exact payment modality is based on a Capacity Assessment of the institution and Risk Mitigation Plan which are conducted prior to the development of the LOA.

When engaging with non-state actors, UNDP may utilize a Micro-Capital Grant whose template is also provided below.

SAMPLE
STANDARD LETTER OF AGREEMENT BETWEEN
THE UNITED NATIONS DEVELOPMENT PROGRAMME AND
[A GOVERNMENT MINISTRY/INSTITUTION/IGO]
ON THE EXECUTION OF [NAME OF UNDP PROJECT]
WHEN UNDP SERVES AS EXECUTING ENTITY

Your Excellency,

1. Reference is made to the consultations between officials of the United Nations Development Programme (hereinafter referred to as “UNDP”) in *Somalia* and officials of *[name of the Government ministry/institution/IGO]* with respect to the realization of activities by *the Government ministry/institution/IGO* in the Execution of the project *[number and title of project]*, as specified in Attachment 1: Project Document, to which UNDP has been selected as executing entity.
2. In accordance with the Project Document and with the following terms and conditions, we confirm our acceptance of the activities to be provided by *[the Government ministry/institution/IGO]* towards the project, as specified in Attachment 2: Description of Activities (hereinafter referred to as “Activities”). Close consultations will be held between *[the Government ministry/institution/IGO]* and UNDP on all aspects of the Activities.
3. *[The Government ministry/institution/IGO]* shall be fully responsible for carrying out, with due diligence and efficiency, all Activities in accordance with its Financial regulations, rules and other directives, only to the extent they are consistent with UNDP's Financial Regulations and Rules. In all other cases, UNDP's Financial Regulations and Rules must be followed..
4. In carrying out the activities under this Letter, the personnel and sub-contractors of *[the Government ministry/institution/IGO]* shall not be considered in any respect as being the

employees or agents of UNDP. UNDP does not accept any liability for claims arising out of acts or omission of [the Government ministry/institution/IGO] or its personnel, or of its contractors or their personnel, in performing the Activities or any claims for death, bodily injury, disability, damage to property or other hazards that may be suffered by [the Government ministry/institution/IGO], and its personnel as a result of their work pertaining to the Activities.

5. Any subcontractors, including NGOs under contract with [the Government ministry/institution/IGO], shall work under the supervision of the designated official of [the Government ministry/institution/IGO]. These subcontractors shall remain accountable to [the Government ministry/institution/IGO] for the manner in which assigned functions are discharged.

6. Upon signature of this Letter, UNDP will make payments to [the Government ministry/institution/IGO], according to the schedule of payments specified in Attachment 3: Schedule of Activities, Facilities and Payments.

7. [The Government ministry/institution/IGO] shall open an account with the financial services provider identified by UNDP in the name of the grant or project or activity. No other contributions are to be received in that specific account. The account must have a minimum of two signatories. In the event of change of any of the signatories, [The Government ministry/institution/IGO] and the financial services provider undertake to notify UNDP immediately. UNDP reserves the right to request a bank statement from the [The Government ministry/institution/IGO] or, if necessary, from the financial services provider, for scrutiny and authentication.

8. [The Government ministry/institution/IGO] shall not make any financial commitments or incur any expenses which would exceed the budget for the Activities as set forth in Attachment 3. [The Government ministry/institution/IGO] shall regularly consult with UNDP concerning the status and use of funds and shall promptly advise UNDP any time when [The Government ministry/institution/IGO] is aware that the budget to carry out these Activities is insufficient to fully implement the project in the manner set out in the Attachment 2. UNDP shall have no obligation to provide [The Government ministry/institution/IGO] with any funds or to make any reimbursement for expenses incurred by [The Government ministry/institution/IGO] in excess of the total budget as set forth in Attachment 3.

9. [The Government ministry/institution/IGO] shall submit a cumulative financial report each quarter (31 March, 30 June, 30 September and 31 December). The report will be submitted to UNDP through the UNDP Country Director or UNDP Resident Representative within 30 days following those dates. The format will follow the standard UNDP expenditure report [a model copy of which is provided as Attachment 4]. UNDP will include the financial report by [the Government ministry/institution/IGO] in the financial report for [number and title of project].

10. [The Government ministry/institution/IGO] shall submit such progress reports relating to the Activities as may reasonably be required by the project manager in the exercise of his or her duties.

11. [The Government ministry/institution/IGO] shall furnish a final report within 12 months after the completion or termination of the Activities, including a list of non-expendable equipment purchased by [the Government ministry/institution/IGO] and all relevant audited or certified financial statements and records related to such Activities, as appropriate, pursuant to its Financial Regulations and Rules.

12. Equipment and supplies that may be furnished by UNDP or procured through UNDP funds will be disposed as agreed, in writing, between UNDP and [the Government ministry/institution/IGO].

13. Any changes to the Project Document which would affect the work being performed by [the Government ministry/institution/IGO] in accordance with Attachment 2 shall be recommended only after consultation between the parties.

14. For any matters not specifically covered by this Letter, the Parties would ensure that those matters shall be resolved in accordance with the appropriate provisions of the Project Document and any revisions thereof and in accordance with the respective provisions of the Financial Regulations and Rules of the [The Government ministry/institution/IGO] and UNDP.

15. The arrangements described in this Letter will remain in effect until the end of the project, or the completion of activities of [the Government ministry/institution/IGO] according to Attachment 2, or until terminated in writing (with 30 days notice) by either party. The schedule of payments specified in Attachment 3 remains in effect based on continued performance by [the Government ministry/institution/IGO] unless it receives written indication to the contrary from UNDP.

16. Any balance of funds that is undispersed and uncommitted after the conclusion of the Activities shall be returned within 90 days to UNDP. The balance of funds should also be returned in case the project is closed or is terminated early at the request of either of the parties.

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

18. All further correspondence regarding this Letter, other than signed letters of agreement or amendments thereto should be addressed to:

George Conway,
Country Director
UNDP Somalia
UN Common Compound, Airport Road,
Mogadishu, Somalia

19. [The Government ministry/institution/IGO] shall keep the UNDP Country Director/Resident Representative fully informed of all actions undertaken by them in carrying out this Letter.

20. UNDP may suspend this Agreement, in whole or in part, upon written notice, should circumstances arise which jeopardize successful completion of the Activities.

21. Any dispute between the UNDP and [The Government ministry/institution/IGO] 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.

22. UNDP has a zero tolerance policy against fraud and other corrupt practices that are inconsistent with the UN Standard of Conduct or involve a loss to UNDP funds. UNDP does not charge fees at any stage of a procurement/contracting/agreement process, whether supplier registration, bids/proposal submission, contract/agreement award, or payment issuance. UNDP takes all reports of alleged wrongdoing seriously. UNDP's Office of Audit and Investigations (OAI)

has established an Investigations Hotline and other measures to ensure that persons wishing to report fraud may do so, free of charge, using a number of different options. Anyone with information regarding fraud against UNDP programmes or involving UNDP staff is strongly encouraged to report this information through the Investigations Hotline: hotline@undp.org. UNDP's Anti-Fraud Policy and other options for reporting wrongdoing are available at UNDP's website:

http://www.undp.org/content/undp/en/home/operations/accountability/audit/office_of_audit_andinvestigation.html

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 your [Government ministry's/institution's/IGO's] participation in the execution of the project.

Yours sincerely,
Signed on behalf of UNDP

George Conway, Country Director
[Date]

Signed on behalf of [the Government ministry/institution/IGO]

[Name and title]
[Date]

Attachment 1

PROJECT DOCUMENT EXTRACT

Attachment 2

DESCRIPTION OF ACTIVITIES

Project number:

Project title:

Results to be achieved by *[the Government ministry/institution/IGO]*

Provide a summary of the results to be achieved by *[the Government ministry/institution/IGO]*, particularly the outputs they are expected to produce.

Work to be performed by *[the Government ministry/institution/IGO]*

Explain the activities to be carried out by *[the Government ministry/institution/IGO]*.

Description of inputs:

Provide a detailed description of the project inputs by activity. This may include personnel, contracts, training, equipment, miscellaneous and micro-capital grants.

Annexes:

Attach, as appropriate, job descriptions for consultants, terms of reference for contracts, technical specifications for equipment items, training nomination forms, etc.

Attachment 3

Scheduled of Activities, Facilities and Payments

Year _____

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		Schedule of payments by UNDP			
		Q1	Q2	Q3	Q4	Budget Description	Amount	Q1	Q2	Q3	Q4
						Total					

Note:

- Adjustments within each of the outputs may be made in consultation between UNDP and [the Government ministry/institution/IGO]. Such adjustments may be made if they are in keeping with the provisions of the Programme and Project Document and if they are found to be in the best interest of the project.

Attachment 4

MODEL UNDP 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				

SAMPLE
MICRO-CAPITAL GRANT AGREEMENT BETWEEN THE DESIGNATED
INSTITUTION AND THE RECIPIENT INSTITUTION
FOR THE PROVISION OF GRANT FUNDS

Micro-Capital Agreement (hereinafter referred to as the "Agreement") made between the Designated Institution **UNDP/SOMALIA** and the Recipient Institution **[INSERT NAME OF Recipient Institution]**.

WHEREAS **UNDP/SOMALIA** (hereinafter referred to as "the Designated Institution") has been requested by the United Nations Development Programme ("UNDP") to manage the project defined in project document **[Insert project number and title]** (hereinafter referred to as "the Project"), implemented at the request of the Government of **[Insert name of country]**

WHEREAS the Designated Institution **UNDP/SOMALIA** and UNDP desire to provide funding to the **RECIPIENT INSTITUTION** in the context of a Project and on the terms and conditions hereinafter set forth, and

WHEREAS the **RECIPIENT INSTITUTION** is ready and willing to accept such funds from the Designated Institution **UNDP/SOMALIA** and UNDP through the administration of UNDP for the above mentioned activities on the said terms and conditions.

NOW, therefore, the parties hereto agree as follows:

I. Responsibilities of the RECIPIENT INSTITUTION

1.1 The RECIPIENT INSTITUTION agrees to: 1) Undertake the activities described in its **Workplan** and **Budget** (attached), and updates related to the subsequent release of funds in **tranches**; 2) Provide quarterly reports to the Steering Committee; and 3) Provide Annual Audited Statements [Income Statement and Balance Sheets]. In projects where a technical contractor is providing assistance to the RECIPIENT INSTITUTION, the contractor shall be responsible for verifying the accuracy of these reports/statements. Funds provided pursuant to this Agreement shall be used for purposes related to producing results specified in its annual performance targets [Section C].

1.2 The RECIPIENT INSTITUTION agrees to reach the performance targets contained in Section C. If the RECIPIENT INSTITUTION fails to meet its responsibilities outlined in article 1.1, or [Optional] to attain at least 70% of any one performance target for any given year, then this will be considered grounds for the Steering Committee to suspend any further micro-capital grant support. The suspension shall remain in effect until the RECIPIENT INSTITUTION has achieved the target. In projects with a technical assistance contractor, the contractor may, at its discretion, continue to provide technical assistance to the RECIPIENT INSTITUTION during this suspension period.

1.3 The RECIPIENT INSTITUTION agrees to inform the Steering Committee about any problems it may face in attaining the objectives agreed upon.

II. Duration

2.1 This Agreement will come into effect on [INSERT DATE/MONTH/YEAR] and shall expire on [INSERT DATE/ MONTH/YEAR], covering the anticipated term of the project. It can be extended, if necessary by exchange of letters, noting the new expiration date.

III. Payments

3.1 The Designated Institution shall provide funds to the **RECIPIENT INSTITUTION** in an amount up to [INSERT CURRENCY & AMOUNT IN FIGURES AND WORDS] according to the schedule of the project budget set out below. Payments are subject to the **RECIPIENT INSTITUTION** meeting the outputs as specified in the Performance Targets [Section C].

3.2 The **RECIPIENT INSTITUTION** shall open an account with the financial services provider identified by UNDP in the name of the grant or project or activity. No other contributions are to be received in that specific account. The account must have a minimum of two signatories. In the event of change of any of the signatories, the **RECIPIENT INSTITUTION** and the financial services provider undertake to notify UNDP immediately. All payments shall be deposited into the newly opened **RECIPIENT INSTITUTION's** bank account of which the details are as follows:

[NAME OF THE BANK]

[BANK ROUTING NUMBER]

[BENEFICIARY ACCOUNT NAME]

[BENEFICIARY ACCOUNT NUMBER]

[ADDRESS OF THE BANK]

3.3 The amount of payment of such funds is not subject to any adjustment or revision because of price or currency fluctuations or the actual costs incurred by the **RECIPIENT INSTITUTION** in the performance of the activities under this Agreement.

IV. Records, Information and Reports

4.1 The **RECIPIENT INSTITUTION** shall maintain clear, accurate and complete records in respect of the funds received under this Agreement.

4.2 The **RECIPIENT INSTITUTION** shall furnish, compile and make available at all times to the Designated Institution, UNDP any records or information, oral or written, which UNDP may reasonably request in respect of the funds received by the **RECIPIENT INSTITUTION**. UNDP reserves the right to request a bank statement from the **RECIPIENT INSTITUTION** or, if necessary, from the financial services provider, for scrutiny and authentication.

- 4.3 Within sixty days after completion of project activities, the **RECIPIENT INSTITUTION** shall provide the Designated Institution and UNDP with a final report with respect to all expenditures made from such funds (including salaries, travel and supplies) and indicating the progress made toward the goals of the activities undertaken, utilizing the reporting format contained in Annex I.
- 4.4 [Optional: For projects with Technical Assistance] The **RECIPIENT INSTITUTION** agrees to submit required Performance Reports to the CONTRACTOR within 21 days of the close of each quarter using the attached reporting format (Annex 1) reporting on project progress. At the beginning of the project, the **RECIPIENT INSTITUTION** can request CONTRACTOR assistance for the preparation of the forms. The **RECIPIENT INSTITUTION**, however, should develop its own capacity to generate these reports, as they are critical to manage its activities.
- 4.5 All further correspondence regarding the Execution of this Agreement should be addressed to:

For the UNDP/Designated Institution:

George Conway
Country Director
UNDP Somalia
UN Common Compound, Airport Road,
Mogadishu, Somalia
E-mail: george.conway@undp.org

For CONTRACTOR: [Optional]

[INSERT NAME OF AUTHORIZED OFFICIAL AND ADDRESS]

For the **RECIPIENT INSTITUTION**:

[INSERT NAME OF AUTHORIZED OFFICIAL AND ADDRESS]

V. General Provisions

5.1 This Agreement and the Annexes attached hereto shall form the entire Agreement between [INSERT ACRONYM OF ENTITY] and the Designated Institution, superseding the contents of any other negotiations and/or agreements, whether oral or in writing, pertaining to the subject of this Agreement.

5.2 The **RECIPIENT INSTITUTION** shall carry out all activities described in its Workplan with due diligence and efficiency. Subject to the express terms of this Agreement, it is understood that the **RECIPIENT INSTITUTION** shall have exclusive control over the administration and Execution of the activities referred to above in paragraph 1.1 and that the Designated Institution and UNDP shall not interfere in the exercise of such control. However, both the qualities of work and the progress being made toward successfully achieving the goals of such activities shall be subject to

review by the Steering Committee. If at any time the Steering Committee is not satisfied with the quality of work or the progress being made toward achieving such goals, the Steering Committee may advise the Designated Institution to: (i) withhold payment of funds until in its opinion the situation has been corrected; or (ii) declare this Agreement terminated by written notice to the **RECIPIENT INSTITUTION** as described in paragraph 5.7 below; and/or seek any other remedy as may be necessary. The Steering Committee's determination as to the quality of work being performed and the progress being made toward such goals shall be final and shall be binding and conclusive upon the **RECIPIENT INSTITUTION** insofar as further payments are concerned.

5.3 The Designated Institution and UNDP undertakes no responsibilities in respect of life, health, accident, travel or any other insurance coverage for any person which may be necessary or desirable for the purpose of this Agreement or for any personnel undertaking activities under this Agreement. Such responsibilities shall be borne by the **RECIPIENT INSTITUTION**.

5.4 The rights and obligations of the **RECIPIENT INSTITUTION** are limited to the terms and conditions of this Agreement. Accordingly, the **RECIPIENT INSTITUTION** and personnel performing services on its behalf shall not be entitled to any benefit, payment, compensation or entitlement except as expressly provided in this Agreement.

5.5 The **RECIPIENT INSTITUTION** shall be solely liable for claims by third parties arising from the **RECIPIENT INSTITUTION**'s acts or omissions in the course of performing this Agreement and under no circumstances shall The Designated Institution and UNDP be held liable for such claims by third parties.

5.6 Assets (Equipment) supplied by UNDP funds to the **RECIPIENT INSTITUTION** shall be the property of UNDP until the end of the project, at which time UNDP shall determine the best use of these assets. In cases where the **RECIPIENT INSTITUTION** has met its responsibilities under this agreement, and handover of the asset would contribute to the sustainability of activities, UNDP would normally handover these assets to the **RECIPIENT INSTITUTION**. The assets shall be used for the purpose indicated in the Workplan throughout the period of this Agreement.

5.7 This Agreement may be terminated by either party before completion of the Agreement by giving thirty (30) days written notice to the other party, and the **RECIPIENT INSTITUTION** shall promptly return any unutilized funds to UNDP as per paragraph 5.6 above.

5.8 The **RECIPIENT INSTITUTION** acknowledges that the Designated Institution and UNDP and its representatives have made no actual or implied promise of funding except for the amounts specified by this particular tranches Agreement. Although project related documents may indicate a total amount of funds that could be available for this **RECIPIENT INSTITUTION**, actual disbursements will be based upon the **RECIPIENT INSTITUTION** meeting performance targets. If any of the funds are returned to the Designated Institution and UNDP or if this Agreement is rescinded, the **RECIPIENT INSTITUTION** acknowledges that the Designated Institution and UNDP will

have no further obligation to the **RECIPIENT INSTITUTION** as a result of such return or rescission.

5.9 No modification of or change to this Agreement, waiver of any of its provisions or additional contractual provisions shall be valid or enforceable unless previously approved in writing by the parties to this Agreement or their duly authorized representatives in the form of an amendment to this Agreement duly signed by the parties hereto.

5.10 Any controversy or claim arising out of, or in accordance with this Agreement or any breach thereof, shall unless it is settled by direct negotiation, be settled in accordance with the UNCITRAL Arbitration Rules as at present in force. Where, in the course of such direct negotiation referred to above, the parties wish to seek an amicable settlement of such dispute, controversy or claim by conciliation, the conciliation shall take place in accordance with the UNCITRAL Conciliation Rules as at present in force.

The parties shall be bound by any arbitration award rendered as a result of such arbitration as the final adjudication of any such controversy or claim.

5.11 UNDP has a zero tolerance policy against fraud and other corrupt practices that are inconsistent with the UN Standard of Conduct or involve a loss to UNDP funds. UNDP does not charge fees at any stage of a procurement/contracting/agreement process, whether supplier registration, bids/proposal submission, contract/agreement award, or payment issuance. UNDP takes all reports of alleged wrongdoing seriously. UNDP's Office of Audit and Investigations (OAI) has established an Investigations Hotline and other measures to ensure that persons wishing to report fraud may do so, free of charge, using a number of different options. Anyone with information regarding fraud against UNDP programmes or involving UNDP staff is strongly encouraged to report this information through the Investigations Hotline: hotline@undp.org. UNDP's Anti-Fraud Policy and other options for reporting wrongdoing are available at UNDP's website: http://www.undp.org/content/undp/en/home/operations/accountability/audit/office_of_audit_and_investigation.html

5.12 Nothing in or relating to this Agreement shall be deemed a waiver of any privileges and immunities of the United Nations, or UNDP.

IN WITNESS WHEREOF, the undersigned, duly appointed representatives of the Designated Institution, and the **RECIPIENT INSTITUTION**, respectively, have on behalf of the Designated Institution and the **RECIPIENT INSTITUTION** signed the present Memorandum of Agreement on the dates indicated below their respective signatures.

On behalf of Designated Institution:
INSTITUTION:

On behalf of the **RECIPIENT**

Name: George Conway

Name: _____

Title: Country Director UNDP/Somalia

Title: _____

Signature: _____

Signature: _____

Date: _____

Date: _____

B. BUDGET

TO BE PREPARED BY THE RECIPIENT INSTITUTION. THIS BUDGET WILL BE SUBMITTED TO THE STEERING COMMITTEE FOR APPROVAL

PROJECT BUDGET OF RECIPIENT INSTITUTION

Project Number: _____

Date: _____

Project Title: _____

Name of the RECIPIENT INSTITUTION: _____

Total Amount of Funds under the Agreement: _____

Date of the Agreement: _____

PROJECT BUDGET (in Local Currency)

PERIOD COVERING FROM _____ TO _____

General Category of Expenditures	Tranche 1	Tranche 2	Tranche 3	TOTAL
Personnel				
Transportation				
Premises				
Training/Seminar/ Workshops, etc.				
Contracts (Audit)				
Equipment/Furniture				

(Specify)				
Other [Specify]				
Miscellaneous				
TOTAL				

Note:

- *Adjustments to or between Budget lines may be made in consultation with UNDP. Such adjustments may be made through an exchange of letters and will be approved by UNDP if they are in keeping with the provisions of the Programme and Project Document and if they are found to be in the best interest of the project.*

C. RECIPIENT INSTITUTION Performance Targets
NAME OF RECIPIENT INSTITUTION:

PERFORMANCE TARGETS	BASELINE	YEAR 1		YEAR 2		YEAR 3	
		Proposed	Actual	Proposed	Actual	Proposed	Actual

ANNEX 1
Annual Reporting Format

Year _____

Recipient Institution: _____

OVERALL TARGETS FOR ENTIRE GRANT	BASELIN E	PROPOSED ANNUAL TARGETS	ANNUAL BUDGET	ACTUAL ANNUAL RESULTS	ACTUAL ANNUAL EXPENDITURES	PROGRESS TOWARDS TARGETS